

IX. And be it further Enacted, That the form of conviction prescribed in and by Schedule (E.) of the said Act shall in all cases under this or the said Act be good, valid and effectual to all intents and purposes whatsoever, without setting forth or stating therein the name of the informer, or that an information was exhibited, or stating the name of any witness, or the particular place where the offence was committed, or whether the party accused appeared, or was or was not summoned, and without stating the evidence, or stating the case or the facts any further or otherwise than shall be necessary to show that the offence was one within the terms of the Act, or the intent and meaning thereof; and no conviction shall be quashed for any error or mistake in any name or date, or matter of description only, or for any other mere error or mistake whatsoever; but that in all cases regard shall be had to the substantial merits and justice of the case only.

X. And be it further Enacted, That from and after the publication of this Act, in all cases whatsoever of proceeding for offences against this or the said Act, whether against publicans or other persons, any one Justice of the Peace shall be competent to receive the original information or complaint, and to issue all necessary or usual summonses and warrants thereupon, requiring the party or parties, or any witness or witnesses to appear before any two Justices of the Peace, and that the matter or merits of every such information or complaint may be examined into, heard and determined, and the party or parties be convicted by any two Justices of the Peace accordingly, neither of whom need be the Justice before whom such information or complaint was exhibited, and that upon or after such conviction or other adjudication, all warrants and other proceedings to enforce obedience thereto, or otherwise, may be issued by and had or taken before any one Justice, whether he were or were not one of the magistrates so adjudicating; and that in proceedings against publicans under this or the said Act, it shall in no case be necessary or requisite that either of the Justices shall be a Justice acting in or for the division of the Island within which the offence was committed; any thing in the Twenty-sixth clause or section or any other clause or section of the said Act in anywise notwithstanding.

GEORGE ARTHUR.

Passed the Council, this 15th  
day of September 1827.

*John Montagu*, Clerk of the Council.

Anno Octavo GEORGII IV. REGIS. No. 2.

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.

AN ACT to regulate the Printing and Publishing of Newspapers, and for the Prevention of blasphemous and seditious Libels.

WHEREAS the original settlement of and in this Island was made and formed for the reception of transported offenders, and the Government then established and since continued therein was so established and has been so continued for the efficient employment and due discipline and control of such offenders:

And whereas the number of such offenders now within the Island under sentence or order of transportation exceeds in a very large proportion that of the inhabitants who have voluntarily emigrated hither; and the due management and discipline of all those offenders demand the utmost care and vigilance:

And whereas several newspapers have been printed and published within this Island, at different times, and from time to time since the said original or first settlement therein:

And whereas previously to the Eighth day of October in the year One thousand eight hundred and twenty-four, no matter was printed and published in any such newspaper, without the consent of the Lieutenant Governors (or other officers for the time being administering the government) first had and obtained, to whom it was the practice to submit for their approbation or rejection all matters intended to

be printed and published in any such newspaper previously to the printing and publication thereof; but on the said Eighth day of October that practice was discontinued, and has never since been resumed, and the same cannot by law be insisted on :

And whereas, subsequently to that period several matters have been printed and published in newspapers printed and circulated within this Island, calculated to diminish the due authority of the Government over such transported offenders, and over other His Majesty's subjects here resident, and tending to bring the Government and the administration of the government as by law established into public hatred and contempt; and the printing and publishing of such matters in such newspapers have, notwithstanding various instances of prosecution and punishment by law, been from time to time continued, to the endangering of the public peace and the disturbance of the harmony and good order of society :

For remedy wherein, and for the prevention of the printing and publishing of blasphemous and seditious libels, and also for the prevention of the mischiefs which may arise from the printing and publishing of newspapers by persons unknown :

I. Be it Enacted, by his Excellency the Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council, That on and from and after the Fifteenth day of October in the present year, no person shall print or publish, or cause to be printed or published, within the said Island or any dependency thereof, any newspaper, without having obtained such license in that behalf as is hereinafter mentioned.

II. And be it further Enacted, by the authority and with the advice aforesaid, 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.

III. And be it further Enacted, by the authority and with the advice aforesaid, 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.

IV. And be it further Enacted, by the authority and with the advice aforesaid, That every such license as aforesaid shall be in writing, and shall be granted by the Governor or Lieutenant Governor of the said Island, if he shall think fit to grant the same, and shall be signed by the Colonial Secretary.

V. And in order to avoid the use of numerous terms and expressions in this Act, and to prevent misconstruction of the terms and expressions used herein : Be it further Enacted, That whenever the terms "Governor" or "Lieutenant Governor" shall occur in this Act, the same shall be construed to mean the Governor or 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 terms "publish" and "publisher" shall be construed respectively to mean only the first or original publishing and the first or original publisher of any newspaper : That the terms "print" and "publish," and the terms "sell" "retail" and "circulate," shall respectively be construed to mean, print or publish, or cause or procure to be printed or published, or to mean respectively, sell, retail or circulate, or cause or procure to be sold, retailed or circulated (as the case may be) : 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 to mean 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.

VI. And be it further Enacted, by the authority and with the advice aforesaid, That every license to print or publish any such newspaper as aforesaid shall be made for and remain in force only during such time, not exceeding Twelve calendar months, as shall be therein expressed.

VII. Provided always, and it is hereby further Enacted, by the authority and with the advice aforesaid, That if at any time there shall be printed and published in any such newspaper any blasphemous libel, or any libel tending to bring into hatred or contempt His Majesty, His heirs or successors, or the Constitution or Government of the United Kingdom, or either House of Parliament; or the Government or administration of the government of this Island as by law established, or the Executive or Legislative Council thereof; or to excite any of His Majesty's subjects in this Island to insurrection, or to resist the Government thereof as by law established, or to excite them to attempt any alteration in the Government or the administration of the government, otherwise than by lawful means; and final judgment shall be had or obtained in the Supreme Court of Van Diemen's Land against the proprietor or printer or publisher of the same newspaper, for having composed or printed or published the same libel; then and in every such case, from and immediately after such judgment, all and every the licenses and license of and for the same newspaper theretofore subsisting shall become and be absolutely void.

VIII. Provided also, and be it and it is hereby further Enacted, by the authority and with the advice aforesaid, That if there shall at any time be printed and published in any such newspaper any libel tending to bring into hatred or contempt any lawfully constituted court in this Island, or any judge thereof, or any member of the Executive or Legislative Council, for any judgment given or any lawful act or measure done or advised by him in the discharge of the duties of his office; or any libel upon any public officer whatsoever for any lawful act or measure done or advised by him in the discharge of the duties of his office, (which said libel shall be also of a nature calculated to weaken the due authority of the Government, or to disturb the general good order and well being of society,) and final judgment shall be had or obtained in the said Supreme Court against the proprietor or printer or publisher of the same newspaper, for having composed or printed or published any such libel; then and in such case it shall be lawful for the Governor or Lieutenant Governor, by any order by him made by and with the advice of the Executive Council, to revoke all and every the licenses and license which shall or may have been granted of and for the same newspaper, and then from and immediately after a copy of the order of such revocation, signed by the clerk of the said Executive Council, shall have been left at the printing-office of the same newspaper, all and every such licenses and license of and for the same newspaper shall become and be absolutely null and void, and public notice of such order shall be also given in the then most usual manner of publishing Government orders or notices.

IX. And be it further Enacted, by the authority and with the advice aforesaid, That if any person shall print or publish or shall in any manner sell, vend, retail or circulate any such newspaper as aforesaid, or any impression or copy thereof, such licenses or license for the printing and publishing of the same newspaper as are and is required by this Act not having been first obtained, or (if obtained) having become void, or having been revoked in manner aforesaid, he or she shall forfeit and pay for every such offence the penalty or sum of One hundred pounds, over and above all other fines and penalties whatsoever imposed by this Act.

X. And be it further Enacted, by the authority and with the advice aforesaid, That every person applying for or desirous of obtaining any such license of or for any such newspaper as aforesaid shall, at or before the time of making such application, deliver to the Colonial Secretary at his office such affidavit or affirmation as is hereinafter in that behalf required to be so delivered; and that on and from and after the said Fifteenth day of October in the present year, no person shall print or

publish or have or receive a license to print or publish within this Island any such newspaper, until such affidavit or affirmation made and signed as hereinafter in that behalf mentioned, and containing the several matters and things hereinafter for that purpose specified, shall have been so made and signed and delivered.

XI. And be it further Enacted, by the authority and with the advice aforesaid, That in every such affidavit or affirmation 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 required to be licensed, 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.

XII. And be it further Enacted, by the authority and with the advice aforesaid, That every such affidavit or affirmation shall be in writing and signed by the person or persons making or affirming the same, and shall be taken by or made before the Colonial Secretary, who is hereby authorized 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 or publisher, and proprietors or proprietor of the newspaper to which the same shall relate, who shall be adult, and resident within this Island.

XIII. And be it further Enacted, by the authority and with the advice aforesaid, 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 also 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.

XIV. And be it further Enacted, by the authority and with the advice aforesaid, That if any person shall print or publish, or shall knowingly and wilfully sell, retail or circulate any such newspaper as aforesaid, 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 the penalty or sum of One hundred pounds.

XV. And be it further Enacted, by the authority and with the advice aforesaid, 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, place or places of abode of any person as proprietor, printer or publisher of any newspaper or other such paper as aforesaid, 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 set forth, every person so offending shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

XVI. And be it further Enacted, by the authority and with the advice aforesaid, That every such affidavit and affirmation as is hereinbefore required to be signed, sworn, affirmed and delivered, 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

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.

XVII. Provided always, and be it and it is hereby further Enacted, by the authority and with the advice aforesaid, 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.

XVIII. And be it further Enacted, by the authority and with the advice aforesaid, That in some part of every newspaper printed and published within this Island, 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 is printed; and if any person or persons shall print or publish any such newspaper as aforesaid, not containing all the particulars in this clause or section mentioned, he or she shall for every such offence forfeit and pay the 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, or other such paper 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.

XIX. And be it further Enacted, by the authority and with the advice aforesaid, 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 such newspaper as aforesaid 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 prosecution 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 servants or agents or workmen or any of them.

XX. And be it further Enacted, by the authority and with the advice aforesaid, 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, publisher or proprietor of such newspaper, shall be deemed to be good service respectively against every person named in such affidavit or affirmation as is aforesaid, as the printer or publisher or proprietor of the newspaper mentioned in such affidavit or affirmation.

XXI. 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, 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, 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 or 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.

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.

XXXI. And be it further Enacted, by the authority and with the advice aforesaid, 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.

XXXII. And be it further Enacted, by the authority and with the advice aforesaid, That all fines, penalties and forfeitures imposed by this Act, which shall exceed the sum of Twenty pounds, shall be recovered by action of debt, bill, plaint or information, in the Supreme Court of Van Diemen's Land, wherein no essoign, privilege, protection, wager of law, or more than one imparlance shall be allowed, and that all fines, penalties and forfeitures imposed by this Act, which shall not exceed the sum of Twenty pounds, shall on proof upon oath of the offence, before any Two or more of the Justices of the Peace of this Island, be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of such Justices, rendering the overplus, if any, on demand, after deducting the charges of such distress and sale, to the person whose goods and chattels shall have been so distrained and sold ; and for want of sufficient distress, such Justices are hereby required to commit such offender to any common gaol within the Island, for any time not exceeding Three calendar months ; and the money arising by all such fines, penalties and forfeitures respectively, when recovered, shall be, as to one moiety thereof, to and for the use of His Majesty, His heirs and successors, and be carried to and form part of the Colonial Fund of the said Island, and be applied to the public uses and in support of the Government thereof ; and as to the other moiety of such fines, penalties and forfeitures, to and for the use of such person as shall inform or sue for the same.

XXXIII. And be it further Enacted, by the authority and with the advice aforesaid, that the Justices before whom any offender shall be convicted under this Act shall cause his or her conviction to be made out in the manner and form following, or in any other form of words to the like effect, *mutatis mutandis* ; (that is to say)

" *Van Diemen's Land,* } BE it Remembered, That on  
                                   }   at  
 " *A. B.* of   was duly convicted before us  
 "   of His Majesty's Justices of the Peace,  
 " for   in pursuance of a law or ordinance made  
 " by his Excellency Lieutenant-Governor Arthur, with the advice of the  
 " Legislative Council, in the Eighth year of the reign of King George  
 " the Fourth, intituled, an Act, [*title of Act,*] for [*here state the offence, as*  
 " *the case may happen to be,*] contrary to the form of the said law or  
 " ordinance, for which offence we do adjudge that the said *A. B.* hath  
 " forfeited the sum of  
 " Given under our hands and seals, this   day of

XXXIV. And be it further Enacted, by the authority and with the advice aforesaid, That this Act shall continue and be in force until the Fifteenth day of October One thousand eight hundred and twenty-nine.

GEORGE ARTHUR.

Passed the Council, this 15th  
 day of September 1827.

*John Montagu*, Clerk of the Council.