

No. V.

PRINTED BOOKS
AND PAPERS.

An Act for preventing the printing and publishing of Books and Papers by persons not known. [3rd *May*, 1827.]

Preamble.

From the 10th May 1827 every person having a printing press or types shall give notice thereof to the Colonial Secretary and obtain from him a certificate of having done so.

WHEREAS all persons printing or publishing any Papers or Writings are by law answerable for the contents thereof and it is therefore highly important to the public peace that the printers of all Books and Papers should be known Be it enacted by His Excellency the Governor of the Colony of New South Wales and its Dependencies with the advice of the Legislative Council that from and after the tenth day of May instant every person having any printing press or types for printing in the said Colony shall cause a notice thereof signed by him or her in the presence of and attested by one witness to be delivered to the Colonial Secretary of the said Colony for the time-being or left at his office where every such notice is to be registered and filed and such Colonial Secretary shall and he is hereby authorised

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authorised and required to grant to the person giving such notice a certificate of such notice having been so delivered and every person who without having delivered such notice and obtained such certificate as aforesaid shall from and after the said tenth day of May instant keep or use any such press or types for printing or having delivered such notice and obtained such certificate as aforesaid shall use any printing press or types for printing in any other place than the place expressed in such notice shall forfeit and lose the sum of Twenty Pounds.

Penalty £20.

2. And be it further enacted That from and after the said tenth day of May instant any person who shall print any Paper or Book whatsoever which shall be meant or intended to be published or dispersed whether the same shall be sold or given away shall print upon the front of every such Paper if the same shall be printed on one side only and upon the first and last leaves of every Paper or Book which shall consist of more than one leaf in legible characters his or her name and the name of the town or place and also the name (if any) of the street lane court or place in which his or her dwelling-house or usual place of abode shall be and every person who shall omit so to print his or her name and place of abode on every such Paper or Book printed by him or her and also every person who shall publish or disperse or assist in publishing or dispersing either gratis or for money any printed Paper or Book which shall have been printed after the said tenth day of May instant and on which the name and place of abode of the person printing the same shall not be printed as aforesaid shall for every copy of such Paper or Book so published or dispersed by him or her forfeit and pay the sum of Twenty Pounds Provided always that nothing herein contained shall extend to make any person offending against this Act liable for more than twenty-five forfeitures or penalties for printing or publishing or dispersing or assisting in publishing or dispersing any number of copies of one and the same Paper or Book.

The name of the printer to be printed upon every Book and Paper intended to be published.

Under penalty of £20.

3. And be it further enacted That every person who from and after the said tenth day of May instant shall print any Paper for hire reward gain or profit shall carefully preserve and keep one copy at least of every Paper so printed by him or her on which he or she shall write or cause to be written or printed in fair and legible characters the name and place of abode of the person or persons by whom he or she shall be employed to print the same and every person printing any Paper for hire reward gain or profit who shall omit or neglect to write or cause to be written or printed as aforesaid the name and place of abode of his or her employer on one of such printed Papers or to keep or preserve the same for the space of six calendar months next after the printing thereof or to produce and shew the same to any Justice of the Peace who within the said space of six calendar months shall require to see the same shall for every such omission neglect or refusal forfeit and lose the sum of Twenty Pounds.

Every person who shall print any Paper for hire or profit to keep one copy for six months afterwards on which shall be printed or written the name and abode of the person by whom employed to print the same.

Under penalty of £20.

4. And be it further enacted That it shall be lawful for any person to whom or in whose presence any printed Paper not having the name and place of abode of any person printed thereon in the manner hereinbefore directed or having a fictitious or false name or place of abode printed thereon shall be sold or offered for sale or shall be delivered gratis or offered so to be or shall be pasted fixed or left in any public place or in any other manner exposed to public view to seize and detain the persons so selling or offering to sell or delivering or offering to deliver or pasting fixing or leaving in any public place or in any other manner exposing to public view any such Paper as aforesaid and forthwith to take and convey him or her before some Justice of the Peace or to deliver him or her to some Constable or other Peace Officer to be taken and conveyed before such Justice as aforesaid

Persons selling or distributing printed papers without the printer's name or abode or having a fictitious name or abode printed thereon may be seized and detained.

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to the intent that such Justice may hear and determine whether such person hath been guilty of any offence against this Act.

Documents and papers excepted.

5. Provided always and be it further enacted That nothing herein contained shall extend to the impression of any engraving or to the printing by letter press of the name or the name and address or business or profession of any person and 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.

Justices of the Peace from information upon oath having suspicion that any printing press is used contrary to this Act may by warrant direct search in the day-time

6. And be it further enacted That if any Justice of the Peace shall 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 required by this Act or in any house or place not included in such notice and certificate it shall be lawful for such Justice by warrant under his hand and seal to direct and authorise any Constable or other Peace Officer in the day-time with such person or persons as shall be called to his assistance to enter into any such house or place and search for any printing press or types for printing and it shall be lawful for every such Peace Officer with such assistance as aforesaid to enter into such house or place in the day-time accordingly and so seize take and carry away every printing press found therein together with all the types and other articles thereto belonging and used in printing and all printed Papers found in such house or place.

and if found seize and carry away the same.

Penalties to be sued for within three months after incurred.

7. Provided always That no person shall be prosecuted or sued for a penalty imposed by this Act unless such prosecution shall be commenced or such action shall be brought within three calendar months next after such penalty shall have been incurred.

Penalties how recoverable.

8. And be it further enacted That any pecuniary penalty imposed by this Act exceeding the sum of Twenty Pounds may be sued for and recovered by any person who will sue for the same by action of debt in the Supreme Court and any pecuniary penalty imposed by this Act and not exceeding Twenty Pounds shall and may be recovered before any two or more Justices of the Peace in a summary manner and shall if not paid within six days after conviction be levied by distress and sale of the offender's goods and chattels and for want of sufficient distress by imprisonment of such offender without bail or mainprize for any time not exceeding six calendar months nor less than three months or until such pecuniary penalty or fine be paid.

Justices may mitigate penalties.

9. And be it further enacted That if any Justices before whom any person shall be convicted of any offence or offences against the provisions of this Act shall see cause to mitigate such penalty or penalties it shall be lawful for such Justice to mitigate or lessen the same to any sum not less than Five Pounds over and above all reasonable costs and charges expended or incurred in the prosecution.

Persons aggrieved by any conviction or judgment may appeal to the Justices at the next Quarter Sessions.

10. And be it further enacted That if any person or persons shall think himself herself or themselves aggrieved by any conviction judgment or determination of any Justice or Justices relating to any matter or thing contained in this Act then and in that case he she or they may appeal to the Justices of the Peace at the Quarter Sessions to be holden next after the expiration of twenty days from the date of such conviction judgment or determination first giving six days' notice of such appeal to the person or persons prosecuting for such penalty or penalties and the said Justices may if they see cause adjourn the hearing of the said appeal until the next General Quarter Sessions and they may in like manner if they see cause mitigate any penalty

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penalty or penalties and may order any money to be returned which shall have been paid or levied under any conviction as aforesaid and may also order and award such costs to be paid by either party to the other as they shall think and judge reasonable.

11. And be it further enacted That the money arising from the fines penalties and forfeitures imposed by this Act shall when recovered be applied and disposed of in manner hereinafter mentioned that is to say one moiety thereof to and for the use of the person or persons who shall inform or sue for the same and the other moiety thereof to and for the use of our Sovereign Lord the King His Heirs and Successors and to be carried to and form a part of the Colonial fund for the public use and in support of the Government of the said Colony.

Appropriation of
fines penalties and
forfeitures.

12. And be it further enacted That the notices and certificates required to be delivered and granted in pursuance of this Act and convictions by Justices of the Peace for offences against this Act shall or may be in the several forms set forth for such purposes respectively in the Schedule to this Act annexed.

Forms of notices
certificates and
convictions
prescribed.

SCHEDULE TO WHICH THE PRECEDING ACT REFERS.

Form of Notice to the Colonial Secretary for the Colony of New South Wales that any person keeps any Printing Press or Types for printing.

To the Colonial Secretary.

I A. B. of _____ do hereby declare that I have a Printing Press and Types for printing which I propose to use for printing within _____ (as the case may be) and which I require to be entered for that purpose in pursuance of an Act passed by His Excellency the Governor of the Colony of New South Wales with the advice of the Legislative Council in the eighth year of the reign of His Majesty King George the Fourth intituled "*An Act for preventing the printing and publishing of Books and Papers by persons not known*" Witness my Hand this _____ day of _____ Signed in the presence of _____

Form of Notice.

Form of Certificate that Notice has been given of a Printing Press or Types for printing.

I _____ Colonial Secretary for the Colony of New South Wales 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. hath a Printing Press and Types for printing which he proposes to use for printing within _____ and which he has required to be entered pursuant to an Act passed by His Excellency the Governor of this Colony with the advice of the Legislative Council in the eighth year of His Majesty's reign intituled "*An Act for preventing the printing and publishing of Books and Papers by persons not known*" Witness my Hand this _____ day of _____

Form of Certificate.

Form of Conviction of having or using a Printing Press or Types for printing without Notice or using the same in a place not specified in such Notice or any other offence against the Act.

To wit.—Be it remembered that on this _____ day of _____ in the _____ year of the reign of _____ A. B. of _____ is duly convicted before us Justices of the Peace for the Colony of New South Wales in pursuance of an Act of His Excellency the Governor with the advice of the Legislative Council of this Colony passed in the eighth year of the reign of King George the Fourth intituled "*An Act for preventing the printing and publishing of Books and Papers by persons not known*" for that the said A. B. on the _____ day of _____ at _____ did contrary to the said Act keep (or use as the case may be) a Printing Press or Types for printing not having given such Notice and obtained such Certificate as by the said Act is required (or in _____ being place not specified in any Notice given by the said A. B. in pursuance of the said Act whereupon he hath obtained such Certificate as by the said Act is required or not printing his name &c. as the case may require or not keeping a copy of a paper printed by him for hire reward gain or profit to wit a paper (describing it) which the said A. B. printed &c. or not producing a copy of a paper printed &c. or specifying any other offence against the Act and the time and place when and where the same was committed) Wherefore we the said _____ do adjudge that he the said A. B. do pay the sum of _____ as a penalty for his offence in pursuance of the said Act Given under our Hands and Seals this _____ day of _____ in the year of our Lord _____ and in the _____ year of the reign of His present Majesty King _____

Form of Conviction.