CAP. XXI.

An Act to indemnify certain Persons from any penal Consequences which they may have incurred by sitting and voting as Members of the House of Commons while holding the Office of Under Secretary of State. [23d *June* 1864.]

'WHEREAS by an Act passed in the Session held in the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, intituled *An Act for the better Government of* India, it is among other things enacted, that after the Commencement of that Act any Four of Her Majesty's Principal Secretaries of State for the Time being, and any Four of the Under Secretaries for the Time being to Her Majesty's Principal Secretaries of State, may sit and vote as Members of the House of Commons; but not more than Four such Principal Secretaries and not more than Four such Under Secretaries shall sit as Members of the House of Commons at the same Time: And whereas on and previously to the Twenty-eighth Day of *April* One thousand eight hundred and sixty-three *Austen Henry Layard* Esquire, *Chichester Samuel Fortescue* Esquire (now the Right Honourable *Chichester Samuel Fortescue*), *Henry Austin Bruce* Esquire (now the Right Honourable *Henry Austin Bruce*), and *Thomas George Baring* Esquire, being respectively Members of the House of Commons, were Four of the Under Secretaries for the Time being to Her Majesty's Principal Secretaries of State; and on the said Twenty-eighth Day of *April* One thousand eight hundred and sixty-three the Honourable *Spencer Compton Cavendish* (commonly called Marquis of *Hartington*), being a Member of the House of Commons, was also appointed to be One of the Under Secretaries for the Time being to Her Majesty's Principal Secretaries of State: And whereas between the said Twenty-eighth Day of *April* One thousand eight hundred and sixty-three and the Eighteenth Day of *April* One thousand eight hundred and sixty-four (when the said *Henry Austin Bruce* resigned his said Office of Under Secretary) all the said Five Under Secretaries continued at the same Time to sit, and from Time to Time voted as Members of the House of Commons, whereby they or some or One of them may have incurred or may be in danger of incurring divers penal Consequences: And whereas such Infringement of the Provisions of the Act of Parliament aforesaid having occurred through Inadvertence, it is fit and proper that the said *Austen Henry Layard, Chichester Samuel Fortescue, Henry Austin Bruce, Thomas George Baring,* and *Spencer Compton Cavendish* (commonly called Marquis of *Hartington*) should be indemnified from all such penal Consequences of their said Acts:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

21 & 22 Vict. c. 106.

Under Secretaries of State herein named indemnified;

1. That the said *Austen Henry Layard, Chichester Samuel Fortescue, Henry Austin Bruce, Thomas George Baring,* and *Spencer Compton Cavendish* (commonly called Marquis of *Hartington*) shall be and each and every of them is hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities whatsoever (if any) incurred or to be incurred by them or any or either of them for or by reason of the aforesaid Infringement of the Provisions of the said Act of Parliament.

and may plead the General Issue on any Action or Suit already commenced.

2. In case any Action, Suit, Bill of Indictment, or Information shall have been or shall be brought, carried on, or prosecuted against the said *Austen Henry Layard, Chichester Samuel Fortescue, Henry Austin Bruce, Thomas George Baring,* and *Spencer Compton Cavendish* (commonly called Marquis of *Hartington*), or any or either of them, for or on account of any Penalty, Forfeiture, Incapacity, or Disability whatsoever incurred or to be incurred for or by reason of such Infringement of the said Act of Parliament as aforesaid, they or he may plead the General Issue, and upon their or his Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon.