



ANNO NONO.

# Georgii IV. Regis.

No. 7.

*AN ACT to regulate the printing and publishing  
of Newspapers.*

**W**HEREAS it is expedient to make provision for restraining the printing and publishing of blasphemous and seditious libels and preventing the mischiefs which may arise from the printing and publishing of newspapers by persons unknown.

**BE IT THEREFORE ENACTED** by His Excellency Colonel GEORGE ARTHUR Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council that from and after the first day of January one thousand eight hundred and twenty-nine no person shall print or publish or cause to be printed or published within this Island any newspaper until he or she shall have delivered or caused to be delivered to the Colonial Secretary at his office such affidavit or affirmation as is hereinafter in that behalf required made and signed as hereinafter in that behalf mentioned and containing the several matters and things hereinafter for that purpose specified.

After 1st January 1829 no newspaper to be published until delivery of an affidavit.

What shall be deemed a newspaper.

II.—AND BE IT FURTHER ENACTED that every paper commonly called or serving the purpose of a newspaper—and every paper and pamphlet either in the whole or in part containing public news or intelligence or occurrences or any remarks or observations thereon or upon any Act measure or order of Government or upon any matter of Government and which shall be published periodically or in parts or numbers at intervals not exceeding ninety days between the publication of any two such papers or pamphlets or parts or numbers (where any of the said papers or pamphlets or parts or numbers shall not exceed three sheets of paper) shall be deemed and taken to be a newspaper within the true intent and meaning of this Act.

What shall be deemed a sheet of paper.

III.—AND BE IT FURTHER ENACTED that no quantity of paper less than a quantity equal to thirty-one inches in length and twenty-two inches in breadth (in whatever way or form the same may be made or may be divided into leaves or in whatever way the same may be printed or published) shall be deemed or taken to be a sheet of paper within the meaning of this Act and that no cover or blank leaf shall for the purposes of this Act be deemed or taken to be a part of any such newspaper paper or pamphlet or part or number as aforesaid.

Explication of terms used in this Act.

IV.—AND in order to avoid the use of numerous terms in this Act and to prevent misconstruction of the terms used herein BE IT ENACTED that the terms "Governor" or "Lieutenant Governor" shall be construed to mean the Governor Lieutenant Governor or other person lawfully administering the Government of this Island for the time being—THAT the term "Colonial Secretary" and all other terms used herein descriptive of any Public Officer shall be construed to mean the Colonial Secretary or Public Officer mentioned or the person acting as Colonial Secretary or as such other Public Officer for the time being—THAT the term "Publisher" shall be construed to mean the first or original Publisher of any newspaper—THAT the term "this Island" shall be construed to mean the Island of Van Diemen's Land and the Dependencies thereof—THAT the term "Printing Office" shall be construed to mean the house or place where the newspaper referred to in the sentence shall be printed or where the last affidavit (to be delivered as hereinafter is mentioned) shall specify that the same is intended to be printed—AND THAT the terms "Affidavit" and "Affirmation" respectively shall be alike construed one affidavit or affirmation (if only one be necessary) and two or more affidavits or affirmations (if more than one be in the particular sentence required or intended).

What each affidavit shall contain.

V.—AND BE IT FURTHER ENACTED that in every such affidavit or affirmation as aforesaid shall be set forth in words at length the real and true names additions descriptions and places of abode respectively of all and every the persons and person who are and is intended to be the Printers or Printer and Publishers or Publisher of the newspaper proposed or intended to be printed and published and of all the Proprietors of the same and a true description of the Printing-office or house or place wherein any such newspaper is intended to be printed and published and likewise the title of such newspaper.

VI.—AND BE IT FURTHER ENACTED that every such affidavit or affirmation shall be in writing and signed by the person or per-

sons making or affirming the same and shall be taken by or made before the Colonial Secretary who is hereby authorised to take such affidavits upon the oath or oaths of the person or persons making the same and such affirmations (in the case of persons commonly called Quakers) and such affidavit or affirmation shall be required from and be sworn or affirmed by all and every the Printers or Printer and Publishers and Publisher and Proprietors or Proprietor of the newspaper to which the same shall relate who shall be adult and resident within this Island.

How the affidavit shall be made.

VII.—AND BE IT FURTHER ENACTED that an affidavit or affirmation of or to the like purport and effect shall be in like manner made signed and delivered as often as either of the Printers or Publishers or Proprietors named in any such affidavit or affirmation shall be changed or shall change his or her place of abode or Printing-office and as often as the title of the newspaper shall be changed and as often as the Governor or Lieutenant Governor shall see cause for requiring such new or subsequent affidavit or affirmation and shall give notice in writing signed by the Colonial Secretary that he doth require the same such notice to be left at such Printing-office as in the affidavit or affirmation last delivered is mentioned as the Printing-office or place at which the newspaper to which such notice shall relate is printed.

A similar affidavit to be made anew, in certain cases.

VIII.—AND BE IT FURTHER ENACTED that if any person shall print or publish or knowingly and wilfully sell retail or circulate any newspaper such affidavit or affirmation containing such matters as by this Act are in that behalf required not having been duly signed made and delivered when and as often as by this Act is required he or she shall forfeit and pay for every such offence a penalty or sum of one hundred pounds.

Penalty for selling &c. until affidavit be delivered.

IX.—AND BE IT FURTHER ENACTED that if any person making such affidavit or affirmation as by this Act is required shall knowingly and wilfully insert or set forth therein the name or names addition or additions or place or places of abode of any person as Proprietor Printer or Publisher of any newspaper to which such affidavit or affirmation relates who is not a Proprietor Printer or Publisher thereof—or shall knowingly and wilfully omit to mention in such affidavit or affirmation the name or names addition or additions and place or places of abode of any of the Proprietors Printers or Publishers thereof contrary to the true meaning of this Act or shall knowingly and wilfully in any other manner or respect set forth in such affidavit or affirmation any matter or thing by this Act required to be set forth otherwise than according to the truth or shall knowingly or wilfully omit to set forth therein according to the truth any matter or thing required by this Act to be therein set forth every person so offending shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

Making a false affidavit perjury.

X.—AND BE IT FURTHER ENACTED that every such affidavit or affirmation as is hereinbefore required shall be filed and kept in the office of the Colonial Secretary and the same or copies thereof certified as hereinafter mentioned shall respectively in all proceedings Civil and Criminal touching the newspaper to which the same shall relate or touching any matter or thing contained in such newspaper be received and admitted (with respect to all the matters set forth in such

Affidavits to be evidence against parties making the same.

affidavits or affirmations and by this Act required to be therein set forth) as conclusive evidence of the truth of those matters against every person who shall have signed and sworn or affirmed the same.

XI.—PROVIDED ALWAYS AND BE IT AND IT IS HEREBY FURTHER ENACTED that if any such person against whom any such affidavit or affirmation or any copy thereof shall be offered in evidence shall prove that he or she hath signed and sworn or affirmed and delivered to the Colonial Secretary previously to the day of the date of the newspaper to which such proceedings as last aforesaid shall relate an affidavit or affirmation that he or she hath ceased to be the Printer or Publisher or Proprietor (as the case may be) of such newspaper as last aforesaid such person shall not be deemed by reason of any former affidavit or affirmation to have been the Printer or Publisher or Proprietor of such newspaper at any time after the day on which such last mentioned affidavit or affirmation shall have been so delivered to the Colonial Secretary as last aforesaid.

Proviso.

XII.—AND BE IT FURTHER ENACTED that in some part of every newspaper there shall be legibly printed the true name and names addition and additions and place and places of abode of the Printer and Printers and Publisher and Publishers of the same and also a true description of the Printing-office or place where the same newspaper is printed And if any person or persons shall print or publish any newspaper not containing all the particulars in this clause mentioned he or she shall for every such offence forfeit and pay a penalty or sum of one hundred pounds and proof made in manner herein mentioned in any proceeding to recover the same that the party proceeded against is a Printer or Publisher of a newspaper so printed or published as aforesaid shall be deemed and taken to be proof that such party is a person wilfully and knowingly printing or publishing or causing the same to be printed or published unless he or she shall satisfactorily prove the contrary thereof.

Name &c. of Printers and Publishers to be printed in a newspaper.

XIII.—AND BE IT FURTHER ENACTED that it shall not be necessary after any such affidavit or affirmation or certified copy shall have been produced in evidence as aforesaid against any person who signed and made the same [and after any newspaper shall be produced in evidence intituled in the same manner as the newspaper mentioned in such affidavit or affirmation or copy is intituled and wherein the name or names of the Printer or Publisher or Printers or Publishers and the Printing-office shall be the same as the name or names of the Printer or Publisher or Printers or Publishers and the Printing-office mentioned in such affidavit or affirmation] for the plaintiff in any action or prosecutor upon any indictment or information or for any person seeking to recover any penalty given by this Act to prove that the newspaper to which the case relates was purchased or received at or had from any house shop or place belonging to or occupied by the defendant or by his or her servants or workmen or was in any manner purchased or received or had from any such defendant or his or her servant or agents or workmen or any of them.

Production of the affidavit and of a paper intituled as therein mentioned shall render proof of purchase unnecessary.

XIV.—AND BE IT FURTHER ENACTED that service at the house or place mentioned in such affidavit or affirmation as aforesaid as the house or place at which such newspaper to which any proceeding

Civil or Criminal shall relate is printed and published or intended so to be of any legal notice summons subpoena rule order or process to for or against any Printer or Publisher or Proprietor of such newspaper shall be deemed to be good service respectively against every person named in such affidavit or affirmation as aforesaid as the Printer or Publisher or Proprietor of the newspaper mentioned in such affidavit or affirmation.

Service at the Printing-office of any notice &c. shall be good service.

XV.—PROVIDED ALWAYS AND BE IT FURTHER ENACTED that if any person shall have signed and sworn or affirmed and delivered to the Colonial Secretary previously to the day of the date of the newspaper to which the case shall relate any affidavit or affirmation that he or she hath ceased to be the Printer Publisher or Proprietor (as the case may be) of such newspaper and shall make proof thereof then such person shall not be deemed by reason of any former affidavit or affirmation to have been the Printer Publisher or Proprietor of such newspaper at any time after the day on which such last mentioned affidavit or affirmation shall have been delivered to the Colonial Secretary as last aforesaid.

Proviso.

XVI.—AND BE IT FURTHER ENACTED that the Colonial Secretary upon application made to him by any person requiring a copy certified according to this Act of any such affidavit or affirmation as aforesaid in order that the same may be produced in or upon any Civil or Criminal proceeding shall deliver to the person so applying for the same such certified copy he or she paying for the same the sum of one shilling and no more.

Colonial Secretary on application to deliver a copy of affidavit.

XVII.—AND WHEREAS in many cases it may be impossible or highly inconvenient for the Colonial Secretary to attend personally in order to prove upon any trial or other proceeding the facts of the signing swearing or affirming and delivering of any affidavit or affirmation in the manner by this Act in that behalf prescribed—BE IT THEREFORE ENACTED that in all cases a copy of any such affidavit or affirmation certified to be a true copy under the hand of the Colonial Secretary in whose possession the same shall then be shall (upon proof that such certificate was signed by such Colonial Secretary) be received in evidence as and shall be sufficient proof of the contents of such affidavit or affirmation and that the same was duly signed and sworn or affirmed and delivered according to this Act and such certified copy shall have the same effect for the purposes of evidence to all intents and purposes whatsoever as if the original affidavit or affirmation of which it purports to be a copy had been produced in evidence and been in the ordinary manner proved to have been so signed and sworn or affirmed and delivered by the person or persons appearing by such copy to have sworn or affirmed the same.

Such copy to be evidence.

XVIII.—AND BE IT FURTHER ENACTED that from and after the said first day of January the Printer or Publisher of every newspaper shall upon every day upon which the same shall be published or within ten days afterwards deliver to the Colonial Secretary at his office or to some person appointed by him there to receive the same one copy of the newspaper so published signed by the Printer or Publisher thereof with his name and place of abode—which newspaper shall be carefully kept by the said Secretary or such other person so appointed

A signed copy of every newspaper to be delivered to the Colonial Secretary.

for which said copies such Printer or Publisher shall be entitled to demand and receive from the Colonial Secretary or such other person so appointed once in every three months the amount of the ordinary price of the newspaper delivered during that period and if the Printer and Publisher of any such newspaper shall neglect or omit to deliver one copy of such newspaper in the manner hereinbefore directed such Printer and Publisher shall for every such offence forfeit and pay the penalty or sum of one hundred pounds.

**XIX.—AND BE IT FURTHER ENACTED** that if any person shall make application to the Colonial Secretary or other person so to be appointed as aforesaid in order that a copy of any such newspaper so signed as aforesaid may be produced in evidence in or upon any proceeding Civil or Criminal the said Secretary or other person shall (at the expense of the person so applying) at any time within two years from the publication thereof either cause the same newspaper to be produced at the time and place for which the same is so required or shall deliver the same to the person so applying he the said Colonial Secretary or other person so appointed taking in his discretion reasonable security (at the expense of the applicant) for the returning of the same newspaper to him within a reasonable time and if by reason of the same having been previously required by any other person for the like purpose the said newspaper cannot then be so produced or delivered then the Colonial Secretary or the said other person so appointed shall cause the same to be produced or shall deliver the same so soon afterwards as he may be enabled so to do.

Such signed copy when required as evidence to be furnished to any applicant.

**XX.—AND BE IT FURTHER ENACTED** that if any person or persons shall file any Bill in any Court of Equity for the discovery of the names of the persons concerned in the property of any such newspaper as aforesaid as the Printers Editors or Publishers thereof or for the discovery of any matters relative to the printing or publishing thereof in order to enable him her or them the more effectually to bring or carry on any suit or action for damages by him or her alleged to have been sustained by reason of any libellous matter contained in such newspaper it shall not be lawful for any such defendant to plead or demur to such Bill but he or she shall be compellable to make the discovery thereby required. **PROVIDED NEVERTHELESS** that such discovery shall not be made use of as evidence or otherwise in any other proceeding than that for which the discovery is made.

Concerning bills of discovery.

**XXI.—AND BE IT FURTHER ENACTED** that from and after the first day of March one thousand eight hundred and twenty-nine no person shall print or publish any newspaper until he or she shall have entered into a recognizance before the Chief Justice of the Supreme Court of Van Diemen's Land together with two or three sufficient sureties to the satisfaction of the said Chief Justice The person intending to print or publish such newspaper in the sum of four hundred pounds and his or her sureties in a like sum in the whole conditioned that such Printer or Publisher shall pay to His Majesty his heirs and successors every such fine or penalty as may at any time be imposed upon or adjudged against him or her by reason of any conviction for printing or publishing any blasphemous or seditious libel at any time after the entering into such recognizance **AND** every person who

After 1st March 1829: Printers to enter into a certain recognizance.

shall print or publish any newspaper without having entered into such recognizance with such sureties shall for every such offence forfeit and pay the penalty or sum of twenty pounds.

**XXII.—PROVIDED ALWAYS AND BE IT FURTHER ENACTED** that if any such surety or sureties shall be at any time desirous of withdrawing from such recognizance it shall be lawful for him or them so to do upon giving twenty days previous notice in writing to the Colonial Secretary at his office and also the like notice to the Printer or Publisher for whom he or they is or are surety or sureties and that in such case from and after the expiration of the said twenty days every such surety shall cease to be liable upon the said recognizance for any fine or penalty to be imposed or incurred in respect of any offence which may after the said expiration of the said twenty days be committed by such Printer or Publisher and for which fine or penalty the said surety or sureties would otherwise have been liable **PROVIDED** that the giving of such notices shall not be deemed or taken even after such expiration of the said term of twenty days to exempt any such surety from his liability under the said recognizance for the payment of any fines and penalties which may have been incurred or may be imposed in respect of any offence or offences committed by such Printer or Publisher before such expiration of such term and for the payment of which such surety would have been liable in case such notice had not been given any thing herein contained to the contrary notwithstanding.

Sureties may withdraw on giving notice.

**XXIII.—AND BE IT FURTHER ENACTED** that after such notices so given as last aforesaid and after the expiration of twenty days from the day of the date of such notices the person for whom any such surety shall have been bound shall not print or publish any such newspaper as aforesaid until he or she shall have entered into a new recognizance with sufficient sureties in manner and to the amount aforesaid and if he or she shall at any time after the said expiration of the said twenty days print or publish any such newspaper without having entered into such new recognizance as aforesaid he or she shall forfeit and pay for every such offence the penalty or sum of twenty pounds.

A new recognizance to be thereupon entered into.

**XXIV.—AND BE IT FURTHER ENACTED** that in case any surety in any such recognizance shall at any time afterwards be declared insolvent under any law containing any provision for declaring insolvencies or shall be discharged under any law made or to be made for the relief of insolvent debtors then the person for whom such surety shall have been bound shall not print or publish any such newspaper until he or she (the said Printer or Publisher) shall have entered into a new recognizance with sufficient sureties in the manner and to the amount aforesaid provided that he or she shall be required so to do by a notice in writing signed by the Colonial Secretary and left at such place as is mentioned in the affidavit or affirmation last made as the place at which the said newspaper to which such notice shall relate is printed **AND** in case he or she shall print or publish any such newspaper without having entered into such new recognizance with sureties as aforesaid (having been first required in manner aforesaid so to do) he or she shall forfeit and pay for every such offence the penalty or sum of twenty pounds.

Provision in case of insolvent sureties.

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A certificate of recognizance to be sent to Colonial Secretary.

**XXV.—AND BE IT FURTHER ENACTED** that a certificate of every first or original and every new recognizance which shall be entered into by virtue of this Act shall be sent by the proper officer for recording the same to the Colonial Secretary as soon after such recognizance shall be recorded as conveniently may be.

Recovery of penalties.

**XXVI.—AND BE IT FURTHER ENACTED** that all fines and penalties imposed by this Act exceeding the sum of twenty pounds shall be recovered by Action of Debt in the Supreme Court of Van Diemen's Land wherein no essoign protection wager of law or more than one imparlance shall be allowed such penalty to be when recovered (as to one moiety thereof) to and for the use of His Majesty his heirs and successors and (as to the other moiety) to and for the use of such person as shall first inform or sue for the same and that all fines and penalties imposed by this Act not exceeding twenty pounds shall on proof of the offence before any two Justices of the Peace (such offence to be by them heard and determined in a summary way) be awarded and imposed by such Justices and when imposed shall go and be distributed and all persons aggrieved by any summary judgment or conviction of such Justices shall be entitled to appeal therefrom in the manner provided respectively in and by the Act intituled "An Act to regulate summary proceedings before Justices of the Peace."

GEORGE ARTHUR,

Passed the Legislative Council  
this twenty-fourth day of  
December one thousand eight  
hundred and twenty-eight.

JOHN MONTAGU, Clerk of the Council.