no, 36

Commonwealth of Massachusetts.

AN ACT,

Respecting Prosecutions and Actions for Libel and Slander.

Sec. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That in every criminal prosecution for Libel, the defendant may shew that he made or published the matter contained in, or imputed by the alleged Libel, with honest intentions for a fair and reasonable end, and that the same is true, and the consequences thereof not likely to be mischievious, and the jury, before whom the cause shall be tried, may give a general verdict, of guilty or not guilty, as they shall think fit, upon the whole matter, whether of fact or law.

Sec. 2. *Be it further enacted,* That in all actions on the case for Libel or Slander, wherein, besides the general issue, the defendant shall plead the truth of the alleged Libel or Slander, or any other proper plea or pleas, in justification, the allegations

in such justificatory plea or pleas, shall in no case be allowed in evidence, under any issue, upon any other pleas in the same actions, as admissions of the defendant or otherwise; nor shall the pleading of such plea or pleas, in justification, if the defendant fail to prove the same, be considered as evidence of malice, or to enhance the damages that may be awarded against him.