

ANNO UNDECIMO

GEORGIIV. REGIS.

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No. I.

BLASPHEMOUS AND  
SEDITIONOUS LIBELS.

An Act to amend an Act intituled “ *An Act for preventing the Mischiefs arising from the printing and publishing Newspapers and Papers of a like nature by persons not known and for regulating the printing and publication of such Papers in other respects and also for restraining the Abuses arising from the publication of blasphemous and seditious Libels* ” and for further restraining the Abuses arising from the publication of slanderous and libellous matter. [29th January, 1830.]

Preamble.

8 Geo. 4 No. 2.

WHEREAS it is expedient to amend an Act of the Governor with the advice of the Legislative Council passed in the eighth year of His Majesty’s reign intituled “ *An Act for preventing the Mischiefs arising from the printing and publishing Newspapers and Papers of a like nature by persons not known and for regulating the printing and publication of such Papers in other respects and also for restraining the Abuses arising from the publication of blasphemous and seditious Libels* ” and to make further provision for restraining the abuses arising from the publication of slanderous and libellous matter in this Colony And whereas by the said recited Act it is among other things enacted that such affidavit or affidavits or affirmation or affirmations as are required by the said Act to be made and signed by the proprietor or proprietors editor or editors printer or printers publisher or publishers of any newspaper or paper of a like nature shall specify and set forth the real and true names additions descriptions and places of abode of all and every person and persons who is and are intended to be the editor or editors printer or printers publisher or publishers of the newspapers or other paper mentioned in such affidavit or affidavits affirmation or affirmations and of all the proprietors of the same and a true description of the house or holding wherein any such paper is intended to be printed and likewise the title of such paper And whereas it is expedient to declare the true intent and meaning of the said recited Act with respect to the persons who are thereby required to make and sign affidavits or affirmations as printers of newspapers and to be responsible as such under all the enactments and provisions of the said recited Act Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council That from and after the time hereinafter appointed for the commencement of this Act every person who is *bona fide* the sole or part proprietor of a press or types used or intended to be used

Who shall be deemed  
printers of news-  
papers.

in

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in printing any newspaper or paper of a like nature in the Colony of New South Wales and also every person who shall conduct the printing of any such newspaper or other paper shall be considered and taken to be the printer or printers of every such newspaper and shall be required to take and sign affidavits or affirmations in the manner required and under the conditions and penalties directed by the said recited Act.

2. And be it further enacted That if any proprietor or proprietors of a newspaper or any proprietor or proprietors of any press or types used in the printing of any newspaper should be under the age of twenty-one years it shall and may be lawful for the guardian or guardians of such proprietor or proprietors or for an agent or agents to be appointed by them to make and sign such affidavit or affidavits affirmation or affirmations as may be required from such proprietor or proprietors under the provisions of the said recited Act And such guardian or guardians agent or agents as shall make and sign such affidavit or affidavits affirmation or affirmations shall be subject to all such and the like conditions penalties and forfeitures as if he she or they were the actual proprietor or proprietors of such newspaper or of such press or types.

Guardians or agents may make affidavits for proprietors or printers of newspapers under age.

3. And be it further enacted That every agent or person who shall so act for and in behalf of a proprietor or proprietors of a newspaper or of a press and types being under age as aforesaid shall have his true and real name addition and place of abode printed in some part of every such newspaper or other such paper as such guardian or agent for such proprietor or proprietors as aforesaid and in such case it will not be necessary to print the names of the several proprietors so under age.

Agents must have their names in the imprint.

4. And be it further enacted That any newspaper or other paper as aforesaid bearing the signature of the printer or publisher thereof which shall be produced by the Colonial Secretary for the time-being or by a clerk from his office in any proceeding civil or criminal shall be held and considered to be sufficient evidence of the publication of such newspaper or other paper by the person or persons whose signature such newspaper may bear without requiring any proof as to the time when by whom or to whom such newspaper or other paper was delivered on the part of such printer or publisher at the office of the said Colonial Secretary.

What shall be deemed evidence of publication.

5. And be it further enacted That such parts of the said recited Act as relate to the recognizances required to be entered into by the editors printers and publishers of newspapers shall be repealed and the same are hereby declared to be repealed accordingly And whereas it is expedient to provide against the abuses of the periodical publications in this Colony by requiring the editors printers and publishers to become bound with unexceptionable sureties in a sum sufficiently large to secure not only the payment of all such fines and penalties as they may incur in cases of Libel but also the payment of all damages and costs which may be awarded against them in any civil action for the publication of slanderous or libellous matter Be it therefore enacted That from and after the commencement of this Act no person shall print or publish for sale any newspaper or other such paper as aforesaid until the editor printer and publisher thereof shall each have entered into a recognizance before one or more of the Judges of the Supreme Court with two sufficient sureties to the satisfaction of the said Judge or Judges to whom twenty-four hours previous notice is to be given of the names and places of abode of such sureties and every such recognizance shall be in the sum of three hundred pounds and the sureties in the like sum jointly and severally conditioned that such editor printer or publisher shall pay to His Majesty His Heirs and

Editors printers and publishers to enter into recognizance with sureties to pay all penalties they may incur in cases of Libel.

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Successors every such fine or penalty as may at any time be imposed upon or adjudged against him by reason of any conviction for printing or publishing any blasphemous seditious or other Libel as well as all other fines penalties and forfeitures which shall be awarded against him under the provisions of this Act or of the said recited Act and also conditioned that such editor printer or publisher shall pay such damages and costs as shall be adjudged against him in any suit or action for printing or publishing any slanderous or libellous matter whatever after entering into such recognizances And every person who shall print or publish any newspaper or other such paper as aforesaid without having first entered into such recognizances with such sureties shall for every such offence forfeit the sum of One Hundred Pounds.

Penalty for publishing without recognizance.

On giving twenty days notice sureties may withdraw

in which case a new recognizance must be entered into before publication under penalty.

Recognizance must in certain cases be renewed.

6. Provided always and be it further enacted That if any surety or sureties shall be desirous of withdrawing from such recognizance it shall and may be lawful to and for him or them so to do upon giving twenty days previous notice in writing to the Colonial Secretary for the time-being at his office and also to the editor printer or publisher for whom he or they is or are surety or sureties and that in any such case every such surety shall not be liable upon the said recognizance other than and except for any penalty or penalties before that time imposed or incurred and for which he or they would otherwise have been liable under the said recognizance and that then and in every such case the person for whom such security shall have been bound shall not print or publish any newspaper or other such paper as aforesaid until he shall have entered into a new recognizance with sufficient sureties in manner and to the amount aforesaid And in case he shall print or publish any newspaper or other such paper as aforesaid without having entered into such recognizance as aforesaid he shall forfeit for every such offence the sum of One Hundred Pounds.

7. And be it further enacted That in case any surety or sureties in any such recognizance shall have quitted the Colony or shall be declared to be insolvent or in case any such recognizance shall be exhausted to the extent of one-half the amount thereof by the payment or forfeiture of fines penalties damages or costs then and in every such case the person for whom such surety or sureties shall have been bound shall not print or publish any newspaper or other such paper as aforesaid until he shall have entered into a new recognizance with sufficient sureties in the manner and to the amount aforesaid after he shall be required so to do by the Colonial Secretary by a notice in writing to that effect such notice to be left at such place as is mentioned in the affidavit or affirmation last made as the place at which the said newspaper or other such paper as aforesaid to which such notice shall relate is printed And in case he shall print or publish any newspaper or other such paper as aforesaid without having entered into such new recognizance as aforesaid after having been required in manner aforesaid so to do he shall forfeit for every such offence the sum of One Hundred Pounds.

Certificate of recognizance to be sent to the Colonial Secretary.

8. And be it further enacted That a certificate of every recognizance which shall have been entered into by virtue of this Act shall be sent by the proper officer for recording the same in the Supreme Court to the Colonial Treasury for the time-being as soon as conveniently may be after such recognizance shall be recorded and every such certificate shall specify the names and places of abode of the sureties.

Persons twice convicted of blasphemous or seditious Libels to be banished

9. And be it further enacted That so much of the said recited Act as relates to the manner in which persons convicted of printing or publishing blasphemous or seditious Libels are to be punished shall be repealed and the same is hereby declared to be repealed accordingly

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accordingly And be it enacted That if any person shall be legally convicted of having after the passing of this Act printed or published any blasphemous or seditious Libel or any Libel tending to bring into hatred or contempt the Government of the said Colony as by law established or the Governor or Acting Governor of the Colony for the time-being or to excite any of His Majesty's subjects to attempt the alteration of any matter in Church or State as by law established otherwise than by lawful means or to adopt any illegal proceedings and shall after being so convicted offend a second time and be legally convicted of such second offence before the Supreme Court such person shall on such second conviction be adjudged to be banished from New South Wales and its Dependencies for such term of years not being less than two years nor more than seven as the said Court shall order And if after such second conviction the person so convicted shall print or publish in the said Colony or its Dependencies any newspaper or other such paper as aforesaid before the expiration of the term of his banishment he shall over and above any other punishment to which he may be liable forfeit and pay for every such offence the sum of One Hundred Pounds.

and not to publish newspapers until expiration of sentence.

10. And be it further enacted That in case any person so sentenced and ordered to be banished as aforesaid shall not depart or embark on board of some ship or vessel with the *bona fide* intention of departing from the said Colony and its Dependencies within one calendar month after the pronouncing of such sentence or order as aforesaid or by the first ship or vessel which after the expiration of such calendar month so allowed to him as aforesaid shall sail from the said Colony for any port or place beyond the high seas not being within the Dependencies of the said Colony he shall be immediately liable after the sailing of such ship or vessel to be by the order of the said Court duly made upon motion during term or upon application to any Judge at Chambers during vacation imprisoned in one of the public gaols of the said Colony until he can be by a like order duly made as aforesaid and directed to the Sheriff of New South Wales or his lawful deputy conveyed on board of some ship or vessel bound for any such port or place as aforesaid and specified in the order of such Court or Judge as aforesaid And the Sheriff of New South Wales or his lawful deputy is hereby authorized to contract with the master of such ship or vessel for the conveyance or removal of such person so sentenced and ordered to be banished as aforesaid out of the said Colony And if any person so sentenced to be banished shall return to the Colony of New South Wales before the expiration of the period of his banishment unless it be as a prisoner under sentence of transportation he shall be liable upon due proof of his identity to be apprehended by warrant of any one or more Justices of the Peace and committed to prison until he can be again conveyed on board of any such ship or vessel and removed from the said Colony in like manner as aforesaid And so on as often as any such person so banished as aforesaid shall return to the said Colony or its Dependencies.

Persons banished returning or not departing to be imprisoned until sent from the Colony.

11. And be it further enacted That every periodical printed paper containing public news or intelligence either political statistical commercial or miscellaneous or advertisements or comments upon daily occurrences or serving the purpose of a newspaper whether the same be printed on one or more sheet or sheets piece or pieces of paper or be on open sheet or folded or be sewed or stitched as a pamphlet or book or whether the same be published daily or at longer or shorter regular or irregular intervals shall be considered and deemed to be a newspaper in the meaning of this Act and of the said recited Act under whatever name or denomination the same may be published.

What shall be deemed a newspaper.

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*Civil Juries.*

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Appropriation of  
fines.

12. And be it further enacted That all fines penalties and forfeitures imposed by this Act shall be recovered and appropriated in the manner directed in the said recited Act for the recovery and appropriation of the fines penalties and forfeitures imposed by the said recited Act.

Commencement and  
duration of this Act.

13. And be it further enacted That this Act shall commence and take effect from and after the seventh day ensuing the publication thereof in the *Sydney Gazette* and shall from thence be and continue in force for two years.

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