

fence 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 such matters charged should be published; to which plea the prosecutor shall be at liberty to reply generally, denying the whole thereof: And that if after such plea the defendant shall be convicted on such indictment or information, it shall be competent to the Court in pronouncing sentence to consider whether the guilt of the defendant is aggravated or mitigated by the said plea, and by the evidence given to prove or disprove the same: Provided always, that the truth of the matters charged in the alleged Libel complained of by such indictment or information, shall in no case be inquired into without such plea of justification: Provided also, that in addition to such plea it shall be competent to the defendant to plead a plea of Not Guilty: Provided also, that nothing in this Act contained shall take away or prejudice any defence under the plea of Not Guilty, which it is now competent to the defendant to make under such plea to any action or indictment or information for defamatory words or Libel.

Court on conviction may consider whether the guilt is aggravated or mitigated by such plea and evidence on it

Proviso

Proviso

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X. And be it enacted, That whensoever upon the trial of any indictment of information for the publication of a Libel, under a plea of Not Guilty, evidence shall have been given which shall establish a presumptive case of publication against the defendant, by the act of any other person by his authority, it shall be competent to such defendant to prove that such publication was made without his authority, consent or knowledge, and

In certain cases Defendant may prove that publication was made without his consent.