

No. 13.—1853.

19th August.

AN ORDINANCE for regulating the Printing and
Publishing of Newspapers.

HARRIS.

Repeals
certain Ordi-
nances.

WHEREAS on the sixth day of January, One thousand eight hundred and thirty-four, an Ordinance was enacted by the Governor of the Island of Trinidad, by and with the advice and consent of the Council of Government thereof, entitled “An Ordinance for preventing the mischiefs arising from the Printing and Publishing of Newspapers and Papers of a like nature, by unknown and irresponsible persons, and for regulating the Printing and Publishing of such Papers in other respects:” And whereas it is expedient to amend the said Ordinance, Be it therefore enacted by His Excellency the Governor, by and with the advice and consent of the Council of Government, that the said Ordinance shall be and the same is hereby repealed; save only and except so far as regards all bonds made and executed and enregistered under the provisions of the said Ordinance, and now existing and in force, all which bonds may be sued for as if this Ordinance had not been passed; and save and except also so far as regards all affidavits made, signed, sworn and enregistered under and by virtue of the said Ordinance, and all other matters and things made or done under and by virtue of the same, all which affidavits and other matters and things shall be in force and stand good to all intents and purposes in the same manner as if this Ordinance had not been passed.

After com-
mencement
of this Ordi-
nance, no
person to print
a newspaper
unless an affi-
davit be made
and bond
entered into.

2. And be it enacted, That no person shall, after the commencement of this Ordinance print, or publish, or cause to be printed or published within the said Island, any newspaper or other paper containing public news or intelligence, or serving the purpose of a newspaper, unless such person shall have previously made, sworn and enregistered the affidavit, and executed and enregistered the bond respectively required to be made, sworn and enregistered by the said Ordinance of the sixth day

of January, One thousand eight hundred and thirty-four, or until an affidavit or affidavits, or affirmation or affirmations made and signed as hereinafter mentioned, shall be delivered to the Registrar-General containing the several matters and things hereinafter for that purpose specified and mentioned; and such person shall have executed in the presence of Her Majesty's Attorney-General for the time being a bond to Her Majesty, her heirs and successors, together with two or more sufficient sureties to the satisfaction of the Attorney-General taking such bond, every proprietor or person printing or publishing any such newspaper or other such paper as aforesaid in the sum of two hundred pounds, and his, her or their sureties in a like sum in the whole, conditioned that such printer, publisher or proprietor shall pay to Her Majesty, her heirs and successors every such fine or penalty as may at any time be imposed upon or adjudged against him or her by reason of any conviction for printing or publishing any blasphemous or seditious libel at any time after the executing of such bond, and also any damages and costs that may be awarded to any plaintiff in any action of libel against such printer, publisher or proprietor, and also every other fine or penalty which may at any time be imposed upon or adjudged against him or her under the authority of this Ordinance, and such bond shall be registered in the office of the Registrar-General of the said Island, for which he shall receive a fee of four shillings and two pence.

3. Provided always and be it enacted, That in every case in which any surety or sureties in any such bond shall have been required to pay, and shall have paid the whole or any part of the sum for which he, she, or they shall have become surety, or in case any such surety or sureties shall have died or being discharged under any Insolvent Ordinance, or shall have left the Colony without leaving any sufficient property therein to answer for the sum for which such surety or sureties is or are bound, or shall have withdrawn from such suretyship in manner herein provided, then and in every such case the person for whom such surety or sureties shall have been bound shall not print or publish any newspaper or other such paper aforesaid until he or

In cases where surety having paid sums for which he shall have become surety, &c., new bonds to be entered into.

she shall have executed a new bond with sufficient sureties in the manner and to the amount aforesaid, and shall have caused the same to be enregistered as aforesaid.

Sureties desirous of withdrawing from such bond may do so in giving notice.

4. Provided always, and be it enacted, That if any surety or sureties shall be desirous of withdrawing from such bond, it shall and may be lawful to and for him, her, or them, so to do upon giving twenty days previous notice in writing to Her Majesty's Attorney-General for the time being, and also to the printer, publisher or proprietor for whom he, she, or they, is or are surety or sureties; and that in any such case every such surety or sureties from and after the expiration of such notice shall not be liable upon the said bond other than and except for any penalty or penalties before that time imposed or incurred for any damages and costs before that time awarded to any plaintiffs, and for which he or they would otherwise have been liable under the said bond.

Affidavit to specify names, description, and places of abode of the printer, publisher and proprietor, and place of printing and title of paper.

5. And be it enacted, That every 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 and 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, affirmation or affirmations, and of all the proprietors of the same, 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.

New affidavit to be made when printer and place of printing or title of paper changed.

6. 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 printing house, place or office, and as often as the title of the paper shall be changed.

Affidavit to be signed by printer, &c., taken before a Judge of the Supreme Civil Court and filed with

7. 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 sworn or affirmed and signed by all and every the printer and printers, publisher and publishers, and such of the proprietors of every such newspaper or other paper as

are adult and within this jurisdiction at the time of the making thereof, by and before any one of the Judges of the Supreme Civil Court in this Colony, and that every such affidavit or affirmation shall be filed and enregistered by the person or persons making the same in the office of the Registrar-General, who is hereby authorised and directed to receive and enregister the same, for which he shall be entitled to demand the fee of four shillings and two pence sterling for each affidavit or affirmation and no more.

8. And be it enacted, That if any person shall knowingly and wilfully print or publish, or cause to be printed or published, or shall knowingly and wilfully either as a proprietor thereof or otherwise, sell, vend, or deliver out any newspaper or other such paper as aforesaid, such affidavit, affirmation or affidavits or affirmations bond or bonds containing such matters and things as are required by this Ordinance to be therein respectively contained, not having been duly signed, sworn or affirmed, made, executed, delivered and enregistered as and as often as by this Ordinance is required or any other matter or other thing required by this Ordinance to be done, or performed according to this Ordinance not having been done or performed, such person shall forfeit and lose for every such act done any sum not exceeding one hundred pounds sterling.

9. And be it enacted, That if any person or persons making such affidavit or affirmation as is by this Ordinance required to be made shall knowingly and wilfully insert or set forth therein the name or names, addition or additions 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 a 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 of any of the proprietors, printers or publishers thereof, contrary to the true intent and meaning of this Ordinance, or shall knowingly and wilfully in any other manner or respect set forth in such affidavit or affirmation any matter or thing by this Ordinance required to be set forth otherwise than according to the truth, or shall knowingly and wilfully omit to set forth therein

Registrar-General.

Penalty for printing, publishing, selling, or delivering newspapers in respect whereof this Ordinance has not been complied with.

Persons making false affidavits guilty of perjury.

according to the truth any matter or thing required by this Ordinance 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.

Affidavits or certified copies to be admitted as evidence of the truth of their contents.

10. And be it enacted, That all such affidavits or affirmations so filed and enregistered in the office of the Registrar-General as aforesaid, or copies thereof, certified to be true copies as is hereinafter mentioned, shall respectively in all proceedings, civil and criminal, touching any newspaper or other such 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 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 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 said Registrar-General previous to the day of the date or publication of the newspaper or other such paper as aforesaid, to which the proceedings 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, or publisher or publishers of such paper after the day on which such last mentioned affidavit or affirmation shall have been delivered to the said Registrar-General as aforesaid.

11. And be it enacted, That it shall not be necessary ^{After pro-} after any such affidavit or affirmation, or a certified ^{duction of} affidavit, it copy thereof shall have been produced in evidence as ^{shall not be} necessary for aforesaid against the persons who signed and made or ^{the party to} affirmed such affidavit or affirmation, or are therein ^{prove the pur-} named according to this Ordinance, or any of them, and ^{chase of the} after a newspaper or other such paper as aforesaid shall ^{newspaper.} be produced in evidence, entitled in the same manner as the newspaper or other paper mentioned in such affidavit or affirmation 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, or person seeking to recover any of the penalties given by this Ordinance, 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 servants or workmen, or where he or they by themselves or their servants or workmen usually carry on the business of printing or publishing such paper, or where the same is usually sold.

12. And be it enacted, That in some part of every ^{Names of} newspaper or other such paper as aforesaid there shall ^{printers and} be printed the true and real name and names, addition ^{publishers,} and additions, and place and places of abode of the ^{and place of} printer or printers, and publisher or publishers of the ^{printing, to} same, and also a true description of the place where the ^{be printed on} same is printed; and in case any person or persons shall ^{the news-} knowingly and wilfully print or publish, or cause to be ^{paper.} printed or published, any such newspaper or other paper as aforesaid, not containing the particulars aforesaid and every of them, every such person shall forfeit and lose the sum of one hundred pounds; and that proof made in manner herein mentioned in any proceeding to recover the same, that the party proceeded against is a printer or publisher of a newspaper or other such paper so printed or published as aforesaid, shall be deemed and taken to be proof that such party is a person wilfully and knowingly printing or publishing,

or causing the same to be printed or published, unless he shall satisfactorily prove to the contrary.

Service at the printing house mentioned in the affidavit to be deemed sufficient.

13. And be it enacted, That service at the house or place mentioned in such affidavit or affirmation as aforesaid at the house or place at which such newspaper or other such paper as aforesaid to which any proceedings, civil or criminal, shall relate, is printed or published, or intended so to be of any legal notice, summons, subpoena, rule, order or process of what nature soever, or to enforce an appearance in any suit, prosecution or proceeding, civil or criminal, against any printer, publisher or proprietor of any such newspaper or other paper, shall be deemed and taken to be good and sufficient service thereof respectively against all persons named in such affidavit or affirmation as the proprietor or proprietors, publisher or publishers, or printer or printers, of the newspaper or other paper mentioned in such affidavit or affirmation. Provided always, that if any such person or persons respectively as aforesaid shall have signed, sworn or affirmed and delivered to the said Registrar-General as aforesaid, previous to the day of the date or publication of the newspaper or other such paper as aforesaid to which the proceeding in Court shall relate, an affidavit or affirmation that he or they hath or have ceased to be the printer or printers, proprietor or proprietors, publisher or publishers of such newspaper or other such paper as aforesaid, and shall make proof thereof, such person or persons shall not be deemed by reason of any former affidavit or affirmation so delivered as aforesaid to have been the proprietor or proprietors, printer or printers, publisher or publishers of such paper after the day on which such last mentioned affidavit or affirmation shall have been delivered to the said Registrar-General as aforesaid.

Registrar-General to give copies of affidavits and bonds to be received as evidence.

14. And be it enacted, That the Registrar-General by whom such affidavit or affirmation and bonds shall be kept according to the directions of this Ordinance, shall, and he is hereby required, upon application made to him by any person or persons requiring a copy certified according to this Ordinance of any such affidavit or affirmation or bond 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 copy of every such affidavit or affirmation or bond the like sum of four shillings and twopence and no more.

15. And be it enacted, That in all cases a copy of any such affidavit or affirmation or bond as aforesaid, certified to be a true copy under the hand of the said Registrar-General, shall be received in evidence as sufficient proof of such affidavit or affirmation or bond, and that such affidavit or affirmation was duly made, signed or affirmed, and of the contents thereof, and that such bond was duly made and executed by the parties thereto; and such copies so produced and certified shall also be received as evidence that the affidavit or affirmation or bond of which they purport to be copies have been made, sworn or affirmed, executed and delivered according to this Ordinance, and shall have the same effect for the purposes of evidence to all intents and purposes whatsoever as if the original affidavits or affirmations or bonds 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, signed, made, sworn or affirmed, executed or delivered.

Copies of affidavits certified to be true copies, to be received in evidence as sufficient proof of such affidavits, &c.

16. And be it enacted, That from and after the commencement of this Ordinance, 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 Registrar-General for the time being or to some person employed in his office, 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 filed and kept by the said Registrar-General; and such printer or publisher shall be entitled to demand and receive from the Treasurer of the Colony, under the warrant of the Governor for the time being, once in every three calendar months, the amount of the current and ordinary subscription for such newspaper or other paper so delivered; and in every case in which the printer or publisher of such newspaper or other paper as aforesaid shall neglect to deliver one such newspaper or other paper in the manner herein directed, such printer or

Printer or publisher of newspapers to deliver a copy of every paper signed by him to the Registrar-General, who shall produce the same when required.

publisher shall, for every such neglect respectively, forfeit and lose the sum of one hundred pounds; and in case any person or persons shall make application to the said Registrar-General 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 Registrar-General shall, at the expense of the party applying, cause the same to be produced in the Court in which the same is required, and at the time required.

Attorney-General on application of plaintiff in action of libel after judgment, may take proceedings on bond for his benefit.

17. And be it enacted, That if any plaintiff in any action for libel against any printer, publisher, or proprietor of such newspaper as aforesaid, shall make it appear by affidavit to Her Majesty's Attorney-General and Public Prosecutor, for the time being, that he is entitled to have execution against the defendant upon any judgment in such action, but that he has not been able to procure satisfaction by writs of execution against the property of such defendant, it shall be lawful for Her Majesty's Attorney-General and Public Prosecutor, for the benefit of such plaintiff, to take such proceedings by any suit or action before the Supreme Civil Court upon such bond or bonds respectively, as might or could be taken to obtain any fines or penalties due to Her Majesty, and secured by such bond or bonds: Provided always that the expense of such proceedings shall be exclusively borne by the plaintiff as aforesaid.

Fines, penalties, &c., to be recovered by action of debt, &c.

18. And be it enacted, That all fines, penalties and forfeitures by this Ordinance imposed, shall be recovered by action of debt, or information in the Supreme Civil Court of this Island.

No action or information to be filed except in the name of Attorney-General.

19. And be it enacted, That it shall not be lawful for any person or persons whatsoever to commence, prosecute, enter or file against any person or persons any action, or information for the recovery of any fine, penalty or forfeiture made or incurred by virtue of this Ordinance, unless the same be commenced, prosecuted, entered or filed in the name of Her Majesty's Attorney-General for the time being; and if any action, or information shall be commenced, prosecuted, entered or filed in the name or names of any other person or persons than is or are in that behalf before mentioned,—

the same and every proceeding thereupon had are hereby declared, and the same shall be null and void to all intents and purposes.

20. And be it enacted, That if any person shall be summoned as a witness to give evidence before the Supreme Civil Court touching any such offence, either on the part of the prosecution or of the person or persons accused, and shall neglect or refuse to appear at the time and place to be for that purpose appointed without reasonable excuse for such his or her neglect or refusal, to be allowed of by the Court, or appearing shall refuse to give evidence, then every such person shall forfeit for every such offence any sum not exceeding ten pounds, to be levied and paid in such manner and by such means as is in this Ordinance directed as to other penalties.

Witnesses refusing to attend to forfeit any sum not exceeding £10.

Passed in Council this nineteenth day of August, one thousand eight hundred and fifty-three.

RICHARD D. CADIZ,

Clerk of Council.

The foregoing Ordinance was duly proclaimed by me this nineteenth day of September, one thousand eight hundred and fifty-three.

EDWARD MURRAY,

Marshal.

No. 15.—1853.

1st November.

AN ORDINANCE for facilitating the transmission of Moneys through the Post Office, and for the Registration of Letters.

HARRIS.

WHEREAS an Ordinance was passed in council on the fourth day of April, in the year of our Lord, one thousand eight hundred and fifty-one, entitled "An ordinance for establishing an Inland Post and Rates of Postage within the Colony:" And whereas it is expedient that facilities should be given for transmitting small sums of money through the Post Office: Be it enacted by His Excellency the Governor, by and with the advice and consent of the Council of Government, that it shall be lawful for the Colonial Postmaster, with the consent of His Excellency the Governor, at any time

Power to Colonial Postmaster to make regulations relating to money orders.