

Laws of His Majesty's Province of Newfoundland, passed in the year 1836.

6 William IV – Chapter 11

An Act for preventing the mischiefs arising from the Printing and Publishing Books, Newspapers, and Papers of a like nature, by Persons unknown, and to regulate the Printing and Publishing the same. (6th May, 1836.)

Whereas it is expedient that regulations should be provided touching Publications of the nature hereinafter mentioned:—

I. Be it therefore enacted, by the Governor, Council and Assembly of Newfoundland, That no Person shall, after the expiration of Twenty Days from and after this Act shall come into operation, print or publish, or cause to be printed or published, any Newspaper or other Paper containing Public News or intelligence, or serving the purpose of a Newspaper, until an Affidavit or Affidavits, or in case of Persons commonly called Quakers, an Affirmation or Affirmations, made and signed as hereinafter mentioned, shall be delivered to the Secretary or Acting Secretary of this Island, or to some Officer or Officers in the respective Towns and at the respective Offices which shall be named and appointed by the said Secretary or Acting Secretary for the purpose of receiving such Affidavits or Affirmations containing the several matters and things hereinafter for that purpose specified and mentioned.

II. And be it further enacted, by the authority aforesaid, That such Affidavit or Affidavits, Affirmation or Affirmations, shall specify and set forth the real and true Names, Additions, description and places of abode of all and every person or persons who is and are intended to be the Printer and Printers Publisher and Publishers of the Newspaper or other paper mentioned in such Affidavit or Affidavits, or Affirmation or Affirmations, and of all the Proprietors of the same, and all the Proprietors of the Printing Press and Types generally used in the printing thereof; and the true description of the House or Building wherein any such Paper is intended to be printed, and likewise the Title of such Paper.

III. And be it further enacted, That an Affidavit or Affirmation, Affidavits or Affirmations, of the like import shall be made, signed, and given in like manner as often as any of the Printers, Publishers or Proprietors named in such Affidavits or Affirmations shall be changed, or shall change their respective places of abode, or their Printing House. Place or Office, and as often as the Title of the Paper shall be changed.

IV. And be it further enacted, by the authority aforesaid, That every such Affidavit or Affirmation shall be made by the Printer or Publisher, or one of the Proprietors of such Newspaper or other paper, and shall be in writing, and signed by the Person or Persons making the same, and shall be taken by any one or more of His Majesty's Stipendiary Justices of the Peace, and such Justices are hereby authorized to take such Affidavits upon the Oath of the person or persons making the same, and such Affirmations in the case of persons commonly called Quakers.

V. And be it further enacted, by the authority aforesaid, That if any person or persons making such Affidavit or Affirmation as in and by this Act is required to be made, 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 the 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 intent and 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, according to the truth, any matter or thing required by this Act to be therein set forth, every such person so offending shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

VI. And be it further enacted, by the authority aforesaid, That such Affidavits and Affirmations as aforesaid, shall be filed and kept in such manner as the Secretary or Acting Secretary of this Colony for the time being shall direct; and the same, or copies thereof, certified to be true copies as hereinafter mentioned, shall respectively, in all proceedings, Civil and Criminal, touching any Newspaper or other such paper as aforesaid, which shall be mentioned in such Affidavits or Affirmations, or touching any publication, matter or thing contained in such Newspaper or other paper, be received and admitted as conclusive evidence of the truth of all such matters set forth in such Affidavits or Affirmations, as are hereby required to be therein set forth against every Person who shall have signed and sworn or affirmed such Affidavits or Affirmations, and shall also be received and admitted in like manner as sufficient evidence of the truth of all such matters against all and every person who shall not have signed or sworn or affirmed the same, but who shall be therein mentioned to be a Proprietor, Printer or Publisher of such Newspaper or other paper, unless the contrary shall be satisfactorily proved. Provided always, that if any such person or persons respectively against whom such Affidavit or Affirmation, or any copy thereof, shall be offered in evidence, shall prove that he, she, or they hath or have signed, sworn or affirmed, and delivered to the Secretary or Acting Secretary of this Colony, or such Officer to be appointed by him as aforesaid, previous to the day of the date or publication of the Newspaper or other such paper as aforesaid, to which the proceeding, Civil or Criminal, shall relate, an Affidavit or Affirmation that he, she, or they hath or have ceased to be the Printer or Printers, Proprietor or Proprietors, or Publisher or Publishers of such Newspaper or other such paper as aforesaid, such person or persons shall not be deemed, by reason of any former Affidavit or Affirmation so delivered as aforesaid, to have been the Printer or Printers, Proprietor or Proprietors, Publisher or Publishers of such Paper, after the day upon which such last mentioned Affidavit or Affirmation shall have been delivered to the said Secretary or Acting Secretary, or the Officer to be by him appointed as aforesaid, Provided also, that no such Affidavit or Affirmation shall be admitted as evidence against any person or persons other than he, she, or they who shall have made the same, unless it shall be proved that a copy thereof was furnished to such person or persons or left at his, her, or their usual place or places of abode, before the publication of the matter or thing concerning which such proceeding shall have been instituted.

VII. And be it further enacted, by the authority aforesaid, That in some conspicuous part of every Newspaper, or other such paper as aforesaid, there shall be printed, in legible characters, the true and real 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 place where the same is printed; and in case any person or persons shall knowingly and wilfully print or publish, or cause to be printed or published, any such Newspaper or other such paper, not containing the particulars aforesaid, and every of them, every such person as aforesaid shall forfeit and pay to our Lord the King, his Heirs and Successors, the sum of Fifty Pounds.

VIII. And be it further enacted, by the authority aforesaid, That it shall not be necessary, after any such Affidavit or Affirmation, or a certified copy thereof, shall have been produced in evidence as aforesaid, against the person who signed and made such Affidavit or Affirmation, or are therein named according to this Act, or any of them, and after a Newspaper, or other such paper or Book as aforesaid shall be produced in evidence, entitled in the same manner as the Newspaper or other paper mentioned in such Affidavit or copy is entitled, and wherein the Name or Names of the Printer and Publisher or Printers and Publishers and the place of printing shall be the same as the Name or Names of the Printer and Publisher or Printers and Publishers and the place of printing mentioned in such Affidavit or Affirmation, for the Plaintiff, Informant or Prosecutor, to prove that the Newspaper or paper to which such trial relates, was purchased at any House, Shop or Office belonging to or occupied by the Defendant or Defendants, or any of them, or by his or their Servant or Workmen, or where he or they by themselves or their Servant usually carry on the printing or publishing such paper, or where the same is usually sold.

IX. And be it further enacted, by the authority aforesaid, That the Secretary or Acting Secretary of this Colony, or Officer by whom any such Affidavits or Affirmations shall be kept according to the directions of this Act shall, and they are hereby required, upon application made to them by any person or persons requiring a copy certified according to this Act of any such Affidavit or Affirmation as aforesaid, in order that the same may be produced in any Civil or Criminal proceedings, to deliver to the person so applying for the same, such certified copy.

X. And be it further enacted, by the authority aforesaid, That from and after Twenty days after this Act shall come into operation, the Printer or Publisher of every Newspaper or other such paper as aforesaid shall, upon every day upon which the same shall be published, or within Six days after, deliver to the Secretary or Acting Secretary of this Colony for the time being, or to the Officers to be by him appointed to receive the same, and whom he is hereby required to appoint for that purpose, one of the Papers so published upon each such day, signed by the Printer or Publisher thereof, in his hand writing, with his Name and place of abode; and the same shall be carefully kept by the said Secretary or Acting Secretary, or such Officers as aforesaid, in such manner as the said Secretary or Acting Secretary shall direct, and such Printer or Publisher shall be entitled to be paid half yearly the usual and ordinary price for such Paper, and the said Secretary or Acting Secretary is hereby authorized to pay for the same out of such monies as may from time to time be at his disposal for disbursing the contingencies of his Office; and in every case in which the Printer and Publisher of such Newspaper or other paper as aforesaid, shall neglect to deliver one such Newspaper or other paper in the manner herein before directed, such Printer and Publisher shall, for every such neglect respectively forfeit and pay to our Lord

the King, his Heirs and Successors, the sum of Fifty Pounds; and in case any person or persons shall make application to the said Secretary or Acting Secretary, or to any such Officer as aforesaid, in order that such Newspaper or other paper so signed by the Printer or Publisher may be produced in evidence in any proceeding, Civil or Criminal, the said Secretary or Acting Secretary, or such Officer, shall, at the expense of the party applying, at any time within two years from the publication thereof, either cause the same to be produced in the Court in which the same is required to be produced, and at the time when the same is required to be produced, or shall deliver the same to the party applying for it, taking, according to their discretion, reasonable security at the expense of such party, for the returning the same to the Secretary or Acting Secretary or such Officer; and in case, by reason that the same shall have been previously required by any other person to be produced in any Court, or hath been previously delivered to any other person for the like purpose, the same cannot be produced at the time required, or be delivered according to such application, in such case the said Secretary or Acting Secretary, or such his Officer, shall cause the same to be produced or shall deliver the same as soon as they are enabled so to do.

XI. And be it further enacted, by the authority aforesaid, That from and after the expiration of Twenty days after this Act shall come into operation, any person who shall print any Book or Paper 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 Book or Paper which shall consist of more than one leaf, in legible characters, his or her Name, and the name of the City, Town, Parish or Place, and also the name (if any) of the Square, 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 Name and place of abode on every such Paper or Book printed by him, 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 expiration of Twenty days from and after this Act shall come into operation, and on which the Name and place of abode of the person printing the same shall not be printed as aforesaid, shall, for the publication or dispersion by him of every copy of such Paper or Book so published or dispersed, forfeit and pay to our Lord the King, his Heirs and Successors, the sum of Twenty Pounds. Provided always, that nothing herein contained shall extend, or be construed to extend, to any papers printed by the authority and for the use of the Government or either branch of the Legislature of this Island, nor to any paper printed and published by any Clergyman, and containing Religious Instruction only.

XII. And be it further enacted, That all Fines, Penalties and Forfeitures by this Act imposed, shall be recovered by Action of Debt, Bill, Plaint or Information in any Court of Record in this Island, in the name of His Majesty's Attorney or Solicitor General, and the money arising from such Fines, Penalties and Forfeitures, when recovered, shall be paid to the Treasurer of this Island, to and for the use of our Sovereign Lord the King his Heirs and Successors.

XIII. And be it further enacted, That this Act shall not be of any force or effect until His Majesty's pleasure thereon shall have been first duly signified.