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LAWS OF PRINCE EDWARD ISLAND.

CAP. XXV.

An Act to amend the Law respecting Defamatory Words and Libel.

[Passed April 3, 1865.]

BE it enacted by the Lieutenant Governor, Council and Assembly, as follows:

I. For the better protection of private character, and for more effectually securing the liberty of the Press, and for better preventing abuses in exercising the said liberty in any action for defamation, it shall be lawful for the Defendant (after notice in writing of his intention so to do duly given to the Plaintiff at the time of filing or delivering the plea in such action) to give in evidence in mitigation of damages, that he made or offered an apology to the Plaintiff for such defamation before the commencement of the action, or as soon afterwards as he had an opportunity of doing so, in case the action shall have been commenced before there was an opportunity of making or offering such apology.

II. In an action for a Libel contained in any public newspaper or other periodical published, it shall be competent to the Defendant to plead that such Libel was inserted in such newspaper or other periodical publication, without actual malice and without gross negligence, and that before the commencement of the action, or at the earliest opportunity afterwards, he inserted in such newspaper or other periodical publication a full apology for the said Libel; or if the newspaper or periodical publication, in which the said Libel appeared, should be ordinarily published at intervals exceeding one week, had offered to publish the said apology in any newspaper or periodical publication to be selected by the Plaintiff in such action; and that every such Defendant shall, upon filing such Plea, pay into Court a sum of money by way of amends for the injury sustained by the publication of such Libel, otherwise such Plea shall be deemed a nullity and may be treated as such by the Plaintiff in the action, and such payment into Court shall be of the same effect, and be available in the same manner and to the same extent, and be subject to the same rules and regulations as to the payment of costs, and the form of pleading, except so far as regards the pleading of the additional facts hereinbefore required to be pleaded by such Defendant, and that to such plea

to such action, it shall be competent to the Plaintiff to reply generally denying the whole of such plea.

III. If any person shall publish, or threaten to publish, any Libel upon any other person, or shall directly or indirectly threaten to print or publish, or shall directly or indirectly propose to abstain from printing or publishing, or shall directly or indirectly offer to prevent the printing or publishing of any matter or thing touching any other person with intent to extort any money or security for money, or any valuable thing from such or any other person, or with intent to induce any person to confer or procure for any person any appointment or office of profit, or trust, every such Offender on being convicted thereof, shall be liable to be imprisoned, with or without hard labor, in the Common Jail of the County for any term not exceeding three years. Provided always, that nothing herein contained shall, in any manner, alter or affect any Law now in force in respect of the sending or delivery of threatening letters or writings.

IV. If any person shall maliciously publish any Defamatory Libel, knowing the same to be false, every such person being convicted thereof shall be liable to be imprisoned in the Common Jail for any term not exceeding two years, and to pay such fine as the Court shall award.

V. If any person shall maliciously publish any Defamatory Libel, every such person being convicted thereof shall be liable to fine or imprisonment, or both, as the Court may award, such imprisonment not to exceed the term of one year.

VI. On the trial of any indictment or information for a Defamatory Libel, the Defendant having pleaded such plea, as hereinafter mentioned, the truth of the matter charged may be inquired into, but shall not amount to a defence unless it was for the public benefit, that the said matters charged should be published; and that to entitle the Defendant to give evidence of the truth of such matters charged as a defence to such indictment or information, it shall be necessary for the Defendant in pleading to the said indictment or information, to allege the truth of the said matters charged in the manner now required in pleading a justification to an action for Defamation; and, further, to allege that it was for the public benefit, that the said matters charged should be published, and the particular fact or facts by reason whereof it was for the public benefit, that the said matters charged should be published, to which plea the Prosecutor shall be at