

A BILL INTITULED

AN ACT for preventing the Printing and Publishing of
Books and Papers by persons not known.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

1. The Short Title of this Act shall be “The Printers and Newspapers Registration Act 1868.”

2. This Act shall commence and come into operation on the first day of January one thousand eight hundred and sixty-nine except the provisions enabling the Governor to appoint the Supreme Court offices which shall be the Supreme Court offices for the districts mentioned in sections four and twelve of this Act for the purposes therein respectively referred to which last mentioned provisions shall come into operation on the passing of this Act and this Act is divided into parts as follows—

PART I.—Registration of Printing Presses ss 4 to 9.

PART II.—Registration of Newspapers ss 10 to 18.

PART III.—Penalties ss 19 to 23.

3. In the interpretation of this Act the term “Registrar” shall include Deputy Registrar.

PART I.

REGISTRATION OF PRINTING PRESSES.

4. Every person who has any printing press or types for printing shall give to the Registrar of the Supreme Court in the Province within which such printing press or types shall be situated or in case such printing press or types shall be situate in any district not being within the boundaries of any province then to the Registrar of such Supreme Court office as the Governor shall from time to time by warrant under his hand appoint to be the Supreme Court office for such district for the purposes of this Act whether such office be within or without such district notice thereof in writing signed by such person having such printing press or types as aforesaid and attested by a witness and such registrar shall file all such notices and shall give to the person giving such notice a certificate and such notice and certificate shall be in the form contained in the first Schedule hereto or to the like effect.

Printer's name to be printed on every published work.

5. Every person who prints for publication or dispersion whether gratuitous or for money any paper or book shall print in legible characters upon the front of every such paper if it be printed upon one side only and upon the first and the last leaf of every paper or book if there be more than one such leaf his name and the name of the place and if it be a town of the street or other part thereof in which his usual place of abode is situate. 5

Printer to keep record of employer's name and address.

6. Every person who prints for or in the expectation of hire gain or profit any paper shall keep one copy at least of every such paper and shall write or print thereon the name and the place of abode of the person by whom he has been employed to print the same. 10

Persons distributing unauthenticated papers may be arrested.

7. If any person sell or offer for sale or gratuitously deliver or offer so to deliver or leave in any public place or otherwise expose to public view any printed paper upon which the name and place of abode of the printer is not printed in the manner hereinbefore directed or upon which a fictitious or false name or place of abode is so printed any person in whose presence any such act is done may seize and detain such first-mentioned person and may take him or deliver him to some constable or other peace officer to be taken before a justice of the peace that such justice may hear and determine whether the person so taken had been guilty of an offence against this Act. 15 20

Search warrant may be granted for unregistered presses.

8. If any justice from information upon oath have reason to suspect that any printing press or types for printing is or are used or kept for use without notice given and certificate obtained as hereinbefore required or in any house or place not included in such notice and certificate such justice may by his warrant direct any constable or other peace officer with his assistants if any to enter in the daytime into any such house and search for any printing press or types for printing and every such peace officer with such assistance as aforesaid may enter into such house or place in the daytime accordingly and may so seize take and carry away every printing press found therein and all the types and other articles thereto belonging and all printed papers found in such house or place. 25 30

Exemptions from the foregoing provisions.

9. Nothing herein contained shall extend to the impression of any engraving or to the printing by letterpress of the name or the name and address or business or profession of any person and of the articles in which he deals or to any papers for the sale of estates or goods by auction or otherwise or to any bank note bill of exchange or promissory note or to any bond or other security for the payment of money or to any bill of lading policy of insurance letter of attorney deed or agreement or to any receipt for money or goods or to any warrant or proceeding in the Supreme Court or in any inferior court or to any papers printed by the authority of any department of the Government of the Colony. 35 40

PART II.

45

REGISTRATION OF NEWSPAPERS.

Meaning of "newspaper."

10. In this Act the word "newspaper" shall include every paper or pamphlet other than those hereinafter excepted containing any public news intelligence or occurrence or any remarks or observations thereon or upon any political matter and published for sale periodically or in parts or numbers at intervals not exceeding twenty-six days between the publication of any two such papers or pamphlets or parts or numbers at a price of sixpence or any less amount but shall not include any document published in the course of his duty by the printer to the Government of the Colony or of any province thereof or any document containing only matter wholly of a commercial nature. 50 55

All newspapers to be subject to this Act.

11. No person shall after the time appointed for commencement of this Act print or publish any newspaper unless and until the affidavits have been registered as hereinafter directed.

12. When any person desires to publish any newspaper or when in any registered newspaper any change is at any time made in any of the particulars hereby required to be stated respecting the same or upon a written requisition from the Colonial Secretary the publisher
 5 of such newspaper shall deposit with the Registrar of the nearest Supreme Court office in the province within which such newspaper is or is intended to be published or in case such newspaper is or is intended to be published in any district not being within the boundaries of any province then with such Registrar of such Supreme Court
 10 office as the Governor shall from time to time by warrant under his hand appoint to be the Supreme Court office for such district for the purposes of this Act whether such office be within or without such district an affidavit duly sworn and signed by the proprietors of such newspaper and by the persons intended to be the printer and the
 15 publisher thereof respectively and such affidavit shall be in the form or as near thereto as may be and shall contain the statements specified in the second Schedule hereto.
13. In all proceedings civil or criminal touching any such newspaper or anything therein contained such affidavit shall be conclusive
 20 evidence as against every person signing the same of the truth of all such matters as in accordance with this Act are therein set forth.
14. When any person has made any such affidavit as aforesaid if he deposit with such registrar an affidavit stating that he is no longer connected with the newspaper in the capacity set forth in such
 25 first-mentioned affidavit he shall not from the date on which he has deposited the same be taken by reason of such first-mentioned affidavit only to be connected with such newspaper.
15. Every registrar shall cause to be registered all affidavits deposited with him under this Act and such register shall at all
 30 reasonable times be open without charge to public inspection.
16. At the end of every newspaper and of any and every supplement sheet thereof there shall be printed the Christian name and surname addition and place of abode of its printer and its publisher and a true description of the place where the newspaper is printed
 35 and published respectively and the day of the week month and year on which the same is published and the omission of the same or of any part thereof shall be *prima facie* evidence of wilful default against any such printer or publisher.
17. In any proceedings civil or criminal touching any newspaper
 40 or anything therein contained against any person who has made any such affidavit as aforesaid if any such affidavit or a certified copy thereof be produced in evidence and if a newspaper be so produced intitled in the same manner as the newspaper mentioned in such affidavit or copy and in which the names of the printers and publishers
 45 and the place of printing are the same as the names of the printers and publishers and the place of printing mentioned in such affidavit or copy it shall not be necessary to prove that the newspaper to which such trial relates was purchased at any house shop or office belonging to or occupied by the defendant or his servants or where he or they
 50 severally carry on the business of printing and publishing or where the same is sold.
18. Where any person institutes proceedings in the Supreme Court for the discovery of the name of any person concerned in the property of or in any newspaper as printer publisher or otherwise
 55 of any matter relating to the printing or publishing thereof in order to enable him the more effectually to bring or carry on any action for damages by him alleged to have been sustained by reason of any libellous matter concerning him therein contained the defendant shall not be permitted to plead or demur to the declaration
 60 claiming such discovery but shall be compellable to make the dis-

Affidavits of publication to be registered.

Affidavit conclusive evidence of its statements.

Disclaiming affidavit to be registered.

Register of affidavits open to the public.

Names of printer and publisher of paper to be printed thereon.

Proof of purchase of paper at defendant's office dispensed with.

Suit of discovery in cases of libel in newspaper.

covery thereby required But no discovery shall be used for any purpose in any other proceeding than that in and for the purposes of which the discovery is made.

PART III.

PENALTIES.

5

Penalty for unregistered printing.

19. If any person keep or use any printing press or types for printing without having delivered the notice and received the certificate hereinbefore required or if after such delivery and receipt he use any printing press or any type for printing in any other place than the place expressed in such notice he shall forfeit a sum of not less than five or more than twenty pounds. 10

Penalty for omission of printer's name.

20. If any person who prints any paper or book omit to print therein his name and place of abode as required by this Act or if any person publish or disperse or assist in publishing or dispersing whether gratuitously or for money any paper or book in which the name and place of abode of the printer thereof is not printed as aforesaid every such person shall for every such copy so published or dispersed by him but not for more than twenty-five copies in the whole forfeit a sum of not less than five and not more than twenty pounds. 15

Penalty on printer for not recording employer's name.

21. If any person who prints for hire gain or profit any paper or book neglect to write or print on a copy thereof the name and place of abode of his employer or to keep such copy for six months next after the printing thereof or refuse or neglect to produce and show the same to any justice who within such six months may require to see the same he shall forfeit a sum of not less than five pounds and not more than twenty pounds. 20 25

Penalty for unregistered newspaper.

22. If any person wilfully sell or deliver out or wilfully print or publish any newspaper in respect of which the affidavit required by this Act has not been registered either originally or as often as this Act requires or wilfully print or publish any newspaper or supplement thereto whereon the several particulars required by the fifteenth section of this Act shall not be printed as required by this Act or whereon there shall be printed any false name addition place or day or whereon there shall be printed any description of the place of printing or publishing such newspaper which shall be different in any respect from the description of the house or building mentioned in the affidavit required by this Act to be made relating to such newspaper as the house or building wherein such newspaper is intended to be printed or published he shall for every such offence forfeit a sum not exceeding twenty pounds. 30 35 40

Recovery and application of penalties.

23. All penalties incurred under this Act may be recovered in a summary manner before two or more Justices of the Peace in the manner provided in and by "The Justices of the Peace Act 1866" and one moiety of every penalty so recovered in respect of any offence against the first part of this Act shall be for the use of the person who informs or sues for such penalty. 45

