

VICTORIA.



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No. CCXII.

An Act to Consolidate the Laws relating to the preventing the Printing and Publishing of Books and Papers by Persons not known and to the Printing and Publishing of Newspapers.

[2nd June, 1864.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows :

1. This Act shall be called and may be cited as the "*Printers and Newspapers Registration Statute 1864*" and the sections thereof are arranged in Parts as follow :—

Short title and division of Act.

- Part I.—Registration of Printing Presses—ss. 4-9.
- Part II.—Registration of Newspapers—ss. 10-21.
- Part III.—Penalties—ss. 22-29.

2. Except as hereinafter provided the Acts mentioned in the first schedule hereto shall be and the same are hereby repealed.

Repeal of previous Acts.

3. Where before the commencement and coming into operation of this Act any offence has been wholly or partly committed against any of the Acts mentioned in such first schedule or any warrant or other instrument has been duly made or granted in respect of the same or any affidavit has been sworn or any recognizance has been entered into or any right liability privilege or protection in respect of any matter or thing committed or done before the coming into operation of this Act has accrued or any action suit or other proceeding in respect of any such matter or thing has been commenced every such offence shall be dealt with and every penalty in respect of any such offence shall be recovered and every such warrant or other instrument and every such affidavit and recognizance and every such right liability privilege or protection shall be of the same force and effect and every such action suit or other proceeding shall be prosecuted continued and defended as if such Acts were not repealed.

Saving of existing rights duties and proceedings.

PART I.—REGISTRATION OF PRINTING PRESSES.

4. Every person who has any printing press or types for printing shall give to the Registrar-General notice thereof in writing signed by him and attested by a witness and such Registrar shall file all such

Notice of press or types to be filed with Registrar-General.

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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 second 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.

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.

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 that such justice may hear and determine whether the person so taken had been guilty of an offence against this Act.

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.

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 Government.

## PART II.—REGISTRATION OF NEWSPAPERS.

Meaning of newspaper.

10. In this Act the word "newspaper" shall include every paper or pamphlet other than those hereinafter mentioned 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

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shall not include any document published in the course of his duty by the Government Printer or containing only matter wholly of a commercial nature.

11. No person shall print or publish any newspaper unless and until the affidavits have been registered and the recognizances entered into that are hereinafter directed.

All newspapers to be subject to this Act.

12. When any person desires to publish any newspaper or when in any newspaper already registered 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 Chief Secretary the publisher of such newspaper shall deposit with the Registrar-General an affidavit duly sworn and signed by the proprietors thereof and by the persons intended to be the printer and the 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 third schedule hereto.

Affidavits of publication to be registered.

13. In all proceedings civil or criminal touching any such newspaper or anything therein contained such affidavit shall be conclusive 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.

Affidavit conclusive evidence of its statements.

14. When any person has made any such affidavit as aforesaid if he deposit with the Registrar-General an affidavit stating that he is no longer connected with the newspaper in the capacity set forth in such 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.

Disclaiming affidavit to be registered.

15. The Registrar-General shall cause to be registered all affidavits and recognizances deposited with him under this Act and such register shall at all reasonable times be open without charge to public inspection.

Register of affidavits open to the public.

16. Every newspaper shall contain printed in some convenient part thereof the true name addition and place of abode of its printer and its publisher and a true description of the place where the newspaper is printed 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.

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

17. In any proceedings civil or criminal touching any newspaper 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 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 severally carry on the business of printing and publishing or where the same is severally sold.

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

18. Where any person files a bill in the Supreme Court for the discovery of the name of any person concerned in the property of or in any newspaper its printer publisher or otherwise 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 such bill but shall be compellable to make the discovery thereby required. But no such discovery shall be used for any purpose in any other proceeding than that in which the discovery is made.

Bill of discovery in cases of libel in newspapers.

19. Prior



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Printers or publishers of newspapers to enter into recognizances with sureties.

19. Prior to the publication of any newspaper the printer and the publisher thereof respectively together with two sufficient sureties shall enter before and to the satisfaction of a judge of the Supreme Court or of the police magistrate of the district in which such newspaper is or is intended to be printed and published or of some other person appointed by the Governor for that purpose into a recognizance himself in a sum of three hundred pounds and his sureties in a like sum in the whole conditioned that such printer or publisher shall pay to Her Majesty every fine or penalty that may at any time after the date of such recognizance be inflicted upon him by reason of any conviction for printing or publishing any blasphemous or seditious libel in such newspaper and the person taking such recognizance shall forthwith transmit the same to the Registrar-General.

Voluntary withdrawal of surety.

20. When any surety desires to withdraw from his recognizance if he give notice in writing of his desire to the Registrar-General and to the person for whom he is surety he shall not after twenty days from the day on which the last of such notices has been served be liable upon any such recognizances except for any penalty incurred before such day and for which he would otherwise have been liable.

Renewal of recognizances.

21. When any surety becomes insolvent and the Chief Secretary by a written notice requires the person for whom such insolvent is surety to renew his recognizance or when any surety withdraws from his recognizance the person for whom such surety has been bound shall not print or publish any newspaper unless and until he enter into a new recognizance with sufficient sureties in the same manner and to the same amount as in the case of his original recognizance.

## PART III.—PENALTIES.

Penalty for unregistered printing.

22. 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.

Penalty for omission of printer's name.

23. 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.

Penalty on printer for not recording employer's name.

24. 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.

Penalty for unregistered newspaper.

25. If any person wilfully sell or deliver out or wilfully print or publish any newspaper in respect to 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 without causing to be printed in such newspaper the name by this Act required to be printed he shall for every such offence forfeit a sum of not less than twenty-five or more than one hundred pounds.

26. If

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26. If any person wilfully print or publish any newspaper without having entered either originally or by way of renewal into the recognizance required by this Act he shall for every such offence forfeit the sum of not less than five or more than twenty pounds and shall pay all reasonable costs and charges not only of prosecuting but of discovering such offence.

Penalty for publication of newspaper without proper recognizance.

27. All penalties incurred under this Act may be recovered if they amount to or exceed twenty pounds by action of debt in the Supreme Court or if they be less than twenty pounds in a summary manner before justices 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.

Recovery and application of penalties

28. No penalty incurred for any offence against the First Part of this Act shall be recovered unless proceedings in respect thereof be commenced within three months after the time at which such penalty has been incurred and no proceedings shall be taken for the recovery of any penalty incurred for any offence against the Second Part of this Act except in the name of some law officer.

Restrictions upon legal proceedings.

29. This Act shall commence and come into operation on the first day of January next after the passing hereof and not before.

Commencement of this Act.

## SCHEDULES.

## FIRST SCHEDULE.

	Titles.	Extent of Repeal.	
8 Geo. 4 No. 2 ...	<i>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 publications of such papers in other respects and also for restraining the abuses arising from the publication of blasphemous and seditious libels</i>	The whole.	Section 2.
8 Geo. 4 No. 5 ...	<i>An Act for preventing the printing and publishing of books and papers by persons not known.</i>	The whole.	
2 Vict. No. 20 ...	<i>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 publications of such papers in other respects and also for restraining the abuses arising from the publication of blasphemous and seditious libels."</i>	The whole.	
5 Vict. No. 19 ...	<i>An Act to repeal so much of an Act intituled "An Act for preventing the mischief 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" as relates to the sentence of banishment on a second conviction and further to amend the same.</i>	The whole.	
13 Vict. No. 47...	<i>An Act to transfer certain duties with respect to the printing and publication of books and newspapers from the office of the Colonial Secretary to that of the Supreme Court.</i>	The whole.	

## SECOND SCHEDULE.

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## Section 4.

## SECOND SCHEDULE.

FORM OF NOTICE TO THE REGISTRAR-GENERAL THAT THE PERSON GIVING THE NOTICE  
KEEPS A PRINTING PRESS AND TYPES FOR PRINTING.

To the Registrar-General.

I A. B. of \_\_\_\_\_ do hereby declare that I have a printing press and  
types for printing which I purpose to use for printing within  
and which I require to be entered for that purpose according to law.  
Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_  
Signed in the presence of C. D.

FORM OF CERTIFICATE THAT NOTICE HAS BEEN GIVEN OF A PRINTING PRESS  
AND TYPES FOR PRINTING.

I do hereby certify that A. B. of \_\_\_\_\_ hath delivered to me a  
notice in writing appearing to be signed by him and attested by C. D. as a witness to his  
signing the same that he the said A. B. has a printing press and types for printing which  
he purposes to use for printing within \_\_\_\_\_ and which he has required to  
be entered according to law.  
Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_

W. H. A.,  
Registrar-General.

## Section 12.

## THIRD SCHEDULE.

In the matter of the \_\_\_\_\_ newspaper we A.B. C.D. E.F. and G.H.  
do hereby make oath and say as follows:—

1. A.B. and C.D. propose to carry on the business of vending a newspaper named  
the \_\_\_\_\_ and are the proprietors thereof.
2. The intended printer of the said newspaper is E.F. of \_\_\_\_\_
3. The intended publisher of the same is G.H. of \_\_\_\_\_
4. The intended place of printing the same is \_\_\_\_\_
5. The above-mentioned names additions and places of abode and descriptions of  
premises are the true and real names additions and places of abode and  
descriptions of the several persons to whom and of the premises to which they  
respectively refer.

A.B.  
C.D.  
E.F.  
G.H.

Sworn before me one of the commissioners for taking affidavits this day of \_\_\_\_\_

MELBOURNE:

By Authority: JOHN FERRIS, Government Printer.