

THE NEWSPAPER DUTY STAMP OF 1827.

COLONEL, afterwards Sir George Arthur, fourth Lieutenant-Governor of Van Diemen's Land, arrived in the *Adrian* on the 12th May, 1824. Prior to his arrival the colonial Press existed only in name, the *Hobart Town Gazette* being under the control of the Governor for the time being. It had been established by Mr. Andrew Bent, and its articles represented the views of the ruler, and perhaps at that time those of the people also.

On the arrival of Governor Arthur, Bent determined to throw off official supervision, and claimed a property in the title of the *Gazette*. Money had been lent him by the Government for the purchase of material, but this he was expected to repay. His right to the property, questioned by Arthur, was allowed on reference to the Governor-in-Chief (of New South Wales).

Arthur was at first willing to countenance a newspaper, which, if conducted aright, would be a useful agency in counteracting the social evils that existed, and for a short time he tolerated the liberty of the Press. But this toleration was of short duration.

Bent engaged Evan Henry Thomas as editor, and Robert Lathrop Murray as a contributor under the *nom de plume* of "Colonist." The latter addressed his letters to Governor Arthur, whose strict policy he censured, contrasting it with the pleasant indifference of his predecessor. Murray's letters becoming bolder, his patriotic zeal sometimes overstepped the bounds of discretion, and reflecting on the doings of the new ruler, he denounced him as "the Gibeonite of tyranny." Criminal proceedings were taken against the printer for libel, and Bent was fined £100. The Government printing was taken from him, and Arthur resolved to issue a Government *Gazette* (January, 1825). It contained articles of news and politics, as well as Government notices.

Bent appealed against the piracy of his title; and it was decided in his favour; but he did not press his claim, for on August 19th, 1825, his *Hobart Town Gazette* ceased to exist, and he commenced the publication of the *Colonial Times*.

Arthur, however, resolved to put down the liberty of the Press; and to that end, in September, 1827, he passed two Acts, one "The Newspaper License Act," which imposed a license upon the publication of all newspapers within the island, and the other imposing a duty not only upon the licenses, but upon the newspapers themselves. These Acts were published in the *Hobart Town Gazette* of Saturday, 22nd September, 1827. The first is the same as the present Act, to regulate the

printing and publishing of newspapers, and to prevent blasphemous and seditious libels; the other was as follows:

“Anno Octavo

“Georgii IV. Regis. [No. 3.]

“By His Excellency Colonel George Arthur, Lieutenant Governor of the Island of Van Diemen’s Land and its Dependencies, with the advice of the Legislative Council.

“[An Act for Imposing a Duty upon Newspapers, and upon all Licenses to Print and to Publish the same.]

“Whereas, it is expedient to provide a Fund for defraying the Charges of Printing the Public Acts, Proclamations, Orders, and Notices of the Government of this Colony, by means of a Stamp Duty upon all Newspapers and other Papers, and Pamphlets, containing Public News or Intelligence, or serving the purpose of a Newspaper, printed within the Island of Van Diemen’s Land, or any of the Dependencies thereof; and upon all Licenses for Printing and Publishing the same respectively.

“I. BE IT THEREFORE ENACTED, by His Excellency the Lieutenant Governor of the Island of Van Diemen’s Land and its Dependencies, with the Advice of the Legislative Council.—That on and after the Fifteenth day of October, in the present year, there shall be levied, raised and paid to the use of His Majesty, His Heirs and Successors, for every Sheet, Half Sheet, or other piece of Paper, whereof any Newspaper within the meaning of a certain Law or Ordinance, made by His Excellency, Lieutenant Governor ARTHUR, with the Advice of the Legislative Council, in the present year entitled an Act to regulate the Printing and Publishing of Newspapers, and for the prevention of blasphemous and seditious Libels, shall consist, and printed within this Island, or any Dependency thereof, the sum of Three pence sterling; and for every License to any Person or Persons, to Print such Newspaper the sum of Twenty shillings, and for every License to any Person or Persons, to publish such Newspaper, the like sum of Twenty shillings.

“II. AND BE IT FURTHER ENACTED, by the Authority, and with the Advice aforesaid, That the Duties hereby granted, shall be under the care and management of the Colonial Treasurer, or Acting Colonial Treasurer for the time being, who is hereby empowered and required to provide and use proper and sufficient Stamps for expressing and denoting upon all such Newspapers and Licenses as aforesaid, the said Duties hereby granted thereon respectively, and to alter and renew such Stamps from time to time as occasion shall require, and also, with the approbation of the Governor, or other Person for the time being, Administering the Government of this Colony, to employ such Person or Persons, as shall be found necessary for the marking and stamping such Newspapers, and other Papers, and Licenses as aforesaid; and for effectually collecting and levying the Duties hereby granted.

“III. AND BE IT FURTHER ENACTED, by the Authority, and with the Advice aforesaid, That before any such Newspaper, as aforesaid, to be printed on or after the said Fifteenth day of October, shall be printed, every Sheet, Half Sheet, or other piece of Paper, upon which the same is intended to be printed, shall be brought to the Office of the Colonial Treasurer, to be Marked or Stamped; and before any such License as aforesaid shall be valid, the Paper or Parchment upon which the same shall be written, shall be brought to the said Office, for the like purpose; and the said Colonial Treasurer, or Acting Colonial Treasurer, or such other Person or Persons, as shall be employed in that behalf as aforesaid, shall upon demand made thereof, and without fee or reward, Stamp or Mark such quantity or parcel of Paper, as shall be so brought, upon which such Newspaper as aforesaid is intended to be printed; and also any Paper or Parchment, which shall be so brought, whereon any such License as aforesaid shall be written, the Person or Persons bringing the same first paying the several Duties hereby charged thereon respectively, and for which Duties the respective Stamps thereto belonging shall be a sufficient discharge.

“IV. AND BE IT FURTHER ENACTED, by the Authority, and with the Advice aforesaid, That if any Person shall knowingly and wilfully print, or publish, or cause to be printed or published any such Newspaper as aforesaid, the same not being printed upon Paper duly stamped as aforesaid, he or she shall forfeit and pay over and above all other penalties recoverable under or by virtue of this or any other Act, the sum of Twenty pounds for every such Newspaper as aforesaid, so printed upon paper not duly stamped, and proof made according to the provisions of the Law or Ordinance herein before mentioned, that the Party proceeded against is a Printer or Publisher of such Newspaper as aforesaid, which shall be so printed or published upon paper not duly stamped, shall in any Proceeding to recover the Penalty hereby imposed, 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 contrary to the present provision of this Act, unless he or she shall satisfactorily prove the contrary thereof.

“V. AND BE IT FURTHER ENACTED, by the Authority, and with the Advice aforesaid, That if any Person shall knowingly and wilfully take or receive into, and keep in his or her custody, any such Newspaper as aforesaid, not duly stamped as aforesaid, such Person shall forfeit for every such Paper as aforesaid not duly stamped, which he or she shall so take or receive into and keep in his or her custody, the sum of Twenty Pounds.

“VI. AND BE IT FURTHER ENACTED, by the Authority, and with the Advice aforesaid, That on and after the said Fifteenth day of October, all and every Persons and Person printing or publishing, or causing to be printed or published, or being concerned either as Proprietors or Proprietor, or otherwise, in printing or publishing, or causing to be printed or published any such Newspaper as aforesaid, upon Paper not duly stamped as aforesaid, shall be deemed and taken to owe to His Majesty such sums as would have accrued to His Majesty in case the same had been printed upon Paper duly stamped; and in case any Information or Bill shall be filed, or other Proceeding shall be had, on His Majesty's behalf for the discovery of the matters aforesaid, and an account and payment of such sums, it shall not be lawful for the Defendant or Defendants on any account to plead or demur to such Information, Bill, or Proceeding, but he, she, and they shall be compellable to make such discovery as is thereby required to be made.—PROVIDED NEVERTHELESS, that such discovery shall not be made use of as Evidence, or otherwise, in any other Proceeding than that in which the discovery is made.

“VII. AND BE IT FURTHER ENACTED, by the Authority, and with the Advice aforesaid, that the Colonial Treasurer, or Acting Colonial Treasurer, shall keep a separate and distinct account of all Monies which shall be received into the Colonial Treasury in each and every Year, for and in respect of the Duties by this Act granted, or either of them, and that such Monies shall be a Yearly Fund for the Payment and discharge of all Costs, Charges, and Expenses which shall be incurred by the Government of this Colony for Printing the Public Acts, Proclamations, Orders, and Notices thereof, during the current year within which such sum and sums of Money respectively hath and have been received, and be paid applied and disposed of accordingly, and the surplus, if any, which shall remain at the end of every, or any Year, after the Payment of such Costs, Charges and Expenses as aforesaid shall go to, and form part of the Colonial Fund of the said Island, and be applied to the general Public Uses of such Island, and the support of the Government thereof.

“VIII. AND BE IT FURTHER ENACTED, by the Authority, and with the Advice aforesaid, That all fines, penalties, and forfeitures imposed by this Act, shall on proof upon oath of the Offence, before any two or more Justices of the Peace of the said Island of Van Diemen's Land, or any of the Dependencies thereof, be levied by distress and sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of such Justices, rendering the overplus, if any, on demand, after deducting the charges of such distress and sale, to the Person whose Goods and Chattels shall have been so distrained and sold, and for want of sufficient distress,

such Justices are hereby required to commit such offender to any common Gaol within the said Island, or any of the Dependencies thereof for any time not exceeding Three Calendar Months; and the Money arising by all such fines, penalties and forfeitures respectively when recovered, shall be, as to one Moiety thereof, to and for the use of Our Sovereign Lord the King, His Heirs and Successors, and be carried to, and form part of the Colonial Fund of the said Island, and be applied to the Public Uses, and in support of the Government thereof; and as to the other Moiety of such fines to and for the use of such Person as shall inform or sue for the same.

“IX. AND BE IT FURTHER ENACTED, by the Authority, and with the Advice aforesaid, That the Justices before whom any offender shall be convicted under this Act, shall cause his or her Conviction to be made out in the manner and form following, or in any other form of words to the like effect, *mutatis mutandis*; that is to say:—

“*Van Diemen's Land* (to wit). Be it Remembered, That on _____ at
 A.B. of _____, was duly Convicted before us
 of His Majesty's Justices of the Peace for _____ in pursuance
 of a Law or Ordinance made by His Excellency Lieutenant Governor Arthur,
 with the Advice of the Legislative Council in the Eighth Year of the Reign
 of King George the Fourth, intituled an Act [*Title of the Act*] for [*here state
 the Offence as the Case may happen to be*] contrary to the form of the said Law
 or Ordinance, for which Offence we do adjudge that the said A.B. hath for-
 feited the sum of _____.

“Given under our Hands and Seals, this _____ day of _____.”

“X. AND BE IT FURTHER ENACTED, by the Authority, and with the advice aforesaid, That if at any time during the continuance of this Act, The Governor, Lieutenant Governor, or other Person for the time being, Administering the Government of this Colony, shall think fit by any Order to be by him made, with the Advice of the Executive Council, to reduce the Duty of Three Pence imposed by this Act, to any less sum, then from and immediately after such Order made, the said Duty of Three Pence shall cease, and in lieu thereof a Duty of such less sum as shall be mentioned in such Order shall be levied, raised, and paid to the use of His Majesty, His Heirs and Successors, for every Sheet, Half Sheet, or other piece of Paper, whereof any such newspaper as aforesaid, printed within this island, or any Dependency thereof, after the making of such Order shall consist, and from immediately after such Order shall be made, every part of this Act shall operate, and be in force, as if such reduced Duty or less sum had been imposed hereby, in lieu of the said Duty of Three Pence.

“XI. AND BE IT FURTHER ENACTED, by the Authority, and with the Advice aforesaid, That this Act shall continue and be in force until the Fifteenth day of October, One thousand eight hundred and Twenty-nine.

“(Sg.) _____ GEORGE ARTHUR.

“Passed by the Council, this Fifteenth Day of September, 1827.

“(Sg.) _____ JOHN MONTAGU,
 “*Clerk of the Council.*”

This Act was framed from a similar one passed by Governor Darling, of New South Wales, on the 3rd May, 1827 (8 Geo. IV. No. 3, N.S.W.), which had imposed a tax of 4d. on every sheet or half-sheet of which any newspaper published in New South Wales should consist. The New South Wales Act however did not impose any duty on licenses to print and publish the newspaper.

Bent at the time was publishing his *Colonial Times*, and in his issue of the 28th September he commented on the Acts at some length. I have a copy of this paper before me, and, considering the limited resources of the Colony at the time, it is a marvellous specimen of typography.

With reference to the first—the “Licensing Act”—Bent, after tracing the history of the freedom of the Press from 1694, continues as follows :

“But yet with all these facts staring them in their face, if they ever happen to open the history of their native country, our Colonial Legislators, in their collective wisdom, HAVE PASSED AN ACT TO LICENSE THE PRESS IN A FREE BRITISH UNCONQUERED COLONY!!!

“WEEP, WEEP, Tasmania weep—the star of thy glory is, ere it has gained its meridian altitude, on its last horizon. Ere you have been permitted to breathe as a nation, you are to be strangled by your nurses; who are jealous, to speak in no stronger terms, of your advancement. . . . If the Government think proper to say that we have written, composed, and published a blasphemous or seditious libel, or have spoken more freely than certain persons like, whether of themselves, of any Public Officer, or of His Majesty, his heirs or successors, ha!!! or of either of the Houses of *Parliament*!!! will the Lieutenant Governor be authorised to SUPPRESS ‘THE COLONIAL TIMES’? We answer, NO! NO!! NO!!! If we are to judge by the examples of SIR B. D’URBAN and LORD CHARLES SOMERSET at Demarara and the Cape of Good Hope, when they suppressed the Independent Papers of MR. STEPHENSON and MR. GREIG respectively, whose property was restored, their expenses paid, and those Gentlemen reinstated in their papers—ARMED WITH AUTHORITY FROM THE BRITISH MINISTERS, to re-commence their publication—we think we may say that all the Governors in the world dare not suppress a Newspaper in a free British Colony—any more than the MAJESTY OF ENGLAND DARE suppress an English Newspaper, because it annoyed his Ministers, or spoke with more freedom than politeness of his Royal Person.”

As to the necessity of providing a fund for the purpose set out in the Act, Bent replied that he had offered to print all the Government Orders, Proclamations, &c., in his paper *gratuitously*, but his communications with the Government had been in effect politely ignored. He also pointed out that the amount to be received from licenses and stamps combined would not exceed £5 per week, which sum would not defray the expense of salaries, &c., of the officers employed in the collection of the taxes.

Of course this sledge-hammer style of attack could scarcely be supposed to influence Governor Arthur in his determination to suppress the obnoxious *Times*.

The *Hobart Town Gazette* was conducted by Dr. Ross, and being the favoured Government organ, it contained all the Orders and Proclamations in addition to editorials and items of news and notes.

When the Acts were published Dr. Ross, of course, had a little to say about them, but his remarks were mild in the extreme, and only humbly trusted that His Excellency would take advantage of the tenth section to reduce the duty to the lowest possible limit.

This suggestion bore fruit; for in the *Hobart Town Gazette* of October 20th, 1827, the following notice appeared :

“16th October, 1827.

“His Excellency the Governor has been pleased, by an order for that purpose made with the advice of the Executive Council, to reduce the stamp duty on newspapers from threepence to twopence sterling.

“By command of His Excellency,

“J. BURNETT.”

This paper also was the first to appear with the stamp impressed upon it. Both the *Gazette* and the *Times* were weekly papers, and consequently, though the Act came into force on the 15th October, the papers of Saturday, the 20th, were the first to be published.

The stamp was of the following design :

Large Crown in double-lined circle, containing the legend, "VAN DIEMEN'S LAND," in small capitals. Surrounding the outer line are the words "NEWS . PAPER . DUTY" above, and "TWO PENCE" below, in large capitals.



The *Gazette* of the 20th October was by a misprint dated "13th." On this issue the stamp was impressed in black. Some of the impressions of the next week's *Gazette* (27th October, 1827) have the stamp in black, while others have it in orange-red, which colour, varying considerably in shade, was used until the expiration of the Act, on 15th October, 1829, and the *Gazette* is even found stamped on the 17th October of that year.

Immediately upon the application of the Act, the *Gazette*, as a newspaper, gave up its previous thin disguise, and came out as a purely official organ, devoid of any contents other than Government notices and advertisements.

Under the before-mentioned Acts, which made the granting of a license, and consequently the continuance of a paper, dependent on the Governor's pleasure, Bent applied to license his *Colonial Times*. He was refused permission; and in consequence of this restriction, the *Colonial Times* was published, on the 19th October, 1827, without any political or other information, except that furnished by advertisements. It appeared in deep mourning, the columns for leading articles and general news being left blank. By an advertisement it was explained to subscribers that the journal had "neither a stamp nor a license for news." For the publication of this unlicensed advertising sheet Bent was imprisoned for one month!

These arbitrary Acts were not allowed to pass unnoticed by the colonists. An address from the leading magistrates, merchants, and citizens was presented to the Governor, remonstrating against the restrictions to which the Press was subject, denouncing them as "needless, unconstitutional, and debasing—an insult to the Colony, and contrary to the implied engagements of the Crown when emigration was invited." Arthur replied, that "as long as the Colony was a place for the reception of convicts the Press could not be free; that it was dangerous to authority, and calculated to destroy the security of domestic life." The colonists then forwarded a strong appeal to the Secretary of State, who disallowed the Colonial Acts, and the Press was set free, but not before the expiration of the term embraced by the Act 8 George IV., No. 3.

Notwithstanding the provisions of Section II. of the Newspaper Duty Act, I am of opinion that no die was prepared to denote the payment of the duties on licenses to print and to publish the newspapers = twenty shillings each.

At the time there were only the two papers in existence—the *Gazette* and the *Colonial Times*—both of which were weekly papers. Owing to the long period that has elapsed since the Act was in force, and the difficulty—in fact, the

impossibility—of obtaining any records of the Department of that date, no certain data can be given on the subject; but taking into consideration the small number of licenses required, and the limited duration of the Act, it appears to me most probable that the duty on the licenses was expressed by a written receipt. Perhaps this is an unsatisfactory conclusion at which to arrive, but we must under the circumstances rest satisfied with it.

SYNOPSIS.

ISSUE OCTOBER 15TH, 1827.

Impressed upon each printed copy of a newspaper.

2 pence, black.

October 27th, 1827. 2 „ orange-red (shades).

The stamp became obsolete on October 15th, 1829, the date of the discontinuance of the tax.