

Act No. 16, 1899.

PRINTING.

An Act to consolidate the Acts for preventing the printing and publishing of books and papers by persons not known. [20th November, 1899.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title, repeals,
and savings.
First Schedule.

1. (1) This Act may be cited as the "Printing Act, 1899."
(2) The Acts mentioned in the First Schedule to this Act are to the extent therein expressed hereby repealed.

(3) Every notice given or delivered and every certificate granted or obtained under any Act hereby repealed shall be deemed to have been given, delivered, granted, or obtained respectively under this Act.

Persons having a
printing press, &c., to
deliver notice to the
prothonotary and
obtain a certificate.

2. (1) Every person having any printing press or types for printing in New South Wales shall cause a notice thereof signed by him in the presence of and attested by one witness to be delivered to the prothonotary of the Supreme Court, or to one of the clerks in the said Court authorised by the said prothonotary to receive the same.

8 Geo. IV No. 5, s. 1.
16 Vic. No. 37, s. 1.

(2) Every such notice shall be registered and filed in such office, and the prothonotary, or such clerk as aforesaid, shall and he is hereby authorised and required to grant to the person giving such notice a certificate of such notice having been so delivered.

(3) Every person who without having delivered such notice and obtained such certificate as aforesaid keeps or uses any such press or types for printing, or having delivered such notice and obtained such certificate as aforesaid uses any printing press or types for printing in any place other than the place expressed in such notice shall forfeit and pay the sum of twenty pounds.

The name of the
printer to be printed
upon every book and
paper intended to
be published.

8 Geo. IV No. 5, s. 2.

3. (1) Every person who prints any paper or book whatsoever which is intended to be published or dispersed, whether the same is to be sold or given away, shall print upon the front of every such paper, if the same is printed on one side only, and upon the first and last leaves of every paper or book which consists of more than one leaf in legible characters his 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 dwelling-house or usual place of abode is situated.

(2)

Printing.

(2) Whosoever omits so to print his name and place of abode on every such paper or book printed by him, or publishes or disperses or assists in publishing or dispersing, either gratis or for money, any paper or book which has been printed since the tenth day of May, one thousand eight hundred and twenty-seven, and on which the name and place of abode of the person printing the same is not printed as aforesaid shall for every copy of such paper or book so printed or published or dispersed by him forfeit and pay the sum of twenty pounds:

Provided that no person offending against this section shall be 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.

4. Every person who prints any paper for hire, reward, gain, or profit shall write or cause to be written or printed in fair and legible characters on one copy at least of every paper so printed by him the name and place of abode of the persons by whom he was employed to print the same, and every such person who omits or neglects so to do, or to keep or preserve such copy for the space of six months next after the printing thereof, or to produce and show the same to any justice of the peace who within the said space of six months requires to see the same, shall for every such omission, neglect, or refusal forfeit and pay the sum of twenty pounds.

Every person who prints any paper for hire or profit to keep one copy for six months afterwards.
8 Geo. IV No. 5, s. 3.

5. 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, is sold or offered for sale or is delivered gratis or offered so to be, or is pasted, fixed, or left in any public place, or in any other manner exposed to public view, may 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 take and convey him before some justice of the peace or deliver him to some constable or other peace officer to be taken and conveyed before such justice as aforesaid, to the intent that such justice may hear and determine whether such person has been guilty of any offence against this Act.

Persons selling or distributing printed papers without the printer's name, &c., thereon may be seized and detained.
Ibid. s. 4.

6. Nothing in this Act contained shall extend to

- (1) the impression of any engraving; or
- (2) 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
- (3) any papers for the sale of estates or goods by auction or otherwise; or
- (4) any bank note, bill of exchange, or promissory note; or

Documents and papers excepted.
Ibid. s. 5.

(5)

Printing.

- (5) any bond or other security for the payment of money ; or
- (6) any bill of lading, policy of insurance, letter of attorney, deed or agreement ; or
- (7) any receipt for money or goods ; or
- (8) any warrant or proceeding in the Supreme Court or in any inferior Court ; or
- (9) any papers printed by the authority of any department of Government.

Justices of the peace may by warrant direct search in the day-time.

S Geo. IV No. 5 s. 6.

7. If any justice of the peace from information upon oath has 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, such justice may, by warrant under his hand and seal, direct and authorise any constable or other peace officer in the day-time, with such persons as are called to his assistance, to enter into any such house or place 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 day-time accordingly, and 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.

Penalties to be sued for within three months after incurred.

Ibid. s. 7.

Penalties how recoverable.

Ibid. s. 8.

8. No person shall be prosecuted or sued for a penalty imposed by this Act, unless such prosecution is commenced or such action is brought within three months next after such penalty has been incurred.

9. Every penalty imposed by this Act exceeding the sum of twenty pounds may be sued for and recovered by any person who sues for the same by action of debt in the Supreme Court, and any penalty imposed by this Act, and not exceeding twenty pounds, 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 such offender may be imprisoned for any period not exceeding six months, nor less than three months, or until such penalty is paid.

Justices may mitigate penalties.

Ibid. s. 9.

10. If any justices before whom any person is convicted of any offence against the provisions of this Act see cause to mitigate such penalty such justices may 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 Quarter Sessions.

Ibid. s. 10.

11. (1) If any person thinks himself aggrieved by any conviction, judgment, or determination of any justices relating to any matter or thing contained in this Act, he may appeal to the Court of General or General Quarter Sessions to be holden next after the expiration of twenty days from the date of such conviction, judgment, or determination.

(2)

Printing.

(2) Such person shall give six days' notice of such appeal to the person prosecuting for such penalty, and the said Court may adjourn the hearing of the said appeal until the next Court of General or General Quarter Sessions, and may in like manner mitigate any penalty and may order any money to be returned which has 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 the said Court thinks reasonable.

12. 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, may be in the several forms set forth for such purposes respectively in the Second Schedule hereto.

Forms of notices, certificates, and convictions prescribed. 8 Geo. IV. No. 5 s. 12. Second Schedule.

SCHEDULES.

FIRST SCHEDULE.

Sec. 1.

Reference to Act.	Title or short title.	Extent of repeal.
8 Geo. IV No. 5	An Act for preventing the printing and publishing of books and papers by persons not known.	The whole Act.
16 Vic. No. 37...	An Act to enable the Prothonotary of the Supreme Court or his deputy to perform certain duties with respect to the printing and publishing of books and newspapers.	The unrepealed portion.

SECOND SCHEDULE.

Sec. 12.

Form of notice to the Prothonotary of the Supreme Court that any person keeps any printing press or types for printing.

To the Prothonotary of the Supreme Court,—

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 the "Printing Act 1899."

Witness my hand this day of
Signed in the presence of

Form of certificate that notice has been given of a printing press or types for printing.

I, the Prothonotary of the Supreme Court of New South Wales (or a clerk of the Supreme Court of New South Wales, being duly authorised in that behalf by the Prothonotary of the said Court), 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 the "Printing Act 1899."

Witness my hand this day of

Form

Registration of Births Deaths and Marriages.

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.

Form of conviction.

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 the “Printing Act 1899,” 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 a 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 in pursuance of the said Act adjudge that the said A. B. do pay the sum of as a penalty for his offence.

Given under our hands and seals this day of in the year of our Lord and in the year of the reign of Her present Majesty Queen Victoria.
