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BILL.

An Act for preventing mischiefs arising from the printing and publishing of Newspapers, Pamphlets and Papers of like nature, by persons not known, in Upper Canada.

Received and read a first time, Thursday, 26th
June, 1851.

Second reading, Wednesday, 9th July, 1851.

COLONEL GUGY.

BILL.

An Act for preventing mischiefs arising from the printing and publishing of Newspapers, Pamphlets and papers of like nature, by persons not known, in Upper Canada.

WHEREAS it is expedient that the regulations touching publications of the nature herein mentioned should be uniform throughout this Province, and the provisions hereinafter made are, and have been for a long time, in force in Lower Canada, and have been found highly beneficial: Be it therefore enacted, &c.,

Preamble.

That no person shall, after thirty days from the passing of this Act, print or publish, or cause to be printed or published in Upper Canada, any newspaper, pamphlet or other paper containing public news or intelligence; or serving the purpose of a newspaper, or for the purpose of posting or general circulation in detached pieces as such newspaper, until an affidavit or affidavits, or affirmation or affirmations, made and signed as hereinafter mentioned, shall be delivered to the Clerk of the Peace for the County or Union of Counties in which such newspaper or pamphlet or other paper shall be printed or published, containing the several matters and things hereinafter for that purpose specified and mentioned.

Affidavits to be made by printers and publishers of newspapers, &c.

II. And be it enacted, That such affidavit or affidavits, affirmation or affirmations, shall specify and set forth the real and true names, additions, descriptions and places of abode of all and every person or persons who is or are, or who is or are intended to be, the printer and printers, publisher and publishers of the newspaper, pamphlet or other paper mentioned in such affidavit or affidavits, affirmation or affirmations, and of all the proprietors of the same, if the number of such proprietors, exclusive of the printer and publisher, does not exceed two, and in case the same shall exceed such number, then of the proprietor if there be only one, or two such proprietors if there be two or more, exclusive of the printer or publisher, and also the amount of the proportional shares of such proprietors in the property of the newspaper, pamphlet or other paper, and the true description of the house or building wherein such newspaper, pamphlet or other paper is intended to be printed, and likewise the title of such newspaper, pamphlet or other paper.

Affidavit to set forth names and additions of printers, publishers and proprietors, with description of title and place of publication.

When all the proprietors are not named, the two named to be among those having the largest shares.

III. Provided always and be it enacted, That in every case where the number of such proprietors, exclusive of the printer and publisher, shall exceed two, the names of two proprietors the amount of each of whose proportional shares in the property of such newspaper, pamphlet or other paper, shall not be less than the proportional share of any other proprietor, exclusive of the printer and publisher, shall be specified and set forth in such affidavit or affidavits, affirmation or affirmations. 5

Affidavit to be renewed when changes take place.

IV. And be it 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 newspaper, pamphlet or other paper shall be changed. 10 15

Affidavit to be in writing and signed.

V. And be it enacted, That every such affidavit or affirmation shall be in writing and signed by the person or persons making the same, and shall be taken by any Justice of the Peace for the County or Union of Counties in which such newspaper, pamphlet or other paper shall be printed or published. 20

When printers, publishers and proprietors do not exceed four.

VI. And be it enacted, That where the persons concerned as printers and publishers of any newspaper, pamphlet or other such paper as aforesaid, together with such number of proprietors as are hereinbefore required to be named in such affidavits or affirmations as aforesaid, shall not altogether exceed the number of four persons, the affidavit or affirmation hereby required shall be sworn 30

When they exceed four.

or affirmed and signed by all the said persons who are adults; and when the number of all such persons shall exceed four, the same shall be signed and sworn or affirmed by four such persons, if so many of them are adults; or by so many of them as are adults; but the same shall contain the real and true names, descriptions and places of abode of all and every person and persons who is and are, or is and are intended to be, the printer and printers, publisher and publishers, and of so many of the proprietors as are hereinbefore for that purpose mentioned, of such newspaper, pamphlet or other such paper 35

Persons making the affidavit to notify the others, if any.

as aforesaid; and the person or persons so signing and swearing or affirming to the truth of such affidavit or affirmation in the last mentioned case shall, and are hereby required to give notice within eight days after such affidavit or affirmation shall be so delivered as aforesaid, to each of the persons not signing and swearing or affirming such affidavit or affirmation, but named therein as a proprietor, printer or publisher of such newspaper, pamphlet or other paper as aforesaid, that he or they are so named therein; and in case of neglect to give such 40 45 50

notice, each and every person who has so signed and sworn or affirmed such affidavit or affirmation, shall forfeit and lose the sum of *twenty pounds*. Penalty for default.

VII. And be it enacted, That if any person shall knowingly or wilfully print or publish, or cause to be printed and published, or shall knowingly and wilfully, either as proprietor thereof or otherwise, sell, vend or deliver out any newspaper, pamphlet or other such paper as aforesaid, such affidavit or affirmation containing such matters and things as are required by this Act to be therein contained not having been duly signed, sworn or affirmed and delivered, and as often as by this Act is required, or any other matter or thing required by this Act to be done or performed according to this Act not having been done or performed, such person shall for every single offence of commission or omission, as the case may be, forfeit and lose the sum of *five pounds*. Penalty on persons publishing without complying with this Act.

VIII. And be it enacted, 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 and set forth therein the name or names, addition or additions, place or places of abode of any person or proprietor, publisher or printer of any newspaper or other such pamphlet or paper as aforesaid, to which such affidavit or affirmation relates, who is not a proprietor, printer or publisher thereof, or shall knowingly or 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 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 and wilfully omit to set forth therein according to the truth, any matter or thing required by this Act to be therein set forth, every person so offending shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury. False names or descriptions of persons, or wilful omission of names, to be deemed perjury.

IX. And be it enacted, That all such affidavits and affirmations as aforesaid shall be fyled, and kept and preserved by the Clerk of the Peace for the County or Union of Counties in which such newspaper, pamphlet or other paper shall be printed or published, and the same, or copies thereof, certified to be true copies as hereinafter is mentioned, shall respectively in all proceedings, civil and criminal, touching any newspaper or other such pamphlet or paper as aforesaid, which shall be mentioned in any such affidavits or affirmations, or touching any publication, matter or thing contained in any such newspaper, pamphlet or paper as aforesaid, be Clerks of the Peace to preserve all affidavits. Which shall be received in evidence in all proceedings touching the newspaper, &c. therein referred to.

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 affirmed the same, but who shall be mentioned therein to be a proprietor, printer and publisher of such newspaper, pamphlet or other paper, unless the contrary shall be satisfactorily proved: Provided always, that if any such person or persons respectively, against whom any 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 Clerk of the Peace of the County or Union of Counties, previous to the day of the date or publication of the newspaper, pamphlet or other such paper as aforesaid, to which the proceedings, civil or criminal, shall relate, an affidavit or affirmation that she or they hath or have ceased to be the printer or printers, proprietor or proprietors, or publisher or publishers of such newspaper, pamphlet or 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, or publisher or publishers of such newspaper, pamphlet or other paper after the day on which such last mentioned affidavit or affirmation shall have been delivered to the Clerk of the Peace.

Proviso: parties ceasing to be proprietors, &c., may make and file affidavit.

Names, additions, &c., of printers and publishers to be printed on every copy of a newspaper, &c.

X. And be it enacted, That in some part of every newspaper, pamphlet, or other such paper as aforesaid, there shall be printed the true and real name and names, addition and additions, and place and places of the 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, pamphlet, or other paper as aforesaid, not containing the particulars as aforesaid, and every of them, every such person shall forfeit and lose the sum of *twenty pounds*; and that proof in the manner hereinafter mentioned, in any proceeding to recover the same, that the person proceeded against is a printer or publisher of a newspaper, pamphlet, or other such paper so printed and published as aforesaid, shall be deemed and taken to be proof, that such party is a person wilfully and knowingly printing or publishing the same, or causing the same to be printed or published, unless he shall satisfactorily prove the contrary thereof.

Penalty.

When affidavit shall be produced in

XI. And be it enacted, 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 persons who made and signed such affidavit or affirmation, or are therein named according to this Act, or any of them, and after a newspaper, pamphlet or other such paper as aforesaid shall be produced in evidence, intituled in the same manner as the newspaper, pamphlet, or other paper mentioned in such affidavit or affirmation, or copy is intituled, 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, or person seeking to recover any of the penalties given by this Act, to prove that the newspaper, pamphlet or paper to which such suit or 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 seryants or workmen, or where he or they by themselves or their servants or workmen usually carry on the business of printing or publishing such newspaper, pamphlet, or other such paper, or where the same is usually sold.

evidence, as proof of purchase from defendant, or of place of purchase shall be necessary.

XII. And be it enacted, That the Clerk of the Peace of each and every of the Counties or Unions of Counties by whom such affidavits and affirmations, or any of them, shall be kept according to the directions of this Act, shall, and they are hereby required upon application made to them, or any of 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 proceeding, to deliver to the person so applying for the same such certified copy, he or they paying for the same the sum of *one shilling*, and no more.

Clerks of the Peace to deliver certified copies of affidavits.

Fee therefor.

XIII. And be it enacted, That in all cases a copy of such affidavit or affirmation, certified to be a true copy under the hand of the Clerk of the Peace possessing the same, shall be received in evidence as sufficient proof of such affidavit or affirmation, and that the same was duly sworn or affirmed, and of the contents thereof, and that such copies so produced and certified shall also be received as evidence that the affidavits or affirmations of which they purport to be copies have been sworn or affirmed according to this Act, and shall have the same effect for the purposes of evidence to all intents whatsoever as if the original affidavits or affirmations, of which the copies so produced and certified shall purport to be copies, had been produced in evidence, and been proved to have been duly so certified, sworn and affirmed by the person or persons appearing by such copies to have sworn or affirmed the same as aforesaid.

Certified copies of affidavits to be of the same effect in evidence as the originals.

Penalties how
recovered and
applied.

XIV. And be it enacted, That all fines, penalties and forfeitures under this Act shall be recovered by action of debt in the Court of Queen's Bench, or of Common Pleas for Upper Canada; and that the money arising by all such fines, penalties and forfeitures shall be as to one moiety thereof to and for the use of our Sovereign Lady the Queen, Her Heirs and Successors, and as to the other moiety thereof to and for the use of the person who shall inform and sue for the same. 5

Cities to be
deemed parts
of counties for
the purposes
of this Act.

XV. And be it enacted, That for the purposes of this Act, any City in Upper Canada shall be held to be part of the County or Union of Counties within the local limits whereof it shall lie. 10