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ANNO PRIMO

EDWARDI VII REGIS.

Act No. 5, 1901,* as amended by the Act No. 12, 1908.*

An Act to consolidate the Statutes relating to Police Offences.

B^E it enacted by the King'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:—

PART I.

Preliminary and Interpretation.

1. This Act may be cited as the "Police Offences Act, 1901," Short title and and is divided into Parts, as follows:--

PART I.—Preliminary and Interpretation.—ss. 1-4.

PART II.—Offences general to whole State.—ss. 5-41.

PART III.—Offences in Sydney and in certain towns only.—ss. 42-100.

PART IV.—Special constables.—ss. 101-108.

PART V.—Procedure.—ss. 109-114.

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* Assented to, 3rd October, 1901.

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rd October, 1901. + Assented to, 5th December, 1908.

Police Offences.

Repeal.

2. (1) The Acts mentioned in the First Schedule hereto are, to the extent therein expressed, hereby repealed, except as to offences committed and things done or commenced before the passing of this Act, which shall be dealt with and continued, and in respect of which every right and liability shall remain, as if this Act had not been passed.

(2) All persons appointed under any Act hereby repealed and under repealed Acts. holding office at the time of the passing of this Act shall be deemed to have been appointed under this Act.

3. In this Act, unless the context or subject-matter otherwise indicates or requires-

"Justice" means a Justice of the Peace.

"Constable" means any member of the police force.

"Vehicle" includes every omnibus, coach, gig, and carriage of any kind, and every truck, sledge, or cart.

" Cart " includes every wain, waggon, or dray.

"City Surveyor" means the City Surveyor, or any other surveyor appointed by the municipal council of the city of Sydney, subject to the provisions of the Sydney Corporation Act of 1879, or any other Act and any by-laws or regulations made under their authority.

4. This Act shall be read with, and subject to the provisions of, which this Act to be the Nuisances Prevention Act, 1897, and the Metropolitan Traffic Act, 1900, and the regulations from time to time in force thereunder.

PART II.

Offences general to whole State.

5. The provisions of this Part shall apply and be in force in every part of New South Wales.

6. Whose ver is found drunk in any street or public place shall be liable to a penalty not exceeding two pounds.

7. Whosoever is found drunk and disorderly in any street or public place shall be liable to a penalty not exceeding three pounds.

Certain offences in public places to annoyance, &c., annoyance, or danger of the residents or passengers — 8. Whoseever in any street or public place to the obstruction,

sells gunpowder, squibs, rockets, or other combustible matter by gas, candle, or other artificial light; or,

hoists or lowers, or causes to be hoisted or lowered, goods of any description from any house without sufficient and proper ropes and tackling; or,

conveys, or causes to be conveyed, the carcass or any part of the carcass of any newly-slaughtered animal, without a cloth covering the same sufficient for the concealment thereof; or, hawks

Persons appointed

Interpretation.

43 Vic. No. 3, s. 68.

Certain Acts with read.

Application of this Part to whole State. 32 Vic. No. 7, s. 1. 41 Vic. No. 12, s. 1. Being found drunk in a public place. 30 Vic. No. 5, s. 1. Amended, Act No. 12, 19J8, s. 8 (1). Being found drunk and disorderly in a public place. Ibid. s. 2. Amended, ibid. s. 8 (2).

Selling gunpowder, &c., by artificial light. 19 Vic. No. 24, s. 21. Hoisting or lowering goods without proper tackling. Ibid.

Carrying carcass of newly-slaughtered meat without a cloth covering same. Ibid.

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hawks or carries about butchers' meat for sale without covering the same as aforesaid; or,

places any line or pole across any street or passage, or hangs or Placing line, cord, or pole across any street to hang clothes on. 19 Vic. No. 24, s. 21. places clothes thereon; or,

places, hangs up, or affixes any sign-post, board, house-ticket, notice, Placing signboard or other similar thing, otherwise than close and parallel to, or except close to the wall. flat upon, the wall of the building to which the same belongs; or, Ibid.

flat upon, the wall of the building to which the sufficiently Placing any flower-pot, places any flower-pot in any upper window without sufficiently Placing any flower-pot, &c., in the upper window without guarding the

casts from the roof, or any part of any building, any slate, brick, ^{Jbid.} wood, rubbish, or other thing unless within a hoard when any the roof of any bouse building is being erected or repaired or building is being erected or repaired; or,

being a blacksmith, whitesmith, anchorsmith, nailmaker, or other Blacksmiths, &c. person using a forge, and having a door, window, or aperture not closing windows opening into any fronting or opening into or towards any street or passage, street at night. does not close and darken such door or window or aperture *Ibid.* within one hour after sunset, so as effectually to prevent the light from showing through the same:

Provided that nothing herein contained shall extend to forges below the pavement of the street; or,

within the distance of one hundred yards from any dwelling-house Burning rags within humme only rags hones cork or other offensive substance: or, dwelling-house, cc. Ibid.

while driving any vehicle whatsoever does not keep to the near Not keeping vehicles side of such street or public place (except when overtaking on the near or left and passing any other vehicle), or meeting any other vehicle street, &c. does not pass to his near side of such vehicle, or in any manner (4 Wm. IV No. 7, wilfully prevents any other person from passing him or any s. 40. which prevents any other person non passing him of any 2 Vic. No. 2, s. 39. vehicle under his care upon such street or public place, or by $^{2}_{17}$ Vic. No. 25, s. 32.) negligence or misbehaviour prevents, or interrupts the free 19 Vic. No. 24, s. 21. passage of any carriage or person in or upon the same; or,

being the driver of any vehicle, is wilfully at such a distance from Driver leaving vehicle. g the driver of any vehicle, is writing at but to be using upon $\frac{1}{2}$ with the control, such vehicle, or in such a situation, whilst it is passing upon $\frac{1}{2}$ with No. 12, s. 29, such street or public place that he cannot have the direction of $\frac{4}{2}$ with No. 7, s. 40, $\frac{1}{2}$ vie, No. 2, s. 39, 17 vie, No. 25, s. 32. the horse or other animal drawing the same; or,

having the charge of any cart, drawn by two or more horses or other Riding on certain animals, rides thereon without sufficient reins to guide the carts without reins. 19 Vic. No. 24, s. 21 animals drawing the same; or,

while driving or having the charge of any cart, drawn by any horse Driving a cart out or other animal, and driven or guided by reins, wilfully allows of a walking pace. Ibid.

such horse or other animal to proceed out of a walking pace; or, races any horse or other animal; or, baits any bull or other beast; or,

exposes any horse or other animal for show or sale (except in a Exposing animals market lawfully appointed for that purpose); or,

feeds any horse or other animal; or,

Racing horses. 2 Wm. IV No. 12, s. 24 Baiting bulls. 2 Wm. IV No. 12, s. 24.

for sale, &c.

17 Vic. No. 31, s. 13.

shows

1bid.

Police Offences.

shows any caravan containing any animal or any other show or public entertainment; or,

shoes, bleeds, or farries any horse or animal (except in cases of accident); or,

cleans, dresses, exercises, trains, or breaks any horse or animal; or, cleans, makes, or repairs any part of any vehicle (except in the case

of accident where repair on the spot is necessary); or,

throws or discharges any stone or other missile; or,

plays at any game; or,

by fighting or otherwise collects or causes to be collected together any mob or tumultuous meeting; or,

carries any goods upon any footway,

shall be liable to a penalty not exceeding two pounds.

8A. Whosoever carries in any street or public place or sells any detonator stick, explosive stick, or metal contrivance whereby detonators or explosive matter of any description may be exploded, shall be liable to a penalty not exceeding two pounds.

9. Whosoever in any street or public place-

rides or drives so negligently or furiously as to endanger the safety of any person or of the public; or,

- being the driver of any vehicle, by driving furiously or by any negligence or wilful misbehaviour causes any hurt or damage to any carriage upon such street or public place; or,
- blows any horn (unless he is a guard or postman in His Majesty's Post Office in the performance of his duty), or uses any other noisy instrument for the purpose of announcing any show or entertainment, or for the purpose of hawking, selling, distributing, or collecting any article whatsoever, or of obtaining money or alms; or,

discharges any firearm without lawful cause; or,

makes or assists in making any bonfire, or lets off any firework; or, wantonly disturbs any inhabitant by pulling or ringing any door-

bell, or knocking at any door without lawful excuse,

shall be liable to a penalty not exceeding two pounds.

10. Whosoever keeps any dog or other animal which attacks and endangers any person who has the right of way or use of any private yard, alley, street, or other place, shall be liable to a penalty not exceeding 19 Vic. No. 24, s. 21. two pounds.

> 11. Any constable may seize any goat found straying or at large in any street or public place, or may destroy any such goat not being a branded Angora or other branded goat producing hair used in or adapted for the manufacture of cloth or other textile fabrics.

> 12. Whosoever is guilty of any riotous, violent, or indecent behaviour in any street or public place, or in any police office or police station-house, shall be liable to a penalty not exceeding two pounds, or to imprisonment for a term not exceeding seven days. 13.

Cleaning, &c., vehicles. 17 Vic. No. 31, s. 13.

Throwing stones. Ibid.

Playing games. Ibid. Causing mob to collect by fighting, &c. 2 Wm. IV No. 12, s. 24. Carrying goods on footway

19 Vic. No. 24, s. 21. Selling detonators.

New section, Act No. 12, 1908, s. 9.

Riding or driving furiously in street. 17 Vic. No. 31, s. 13. 2 Wm. IV No. 12, s. 29.

Blowing horns, &c., for announcing any sale, &c. 17 Vic. No. 31, s. 13.

Discharging firearms, &c. Ibid. Amended, Ibid. s. 10.

Ringing bells, Ibid.

Keeping dog, &c., which attacks, &c., persons having right of way.

Constable may seize goats straying in public places, and may destroy such as are not branded Angoras, &c. 18 Vic. No. 27, s. 5. 36 Vic. No. 18, s. 1. Riotous, violent, or indecent behaviour. 17 Vic. No. 31, s. 15.

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13. Whosoever, being a street musician, has been required by any street musicians not householder or occupier of any premises, personally, or by his servant, departing when desired so to do. or by any police constable, to depart from the neighbourhood of the 17 Vic. No. 31, s. 14. house or premises of such householder or occupier on account of the illness of any inmate of such house or premises, or for other reasonable cause, and afterwards sounds or plays upon any musical instrument in any street or public place near such house or premises, shall be liable to a penalty not exceeding two pounds.

14. (1) Whosoever keeps or uses or acts in the management of Keeping place used any house, room, pit, or other place for the purpose of fighting or baiting for cock-fighting, cocks, dogs, or other animals shall be liable to a penalty not exceeding Ibid. s. 10. five pounds, or to imprisonment with or without hard labour for a term not exceeding one month.

(2) A conviction under this Act of this offence shall not exempt the owner, keeper, or manager of any such house, room, pit, or place from any penalty or penal consequence to which he may be liable for the nuisance thereby occasioned.

(3) The Inspector-General of Police may by order in writing authorise any inspector of police, with such constables as he thinks necessary, to enter any premises kept or used for any of the purposes aforesaid, and take into custody all persons found therein without lawful excuse.

Every person so found shall be liable to a penalty not exceeding five shillings.

15. Whosoever makes or uses or allows to be made or used any Making internal internal communication between any house, shop, room, or place of communication with public resort, not licensed for the sale of any fermented or spirituous house. liquors, and any house or place licensed for the sale of such liquors or Ibid. s. 9. in which any such liquors are sold by a dealer in wine and spirits shall be liable to a penalty not exceeding ten pounds for every day that such communication is open.

16. Whosoever, not being a licensee within the meaning of the No person keeping a Liquor Act, 1898, keeps or has any house, shop, room, or place of public house for public resort to open same resort wherein ready-made provisions, liquors, or refreshments of any for business before kind are sold or consumed (whether the same are kept or retailed therein $\frac{\text{six o'clock in the}}{\text{morning or later}}$ or procured elsewhere), and opens or has open his premises for the than twelve o'clock reception or entertainment of promiscuous persons or for the ordinary ^{at night.} transaction of business earlier than six o'clock in the morning, or later ¹⁹ Vic. No. 24, s. 20. than twelve o'clock at night, shall be liable to a penalty not exceeding five pounds:

Provided that nothing herein contained shall affect the provisions Proviso-saving Early Closing Act. of the Acts No. 38, 1899, and No. 81, 1900.

17. Whosoever rides upon or causes himself to be carried or Using carriages drawn by any carriage without the consent of the owner or driver without owner's or drawn by any carriage without the consent of the owner or driver driver's consent. thereof shall be liable to a penalty not exceeding five shillings, or if a 17 Vic. No. 31, s. 16.

child

child apparently under the age of twelve years to be detained by order of the Justice until his parent or guardian can attend for the purpose of having such child delivered into his care; provided that if such parent or guardian do not so attend before the closing of the police court for the day the Justice may order such child to be discharged.

18. (1) The Inspector-General of Police may from time to time, and as occasion requires, make regulations for the route to be observed by all vehicles, horses, and persons, and for preventing obstructions of the streets and public places in all times of public processions, public rejoicings, or illuminations, and may give directions to the constables for 17 Vic. No. 31, s. 11. keeping order and for preventing any obstructions of the thoroughfares in the immediate neighbourhood of Government House, Parliament House, the public offices, the Courts of Justice, the theatres, and other places of public resort, and in any case when the streets or public places may be thronged or may be liable to be obstructed.

(2) No proprietor of any vehicle duly licensed to carry passengers for hire shall be liable to any penalty for any deviation from the line of route specified in his license which the driver of such vehicle makes by virtue of any regulation or direction made or given by the Inspector-General of Police.

19. Whosoever-

is found engaged in shooting at any pigeon match, or for pleasure, sport, or profit of any kind whatever on Sunday; or,

is found carrying firearms on Sunday,

shall be liable to a penalty not exceeding five pounds:

Provided that-

- (a) nothing in this section shall be deemed to extend to travellers bona fide carrying firearms for the protection of the lives and property of themselves or their employers on the public roads, or to constables and other persons carrying firearms for lawful purposes;
- (b) no person shall be prosecuted for an offence under this section unless the prosecution is commenced within ten days after the offence was committed.

20. Whosoever knowingly takes in exchange from any seaman or other person not being the owner or master of any vessel, anything belonging to any vessel, or any part of the cargo of any vessel, or any stores or articles in charge of the owner or master of any vessel, shall be liable to a penalty not exceeding five pounds or to imprisonment for a term not exceeding one month.

21. Whosoever for the purpose of preventing anything from being seized on suspicion of being stolen or otherwise unlawfully obtained, or from being produced in evidence concerning any alleged felony or misdemeanour fraudulently prepares or causes to be prepared or produces any bill of parcels, receipt, or other document containing any false statement, shall be liable to a penalty not exceeding five pounds or to imprisonment for a term not exceeding one month. 22.

Inspector-General of Police to make regulations for preventing obstructions in the streets during public processions, &c.

Proprietors of vehicles not liable for deviating from the route. Ibid. s. 12.

Shooting on Sunday. 5 Vic. No. 6, s. 1.

Provisoes. Ibid. ss. 2, 3.

Persons receiving ship's stores from seamen, &c. 17 Vic. No. 31, ss. 1, 24.

Framing a false bill of parcels to escape detection.

Ibid. ss. 2. 24.

22. Whosoever in or upon any warehouse, wharf, quay, or bank, Possessing instruments for unlawfully or on board any ship or other vessel,

is found having in his possession any instrument for the purpose of carrying away wine, unlawfully obtaining, or any material or utensil for the purpose of $\frac{\&c}{\&c}$. unlawfully secreting or carrying away, any wine, spirits, or other ss. 2, 24. liquors; or

attempts unlawfully to obtain ony wine, spirits, or other liquors, shall be liable to a penalty not exceeding five pounds or to imprisonment for a term not exceeding one month.

23. Whosoever, in or upon any warehouse, wharf, quay, or bank, Piercing casks, opening packages, or on board any ship or other vessel,

breaks or otherwise injures any cask or package containing wine, Ibid. ss. 4, 24. spirits, or other liquors, with intent to steal or otherwise unlawfully

obtain any of the contents thereof; or

unlawfully drinks, spills, or wastes any part of the contents thereof, shall be liable to a penalty not exceeding five pounds or to imprisonment for a term not exceeding one month.

24. Whosoever wilfully causes to be broken, started, or otherwise Breaking packages injured any cask, bag, or other package containing or prepared for with intent to spill containing any goods while on board of any lighter, or other craft, or Ibid. ss. 5, 24. on any wharf or landing place, or in the way to or from any warehouse, with intent that the contents of such package may be dropped from such package, shall be liable to a penalty not exceeding five pounds or to imprisonment for a term not exceeding one month.

25. Any superintendent, inspector, or sub-inspector of police, or Superintendents and any constable in charge of a station may enter at all times by night or inspectors may board vessels. day, with such constables as he thinks necessary, upon and into every Ibid. s. 6. part of every ship or other vessel (not then actually employed in His 41 Vic. No. 12, s. 2. Majesty's service), for the purpose of directing any constable stationed on board, and of observing the conduct of all persons employed on board in loading or unloading, and of taking all necessary measures for providing against fire and other accidents, and for preserving peace and good order on board, and for preventing or detecting any felonies or misdemeanours.

26. Any superintendent, inspector, or sergeant of police, or any superintendent, &c., constable in charge of a station who has just cause to suspect that any having just cause to felony has been or is about to be committed on board of any ship or enter on board. other vessel may enter thereon at all times, by night or day, and therein vessels, and take up take all necessary measures for preventing on detection and following the suspected persons. take all necessary measures for preventing or detecting such felony, and 17 Vic. No. 31, s. 7. may take into custody all persons suspected of being concerned in such 41 Vic. No. 12, s. 2. felony, and may take charge of any property suspected to be stolen.

27. Whoseever being charged before a Justice with—

(a) having anything in his custody; or

(b) knowingly having anything in the custody of another person; substituted section, or

Persons unlawfully in possession of property.

Act No. 12, 1908, s. 11.

(c)

(c) knowingly having anything in a house, building, lodging, apartment, field, or other place, whether belonging to or occupied by himself or not, or whether such thing is there had, or placed for his own use or the use of another,

which thing may be reasonably suspected of being stolen or unlawfully obtained, does not give an account to the satisfaction of such Justice how he came by the same, shall be liable to a penalty not exceeding ten pounds or to imprisonment for a term not exceeding three months.

28. If information is given on oath to a Justice that there is 19 Vic. No. 24, s. 1. reasonable cause for suspecting that anything stolen or unlawfully obtained is concealed or lodged in any house, building, lodging, apartment, field, or any other place, such Justice may, by special warrant under his hand directed to any constable, cause every such house, building, lodging, apartment, field, or other place to be entered and searched at any time of the day or by night if power for that purpose is given by such warrant.

> The said Justice, if it appears to him necessary, may empower such constable, with such assistance as may be found necessary (such constable having previously made known such his authority),

- (1) to use force for the effecting of such entry, whether by breaking 一個 open doors or otherwise; and,
 - (2) to convey any such thing found upon such search before a Justice, or to guard the same on the spot until the offenders are taken before a Justice, or otherwise to dispose thereof in some place of safety; and,
 - (3) to take into custody and carry before the said Justice every person found in such house, building, lodging, apartment, field, or place who appears to have been privy to the deposit of any such thing, knowing or having reasonable cause to suspect the same to have been stolen or otherwise unlawfully obtained.

29. (1) When any person who has been brought before a Justice stolen goods are said charged with an offence under section twenty-seven declares that he received anything the subject of such charge from some other person, or that he was employed as a carrier, agent, or servant to convey the same for some other person, such Justice shall cause every such person, and also if necessary every former or pretended purchaser or other person through whose possession such thing has passed, to be brought before him and examined, and shall examine witnesses upon oath touching the same.

> (2) Whosoever appears to such Justice to have had possession of such thing, and to have had reasonable cause to believe the same to have been stolen or unlawfully obtained, shall be liable to a penalty not exceeding ten pounds, or to imprisonment with or without hard labour for a term not exceeding three months.

> > Every

Person from whom to have been received to be examined by the Justice. Ibid. s. 3.

Amenled, Ibid. s. 12 (3).

Search warrant. Amended, Ibid. s. 12 (1) and (2).

Every such person shall be deemed to have had possession of such thing at the time and place when and where the same was found or seized, and the possession of a carrier, agent, or servant shall be deemed to be the possession of the person who employed such carrier, agent, or servant to convey such thing.

30. If any goods or money charged to be stolen or fraudulently Order for delivery obtained are in the custody of any constable by virtue of any warrant of to owner, &c., of a Justice, or in prosecution of any charge of felony or misdemeanour in have been stolen or regard to the obtaining thereof, and the person charged with stealing fraudulently obtained and in or obtaining possession as aforesaid has not been found, or has been custody of constable. summarily convicted or discharged, or has been tried and acquitted, 19 Vic. No. 24, s. 4. or if such person has been tried and found guilty, but the property so in custody was not included in any indictment upon which he has been found guilty, any Justice may make an order for the delivery of such goods or money to the person who appears to be the rightful owner thereof, or, in case the owner cannot be ascertained, then may make such order with respect to such goods or money as to such Justice seems meet.

No such order shall be any bar to the right of any person to sue the person to whom such goods or money are delivered, and to recover such goods or money from him by an action commenced within six months next after the making of such order.

31. When any goods or money charged to be stolen, or unlaw- Unclaimed stolen fully obtained, and of which the owner is unknown, are ordered by a goods in the custody of the police may be Justice to be detained, any Justice may, after the expiration of twelve sold after twelve months, if during that time no owner has appeared to claim the same, months for the benefit of the Police sell or dispose of such goods or apply such money for the benefit of the Reward Fund. "Police Reward Fund."

32. (1) Upon complaint made to a Justice by any person claiming Order for the to be entitled to the property or possession of any goods which are delivery to the owner of goods detained by any other person, the value of which is not greater than unlawfully detained. twenty pounds, and not being deeds, muniments, or papers relating to Ibid. s. 10. any property of greater value than fifty pounds, any Justice may summon the person complained of and inquire into the title thereto or to the possession thereof.

(2) If it appears to the Justice hearing the case that such goods have been detained without just cause, after due notice of the claim made by the person complaining, or that the person detaining such goods has a lien or right to detain the same by way of security for the payment of money or the performance of any act by the owner thereof, such Justice may order the goods to be delivered up to the owner thereof either absolutely or upon tender of the amount appearing to be due by such owner (which amount such Justice shall determine), or upon performance, or upon tender and refusal of the performance of the act for the performance whereof such goods are detained as security,

Ibid. s. 5.

or

or if such act cannot be performed then upon tender of amends for nonperformance thereof (the nature or amount of which amends such Justice shall determine).

(3) Such Justice may in and by the said order further order of value if goods not and direct that, in the event of neglect or refusal to deliver up the goods according to such order, the person against whom such order is made shall forfeit to the party aggrieved the full value of such goods not being greater than twenty pounds, which value the Justice shall determine.

(3A) In such further order the Justice may, in his discretion, order that if the person against whom such order is made does not forfeit or pay to the party aggrieved the amount of the value so determined, he shall be imprisoned in accordance with the provisions of section eighty-two of the Justices Act, 1902; but if the Justice does not so order, then the aforesaid further order shall, together with any order for costs made against the defendant, operate as an order for the payment of money under the Small Debts Recovery Act, 1899, and any Act amending the same, and be enforceable as such order under the provisions of the said last-mentioned Acts. Such order for such purpose may be entered in the records of the Small Debts Court exercising jurisdiction at the Petty Sessions where such order was made in such manner as may be prescribed by rules made under the last mentioned Acts.

(4) In any case where no such further order and direction is made by the adjudicating Justice such further order and direction may be subsequently made by any Justice.

(5) No such order shall be any bar to the right of any person to sue the person to whose possession such goods or money came by virtue of such order, and to recover from him the goods or money so delivered or forfeited by an action commenced within six months next after the making of such order.

33. Whosoever, being the occupier of, or having occupied, any house or lodging as tenant thereof, wilfully or maliciously does any damage to the premises or to any furniture thereof, shall, upon complaint made to a Justice within one month next after the commission of the offence or the end of the tenancy or occupation, forfeit and pay to the landlord or party aggrieved such sum of money, not exceeding twenty pounds, as appears to the Justice to be a reasonable compensation for the damage done.

34. (1) Upon complaint made to a Justice by any person who has occupied any house or lodging by the week or month, or whereof the rent does not exceed the rate of twenty-five pounds by the year, that his goods have been taken from him by an unlawful distress, or that the landlord, or his broker, or agent, has been guilty of any irregularity or excess in respect of such distress, such Justice may summon the person complained of, and if, upon the hearing of the matter,

Order for payment delivered up may be included in such order; No. 71, 1900, s. 8 (1).

New subsection. Act No. 12, 1908, s. 13.

or may be made subsequently by any Justice.

Ibid. subs. (2). Such order no bar to right to sue. 19 Vic. No. 24, s. 10.

Compensation for wilful damage by tenants. Ibid. s. 8.

Oppressive distresses. Ibid. s. 9.

Police Offences.

matter, it shall appear to the Justice that such distress was improperly taken, or unfairly disposed of, or that the charges made by the person who distrained, or attempted to distrain, are contrary to law, or that the proceeds of the sale of such distress have not been duly accounted for to the owner thereof, such Justice may order the distress so taken if not sold to be returned to the tenant on payment of the rent which appears to be due at such time as the Justice appoints, or if the distress has been sold then such Justice may order payment to the said tenant of the value thereof, deducting thereout the rent which so appears to be due, which value such Justice shall determine.

(2) Any such landlord or party complained against shall, in default of compliance with any such order, forfeit to the party aggrieved the value of such distress, not being greater than twentyfive pounds, which value such Justice shall determine.

35. Whosoever assaults, resists, or interrupts any sheriff's bailiff, Assaulting bailiffs, bailiff of any court, or any keeper or other officer in the discharge of &c., in the execution of their duty. any public duty, or any bailiff or keeper distraining for rent, or for rates 19 Vic. No. 24, s. 19. or taxes.

or, rescues or attempts to rescue any property levied or distrained on, shall be liable to a penalty not exceeding ten pounds, or to imprisonment with or without hard labour for a term not exceeding six months:

Provided always that if the Justice hearing the case thinks the same a proper case to be sent to a superior court to be dealt with, such Justice may commit the offender to take his trial for such offence.

36. Any constable may stop, search, and detain any vessel, boat, Constable may detain and search or vehicle in or upon which there is reason to suspect that anything any vessel, vehicle, stolen or unlawfully obtained may be found, and also any person who &c., or person suspected of conmay be reasonably suspected of having or conveying in any manner any-veying stolen thing stolen or unlawfully obtained.

37. (1) Whosoever being the owner of any cart drawn by any Owners of carts not horse or other animal, and driven or guided by reins, does not have having name his name and place of abode painted legibly in full length on the off 2 Wm. IV No. 12, side, in white letters at least two inches high and proportionately broad s. 26. on a black ground, shall be liable to a penalty not exceeding two pounds. 19 Vic. No. 24, s. 21.

(2) If the person in charge of any such cart as aforesaid, Person in charge refuses to give his or the owner's name and address, or gives a false to be detained till satisfactory account name of himself or the owner, such person shall be detained by any given. constable or other person until a satisfactory account is given to such Ibid. constable or other person who may require the same.

38. Any constable may stop and detain until due inquiry can Removing furniture be made, all vehicles which he finds employed in removing the furniture to evade rent. of any house or lodging between the hours of eight in the evening and ¹⁷ Vic. No. 31, s. 20. six on the following morning, or which he finds so employed at any time if he has good grounds for believing that such removal is made for the purpose of evading the payment of rent.

property. 17 Vic. No. 31, s. 19.

39.

Police Offences.

39. (1) Whenever any person having charge of any horse, vehicle, &c., of offenders may or boat, or any other animal, or thing, is apprehended by any constable 17 Vic. No. 31, s. 21. under the provisions of this Act, any constable may take charge of such horse, vehicle, or boat, or such other animal or thing, and deposit the same in some place of safe custody as a security for payment of any penalty to which the person having had charge thereof may become liable, and for payment of any expenses which may have been necessarily incurred for taking charge of and keeping the same.

> (2) The Justice before whom the complaint against such person has been heard, may order such horse, vehicle, or boat, or such other animal or thing to be sold for the purpose of satisfying such penalty and reasonable expenses in default of payment thereof in like manner as if the same had been subject to be distrained and had been distrained for the payment of such penalty and reasonable expenses.

40. (1) Whenever any person charged with any felony or any station may bind grave misdemeanour, is, without warrant, in the custody of any constable at any station-house during the time when the police court of 17 Vic. No. 31, s. 22. the district in which such station-house is situated is shut, the constable in charge of the station-house may require the person making such charge to enter into a recognizance conditioned as hereinafter mentioned, and upon his refusal so to do, such constable may, if he deem it prudent, discharge from custody the person so charged upon his recognizance with or without sureties conditioned as hereinafter mentioned.

recognizance. 17 Vic. No. 31, s. 23. 41 Vic. No. 12, s. 3.

(2) Every recognizance so taken shall be conditioned for the appearance of the person thereby bound before a Justice at the next sitting at the police court of the district in which such station-house is situated.

(3) Every such recognizance so taken shall be without fee or reward.

(4) The constable shall enter in a book, to be kept for that purpose at every such station-house, the name, residence, and occupation of the person, and his surety or sureties (if any) entering into such recognizance, together with the condition thereof and the sum thereby acknowledged, and shall return every such recognizance to the Justice present at the time and place when and where such person is bound to appear.

Common informers compounding information. 19 Vic. No. 24, s. 6.

41. Whoseever lodges any information before any Justice for any offence alleged to have been committed by which he was not personally aggrieved, and afterwards, directly or indirectly receives, without the permission of a Justice, any sum of money or other reward for compounding, delaying, or withdrawing the information, may be brought before any Justice, by warrant or summons, and charged with the offence of such compounding, delay, or withdrawal, and, on conviction, shall be liable to a penalty not exceeding ten pounds.

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Horses, carriages,

be detained.

41 Vic. No. 12, s. 3.

charges.

Constable at police

Condition of

PART

PART III.

Offences in Sydney and in certain towns only.

42. (1) The provisions contained in this Part shall, unless the Application of this context or subject matter otherwise indicates or requires, apply and be Part. in force in the city of Sydney, the towns mentioned in the Third Schedule, and all other towns to which the provisions of this Act are extended as hereinafter provided.

(2) The provisions of this Part shall be read with and subject Certain Acts with to the provisions of the Sydney Corporation Act of 1879, and any Act which this Part is to be read. amending the same, and of section two hundred and thirty-four of the Municipalities Act, 1897, and of sections twenty-four, twenty-five, and twenty-six of the Public Roads Act, 1897.

(3) In any of the said towns which are not municipalities 11 Vic. No. 44. within the meaning of the Municipalities Act, 1897, and in any part of any of the said towns which is not included in any such municipality, any Justice may, if there is no Police Magistrate having jurisdiction therein, exercise all the powers and authorities of a Police Magistrate under this Part.

43. The Governor may, by proclamation in the Gazette, extend governor may extend provisions of this Act to the provisions of this Act to any town specified in such proclamation.

44. For the purposes of this Act-

- (1) the limits of the said city, and of Sydney Cove, and of Darling Limits of the city, Harbour, shall be those set out in the Second Schedule; the &c., and of the towns to which this limits of the towns mentioned in the Third Schedule shall be Part applies. such as have been set out and marked, and described by 4 Wm. IV No. 7, s. publication in the Gazette under the provisions of any Act 46 . hereby repealed, or shall hereafter be set out and marked by $_{17}^{46}$ Vic. No. 2, s. 43. the Surveyor-General or some person deputed by him, subject to the approval of the Governor and described by publication in the Gazette.
- (2) the limits of any town to which the provisions of this Act are Limits of towns to extended shall be such as are set out and marked, and described which this Part is hereafter extended. by publication in the Gazette in the manner hereinafter provided;
- (3) the carriage and foot ways in the streets and public places within Carriage and foot the said city and the towns mentioned in the Third Schedule ways of city and towns to which this shall be such as have been set out and marked under the Part applies. provisions of any Act hereby repealed, or any Act relating to $\frac{4}{s}$ Wm. IV No. 7, $\frac{4}{s}$ 49. the setting out and marking of such carriage or foot ways;

(4) the carriage and foot ways of the streets and public places within ¹⁹ Vic. No. 10. any town to which the provisions of this Act are extended ways of towns to shall be such as are set out and marked in the manner herein- which this Part is after provided.

other towns. 2 Vic. No 2, s. 64.

2 Vic. No. 2, s. 45.

extended.

45.

Police Offences.

How limits of towns to which this Part shall be extended are to be set out. &c. 2 Vic. No. 2, s. 43.

45. The Surveyor-General, or some person deputed by him, shall, within three months of the publication in the Gazette of a proclamation extending the provisions of this Act to a town specified in such proclamation, set out and mark with sufficient marks the limits of such town, subject to the approval of the Governor, and shall publish in the Gazette a description of the boundaries thereof.

46. The Surveyor-General and his assistants shall not incur any liability for trespass in respect of any entry upon the property of any person to erect any marks under the provisions of this Act, or to uphold or repair any such marks or any mark erected under the provisions of any Act hereby repealed to mark the limits of the said city or of any town mentioned in the Third Schedule.

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47. Whosoever pulls down, destroys, defaces, or injures any mark erected to mark the limits of the said city or of any of the said towns shall be liable to a penalty of five pounds for the first offence, of ten pounds for the second offence, and of twenty pounds for the third or any subsequent offence.

48. (1) The Surveyor-General, or some person deputed by him, to which this Part is shall, within twelve months of the publication in the Gazette of a proclamation extending the provisions of this Act to a town specified in such proclamation, or, in case of unavoidable delay, so soon thereafter as possible, lay before the Governor a plan setting forth the proposed breadth of the carriage and foot ways of the streets and public places within such town, and a notice setting forth the breadth of such carriage ways shall be published in the Gazette.

> (2) The Surveyor-General, or person deputed by him, shall, within the time aforesaid, set out the breadth of the said carriage and foot ways, and shall cause the said foot ways to be marked by posts at the corners and intersections of the streets, or wherever the same may be necessary for defining such footways.

> (3) The said footways shall be taken and measured from the curbstone, or exterior edge thereof, as laid down in the plan aforesaid, without reference being in any manner had to the breadth of the carriageway adjoining thereto, or any part thereof, whether such carriage-way in any part exceeds the breadth of the carriage-way set forth in the notice aforesaid or not.

> (4) The curbstone, or exterior edge of the said footways, shall in no case be placed or formed upon land not theretofore forming part of the street or footway, unless with the consent of the owner of the land, or under and by virtue of the Act fourth William the Fourth, number eleven, and number five, one thousand eight hundred and ninety-seven, or any Act amending the same.

> (5) Provided that in any town in which the streets have been set out, and allotments sold, in conformity with the design, or any extension of the design of such town, it shall be sufficient, in lieu of

Entering to erect or maintain marks no trespass. 4 Wm. IV No. 7, s. 46. 2 Vic. No. 2, s. 43.

Destroying, &c., marks. 4 Wm IV No. 7, s. 46. 2 Vic. No. 2, s. 43.

How carriage and extended are to be set out and marked. 2 Vic. No. 2, ss. 45, 46, 47.

Procedure where streets already set out and allotments sold in conformity with design of town. 19 Vic. No. 10, s. 1.

Police Offences.

of the provisions hereinbefore contained, for the Surveyor-General, or some person deputed by him, or any Justice or municipal officer of such town, under the authority of the Governor, to set out and mark the carriage and foot ways of the streets and public places in such towns, by placing posts at the corners and intersections of the streets, or wherever the same may be desirable, so as to give a width of forty-two feet for the carriage-way and twelve feet for the footway on each side, when such streets are sixty-six feet wide, and in proportion and at the discretion of the Surveyor-General, or other person or officer, when such streets are less than the said width.

49. All lands which have been or shall hereafter be left open All land now open to and used as a carriage or foot way within any of the said towns, as well the street or formed as all land which has been or shall hereafter be formed into a street public expense to be within any of the said towns at the public expense, shall be deemed deemed dedicated to and taken to be dedicated to the public, and shall not be fenced in or 2 Vic. No. 2, s. 47. reserved on any pretence whatsoever, but shall be subject to all such and the like regulations, orders, powers, authorities, and provisions to which land used as a public thoroughfare now is or hereafter shall be subject by law:

Provided always that the Governor may permit and suffer the Governor may owner or possessor of any land adjoining to any footway within any of permit owner of adjoining land to the said towns which has been heretofore left open and used as a carriage resume footway or footway, to resume the possession of so much of the said land as beyond twelve feet. exceeds the distance of twelve feet from the outer curbstone or exterior Ibid. edge of the footways within the said towns as at present or hereafter to be laid down by the said Surveyor-General or any person deputed by him as to the Governor seems fit, subject, however, to and under and upon such conditions, regulations, and restrictions as shall be directed by the Governor respecting the same.

50. The Surveyor-General or any person deputed by him may, Footways as set out in the said city, and any person appointed by the Governor may, in may be levelled, &c. any of the said towns, cause any footway, set out and marked under 4 Wm. IV No. 7, any Act hereby repealed or under this Act, to be levelled and made as 2 Vic. No. 2, s. 53. nearly as practicable of an equal height and breadth, and with an equal slope and inclination, and may for such purpose remove and abate any flagging, steps, or other matter or thing that may injure or obstruct the said footway, or render it unequal or inconvenient, and which is now or may hereafter be erected or placed on the space marked out for such footway.

51. (1) Any person who, after the said footways have been so Notice to be given to set out as aforesaid, desires to flag, pave, gravel, or put a curbstone to surveyor or police magistrate of intenthe footway in the front of his house shall, twenty-four hours at the tion to pave least before such work is begun, give notice in writing in the said city footways. to the City Surveyor, or in the said towns to the Police Magistrate, of 4 Wm. IV No. 7,

such 2 Vic. No. 2, s. 54.

such his intention, and shall conform to the directions of the said surveyor or Police Magistrate as to the length, breadth, height, slope, and inclination of such footway.

(2) Whosoever—

commences any such work without giving the notice hereinbefore directed; or,

refuses or neglects to conform to the directions of the said surveyor or Police Magistrate,

shall be liable to a penalty not exceeding ten pounds.

(3) The said surveyor and his assistants may, in the said city, and two Justices, the Police Magistrate being one of them, may, in the said towns, remove all work so executed contrary to such directions.

52. (1) Upon receipt of the plan mentioned in section fortyeight, the Governor may, by notice in the Gazette, fix and declare the distance from the curbstone or exterior edge of the said footway in any street or public place in any such town within which it shall not be lawful to erect any building:

Provided that such distance shall in no case exceed twelve feet unless with the consent of the owner of the land.

(2) Whosoever after the publication of such notice erects any house, shop, or other building, or allows any house, shop, or building to project or encroach in any part, within the distance from the curbstone or exterior edge of the footway fixed and declared in such notice; or,

rebuilds any house, shop, or other building which is now erected within the distance to be fixed and declared as aforesaid from the curbstone or exterior edge of the said footway, in the whole or in any part, or makes any addition or alteration to the same, except in conformity with the provisions hereof,

shall be liable to a penalty of twenty pounds.

(3) If the said house, shop, or other building, or any addition or projection is not removed or abated within one month after notice to that effect has been served by the Police Magistrate on the owner or occupier thereof, or left at his usual place of abode, the person so offending as aforesaid shall be liable to a penalty of one pound for every day the same shall remain not removed or abated.

(4) In any such case two or more Justices, the Police Magistrate being one of them, may grant a warrant to cause the said house, shop, or other building, and all additions or alterations thereto, so far as the same may be contrary to the provisions hereof, to be taken down and the materials thereof to be sold.

The charges of taking down the same shall be paid out of the proceeds of such sale, and the surplus, if any, shall be paid to the owner of such materials.

The Governor to fix distance of building line from curbstonc. 2 Vic. No. 2, s. 46.

Building within such distance. *Ibid.* s. 48.

53.

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Police Offences.

53. (1) No person shall begin to erect any house, shop, or other In towns notice to be building in any street within any of the said towns without first serving given to the Police on the Police Magistrate a notice in writing stating such intention and tion to build. describing the proposed situation of the building. 2 Vic. No. 2, s. 49.

(2) The said Police Magistrate shall within seven days after Police Magistrate to the receipt of such notice furnish such person with a paper signed by the furnish copy of said Police Magistrate, specifying the provisions of this Act so far as the Act. same relate to the erection of such shop, house, or other building.

(3) If the said Police Magistrate, without reasonable cause, refuses or neglects to furnish such written paper within the said seven days, he shall be liable to a penalty of ten pounds.

(4) Whosoever begins to erect any such house, shop, or other Building without building without having first served such notice and received such paper giving notice. shall be liable to a penalty not exceeding ten pounds.

54. (1) The City Surveyor or other person appointed by him may Names of streets in the said city, and any person appointed by the Governor may in the may be affixed to said towns mark upon the walls of any house the name of the street $\frac{4}{4}$ Wm. IV No. 7, or place in which it is situated, or such other notice as it may be s. 50. conducive to the public convenience to affix, either by painting the ² Vic. No. 2, s. 52. same upon the walls or by affixing a board thereto, upon which such notice may be painted, and may also from time to time allot a number to each house in every street or public place.

(2) The occupier of every such house shall paint or affix such number in legible characters upon the door of his house within fourteen days after written notice, from the said surveyor or person appointed by the Governor, to that effect, left at his said house.

(3) Whosoever refuses or neglects to paint or affix such number after such notice as aforesaid shall be liable to a penalty of ten shillings, and to the like penalty for every week during which such refusal or neglect continues.

55. Nothing in this Act contained shall be deemed to interfere Not to interfere with powers vested in any surveyor by the provisions of any other with powers vested in surveyors. Act. 2 Vic. No. 2, s. 51.

56. Whosoever at any time wilfully obstructs or molests any Obstructing persons person having the control of the streets or public places, or any surveyor duty under this Act. or any person whomsoever authorised to put in execution this Act, in 4 Wm. IV No. 7, the performance of his duty, shall be liable to a penalty for the first $\frac{s}{2}$ Vic. No. 2, s. 55. offence of five pounds, and for the second offence of ten pounds, and for $\frac{First offence}{First offence}$. Third or any subsequent offence of twenty pounds.

57. Any constable may apprehend any person whom he finds Drunk and drunk in any street or public place at any hour of the day, and take disorderly persons. him before a Justice to be dealt with according to law. * 6.

Any constable may apprehend all loose, idle, drunken, or disorderly 2 Vic. No. 2, s. 6. persons whom he finds between sunset and the hour of eight in the fore-17 Vic. No. 25, s. 2. noon lying or loitering in any street, highway, yard, or other place and

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not

Police Offences.

not giving a satisfactory account of themselves, and deliver any person so apprehended into the custody of the constable in attendance at the nearest watch-house in order that such person may be secured until he can be brought before a Justice to be dealt with according to law or gives bail, in the manner hereinafter mentioned, for his appearance before a Justice, if such constable deems it prudent to take bail.

58. (1) Where any person found lying or loitering about as aforesaid, or charged with any offence punishable on summary conviction by a fine or penalty not exceeding ten pounds, is brought without the warrant of a Justice into the custody of any constable during his attendance petty misdemeanor, at any watch-house within the State, in the night-time or in the daytime, if such person cannot be immediately brought before a Justice such constable may, if he shall deem it prudent, take bail by recognizance with or without sureties, without any fee or reward, from such person, conditioned that such person shall appear for examination before a Justice or at the next ensuing sitting of the Court of Petty Sessions for the district in which he has been apprehended, at a time and place to be mentioned in such recognizance:

> Provided that such recognizance shall be good and have effect according to the terms thereof, notwithstanding the fact that, on subsequent investigation, it appears that the said person would, under the said charge, be liable to a penalty exceeding ten pounds.

> (2) Every recognizance so taken shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof as if the same had been taken before a Justice.

> (3) The constable shall enter in a book to be kept for that purpose in every watch-house the names, residence, and occupation of the party, and his surety or sureties (if any), entering into such recognizance, together with the condition thereof, and the sums respectively acknowledged, and shall lay the same before such Justice as shall be present at the time and place when and where the party is required to appear.

> (4) If the party does not appear at the time and place required. the Justice shall cause a record of such recognizance to be drawn up and signed by the constable, and shall return the same to the next Court of Quarter Sessions, with a certificate at the back thereof, signed by such Justice, that the party has not complied with the obligation therein contained; and the Clerk of the Peace shall make the like estreats and schedules of every such recognizance as of recognizances forfeited in Quarter Sessions.

> (5) If the party not appearing applies by any person on his behalf for a postponement of the hearing of the charge against him, and the Justice consents thereto, the Justice may enlarge the recognizance to such further time as he shall appoint.

Constables attending at the watch-house may take bail by recognizance from persons brought before them for such recognizance to be conditioned for the appearance of the parties before a Justice.

4 Wm. IV No. 7, s. 7.

2 Vic. No. 2, s. 7. 17 Vic. No. 25, s. 3. 55 Vic. No. 5, s. 23.

Amended, Act No. 12, 1908, s. 14 (1).

In default of appearance recognizance to be forfeited. Amended. Ioid., s. 14 (2).

Time of hearing may be postponed.

(6)

Police Offences.

(6) When the matter is heard and determined either by the dismissal of the case or by binding the party over to answer the matter thereof at the sessions or otherwise, the recognizance for the appearance of the party before a Justice shall be discharged without fee or reward.

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59. Whosoever assaults or resists, or aids or incites any person Assault on constable. to assault or resist, any constable in the execution of his duty, shall 4 Wm. IV No. 7. s.8. be liable to a penalty not exceeding five pounds. 2 Vic. No. 2, s. 8. 17 Vic. No. 25, s. 4.

60. Whosoever not being a licensee within the meaning of the Penalty on persons Liquor Act, 1898, knowingly harbours or entertains any constable, or harbouring permits any constable to abide or remain in his house, shop, or room, constables during the hours of duty. or other place during any part of the time appointed for his being on 4 Wm. IV No. 7, s. 9. duty elsewhere, shall be liable to a penalty not exceeding five pounds.

61. Whosoever trades or deals, or keeps open any shop, store, or Trading on Sunday. other place, for the purpose of trading or dealing on Sunday (the shops 4 Wm. IV No. 7, or houses of butchers, bakers, fishmongers, and greengrocers, until the s. 10. hour of ten in the forenoon, and of bakers between the hours of one 2 Vic. No. 2, s. 10. and two in the afternoon, and of apothecaries at any hour, only 17 Vic. No. 25, s. 6. excepted), shall be liable to a penalty not exceeding three pounds:

Provided that nothing herein contained shall affect the provisions of the Act forty-seven Victoria number eight.

62. Whosoever, being the owner or occupier of any public billiard owner of place of public room or other public place of amusement, permits or suffers any one games to be played on room or other public place of amusement, permits or suffers any one games to be payed on to play in his house or premises any game on Sunday, shall be liable to 4 wm. IV No. 7, s. 11. 2 Vic. No. 2, s. 11. 17 Vic. No. 25, s. 7.

63. Any Justice may, and he is hereby required to disperse, or Justices to disperse cause to be dispersed, all persons gathering together on Sunday in any persons gambling in multiplaces on public or open place within the said city or towns, or within five miles Sunday, &c. of any part of the said city for the purpose of gambling, or playing at Ibid. any game; and to take and seize, or cause to be taken and seized any implements, instruments, or animals used, or intended to be used therein, such persons to be and to destroy or carry away the same, and all persons actually gambling prosecuted or playing as aforesaid shall be prosecuted according to law.

64. Whosoever damages any public building, wall, parapet, sluice, Damaging public 题约 bridge, road, street, sewer, watercourse, or other public property shall buildings. be liable to pay the cost of repairing the same, and if the damage was ⁴/₂ Vic. No. 2, s. 12. wilfully done, to a penalty not exceeding twenty pounds. 17 Vic. No. 25, s. 8.

65. Whosoever casts any filth or rubbish into any watercourse, Obstructing sewer, or canal, or obstructs or diverts from its channel any public watercourses, &c. watercourse, sewer, or canal, shall be liable to pay the cost of removing 2 Vic. No. 2, s. 13. such filth or obstruction, or of restoring such watercourse, sewer, or 17 Vic. No. 25, s. 9. canal to its proper channel, and to a penalty not exceeding five pounds.

66. Whosoever damages any public fountain, pump, cock, or water- Injuring public pipe, shall be liable to pay the cost of repairing the same, and if the fountains damage was wilfully done shall be liable to a penalty not exceeding twenty 4 Wm.IV No.7, s. 14. pounds. 17 Vic. No. 25, s. 10.

67.

19.

2 Vic. No. 2, s. 9.

Police Offences.

Unlawfully

17 V.c. No. 25, s. 10.

Wasting water of fountain

4 Wm. IV No. 7, s. 14. 2 Vic. No. 2, s. 14. 17 Vic. No. 25, s. 10. Washing clothes at fountain. Ibid.

Beating carpets, flying kites, in street or public place.

2 Vic. No. 2, s.15.

Placing filth, &c., in street, riding on footpaths, &c.

4 Wm.IV No.7, s. 15. 2 Vic. No. 2, s. 15. 17 Vic. No. 25, s. 11.

Placing carriages, goods, &c., on footways, &c., and not removing same when required.

4 Wm.IV No.7, s. 16. 2 Vic. No. 2, s. 16. 17 Vic. No. 25, s. 12.

Plucing timber, bricks, &c.

67. Whoseever has in his possession any private key for the purpose appropriating water. of opening any cock, or in any manner unlawfully appropriates to his use any water from any public fountain or pipe shall be liable to a penalty not exceeding twenty pounds.

> 68. Whoseever opens or leaves open any cock of any public fountain or pump so that the water runs or may run to waste shall be liable to a penalty not exceeding two pounds.

> 69. Whosoever washes any clothes at any public fountain or pump shall be liable to a penalty not exceeding one pound.

70. Whoseever in any street or public place beats or dusts any carpet, or flies any kite, or drives any vehicle for the purpose of breaking, breaking horses, &c., exercising, or trying any horse, or rides any horse for the purpose of exercising, trying, showing, or exposing such horse for sale (otherwise 4 Wm.IV No.7, s. 15. than by passing through such streets or public places while so driving or riding) shall be liable to a penalty not exceeding two pounds.

71. Whosoever—

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places, or causes or permits to be placed, any rubbish, dead animal, filth, or other matter or thing upon any street or public place; or,

- slaughters, dresses, scalds, or cuts up any animal in any street or public place, or so near thereto that any blood or filth shall flow or be thereon; or,
- drives, draws, places, or causes, or permits to be driven, drawn, or placed upon any footway of any street or public place any vehicle or any wheel or barrow, or any cask; or,
- wilfully leads, drives, or rides any horse, ass, or other beast upon any such footway,

shall be liable to a penalty not exceeding two pounds.

72. (1) Whosoever—

- places, or causes or permits to be placed, any show-board, choppingblock, merchandise, cask, or goods of any kind whatsoever upon or over any street or public place; or,
- hoops or cleans, or causes to be hooped or cleaned, any cask or vessel upon or over any street or public place; or,
- places, or causes or permits to be placed, any vehicle or barrow upon any street or public place, except for the necessary time of harnessing or unharnessing the horse or other animal, or of loading or unloading, or of taking up or setting down any fare, or of waiting for passengers when actually hired; or,
- except by lawful permission granted in pursuance of any statutory authority, places, or causes or permits to be placed any building material or any other matter or thing whatsoever upon or over any street or public place; or,
- hangs out or exposes or causes or permits to be hung out or exposed, any matter or thing whatsoever from any house or premises over or next unto any part of any street or public place, or over any and area of any house or premises,

Police Offences.

and does not immediately remove the same on being required so to do by any Justice or constable, shall be liable to a penalty not exceeding two pounds.

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(2) Where any such thing has not been so removed as afore- Things not so said, any Justice or constable may without any warrant seize the same, removed may be together with the horse or other animal, if any thereunto belonging, and the harness and gear thereof.

(3) In case any of the things so seized are perishable or are Perishables how to articles of food, the same shall be immediately forfeited, and the person be disposed of. who seizes shall deliver the same, in the said city, to the superintendent of the Benevolent Asylum for the benefit of the inmates thereof, and, in the said towns, to the storekeeper of the Benevolent Society for the benefit of those supported by the said Society: Provided that in any town where no Benevolent Society is established the Police Magistrate may dispose of any such thing or article towards any charitable purpose.

In all other cases such Justice or constable shall cause the thing, Other seizures. animal, or gear so seized to be removed to the place appointed for the reception thereof, if any such there be, or otherwise to such place or places as he deems convenient, giving verbal or written notice of such place or places to the owner, driver, or other person interested in the same, if he is then present, and the same shall be there kept and detained until such owner, driver, or other person interested as aforesaid pays the penalty inflicted, together with the charges for taking and removing such thing and of keeping such animal.

(4) Unless the thing, animal, or gear so removed is claimed, Unless things (not and the said penalty and charges paid within five days next after such within five days they removal, the said Justice may order the same to be appraised and sold, may be sold, &c. and the overplus (if any) of the money arising from such sale after deducting the said penalty and such costs, charges, and expenses attending such seizing, removing, keeping, appraising, and selling as the said Justice shall ascertain and allow shall be paid to the owner thereof.

73. Where any person has been required under. the provisions No second notice of the last preceding section to remove anything therein mentioned, 4 Wm. IV No. 7, 8. 17. and afterwards places, hangs out, or exposes, or causes or permits to 2 Vic. No. 2, s. 17. be placed, hung out, or exposed, as in the said section mentioned, the same or any other such thing, no second notice shall be necessary, but such person shall be liable to the same penalty, and the said things may be seized and dealt with as in the said section mentioned.

74. Nothing in this Act contained shall be deemed to prevent any Awnings may be crected person from placing an awning in front of his shop or house: 4 Wm. IV No. 7, s. 18.

Provided, however, that such awning is at least seven feet above ² Vic. No. 2, s. 18. ¹⁷ Vic. No. 25, s. 13. the height of the footway in front of such house or shop, and that the posts are placed close up to the curbstone or outer edge of such footway.

75. Whosoever discharges any firearm without lawful cause or Discharging firearms, lets off any firework in any street or public place shall be liable to a 4 Wm. IV No. 7, s. 19. Provided ² Vic. No. 2, s. 19. 17 Vic No. 25, s. 14. penalty not exceeding five pounds:

Proviso-saving persors engaged in military or police duties in Sydney. 43 Vic. No. 3, s. 224.

Burning shavings, &e, in the streets. 4 Wm 1V No. 7, s. 20. 2 Vic. No. 2, s. 20. 17 Vic. No. 25, s. 15. Bathing within certain 4 Wm. IV No. 7, s. 21. 2 Vic. No. 2, s. 21. 17 Vic. No. 25, s. 16.

Indecent exposure of the person. 4 Wm. IV No. 7, s. 22.

2 Vic. No. 2, s. 22. 17 Vic. No. 25, s. 17. Keeping swine within 40 yards of s reet. 4 Wm. 1V No. 7, s. 23. 2 Vic. No. 2, s. 23.

Suffering swine, horse, goat, &c., to wander about the streets. 4 Wm. IV No. 7, s. 24. 2 Vic No. 2, s. 23. 17 Vic. No. 25, s. 18.

Notice to remove hogsties and nuisances. 4 Wm. IV No. 7, s. 24. 2 Vic No. 2, s. 24. 17 Vic. No. 25, s. 19.

Not removing, &c. nuisances after notice.

Neglecting to keep private yards, &c., clean.

2 Vic.No. 2, s. 25.

Provided that the provisions of this section shall not apply to persons while engaged in any military duty or exercise, or while shooting at a mark or target for any purpose connected with the duties of the military or volunteer force or of the police force within the boundaries of the area appropriated for such purposes in the said city.

76. Whosoever burns any shavings or other thing in any street or public place shall be liable to a penalty not exceeding two pounds.

77. Whosoever bathes in any part of Sydney Cove, or in any waters exposed to view from any wharf, street, public place, or dwellinghouse in or near the said city or towns between the hours of six o'clock in the morning and eight in the evening shall be liable to a penalty not exceeding one pound.

78. Whosoever offends against decency by the exposure of his person in, or in the view of, any street or public place shall be liable to a penalty not exceeding ten pounds.

79. Whosoever keeps, any kind of swine in any house, building, yard, garden, or other hereditaments situate in, or within forty yards of, any street or public place shall be liable to a penalty not exceeding two pounds.

80. Whosoever suffers any kind of swine, or any horse, ass, mule, sheep, goat, or other cattle belonging to him, or under his charge, to stray or go about or to be tethered or depastured in any street or public place shall be liable to a penalty not exceeding two pounds.

81. (1) Any two Justices upon the complaint of any inhabitant that any privy, hog-sty, or other matter or thing is a nuisance, and after due investigation of such complaint, may by notice in writing order the owner or occupier of the premises wherein such nuisance exists to remedy or remove the same within seven days after such notice has been given to such owner or occupier, or has been left for such owner or occupier at his last or usual place of abode, or on the said premises.

(2) Whosoever, being such occupier, neglects to remedy or remove such nuisance pursuant to such notice and to the satisfaction of such Justices shall be liable to a penalty of ten pounds.

(3) Such Justices may indict or cause any person so disobeying such notice to be indicted for such nuisance at the next Court of Quarter Sessions to be held nearest to such premises, and such person being found guilty thereof shall be liable to such punishment for the misdemeanour as the said Court of Quarter Sessions may direct, and such nuisance shall be removed, taken down, and abated according to law with regard to public or common nuisances.

82. Whosoever, being the owner or occupier of any house or place, neglects to keep clean all private avenues, passages, yards, and 4 Wm.IV No.7, s. 25. ways within the said premises so as by such neglect to cause a nuisance by offensive smell or otherwise, shall be liable to a penalty not exceeding 17 Vic. No. 25, s. 20. two pounds.

83.

83. (1) Any Justice or any constable authorised and deputed Inspection and by any writing under the hand of any Justice may, as often as he sees directions to cleanse butchers' shambles occasion, inspect the butchers' shambles and slaughter-houses, and give and slaughter-houses such directions concerning the cleansing thereof, both within and without, 4 Wm.IV No.7, s. 26. 2 Vic. No. 2, s. 26. as to him seems needful. 17 Vic. No. 25, s. 21.

(2) Whosoever being a butcher or the owner or occupier of Obstructing inspecting justice or any such shamble or slaughter-house constable.

obstructs or molests any such Justice or constable in the inspection thereof; or,

refuses or neglects to comply with such directions within a reasonable Not complying with directions to cleanse. time.

shall, upon the view of any such Justice, or on conviction on the complaint of any such constable, be liable to a penalty not exceeding two pounds.

84. Whosoever hauls or draws, or causes to be hauled or Drawing or trailing drawn upon any part of any street or public place, any timber, stone, timber, &c. or other thing otherwise than upon wheeled carriages, or suffers any 2 Vic. No. 2, s. 27. timber, stone, or other thing carried principally or in part upon wheeled 17 Vic. No. 25, s. 22. carriages, to drag or trail upon any part of such street or public place to the injury thereof, or to hang over any part of any such carriage so as to occupy or obstruct the street beyond the breadth of the said carriage, shall be liable to a penalty not exceeding two pounds over and above the damages occasioned thereby.

85. Whoseever being the owner or occupier of any house, building, Owner or occupier or premises within the said towns having any entrance, area, garden, or not enclosing open spaces and steps other open space adjoining the footway of any street or public place adjoining the footbeneath the level of the curbstone or exterior edge of such footway, or ways in said towns. any steps adjoining the footway of any such street or public place, fails² Vic. No. 2, s. 50. to protect and guard the same by sufficient rails or other enclosures so as to prevent danger to persons passing, shall be liable to a penalty not exceeding five pounds.

86. Whosoever, being the owner or occupier of any house, building, Not securing or premises having any rails or bars over the areas or openings to any entrances to cellars, kitchen, cellar, or other part of the said house, building, or premises coal-holes, &c. beneath the surface of the footway of any street or public place or any 4 Wm.IV No.7, s. 28. 2 Vic. No. 2, s. 28. doorway or entrance into the basement or cellar story thereof, 17 Vic. No. 25, s. 23.

does not either keep the same or the rails of such kitchens, cellars, or other part in sufficient repair, and securely guard and constantly keep the same securely guarded by rails, or cover the same over with a strong flap or trap-door according to the nature of the case, and so as to prevent danger to any persons passing; or,

leaves open or does not sufficiently and substantially cover and keep covered and secured any coal-hole or other hole, funnel, trap-door, or cellar-flap belonging to or connected with his house, building, or premises (save and except only during such reasonable time as may be necessary for use, alteration, or repair); or, does

does not repair and from time to time keep in good and substantial repair such rails, flaps, trap-doors, and other covering.

shall be liable to a penalty not exceeding five pounds.

87. Whosoever makes any cellar or any opening, door, or window in or beneath the surface of the footway of any street or public place, shall be liable to a penalty not exceeding five pounds over and above 4 Wm.IV No.7, s. 29. the expense of remedying or removing such cellar, opening, door, or window, such expense to be assessed and allowed by the Justice who 17 Vic. No. 25, s. 24. hears the case.

88. Whosoever-

makes or causes to be made, or leaves or causes to be left, any hole in or adjoining to any street or public place for any purpose whatsoever, and does not forthwith enclose the same in a sufficient manner in the said city to the satisfaction of the City Surveyor, and in the said towns to the satisfaction of the Police Magistrate; or,

keeps up or causes to be kept up any such enclosure for any time longer than is absolutely necessary in the opinion, in the said city, of the City Surveyor, or, in the said towns, of the Police Magistrate; or,

does not when there unto required in the said city by the City Surveyor, or in the said towns by the Police Magistrate, sufficiently fence or

enclose any such hole within twenty-four hours after he has been required to do so, in the manner and with such materials as the a said surveyor or Police Magistrate directs, and to his satisfaction;

does not place a sufficient light upon the said enclosure; or,

does not keep such light constantly burning from sunset to sunrise during the continuance of such enclosure,

shall be liable to a penalty not exceeding five pounds.

89. Whosoever being the owner or occupier of any building fails to provide such building with gutters or other means to prevent rain from dropping from the eaves thereof upon any part of the footways of any street or public place shall be liable to a penalty of five shillings, and to a like penalty for every day that such default continues.

90. Whosoever—

- drives or causes to be driven any vehicle with any night-soil or ammoniacal liquor therein through or in any street or public place between the hours of five o'clock in the morning and ten o'clock at night; or,
- fills any vehicle so as to turn over or cast any night-soil, ammoniacal liquor, slop, mire, or channel dirt, or filth, in or upon, or near to, any street or public place.

shall be liable to a penalty not exceeding five pounds.

Making cellars or openings beneath the surface of footways. 2 Vic. No. 2, s. 29.

Not fencing holes in street.

4 Wm.IV No.7, s. 31. 2 Vic. No. 2, s. 31. 17 Vic. No. 25, s. 26.

Allowing rain to drop from eaves of houses on footways. 4 Wm.IV No.7, s. 32. 2 Vic. No. 2, s. 32.

Driving carts with night-soil through streets, &c. 4 Wm.IV No.7, s. 33. 2 Vic. No. 2, s. 33. 17 Vic. No. 25, s. 27.

91.

91. Whosoever-

empties or begins to empty any privy, or take away night-soil from or casting same in any house or premises within any street or public place, or comes 4 Wm.IV No.7, s. 34. with any vehicle for that purpose, except between the hours of 2 Vic. No. 2. s. 34. 17 Vic. No. 25, s. 28. ten at night and five in the morning; or,

casts out of any cart or tub, or otherwise, any night-soil in or near any street or public place,

shall be liable to imprisonment for a term not exceeding one month.

92. Whosoever—

is the owner of any vehicle in which any night-soil or other matter against sec. 90. is placed by any person contrary to the provisions of section ninety; 4 Wm.IV No.7, s. 33. 2 Vic. No. 2, s. 33. or,

is the employer of any person so offending,

shall if such person cannot be apprehended be liable to a penalty not exceeding five pounds.

93. Whosoever—

Liability of owner or

Throwing dead

is the owner of any vehicle or animal employed in and about emptying employer for offence against sec. 91. and removing night-soil contrary to the provisions of section ninety 4 Wm.IV No. 7,s. 34. one, or coming for that purpose (save and except within the hours 2 Vic. No. 2, s. 34. 17 Vic. No. 25, s. 28. in the said section mentioned); or,

is the employer of any person who casts out any night-soil contrary to the provisions of the said section,

shall be liable to a penalty not exceeding five pounds.

94. Whosoever wantonly or maliciously breaks or injures any Injuring or lamp or lamp-post, or extinguishes any lamp set up for public or private extinguishing lamps. convenience, shall be liable over and above the necessary expense of $\frac{4}{2}$ Wm.IV No.7, s. 36. repairing the injury committed, to be estimated by the Justice before 17 Vic. No. 25, s. 29. whom such offender is brought, to a penalty not exceeding five pounds.

95. Whosoever—

animals into Sydney throws or causes to be thrown any dead animal into any part of Cove or Darling Sydney Cove or Darling Harbour, or into any street or public Harbour, or rivers, &c., in towns. place, or into any river, creek, or other stream which flows by or 4 Wm.IV No.7, s. 37. through any such street or public place; or, 2 Vic. No. 2, s. 36.

leaves or causes to be left any dead animal upon the shores of Sydney

Cove or Darling Harbour, or of any such river, creek, or other stream as aforesaid,

shall be liable to a penalty not exceeding one pound.

93. (1) Any person who desires to blast any rock within the Notice to be given limits of the said city or towns, shall give notice in writing twenty- of intention to blast rock. four hours previously, in the said city to the City Surveyor, or in the 4 Wm. IV No. 7. S. 38. said towns to the Police Magistrate, who shall give directions in writing ² Vic. No. 2, s. 37. ¹⁷ Vic. No. 25, s. 30 as to the time when the same may take place, and as to such other matters as he deems necessary for the public safety.

Removing night-soil

Liability of owner or

17 Vic. No. 25, s. 27.

(2)

Blasting without giving notice, &c, (2) Whosoever—

blasts or causes to be blasted any rock within the limits aforesaid without giving such notice and obtaining such directions; or,

does not conform to the directions given to him as aforesaid, shall be liable to a penalty not exceeding twenty pounds.

(3) The proof of such notice and directions as aforesaid shall be on the person charged.

97. Whosoever—

- wantonly breaks up or otherwise damages any part of any street or public place; or,
- without statutory authority or the leave first had and obtained in the said city of the City Surveyor, or in the said towns of the Police Magistrate, forms, digs, or opens any drain or sewer in any street or public place; or,
- without such authority or leave as aforesaid, removes or causes to be removed, any soil, stone, or other material from any part of any street or public place,

shall be liable to a penalty not exceeding five pounds.

98. (1) Whosoever—

in any manner wilfully prevents any person from passing him or any vehicle under his care upon any street or public place; or,

rides upon the shafts of any vehicle whatsoever in any street or public place,

shall be liable to a penalty not exceeding two pounds.

99. Whosoever rides or drives through any street or public place 4 Wm. IV No.7, s. 41. so negligently or furiously as to endanger the safety of any person, or 17 Vic. No. 25, s. 33. of the public, shall be liable to a penalty not exceeding ten pounds.

100. Whosoever-

pastes or otherwise affixes any placard or other paper upon any wall or building; or,

defaces any such wall or building by chalk or paint or in any other manner,

shall on conviction, upon the complaint of the owner or occupier of any such wall or building, be liable to a penalty not exceeding one pound.

PART IV.

Special constables.

101. (1) In all cases where it appears to a Police Magistrate, or any two Justices, that any tumult, riot, or felony has taken place, or may be reasonably apprehended in any city, town, or place, and he or they 19 Vic. No. 24, s. 12. are of opinion that the ordinary constables or officers appointed for preserving

Police Magistrate and Justices may appoint special constables.

street, or removing turf, gravel, &c., without permission. 4 Wm.IV No.7, s. 39. 2 Vic. No. 2, s. 38. 17 Vic. No. 25, s. 31.

Wantonly damaging

Preventing persons passing. 4 Wm. IV No. 7, s. 40. 2 Vic. No. 2, s. 30. 17 Vic. No. 25, s. 32.

Riding on shafts.

Ibid.

Riding or driving to danger of others. 2 Vic. No. 2, s. 40. Affixing placards on or defacing walls. 4 Wm.IV No.7, s. 43. 2 Vic. No. 2, s. 41. 2 Vic. No. 3. 17 Vic. No. 25, s. 34.

Police Offences.

preserving the peace are not sufficient for the preservation of the peace, and for the protection of the inhabitants and the security of their property. or for the apprehension of offenders, any Police Magistrate, or any two Justices, may nominate and appoint by precept in writing under his or their hands, so many as he or they think fit of the householders or other persons (not legally exempt from serving the office of constable). residing in or near to such city, town, or place, to act as special constables for such time and in such manner as to the said Police Magistrate or Justices seems fit and necessary for the public peace, and for the protection of the inhabitants and the security of the property in or near such city, town, or place.

(1A) A Police Magistrate or any two Justices may, at the special constables. request of his employer, or of the council of a municipality or shire. New subsection. and subject to the approval of the Inspector-General of Police, in like Act No. 12, 1908, s. 15. manner nominate and appoint any person employed as a caretaker, night watchman, or in any similar capacity, as a special constable for such time as such Magistrate or Justices may think fit.

The provisions of this Part relating to special constables who have been called out shall apply to all special constables appointed under this subsection from the time when such constables have taken the oath as in the next subsection provided.

The Inspector-General of Police may, whenever he thinks fit. suspend or determine the services of any such special constable. Notice of such suspension or determination of service shall be forthwith sent by the Inspector-General of Police to the Colonial Secretary.

(2) The Police Magistrate or Justices who appoint any special constables by virtue of this Act are hereby authorised to administer to every person so appointed the following oath, that is to say :-

I, A.B., do swear that I will well and truly serve our Sovereign Form of oath to be Lord the King in the office of special constable for the [city, taken by special constables. town, or place, as the case may be] without favour or affection, malice, or ill-will, and that I will to the best of my power cause the peace to be kept and preserved, and prevent all offences against the persons and properties of His Majesty's subjects, and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law—So help me GoD.

(3) Whenever it is deemed necessary to nominate and appoint such special constables as aforesaid, notice thereof shall be forthwith transmitted by the said Police Magistrate or Justices to the Colonial Secretary.

102. The Police Magistrate or Justices who have appointed any Police Magistrates or special constables under this Act when such special constables have regulations respecting special constables have power to make such orders and regulations may remove them for may from time to time be necessary and expedient for rendering such 19 Vic. No. 24, s. 13.

special

Police Offences.

special constables more efficient for the preservation of the public peace, and shall also have power to remove any such special constable from his office for any misconduct or neglect of duty therein.

Power of special constables. 19 Vic. No. 24, s. 14.

103. Every special constable appointed under this Act shall have, exercise, and enjoy all such powers, authorities, advantages, and immunities, and be liable to all such duties and responsibilities as any constable duly appointed now has by virtue of the Common Law, or of any Act or Imperial Act.

104. Whosoever, being appointed a special constable as aforesaid, refuses to take the oath hereinbefore mentioned when thereunto required by the Police Magistrate or Justices appointing him, shall be liable to a penalty not exceeding twenty pounds.

105. Whosoever—

- being appointed a special constable as aforesaid neglects to appear at the time and place for which he is summoned for the purpose of taking the said oath; or,
- having been appointed and sworn as a special constable as aforesaid, and being called upon to serve, neglects or refuses to serve as such special constable or to obey such lawful orders and directions as may be given to him by the Police Magistrate, or any Justice, or any chief constable, or inspector of police, or other officer under whose orders he may be placed for the performances of the duties of his office.

shall, unless he proves to the satisfaction of the Justice that he was prevented by sickness or some other unavoidable cause such as shall in the judgment of the said Justice be a sufficient excuse, be liable to a penalty not exceeding ten pounds.

106. The Police Magistrate or Justices who have appointed any special constables under this Act for any city, town, or place, may, if such special constables have been called out, suspend or determine the services of all such special constables or of so many as to the said Police Magistrate or Justices sitting in petty sessions in such city, town, or place shall seem meet.

Notice of such suspension or determination of the services of all or any of the said special constables shall be transmitted forthwith by the said Police Magistrate or such Justices to the Colonial Secretary.

107. Every special constable shall forthwith after the expiration of his office or after he ceases to hold and exercise the same pursuant to this Act, deliver over to his successor, if any such has been appointed, or to such person and at such time and place as may be directed by the Police Magistrate or such Justices all arms, staves, weapons, and other articles which have been provided for such special constable under this Act.

Any such special constable who omits or refuses so to do shall be liable to a penalty not exceeding ten pounds.

19 Vic. No. 24, s. 14

Penalty for refusing to take the oath of office. *Ibid.* s. 15.

Penalty for refusing to serve or for disobeying orders. *Ibid.* s. 15.

Police Magistrates and Justices may discontinue the services of special constables called out. *Ibid.* s. 16.

Special constables to deliver arms, staves, &c., to successors. *Ibid.* s. 17.

108.

Police Offences.

108. Whosoever assaults or resists any special constable whilst Assaulting or in the execution of his office, or promotes, incites, or encourages any resisting special other person so to do shall be liable to a penalty not exceeding ten 19 Vic. No. 24, s. 18. pounds or to imprisonment for any term not exceeding six months with or without hard labour.

PART V.

Procedure.

109. All complaints of offences against this Act shall be heard complaints of offences to be dealt with and determined in a summary manner before a Justice.

to be dealt with summarily. 4 Wm. IV No. 7, ss. 67, 69. 2 Vic. No. 2, ss. 58, 60. 17 Vic. No. 25, s. 35. 19 Vic. No. 24, s. 23. Sections 110-112

repealed.

Act No. 12, 1908, c. 2.

113. The whole amount of all penalties recovered under sections Appropriation of penalties recovered under sections Appropriation of under sections and into the Consolidated Revenue. six and seven shall be paid into the Consolidated Revenue. 30 Vic. No. 5, s. 5.

114. (1) All actions and prosecutions to be commenced against any Proceedings against person for anything done in pursuance of this Act shall be commenced this Act. 4 Wm. 1V No. 7. s. 74. 2 Vic. No. 2, s. 66. 17 Vic. No 25, s. 37. within two months after the act was committed.

(2) Notice in writing of any such action and of the cause Notice of action. thereof shall be given to the defendant one month at least before the commencement of the action.

(3) In any such action the defendant may plead the general Defendant may plead the general issue. issue and give this Act and the special matter in evidence.

(4) No plaintiff shall recover in any such action if tender Tender of amends. of sufficient amends has been made before action, or if after action a sufficient sum of money, together with the costs incurred up to that time, has been paid into Court on behalf of the defendant.

(5) In any such action if a verdict is given for the defendant, Costs. or the plaintiff becomes nonsuited or discontinues after issue joined, or if upon demurrer or otherwise judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client. and have the like remedy for the same as any defendant has by law in other cases, and if a verdict is given for the plaintiff he shall not have costs against the defendant unless the Judge before whom the trial is held certifies his approbation of the action and of the verdict obtained thereupon.

SCHEDULES.

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SCHEDULES.

See s. 28.

FIRST SCHEDULE.

Repeal of Acts.

Reference to Act.	Title or short title.	Extent of repeal.		
2 Wm. IV No. 12.	An Act for repealing so much of [the Act 6 Geo. IV No. 20] as relates to the levying of tolls in New South Wales, and for raising a fund for making, repairing, and upholding public roads, bridges, and ferries, and for regulating the collection of tolls thereon.	Sec. 24 from the words "or if any person of persons shall make any fire" down to and in cluding the words"any carriage under his, her or their care upon any such road." Secs. 25		
4 Wm. IV. No. 7 .	An Act for regulating the police in the town and port of Sydney, and for removing and preventing nuisances and obstructions therein.	26, 28, and 29. All hitherto unrepealed except see. 35.		
2 Vic. No. 2	An Ast for nonelation the maline in	All hitherto unrepealed		
2 Vic. No. 3	An Ast to alter and smand on Ast	The whole.		
5 Vic. No. 6	. An Act to prohibit shooting for sport,	The whole.		
11 Vic. No. 44	the police in the towns of Parramatta, Windsor, Maitland, Bathurst, and other towns respectively, and for removing and preventing nuisances and obstructions, and for the better	The whole.		
17 Vic. No. 25	alignment of streets therein. An Act to extend to the Sydney hamlets certain of the provisions of the Sydney Police Act.	All hitherto unrepealed		
17 Vic. No. 31	An Act to make further police regula- tions for the city, port, and hamlets of Sydney.	All hitherto unrepealed		
18 Vic. No. 27	An Act for protecting enclosed lands	Sec. 5.		
l9 Vic. No. 10	from intrusion and trespass. An Act to amend the Country Towns Police Act as respects the alignment of streets.	The whole.		

Police Offences.

		FIRST SCHEDULE—continued.	
Reference to A	ct.	Extent of repeal.	
19 Vic. No. 24	•••	An Act to make further police regula- tions for the city, port, and hamlets of Sydney and other towns and places in the Colony of New South Wales.	All hitherto unrepealed, except sec. 7.
30 Vic. No. 5		The Drunkards' Punishment Act of 1866	
32 Vic. No. 7		Police Regulation Extension Act	
36 Vic. No. 18		The Angora Goats Protection Act of 1873.	So much of sec. 1 as relates to section 5 of 18 Vic. No. 27.
41 Vic. No. 12	••••	Metropolitan Police Act Extension Act of 1878.	The whole.
43 Vic. No. 3		The Sydney Corporation Act of 1879	Sec. 68, 234.
55 Vic. No. 5		Criminal Law and Evidence Amendment Act of 1891.	Sec. 23.
No. 71, 1900		The Justices Acts Amendment Act of 1900.	Sec. 8.

SECOND SCHEDULE.

See s. 44.

Description of the City of Sydney, and of Sydney Cove and of Darling Harbour.

CITY OF SYDNEY.

Commencing in the centre of Parramatta-street, at its junction with Bay-street; thence on the west by a straight line along the centre of Bay-street and its prolongation to the eastern shore of Blackwattle Cove; thence again on the west, and on the northwest, north-north-east, and east, by the waters of Port Jackson to the centre of the bridge at the foot of William-street East; thence on the east by the stream entering Rushcutter's Bay to a culvert on the South Head Old Road, at the north-west corner of Sydney Common; thence again on the east by the centre of Dowling-street to a point where it intersects the southern boundary of the Borough of Paddington ; thence on the north by that boundary to its intersection with the centre of Regent-street; thence by the centre of Leinster-street to the centre of Gordon-street; thence by the centre of that street to the north side of Park Road; thence by the north side of that road to the south-eastern angle of St. Matthias's Church land ; thence by the south-eastern and eastern boundaries of that land to the southern alignment of the South Head Old Road; thence by the southern alignment of that road easterly to its intersection with the line laid down, marked out by stone posts, and deemed to be the dividing-line between the Sydney Common and the Water Reserve; thence again on the east by the said dividing-line to its intersection with the southern boundary of the Sydney Common; thence by that boundary to the south-west angle of the said Common; thence in a northerly direction by the western boundary of the said Common to its intersection with the centre of Cleveland-street; thence by the centre of that street and a prolongation thereof to a landmark on the road to Cook's River; thence on the west by the eastern side of that road to the north-eastern angle of the University Reserve; thence by a straight line from that angle to the point of commencement, in the centre of Parramatta-street, opposite the centre of Bay-street.

SYDNEY COVE.

The waters included within a line extending from the north-west bastion of Fort Macquarie to Dawes Point, and all the shores to the southward of this line.

DARLING HARBOUR.

The waters included within a line extending from Dawes Point to Simmons Point, and all the shores to the southward of this line.

THIRD

Police Offences.

Sec ss. 42, 44, 46

.THIRD SCHEDULE.

LIST of Towns in which Part III is in force.

	Date of Proclamation-		Deter of Community Constitution
Name of Town.	Bringing Town under the Act.	Defining limits of Town.	Dates of Government Gazette containing Proclamations.
Aberdeen	6 July, 1894	6 July, 1894	10 July, 1894.
Adamstown	17 Feb., 1888	17 Feb., 1888	S.G.G., 17 February, 1883.
Adelong	14 Oct., 1863	13 Jan., 1892	16 October, 1863, and 15 January, 1892.
Albion Park	3 Feb., 1899	3 Feb., 1899	7 February, 1899.
Albury	26 May, 1851	4 Feb., 1871	27 May, 1351. and 10 February, 1871.
Alectown	25 Feb., 1895	25 Feb., 1895	5 March, 1895.
Alexandria	18 Feb., 1884	18 Feb., 1884	19 February, 1884.
Alma	12 Mar., 1889	12 Mar., 1889	15 March, 1889.
Appin	29 July, 18 6	29 July, 1886	30 July, 1886.
Armidale	16 Nov., 1852	31 Mar., 1879	19 November, 1852, and 31 March, 1879.
Arthur	5 Aug., 1872	23 Mar., 1891	6 August, 1872, and S.G.G., 24 March 1:91.
Ashfield	14 June, 1880	14 June, 1880	15 June, 1880.
Auburn	5 Aug., 1892	5 Aug., 1892	9 August, 1892.
Back Creek (Barrington River).	5 May, 1879	5 May, 1879	6 May, 1879.
Ballina	14 Oct., 1863	23 June, 1869	16 October, 1863, and 29 June, 1869.
Balmain	30 Aug., 1850	14 June, 1865	26 July, 1861, and 16 June, 1865.
Balranald	14 Oct., 1863	12 Feb., 1870	16 October, 1863, and 15 February, 1870.
Barmedman	13 May, 1896	13 May, 1896	15 May, 1896.
Barraba	12 Jan., 1877	12 Jan., 1877	16 January, 1877. 5 March. 1886.
Barringun	2 Mar., 1866	2 Mar., 1886 27 May, 1884	30 May, 1884.
Bateman's Bay	27 May, 1884 Named in Act.	27 May, 1884 24 Dec., 1838	2 January, 1839.
Bathurst Bega	14 Oct., 1863	30 June, 1869	16 October, 1863, and 2 July, 1869, and
bega	14 000., 1005	26 June, 1901	28 June, 1901.
Bendemeer	14 Oct., 1863	30 June, 1869	16 October, 1863, and 2 July, 1869.
Berrigan	16 April, 1895	16 April, 1895	17 April, 1895.
Berrima	14 Oct., 1863	9 July, 1870	16 October, 1863, and 12 July, 1870.
Berry	15 Mar., 1898	15 Mar., 1898	22 March, 1898.
Bexley	23 July, 1901	23 July, 1901	23 July, 1901.
Binalong	14 Oct., 1863	28 May, 1870	16 October, 1863, and 31 May, 1870.
Bingera	1 May, 1877	11 June, 1894	4 May, 1877, and 12 June, 1894.
Blackheath	29 Aug., 1895	29 Aug., 1895	S.G.G., 3 September, 1895.
Blayney	4 Feb., 1870	4 Feb., 18 [°] 0	8 February, 1870.
Boggabilla	21 Jan., 1899	21 Jan., 1899	27 January, 1899.
Boggabri	10 Jan., 1877	10 Jan., 1877	12 January, 1877. 11 September, 1883.
Bokhara	7 Sept., 1883	7 Sept., 1883 15 Mar., 1898	22 March, 1898.
Bomaderry Bombala	15 Mar., 1898 14 Oct., 1863	2 July, 1892	16 October, 1863, and 5 July, 1892.
Booligal	5 June, 1897	5 June, 1897	8 June, 1897.
Boorowa	17 July, 1861	7 Sept., 1869	19 July, 1861, and 10 September, 1869.
		21 Feb., 1885	24 February, 1885.
Botany Botany, West	13 April, 1880	13 April, 1880	13 April, 188 '.
Bourke	18 July, 1864	14 Oct., 1893	19 July, 1864, and 17 October, 1893.
Bowning		18 Sept., 1895	20 September, 1895.
Bowral	5 Nov., 1883	24 Sept., 1891	6 November, 1883, and 25 September, 189
Braidwood	27 Sept., 1852	27 Sept., 1852	1 October, 1852.
Branxton	4 June, 1877	3 Sept., 1889	5 June, 1877, and 6 September, 1889.
Brewarrina	24 Nov., 1877	24 Nov., 1877	27 November, 1877.
Broken Hill		8 June, 1889	11 June, 1889.
Rulli	14 Oct., 1882	14 Oct., 1882	17 October, 1882.
Bulli			17 October, 1882.
Bulli South		14 Oct., 1882	
Bulli SouthBundarra	28 Sept., 1868	28 Sept., 1868	29 September, 1868.
Bulli South	28 Sept., 1868 24 Oct., 1872		

Police Offences.

LIST of Towns in which Part III is in force-continued.

	Date of Proclamation—		
Name of Town.	Bringing Town under the Act.	Defining limits of Town.	- Dates of Government Gazette containing Proclamations.
Burwood	17 May, 1880	17 May, 1880	18 May, 1880.
Byerock	. 25 Feb., 1886	25 Feb., 1886	S.G.G., 27 February, 1886.
Byron Bay	. 18 Dec., 1900	18 Dec., 1900	21 December, 1900.
Camden	14 Oct., 1863	7 Sept., 1869	16 October 1862 and 10 G / 1 100
Camden Haven	. 22 June, 1901	22 June, 1901	16 October. 1863, and 10 September, 1869. 24 June, 1901.
Campbelltown	. 28 July. 1842	30 Aug., 1887	5 August, 1840, and 2 September 1887
Camperdown Candelo	. 14 Oct., 1863	5 Sept., 1868	10 October, 1863, and 8 September 1868
Canterbury	. 18 Sept., 1889 29 Oct., 1880	18 Sept., 1889 29 Oct., 1880	20 September, 1889.
Carcoar and West Car		12 Sept., 1870	2 November, 1880. 12 September, 1854, and 13 September, 1873.
coar.		L. State States	
Cargellico Cargo	13 June, 1892	13 June, 1882	13 June, 1882.
Carroll	28 Dec., 1887 17 May, 1895	28 Dec., 1887 17 May, 1895	29 December, 1887.
Casino	14 Oct., 1863	23 June, 1869	21 May, 1895. 16 October, 1863, and 29 June, 1869.
Cassilis	14 Oct., 1863	23 June, 1869	16 October, 1863, and 29 June, 1869.
Catherine Hill Bay Clarence Town	6 Mar., 1896	6 Mar., 1896	10 March, 1896.
Cobar	24 Dec., 1855 5 Aug., 1881	13 July, 1869 5 Aug., 1881	28 December, 1855, and 16 July, 1839
Cobargo	26 Feb., 1883	15 June, 1899	9 August, 1881. 2 March, 1883, and 21 June, 1899.
Collarendabri	29 July, 1896	29 July, 1896	31 July, 1896.
Concord Condoublin	13 May, 1884	13 May, 1884	16 May, 1884.
Cook	25 Sept., 1877 23 June, 1869	25 Sept., 1877 23 June, 1869	28 September, 1877.
Coolah	3 May, 1901	3 May, 1901	29 June, 1869. 7 May, 1901.
Coolamon	12 Oct., 1900	12 Oct., 1900	13 October, 1900.
Coonabarrabran	14 Mar., 1855	16 Feb., 1891	16 March, 1855, and 20 February, 1891.
Coonamble	14 Oct., 1863 20 Oct., 1865	2 Mar., 1875	16 October, 1863, and 5 March, 1875.
Coopernook	22 June, 1901	20 Oct., 1865 23 June, 1901	24 October, 1865. 24 June, 1901.
Cootamundra	21 Oct., 1880	21 Oct., 1880	22 October, 1880.
Coraki	23 Dec., 1890	23 Dec., 1890	S.G.G. 23 December, 1890.
Corowa Cowra .	13 Jan., 1887 14 Dec., 1863	13 Jan., 1887	18 January, 1887.
Croki	22 June, 1901	8 July, 1890 22 June, 1901	18 December, 1863, and 11 July, 180. 24 June, 1901.
('rookwell	25 Aug., 1882	25 Aug., 1882	25 August, 1882.
Cudal	28 Dec., 1887	28 Dec., 1887	29-December, 1887.
Cundletown Currathool, West	13 April, 1893 28 May, 1894	13 April, 1893	14 July, 1893.
. The second	20 May, 1004	-28 May, 1894	29 May, 1894.
Darlington	27 Mar., 1867	30 May. 1900	2 April, 1867, and 31 May, 1900.
Deniliquin Denman	23 Feb., 1857	19 April, 1864	24 February, 1857, and 22 April, 1864.
Dubbo	10 May, 1880 29 May, 1861	10 May, 1880 18 April, 1891	14 May, 1880.
Dundas	31 Oct., 1889	31 Oct., 1889	31 May, 1861, and 21 April, 1891. S G.G., 2 November, 1889.
Dungog	19 Oct., 1853	9 Jan., 1891	25 October, 1853, and 13 January, 1891.
Last Orange	20-4 1000		
East Maitland	2 Oct., 1888 Named in Act.	2 Oct., 1888 29 June, 1891	5 October, 1838.
Eden	30 Aug., 1860	11 April, 1889	30 June, 1891. 31 August, 1860, and 11 April, 1882.
Emmaville	18 Aug., 1886	18 Aug., 1886	24 August, 1886.
Emu Enfield	31 July, 1899 14 July, 1890	31 July, 1899	2 August, 1899.
Euston	14 July, 1890 31 July, 1877	14 July, 1890 31 July, 1877	15 July, 1890.
··· ·		or oury, 10//	3 August, 1877.
Fairfield	31 Dec., 1889	31 Dec., 1889	7 January, 1890.
Five Dock Forbes	20 July, 1880	20 July, 1880	20 July, 1880.
Forster	14 April, 1862 22 June, 1901	19 Aug., 1869 22 June, 1901	15 April, 1862, and 20 August, 1863.
-	,	o uno, 1001	24 June, 1901.
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LIST of Towns in which Part III is in force-continued.

	Date of Proclamation-		Dates of Government Gazette containing	
Name of Town.	Bringing Town under the Act	Defining limits of Town.	Prociamations.	
Frederickton	24 Oct., 1885	24 Oct., 1885	27 October, 1885.	
Germanton	27 Mar., 1886	9 May, 1895	30 March, 1886, and 10th May, 1895.	
Gerringong	6 Oct., 1880	6 Oct., 1830	12 October, 1880.	
Gilgunnia	15 Dec., 1896	15 Dec., 1896 18 Dec., 1900	18 December, 1896. 21 December, 1900.	
Gladstone	18 Dec., 1900 5 May, 1862	30 May, 1900	9 May, 1862, and 31 May, 1900.	
Glebe Glen Innes	22 May, 1865	22 May, 1865	30 May, 1865.	
Gooloongolok	22 June, 1901	22 June, 1901	24 June, 1901.	
Gosford, East	8 Oct., 1869	8 Oct., 1869 8 Oct., 1869	12 October, 1869. 16 October, 1863, and 12 October, 1869.	
Gosford, West	14 Oct., 1863 2 Mar., 1848, &		3 March, 1843, 2 February, 1892.	
Goulburn	8 Mar., 1850	0000000		
Grafton, N. and S	4 June, 1858	18 Aug., 1868	4 June, 1858, and 21 August, 1868.	
Grafton, South	29 June, 1876	22 Oct., 1389	4 July, 1876, and 25 October, 1889. 25 August, 1885.	
Granville	21 Aug., 1885	21 Aug., 1885 11 May, 1868	12 May, 1868.	
Grenfell	11 May, 1868 13 May, 1889	13 May, 1889	14 May, 1889.	
Gulgong	27 Jan., 1872	17 April, 1883	30 January, 1872, and 18 April, 1889.	
Gundagai, North	18 Nov., 1861	19 April, 1804	22 November, 1861, and 22 April, 1864.	
Gundagai, South	19 April, 1864	19 June, 1889	22 April, 1864, and 21 June, 1889. 1 April, 1870.	
Gunnedah	30 Mar., 1870	30 Mar., 1870 25 April, 1873	14 December, 1855, and 25 April, 1873.	
Gunning	11 Dec., 1855	20 mprin, 1010		
Hamilton	17 June, 1881	17 June, 1881	17 June, 1881.	
Harrington	22 June, 1901	22 June, 1901	24 June, 1901.	
Hartley	14 Oct., 1863	24 June, 1869	16 October, 1863, and 29 June, 1869. 28 February, 1860, and 30 September, 1890.	
Hay	27 Feb., 1860 24 June, 1850	26 Sept., 1830 29 Aug., 1870	25 June, 1850, and 2 September, 1870.	
Haydonton	1 0 1 1000	4 Sept., 1896	8 September, 1896.	
Hill End	0 1 1071	21 Jan., 1899	4 August, 1871, and 27 Jan., 1899.	
Hillgrove	12 Aug., 1889	12 Aug., 1839	13 August, 1889.	
Hillgrove, West	15 Oct., 1895	15 Oct., 1895 14 Sept., 1880	18 October, 1895. 17 September, 1889.	
Hillston and Hillston N.		18 Feb., 1901	19 February, 1901.	
Hornsby Hunter's Hill	1		16 July, 1886.	
Hurstville	1 . 7 100.7	4 Jan., 1892 8	5 January, 1892, and 22 February, 1901.	
		20 Feb., 1901	14 September, 1866, and 2 June, 1896.	
Inverell	. 10 Sept., 1860			
Jerilderie	26 Nov., 1870	26 Nov., 1870	29 November, 1870.	
Katoomba	. 3 Jan., 1889	3 Jan., 1889	4 January, 1889.	
Kelso	. 18 July, 1839		7 August, 1839. 16 October. 1863, and 23 May, 1890.	
Kempsey, West	14 Oct., 1863	1 00 T 1001	24 June, 1901.	
Kendall		101 T 1001	2. 7 1001	
Kew Kiama			16 October, 1863, and 3 July, 1868.	
Kiandra			16 October, 1863, and 10 January, 1893.	
Kogarah		26 Sept., 189J	30 September, 1890.	
	Contraction of the second second	00 July 1873	1 August, 1873.	
Lambton	29 July, 1873 4 July, 188	29 July, 1873 4 July, 1881	· 8.1117 1001.	
Leichhardt	1		16 October, 1863, and 26 July, 1892.	
Lithgow	. 5 May, 188	2 29 July, 1892	5 May, 1882, and I July, 1892.	
Liverpool	. 20 Mar., 184			
Lockhart	30 May, 1900	30 May, 1900 31 May, 1901		
Loftus (Junee Junction	17 Nov., 188-			
Lorus (sunce sunction	1 1000, 100			
			20 November, 1874.	

TIST of Towns	s in which	Part III is in	force-continued.
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	Date of Pro	clamation-	Dates of Government Gazette containing Proclamations.	
Name of Town.	Bringing Town under the Act.	Defining limits of Town.		
Maclean	18 Oct., 1888	18 Oct., 1888	S.G.G., 19 October, 1888.	
Macquarie	21 Nov., 1839	4 Feb., 1870	23 November, 1839, and 8 February, 1870.	
Mandurama	12 Jan., 1888	12 Jan., 1888	S.G.G., 20 January, 1888.	
Manilla	20 Oct., 1890	20 Oct., 1890	21 October, 1890.	
Manly	16 July, 1880	16 July, 18-0	29 July, 1880.	
Marrickville	20 Aug., 1866	20 Aug., 1866	21 August, 1866. 13 March, 1888.	
Marulan	12 Mar., 1888	12 Mar.; 1888 23 Jan., 1893	12 May, 1868, and 27 January, 1893.	
Menindie	11 May, 1868	23 Jan., 1893 18 June, 1888	19 June, 1888.	
Merewether	18 June, 1888 14 Oct., 1863	17 Jan., 1870	16 October, 1863, and 18 January, 1870.	
Merriwa	14 Oct., 1863 4 Feb., 1890	4 Feb., 1890	7 February, 1890.	
Milparinka	18 Jan., 1897	18 Jan., 1897	22 January, 1897.	
Milton	25 Nov., 1889	25 Nov., 1889	26 November, 1889.	
Milton Mittagong	5 Nov., 1883	5 Sept., 1891	6 November, 1883, and 8 September, 1891.	
Moama	14 Oct., 1863	5 April, 1894	16 October, 1863, and 6 April, 1894.	
Molong	14 Oct., 1863	8 Oct., 1869	16 October, 1863, and 12 October, 1869.	
Montefiores	23 Dec., 1853	20 April, 1870	27 December, 1853, and 22 April, 18.0.	
Moree	8 May, 1877	13 Sept., 1892	11 May, 1877, and 16th September, 1892.	
Morpeth	2 June, 1853	29 June, 1891	2 March, 1860, and 30 June, 1891.	
Moruya	14 Oct., 1863	17 Jan., 1870	16 October, 1863, and 18 January, 1870.	
Moss Vale		2 June, 1882	2 June, 1882. 16 October, 1863, and 24 August, 1888.	
Moulamein	14 Oct., 1863	23 Aug., 1888	13 July, 1888.	
Mount Costigan	10 July, 1888	10 July, 1888	S.G.G., 10 March, 1885, and 19 Dec., 1890.	
Mount Macdonald		16 Dec., 1890 21 June, 1869	24 January, 1854, and 25 June, 1869.	
Mudgee		18 Dec., 1900	21 December, 1900.	
Mullambimby		18 Feb., 1892	19 February, 1892.	
Mulwala		22 July, 1896	24 July, 1896.	
Mungindi Murrimboola (Murrum- burrah).	0000	14 Sept., 1880	17 September, 1880.	
Murrurundi	24 June, 1850	21 Feb., 1891	25 June, 1850, and 24 February, 1891.	
Murwillumbah	13 Aug., 1895	13 Aug., 1895	16 August, 1895.	
Musclebrook, N. and S.	27 Sept., 1852 8	20 May, 1870	1 October, 1852, 14 December, 1852, and	
•	14 Dec., 1852		23 May, 1870.	
Narrabri	8 Nov., 1866	8 Nov., 1866	9 November, 1866.	
Narrabri, West	21 Feb., 1891	21 Feb., 1891	24 February, 1891. t 14 August, 1883, and 2 November, 1900.	
Narrandera			14 August, 1885, and 2 November, 1960.	
	31 Oct., 1900	31 Oct., 1900	S.G.G., 24 March, 1899.	
Narromine		24 Mar., 1899 27 May, 1884	30 May, 1884.	
Nelligen			16 October, 1863, and 25 January, 1870.	
Nerrigundah		8 Mar., 1850, 8		
Newcastle	5 Sept., 1846	13 Dec., 1858	December, 1858.	
New Lambton	. 19 June, 1889	19 June, 1889	21 June, 1889.	
Newtown		1 0 1 1007	16 October, 1863, and 15 August, 1865.	
Nimmitabel			16 October, 1863, and 18 January, 1870.	
North Homebush		22 June, 1901	24 June, 1901.	
North Sydney		23 Dec., 1890	30 December, 1890.	
Nowra	. 13 June, 1885	13 June, 1885	16 June, 1885.	
Nundle	. 11 Dec., 1861	17 Jan., 1870	13 December, 1861, and 18 January, 1870.	
Nymagee	. 23 May, 1881	23 May, 1881	25 May, 1881. 14 March, 1884.	
Nyngan	11 Mar., 1884		the second se	
Oneybygamba	13 Oct., 1885		16 October, 1885.	
Orange	29 May, 1854	21 June, 1869	6 June, 1954, and 25 June, 1869.	
Oxley		21 Aug., 1895	23 August, 1895.	
Paddington		1	20 June, 1862, 16 October, 1863, and 31	
	14 Oct., 1863		May, 1900.	
Panbula	. 30 Aug., 1891	17 Jan., 1870	10 August, 1001, and 10 Sundary, 1910	
			the second se	

LIST of Towns in which Part III is in force-continued.

	Data of I		1
Name of Town.	Date of F	Proclamation -	Deter d G
	Bringing Town under the Act.	Defining limits of Town.	Dates of Government Gazette containing Proclamations.
Parkes	. 12 June, 1874	19 June 1074	
Parramatta	Named in Act	4 12 June, 1874 t 11 Oct., 1892	
Paterson	14 Oct 1865		
Peak Hill	90 July 1901	20 July, 1891	16 October, 1863, and 20 March, 1900 21 July, 1891.
Penrith	. 14 Oct., 1863	25 Feb., 1870	
Peterborough	. (See She	Illharbour)	10 0000001, 1803, and 1 March, 18,0.
Petersham	8 Aug., 1865	8 Aug., 1865	15 August, 1865.
Picton		12 Feb., 1870	16 October, 1863 and 15 February 1850
Prospect	. 14 Aug., 1890	14 Aug., 1890	15 August, 1890.
Queanbeyan	. 11 July, 1854	17 Sept., 1886	14 July 1054 1 01 0
Quirindi	18 Feb., 1884	9 May, 1891	14 July, 1854, and 21 September, 1886.
	1001	5 may, 1091	19 February, 1884, and 12 May, 1891.
Randwick and Coogee	22 Oct., 1860	22 Oct., 1860 &	22 October 1960 101 15 core
		30 May, 1900	23 October, 1860, and 31 May, 1900.
Raymond Terrace	14 Oct., 1863	26 June, 1868	16 October, 1863, and 3 July, 1868.
Redfern	14 Oct 1862	26 Feb., 1884	16 October, 1863, and 26 February, 1884.
Richmond	14 Oct., 1863	4 Feb., 1870, &	16 October, 1863, 8 February, 1870, and 18
Rohingonwille		12 Mar., 1870	March, 1870.
Robinsonville	14 Oct., 1882	14 Oct., 1882	17 October, 1882.
Rookwood	4 Dec., 1863	17 Jan., 1870	8 December, 1863, and 18 January, 1870.
Ryde		13 Sept., 1892	10 September, 1892.
Rylstone		30 Oct., 1874	30 October, 1874.
	14 Oct., 1863	24 June, 1869	16 October, 1863, and 29 June, 1869.
Scone	15 Oct., 1850	18 Nov., 1889	18 October 1950 110 25
Shellharbour	10 Ang 1860	10 Aug., 1869	18 October, 1850, and 19 November, 1889.
Sherwood	14 Aug 1800	14 Aug., 1890	10 August, 1869. 15 August, 1890.
Silverton	27 May, 1885	27 May, 1885	29 May, 1885.
Singleton	22 July, 1850	29 June, 1868	23 July, 1850, and 3 July, 1863.
Smithfield	31 Dec., 1889	31 Dec., 1889	7 January, 1890.
Smithtown	18 Dec., 1900	18 Dec., 1900	21 December, 1900.
St. Albans	16 Mar., 1858	24 June, 1869	16 March, 1858, and 29 June, 1869
St. Aubins	25 Sept., 1857 25 June, 1860	17 Jan., 1870	25 September, 1857, and 18 January 1870
St. Leonards	30 Mar., 1860	25 June, 1860	26 June, 1860.
St. Leonards, East	14 Aug., 1869	30 Mar., 1860	3 April, 1860.
Swansea	6 Mar., 1896	14 Aug., 1869 6 Mar., 1896	17 August, 1869.
St. Mary's	29 Sept., 1870	19 Sept., 1893	10 March, 1896.
Stockton	11 May. 1885	28 Dec., 1892	30 September, 1870, and 22 Sept., 1893.
St. Peter's	22 April, 1871	22 April, 1871	12 May, 1885, and 30 December, 1892. 25 April, 1871.
Strathfield	27 Jan., 1886	7 Oct., 1892	S.G.G., 27 January, 1886, and G.G., 11
Strond			October, 1892.
Stroud	29 Dec., 1856	19 Aug., 1869	30 December, 1856, and 20 August, 1869
Sunny Corner	31 July, 1885	31 July, 1885	4 August, 1885.
Tambaroora	9 Out 1001	10 11 101	
Tamworth, N. and S	2 Oct., 1861	16 Feb., 1892	4 October, 1861, and 19 February, 1892.
Taralga	21 May, 1885	28 Feb., 1879	4 March, 1879.
Tarcutta	14 Oct., 1863	21 May, 1885	22 May, 1885.
Taree	16 Mar., 1886	5 Feb., 1900 16 Mar., 1886	16 October, 1863, and 9 February, 1900.
Temora	23 Sept., 1880	23 Sept., 1880	S.G.G., 18 March, 1886.
Tenterfield	14 Oct., 1863	22 Jan., 1870	24 September, 1880.
Teralba	21 Jan., 1899		16 October, 1863, and 25 January, 1870. 27 January, 189.).
Tibooburra	18 Sept., 1889		20 September, 1889.
Tingha	11 Mar., 1882	11 Mar., 1882	14 March, 1882.
Tinonee	22 June, 1901	22 June, 1901	24 June, 1901.
Tocumwal	17 June, 1890	17 June, 1890	20 June, 1890, and 5 March, 1895.

Police Offences.

LIST of Towns in which Part III is in force-continued.

	Date of Proc	lamation-	Dates of Government Gazette containing	
Name of Town.	Bringing Town under the Act.	Defining limits of Town.	Proclamations.	
T	10 July, 1888	10 July, 1888	13 July, 1888.	
Tuena Tumberumba	14 Oct , 1863	24 Jan., 1870	16 October, 1863, and 28 January, 1870.	
Tumut	24 Sept., 1855	22 April, 1882	28 September, 1855, and 25 April, 1882.	
Tuncurry	22 June, 1901	22 June, 1901	24 June, 1901.	
runcurry minimum			1050	
Tille dulle	14 Oct., 1863	24 Jan., 1870	16 October, 1863, and 28 January, 1870.	
Ulladulla Ulmarra	15 April, 1890	15 April, 1890	18 April, 1890.	
Upper Picton	26 July, 1895	26 July, 1895	30 July, 1895.	
Uralla		5 Mar., 1889	16 October, 1863, and 8 March, 1889.	
Urana		1 Sept., 1881	6 September, 1881.	
	A STATE AND LOSS			
Vaucluse	30 May, 1900	30 May, 1900	31 May, 1900.	
vaueruse				
	14 Oct., 1863	14 July, 1886	16 October, 1853, and 16 July, 1886.	
Wagga Wagga	1	18 May, 1865	30 May, 1865.	
Wahgunyah, North	1 TO T 1000	10 Jan., 1882	13 January 1882.	
Walcha		13 July, 1869	16 October, 1863, and 16 July 1869.	
Walgett Wallabadah		18 July, 1889	10 September, 1869, and 19 July, 1889.	
Wallerawang		11 Sept., 1885	15 September, 1885.	
Wallsend		22 Aug., 1874	25 August, 1874.	
Waratah	. 28 July, 1874	28 July, 1874	31 July, 1874. 16 October, 1863, and 25 January, 1870.	
Warialda	14 Uct., 1000	22 Jan., 1870	11 December, 1900.	
Wardell	8 Dec., 1900	8 Dec., 1900		
Warren	. 4 Nov., 1881	29 June, 1897 &	October 1960.	
	1000 1000	12 Oct., 1900	16 October, 1863, and 31 May, 1900.	
Waterloo		30 May, 1900 30 May, 1900	L 16 October 1863 and 31 May, 1900.	
Waverley	. 14 Oct., 1863	24 Jan., 1870	LIG October 1863, and 25 January, 1010.	
Wee Waa		19 Aug., 1891	97 December, 1853, and 21 August, 1891.	
Wellington	1 24 4 11 1001	22 Jan., 1870	26 April, 1861, and 25 January, 1870.	
Wentworth		29 June, 1891	30 June, 1891.	
West Maitland West Narrabri	1 21 11 1001	21 Feb., 1891	24 February, 1821.	
West Wyalong	1 0 7 1007	2 Jan., 1897	8 January, 1897.	
White Cliffs	1.1 0 1007	14 Dec., 1897	17 December, 1897.	
Whitton	00 D 1000	30 Dec., 1890	S.G.G., 31 December, 1890.	
Wickham	0.17 1070	6 Nov., 1872	8 November, 1872.	
Wilcannia	. 11 May, 1868		12 May, 1868.	
Willoughby, North	10 June, 1000	10 June, 1880	11 June, 1880. 8 March, 1887.	
Willyama (Broken H1	1) 7 Mar., 1887		4 March, 1890.	
Wingham	3 Mar., 1890		14 December, 1858.	
Windsor	Named in Act.	1001	01 June 1991	
Wollomba		1000 1000	17 February, 1854, and 15 February, 1870.	
Wo lombi			6 November, 1846, and 11 July, 1830.	
Wollongong	D 1000		1 21 December, 1900.	
Woodburn			16 October, 1863, and 31 May, 1900.	
Woollahra Wonona		2 14 Oct., 1882	17 October, 1882.	
Wonona	0 1 100			
w jaiong				
	90 Tumo 194) 24 June, 1869	24 June, 1840, and 29 June, 1869.	
Yass Yassand O'Connell Toy	20 June, 1840 yn 10 Aug., 1860	1000	10 August, 1869.	
Vassand U Connell 10				
Young	4 June, 186	2 19 Aug., 1869	o Julie, 100-, and 20 magazi,	

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Art No: 5, 1001:

Police Offences.

See s. 110 (2).

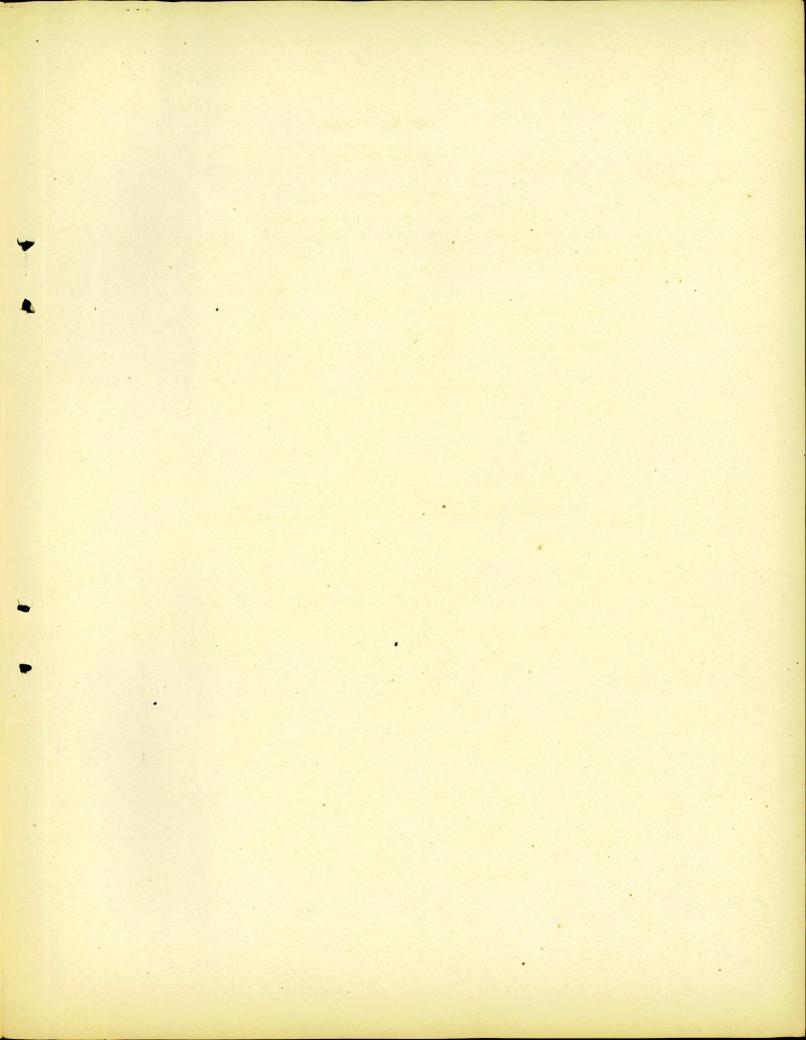
FOURTH SCHEDULE.

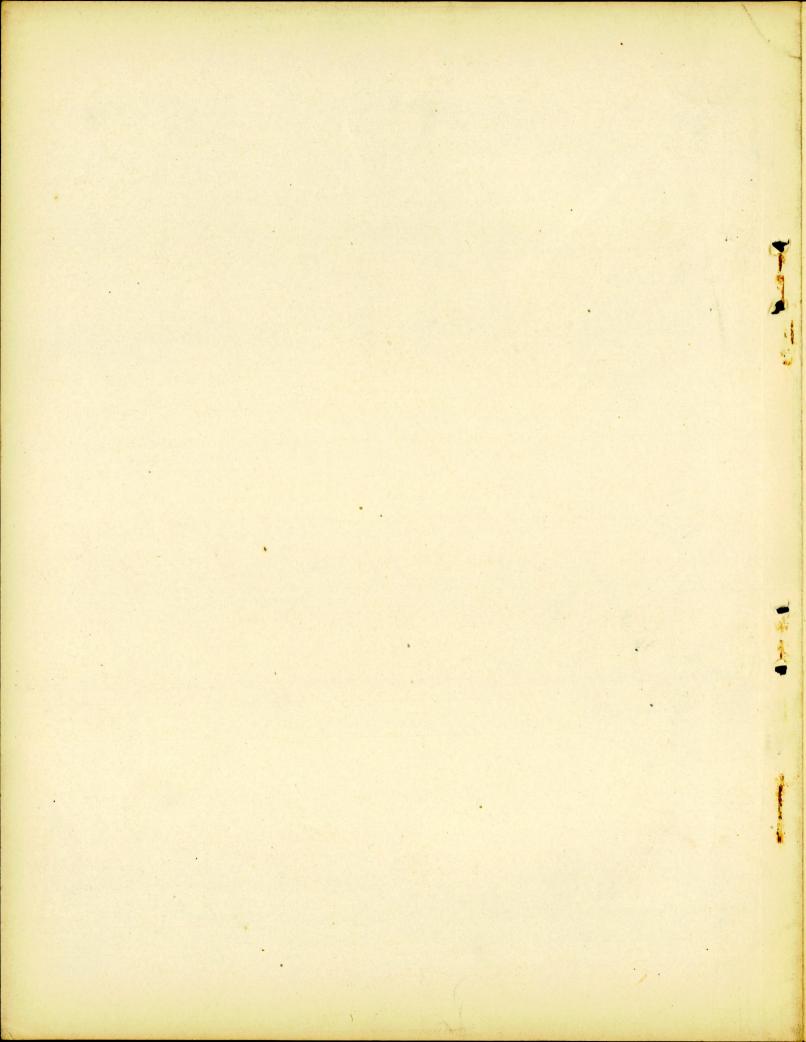
Form of memorandum of charge for which summons issued.

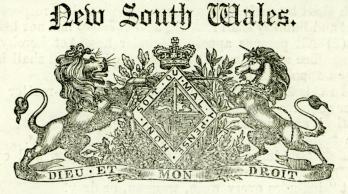
[Name of Complainant.]	A.B., of No.	street,	, [police constable.]
[Name of Defendant.]	C.D., of No.	st	reet, , [labourer.]
[Date of offence.]	on the	day of	, inst. [or last].
[Offence.] [Date of issuing summons.]	[e.g., without public pla The	lawful cause ace.] day of	discharging a firearm in a
[Signed by]	E.F., J.P.	day of	19 .
[Summons returnable.]	The		, inst. [or next].

By Au [1s. 6d.]

By Authority : WILLIAM APPLEGATE GULLICK, Government Printer, Sydney, 1909.







ANNO PRIMO REGIS. EDWARDI

Act No. 5, 1901.

An Act to consolidate the Statutes relating to Police Offences. [Assented to, 3rd October, 1901.]

) E it enacted by the King's Most Excellent Majesty, by and with B 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 :--

PART I.

Preliminary and Interpretation.

1. This Act may be cited as the " Police Offences Act, 1901," Short title and division into Parts. and is divided into Parts, as follows :---

PART I.—Preliminary and Interpretation.—ss. 1-4.

PART II.—Offences general to whole State.—ss. 5-41.

PART III .- Offences in Sydney and in certain towns only .ss. 42-100.

PART IV.-Special constables.-ss. 101-108.

PART V.-Procedure.-ss. 109-114. St 7582

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2. (1) The Acts mentioned in the First Schedule hereto are, to the extent therein expressed, hereby repealed, except as to offences committed and things done or commenced before the passing of this Act, which shall be dealt with and continued, and in respect of which every right and liability shall remain, as if this Act had not been passed.

(2) All persons appointed under any Act hereby repealed and holding office at the time of the passing of this Act shall be deemed to have been appointed under this Act.

3. In this Act, unless the context or subject-matter otherwise indicates or requires—

"Justice" means a Justice of the Peace.

"Constable" means any member of the police force.

- "Vehicle" includes every omnibus, coach, gig, and carriage of any kind, and every truck, sledge, or cart.
- " Cart " includes every wain, waggon, or dray.

"City surveyor" means the city surveyor, or any other surveyor appointed by the municipal council of the city of Sydney, subject to the provisions of the Sydney Corporation Act of 1870, or any other Act and any by-laws or regulations made under their authority.

4. This Act shall be read with, and subject to the provisions of, the Nuisances Prevention Act, 1897, and the Metropolitan Traffic Act, 1960, and the regulations from time to time in force thereunder.

PART II.

Offences general to whole State.

5. The provisions of this Part shall apply and be in force in every part of New South Wales.

6. Whoseever is found drunk in any street or public place shall be liable to a penalty not exceeding one pound.

7. Whosoever is found drunk and disorderly in any street or public place shall be liable to a penalty not exceeding two pounds.

8. Whosoever in any street or public place to the obstruction, annoyance, or danger of the residents or passengers—

sells gunpowder, squibs, rockets, or other combustible matter by gas, candle, or other artificial light; or,

hoists or lowers, or causes to be hoisted or lowered, goods of any description from any house without sufficient and proper ropes and tackling; or,

conveys, or causes to be conveyed, the carcass or any part of the carcass of any newly-slaughtered animal, without a cloth covering the same sufficient for the concealment thereof; or, hawks

Application of this Part to whole State. 32 Vie. No. 7, s. 1. 41 Vie. No. 12, s. 1. Being found drunk in a public place. 30 Vie. No. 5, s. 1.

Being found drunk and disorderly in a public place. *Ibid.* s. 2.

Certain offences in public places to annoyance, &c., of residents, &c.

Selling gunpowder, &c., by artificial light 19 Vic. No. 24, s. 21.

Hoisting or lowering

goods without proper tackling. Ibid.

Carrying carcass of newly-slaughtered meat without a cloth covering same. *Ibid.*

Repral.

Persons appointed under repealed Acts.

Interpretation.

43 Vic. No. 3, s. 68.

Certain Acts with which this Act to be read.

Police Offences.

hawks or carries about butchers' meat for sale without covering the same as aforesaid; or,

- places any line or pole across any street or passage, or hangs or Placing line, cord, or pole across any street to hang places clothes thereon : or. places clothes thereon; or,
- places, hangs up, or affixes any sign-post, board, house-ticket, Placing signboard notice, or other similar thing, otherwise than close and except close to the parallel to, or flat upon, the wall of the building to which Ibid. the same belongs; or,
- places any flower-pot in any upper window without sufficiently Placing any flower-pot, guarding the same from being thrown down; or,
- casts from the roof, or any part of any building, any slate, brick, Ibid. wood, rubbish, or other thing unless within a hoard when the root of any house into the street. any building is being erected or repaired; or,
- being a blacksmith, whitesmith, anchorsmith, nailmaker, or other Blacksmiths, &c., person using a forge, and having a door, window, or aperture not closing windows fronting or opening into or towards any street or passage, street at night. does not close and darken such door or window or aperture Ibid. within one hour after sunset, so as effectually to prevent the light from showing through the same:

Provided that nothing herein contained shall extend to forges below the pavement of the street; or,

- within the distance of one hundred yards from any dwelling-Burning rags within house burns any rags, bones, cork, or other offensive sub- 100 yards from any dwelling-house, &c. stance; or, Ibid.
- while driving any vehicle whatsoever does not keep to the near Not keeping vehicles side of such street or public place (except when overtaking on the near or left hand side of the and passing any other vehicle), or meeting any other vehicle street, &c. does not pass to his near side of such vehicle, or in any (4Wm.IV No.7, s. 40. manner wilfully prevents any other person from passing him 17 Vic. No. 2, s 39. or any vehicle under his care upon such street or public 19 Vic. No. 24, s. 21. place, or by negligence or misbehaviour prevents, or interrupts the free passage of any carriage or person in or upon the same; or,
- being the driver of any vehicle, is wilfully at such a distance Driver leaving vehicle from such vehicle, or in such a situation, whilst it is passing 2 wm. IV No. 12, s. 29. upon such street or public place that he cannot have the 4 Wm. IV No. 7, s. 40. direction of the horse or other animal drawing the same; or, 17 Vic. No. 25, s. 32.
- having the charge of any cart, drawn by two or more horses or Riding on certain other animals, rides thereen without sufficient reins to guide carts without reins. 19 Vic. No. 24, s. 21. the animals drawing the same; or,
- while driving or having the charge of any cart, drawn by any Driving a cart out horse or other animal, and driven or guided by reins, wilfully of a walking pace. Ibid. allows such horse or other animal to proceed out of a walking pace; or,

races any horse or other animal; or,

Racing horses. 2 Wm. IV No. 12, s. 24.

baits

Ibid.

&c., in the upper window without guarding the same.

19 Vic. No. 24, s. 21.

Police Offences.

Baiting bulls. 2 Wm. IV No. 12, s. 24. Exposing animals for sale, &c. 17 Vic. No. 31, s. 13.

Cleaning, &c., vehicles. 1bid.

Throwing stones. *Ibid.* Playing games. *Ibid.*

Causing mob to collect by fighting, &c. 2 Wm. IV No. 12, s. 24.

Carrying goods on footway. 19 Vic. No. 24, s. 21.

Riding or driving furiously in street. 17 Vic. No. 31, s. 13. 2 Wm. IV No. 12, s. 29.

Blowing horns, &c., for announcing any sale, &c. 17 Vic. No. 31, s. 13.

Discharging firearms, &c. *Ibid.* Ringing bells. *Ibid.*

Keeping dog, &c., which attacks, &c., persons having right of way. 19 Vic. No. 24, s. 21.

Constable may seize goats straying in public places, and may destroy such as are not branded Angoras, &c. 18 Vic. No. 27, s. 5. 36 Vic. No. 18, s. 1, baits any bull or other beast; or,

exposes any horse or other animal for show or sale (except in a market lawfully appointed for that purpose); or,

feeds any horse or other animal; or,

shows any caravan containing any animal or any other show or public entertainment; or,

shoes, bleeds, or farries any horse or animal (except in cases of accident); or,

cleans, dresses, exercises, trains, or breaks any horse or animal; or,

cleans, makes, or repairs any part of any vehicle (except in the case of accident where repair on the spot is necessary); or,

throws or discharges any stone or other missile; or,

plays at any game; or,

by fighting or otherwise collects or causes to be collected together any mob or tumultuous meeting; or,

carries any goods upon any footway,

shall be liable to a penalty not exceeding two pounds.

9. Whosoever in any street or public place-

rides or drives so negligently or furiously as to endanger the safety of any person or of the public; or,

being the driver of any vehicle, by driving furiously or by any negligence or wilful misbehaviour causes any hurt or damage to any carriage upon such street or public place; or,

blows any horn (unless he is a guard or postman in His Majesty's Post Office in the performance of his duty), or uses any other noisy instrument for the purpose of announcing any show or entertainment, or for the purpose of hawking, selling, distributing, or collecting any article whatsoever, or of obtaining money or alms; or,

discharges any firearm without lawful cause; or,

makes any bonfire, or lets off any firework ; or,

wantonly disturbs any inhabitant by pulling or ringing any doorbell, or knocking at any door without lawful excuse,

shall be liable to a penalty not exceeding two pounds.

10. Whosoever keeps any dog or other animal which attacks and endangers any person who has the right of way or use of any private yard, alley, street, or other place, shall be liable to a penalty 1. not exceeding two pounds.

11. Any constable may seize any goat found straying or at large in any street or public place, or may destroy any such goat not being a branded Angora or other branded goat producing hair used in or adapted for the manufacture of cloth or other textile fabrics.

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Police Offences.

12. Whosoever is guilty of any riotous, violent, or indecent Riotous, violent, or behaviour in any street or public place, or in any police office or indecent behaviour. police station-house, shall be liable to a penalty not exceeding two 17 Vic. No. 31, s. 15. pounds, or to imprisonment for a term not exceeding seven days.

13. Whosoever, being a street musician, has been required by street musicians not any householder or occupier of any premises, personally, or by his departing when desired so to do. servant, or by any police constable, to depart from the neighbourhood Ibid. s. 14. of the house or premises of such householder or occupier on account of the illness of any inmate of such house or premises, or for other reasonable cause, and afterwards sounds or plays upon any musical instrument in any street or public place near such house or premises, shall be liable to a penalty not exceeding two pounds.

14. (1) Whosoever keeps or uses or acts in the management of Keeping place used any house, room, pit, or other place for the purpose of fighting or baiting for cock-fighting, &c. cocks, dogs, or other animals shall be liable to a penalty not exceeding *Ibid. s. 10.* five pounds, or to imprisonment with or without hard labour for a term not exceeding one month.

(2) A conviction under this Act of this offence shall not exempt the owner, keeper, or manager of any such house, room, pit, or place from any penalty or penal consequence to which he may be liable for the nuisance thereby occasioned.

(3) The Inspector General of Police may by order in writing authorise any inspector of police, with such constables as he thinks necessary, to enter any premises kept or used for any of the purposes aforesaid, and take into custody all persons found therein without lawful excuse.

Every person so found shall be liable to a penalty not exceeding five shillings.

15. Whoseever makes or uses or allows to be made or used any Making internal internal communication between any house, shop, room, or place of communication with an adjoining public public resort, not licensed for the sale of any fermented or spirituous house. liquors, and any house or place licensed for the sale of such liquors *Ibid.* s. 9. or in which any such liquors are sold by a dealer in wine and spirits shall be liable to a penalty not exceeding ten pounds for every day that such communication is open.

16. Whosoever, not being a licensee within the meaning of the No person keeping a Liquor Act, 1898, keeps or has any house, shop, room, or place of house for public public resort wherein ready-made provisions, liquors, or refreshments for business before of any kind are sold or consumed (whether the same are kept or six o'clock in the morning or later retailed therein or procured elsewhere), and opens or has open his than twelve o'clock premises for the reception or entertainment of promiscuous persons or ^{at night}. for the ordinary transaction of business earlier than six o'clock in the ¹⁹ Vic. No. 24, s. 20. morning, or later than twelve o'clock at night, shall be liable to a penalty not exceeding five pounds :

Provided

Police Offences.

Proviso-saving Early Closing Act.

Using carriages withconsent.

Provided that nothing herein contained shall affect the provisions of the Acts No. 38, 1899, and No. 81, 1900.

17. Whosoever rides upon or causes himself to be carried or outowner'sordriver's drawn by any carriage without the consent of the owner or driver 17 Vic. No. 31, s. 16, thereof shall be liable to a penalty not exceeding five shillings, or if a child apparently under the age of twelve years to be detained by order of the Justice until his parent or guardian can attend for the purpose of having such child delivered into his care; provided that if such parent or guardian do not so attend before the closing of the police court for the day the Justice may order such child to be discharged.

Inspector General of lations for preventing obstructions in the processions, &c. Ibid. s. 11.

Proprietors of vehicles not liable for deviating from the route. Ibid. s. 12.

Shooting on Sunday. 5 Vic. No. 6, s. 1.

Provisoes.

I bid. ss. 2, 3.

Persons receiving ship's stores from seamen, &c. 17 Vic. No. 31, **e.** 1, 24.

18. (1) The Inspector-General of Police may from time to time, Police to make regu- and as occasion requires, make regulations for the route to be observed by all vehicles, horses, and persons, and for preventing obstructions of streets during public the streets and public places in all times of public processions, public rejoicings, or illuminations, and may give directions to the constables for keeping order and for preventing any obstructions of the thoroughfares in the immediate neighbourhood of Government House, Parliament House, the public offices, the Courts of Justice, the theatres, and other places of public resort, and in any case when the streets or public places may be thronged or may be liable to be obstructed.

> (2) No proprietor of any vehicle duly licensed to carry passengers for hire shall be liable to any penalty for any deviation from the line of route specified in his license which the driver of such vehicle makes by virtue of any regulation or direction made or given by the Inspector-General of Police.

19. Whosoever-

is found engaged in shooting at any pigeon match, or for pleasure, sport, or profit of any kind whatever on Sunday; or,

is found carrying firearms on Sunday,

shall be liable to a penalty not exceeding five pounds :

Provided that-

- (a) nothing in this section shall be deemed to extend to travellers bona fide carrying firearms for the protection of the lives and property of themselves or their employers on the public roads, or to constables and other persons carrying firearms for lawful purposes;
- (b) no person shall be prosecuted for an offence under this section unless the prosecution is commenced within ten days after the offence was committed.

20. Whosoever knowingly takes in exchange from any seaman or other person not being the owner or master of any vessel, anything belonging to any vessel, or any part of the cargo of any vessel, or any stores

Police Offences.

stores or articles in charge of the owner or master of any vessel, shall be liable to a penalty not exceeding five pounds or to imprisonment for a term not exceeding one month.

21. Whosoever for the purpose of preventing anything from Framing a false bill being seized on suspicion of being stolen or otherwise unlawfully of parcels to escape obtained, or from being produced in evidence concerning any alleged 17 Vic. No. 31, felony or misdemeanour fraudulently prepares or causes to be prepared ss. 2, 24. or produces any bill of parcels, receipt, or other document containing any false statement, shall be liable to a penalty not exceeding five pounds or to imprisonment for a term not exceeding one month.

22. Whoseever in or upon any warehouse, wharf, quay, or bank, Possessing instruments for unlawfully or on board any ship or other vessel, procuring and

is found having in his possession any instrument for the purpose of carrying away wine, unlawfully obtaining, or any material or utensil for the purpose 40.

of unlawfully secreting or carrying away, any wine, spirits, or other liquors; or

attempts unlawfully to obtain any wine, spirits, or other liquors, shall be liable to a penalty not exceeding five pounds or to imprisonment for a term not exceeding one month.

23. Whosoever, in or upon any warehouse, wharf, quay, or bank, Piercing casks, opening packages, or on board any ship or other vessel,

breaks or otherwise injures any cask or package containing wine, *Ibid.* 55. 4, 24. spirits, or other liquors, with intent to steal or otherwise unlaw-

fully obtain any of the contents thereof; or

unlawfully drinks, spills, or wastes any part of the contents thereof, shall be liable to a penalty not exceeding five pounds or to imprisonment for a term not exceeding one month.

24. Whoseever wilfully causes to be broken, started, or otherwise Breaking packages injured any cask, bag, or other package containing or prepared for with intent to spill containing any goods while on board of any lighter, or other craft, or Ibid. 85. 5, 24. on any wharf or landing place, or in the way to or from any warehouse, with intent that the contents of such package may be dropped from such package, shall be liable to a penalty not exceeding five pounds or to imprisonment for a term not exceeding one month.

25. Any superintendent, inspector, or sub-inspector of police, or Superintendents and any constable in charge of a station may enter at all times by night or inspectors may board vessels. day, with such constables as he thinks necessary, upon and into every Ibid. s. 6. part of every ship or other vessel (not then actually employed in His 41 Vic. No. 12, s. 2. Majesty's service), for the purpose of directing any constable stationed on board, and of observing the conduct of all persons employed on board in loading or unloading, and of taking all necessary measures for providing against fire and other accidents, and for preserving peace and good order on board, and for preventing or detecting any felonies or misdemeanours.

Police Offences.

Superintendent &c., having just cause to suspect felony may enter on board vessels, and take up suspected persons.

Persons suspected of stolen goods.

Search warrant. Ibid. s. 2.

26. Any superintendent, inspector, or sergeant of police, or any constable in charge of a station who has just cause to suspect that any felony has been or is about to be committed on board of any ship or other vessel may enter thereon at all times, by night or day, and therein 17 Vie. No. 31, s. 7. take all necessary measures for preventing or detecting such felony, and 41 Vic. No. 12, s. 2. may take into custody all persons suspected of being concerned in such felony, and may take charge of any property suspected to be stolen.

27. Whosoever being charged before a Justice with having having or conveying in his possession or conveying in any manner anything which may 19 Vic. No. 24, s. 1. be reasonably suspected of being stolen or unlawfully obtained, does not give an account to the satisfaction of such Justice how he came by the same, shall be liable to a penalty not exceeding ten pounds or to imprisonment for a term not exceeding three months.

> 28. If information is given on oath to a Justice that there is reasonable cause for suspecting that anything stolen or unlawfully obtained is concealed or lodged in any dwelling-house or any other place, such Justice may, by special warrant under his hand directed to any chief constable or inspector of police, cause every such dwellinghouse or other place to be entered and searched at any time of the day or by night if power for that purpose is given by such warrant.

> The said Justice, if it appears to him necessary, may empower such chief constable or inspector, with such assistance as may be found necessary (such chief constable or inspector having previously made known such his authority),

- (1) to use force for the effecting of such entry, whether by breaking open doors or otherwise; and,
- (2) to convey any such thing found upon such search before a Justice, or to guard the same on the spot until the offenders are taken before a Justice, or otherwise to dispose thereof in some place of safety; and,
- (3) to take into custody and carry before the said Justice every person found in such house or place who appears to have been privy to the deposit of any such thing, knowing or having reasonable cause to suspect the same to have been stolen or otherwise unlawfully obtained.

29. (1) When any person who has been brought before a stolen goods are said Justice charged with having or conveying anything stolen or unlawfully obtained, declares that he received the same from some other person, or that he was employed as a carrier, agent, or servant to convey the same for some other person, such Justice shall cause every such person, and also if necessary every former or pretended purchaser or other person through whose possession such thing has passed, to be brought before him and examined, and shall examine witnesses upon oath touching the same.

Person from whom to have been received to be examined by the Justice. -Ibid. s. 3.

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Police Offences.

(2) Whoseever appears to such Justice to have had possession of such thing, and to have had reasonable cause to believe the same to have been stolen or unlawfully obtained, shall be liable to a penalty not exceeding ten pounds, or to imprisonment with or without hard labour for a term not exceeding three months.

Every such person shall be deemed to have had possession of such thing at the time and place when and where the same was found or seized, and the possession of a carrier, agent, or servant shall be deemed to be the possession of the person who employed such carrier, agent, or servant to convey such thing.

30. If any goods or money charged to be stolen or fraudulently order for delivery obtained are in the custody of any constable by virtue of any warrant to owner, &c., of goods charged to of a Justice, or in prosecution of any charge of felony or misdemeanour have been stolen or in regard to the obtaining thereof, and the person charged with stealing fraudulently obtained and in custody of or obtaining possession as aforesaid has not been found, or has been constable. summarily convicted or discharged, or has been tried and acquitted, 19 Vic. No. 24, s. 4. or if such person has been tried and found guilty, but the property so in custody was not included in any indictment upon which he has been found guilty, any Justice may make an order for the delivery of such goods or money to the person who appears to be the rightful owner thereof, or, in case the owner cannot be ascertained, then may make such order with respect to such goods or money as to such Justice seems meet.

No such order shall be any bar to the right of any person to sue the person to whom such goods or money are delivered, and to recover such goods or money from him by an action commenced within six months next after the making of such order.

31. When any goods or money charged to be stolen, or unlaw- Unclaimed stolen fully obtained, and of which the owner is unknown, are ordered by goods in the custody a Justice to be detained, any Justice may, after the expiration of twelve sold after twelve months, if during that time no owner has appeared to claim the same, months for the police sell or dispose of such goods or apply such money for the benefit of reward fund. the "Police Reward Fund." Ibid. s. 5.

32. (1) Upon complaint made to a Justice by any person Order for the claiming to be entitled to the property or possession of any goods which delivery to the owner of goods are detained by any other person, the value of which is not greater than unlawfully detained twenty pounds, and not being deeds, muniments, or papers relating to *Ibid. s. 10.* any property of greater value than fifty pounds, any Justice may summon the person complained of and inquire into the title thereto or to the possession thereof.

(2) If it appears to the Justice hearing the case that such goods have been detained without just cause, after due notice of the claim made by the person complaining, or that the person detaining such goods has a lien or right to detain the same by way of security for

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for the payment of money or the performance of any act by the owner thereof, such Justice may order the goods to be delivered up to the owner thereof either absolutely or upon tender of the amount appearing to be due by such owner (which amount such Justice shall determine), or upon performance, or upon tender and refusal of the performance of the act for the performance whereof such goods are detained as security, or if such act cannot be performed then upon tender of amends for non-performance thereof (the nature or amount of which amends such Justice shall determine).

(3) Such Justice may in and by the said order further order and direct that, in the event of neglect or refusal to deliver up the goods according to such order, the person against whom such order is made shall forfeit to the party aggrieved the full value of such goods not being greater than twenty pounds, which value the Justice shall determine.

(4) In any case where no such further order and direction is made by the adjudicating Justice such further order and direction may be subsequently made by any Justice.

Such order no bar to (5) No such order shall be any bar to the right of any person right to sue. 19 Vic. No. 24, s. 10. virtue of such order, and to recover from him the goods or money so delivered or forfeited by an action commenced within six months next after the making of such order.

33. Whosoever, being the occupier of, or having occupied, any house or lodging as tenant thereof, wilfully or maliciously does any damage to the premises or to any furniture thereof, shall, upon complaint made to a Justice within one month next after the commission of the offence or the end of the tenancy or occupation, forfeit and pay to the landlord or party aggrieved such sum of money, not exceeding twenty pounds, as appears to the Justice to be a reasonable compensation for the damage done.

34. (1) Upon complaint made to a Justice by any person who has occupied any house or lodging by the week or month, or whereof the rent does not exceed the rate of twenty-five pounds by the year, that his goods have been taken from him by an unlawful distress, or that the landlord, or his broker, or agent, has been guilty of any irregularity or excess in respect of such distress, such Justice may summon the person complained of, and if, upon the hearing of the matter, it shall appear to the Justice that such distress was improperly taken, or unfairly disposed of, or that the charges made by the person who distrained, or attempted to distrain, are contrary to law, or that the proceeds of the sale of such distress have not been duly accounted for to the owner thereof, such Justice may order the distress so taken if not sold to be returned to the tenant on payment of the rent which appears to be due at such time as the Justice appoints, or if the distress

Order for payment of value if goods not delivered up may be included in such order

No. 71, 1900, s. 8 (1).

or may be made subsequently by any Justice. *I bid.* subs. (2). Such order no bar to right to sue. 19 Vic. No. 24, s. 10.

Compensation for wilful damage by tenants. *Ibid.* s. 8.

Oppressive distresses. *I bid.* s. 9.

Police Offences.

distress has been sold then such Justice may order payment to the said tenant of the value thereof, deducting thereout the rent which so appears to be due, which value such Justice shall determine.

(2) Any such landlord or party complained against shall, in default of compliance with any such order, forfeit to the party aggrieved the value of such distress, not being greater than twentyfive pounds, which value such Justice shall determine.

35. Whosoever assaults, resists, or interrupts any sheriff's bailiff, Assaulting bailiffs, bailiff of any court, or any keeper or other officer in the discharge of detailed duty. any public duty, or any bailiff or keeper distraining for rent, or for rates 19 Vic. No. 24, s. 19. or taxes,

or, rescues or attempts to rescue any property levied or distrained on, shall be liable to a penalty not exceeding ten pounds, or to imprisonment with or without hard labour for a term not exceeding six months.

Provided always that if the Justice hearing the case thinks the same a proper case to be sent to a superior court to be dealt with, such Justice may commit the offender to take his trial for such offence.

36. Any constable may stop, search, and detain any vessel, Constable may detain and search any vessel, any thing stolen or unlawfully obtained may be found, and also any stolen property. person who may be reasonably suspected of having or conveying in ¹⁷ Vic. No. 31, 8. 19. any manner anything stolen or unlawfully obtained.

37. (1) Whosoever being the owner of any cart drawn by any owners of carts not horse or other animal, and driven or guided by reins, does not have having name his name and place of abode painted legibly in full length on the off 2 Wm. IV No. 12, side, in white letters at least two inches high and proportionately s. 26. broad on a black ground, shall be liable to a penalty not exceeding ¹⁹ Vic. No. 24, s. 21 two pounds.

(2) If the person in charge of any such cart as aforesaid, Person in charge refuses to give his or the owner's name and address, or gives a false to be detained till ratio factory account name of himself or the owner, such person shall be detained by any given. constable or other person until a satisfactory account is given to such *Ibid*.

38. Any constable may stop and detain until due inquiry can Removing furniture be made, all vehicles which he finds employed in removing the to evade rent. furniture of any house or lodging between the hours of eight in the ¹⁷ Vic. No. 81, s. 20. evening and six on the following morning, or which he finds so employed at any time if he has good grounds for believing that such removal is made for the purpose of evading the payment of rent

39. (1) Whenever any person having charge of any horse, Horses, carriages, vehicle, or boat, or any other animal, or thing, is apprehended by any $\frac{\&c., of offenders may}{be detained}$. constable under the provisions of this Act, any constable may take *Ibid.* s. 21. charge of such horse, vehicle, or boat, or such other animal or thing,

and

and deposit the same in some place of safe custody as a security for payment of any penalty to which the person having had charge thereof may become liable, and for payment of any expenses which may have been necessarily incurred for taking charge of and keeping the same.

(2) The Justice before whom the complaint against such person has been heard, may order such horse, vehicle, or boat, or such other animal or thing to be sold for the purpose of satisfying such penalty and reasonable expenses in default of payment thereof in like manner as if the same had been subject to be distrained and had been distrained for the payment of such penalty and reasonable expenses.

40. (1) Whenever any person charged with any felony or any station may bind over persons making grave misdemeanour, is, without warrant, in the custody of any constable at any station-house during the time when the police court 17 Vic. No. 31, s. 22. of the district in which such station-house is situated is shut, the 41 Vic. No. 12, s. 3. constable in charge of the station-house may require the person making such charge to enter into a recognizance conditioned as hereinafter mentioned, and upon his refusal so to do, such constable may, if he deem it prudent, discharge from custody the person so charged upon his recognizance with or without sureties conditioned as hereinafter mentioned.

(2) Every recognizance so taken shall be conditioned for the appearance of the person thereby bound before a Justice at the next 17 Vic. No. 31, s. 23. sitting at the police court of the district in which such station-house 41 Vic. No. 12, s. 3. is situated.

> (3) Every such recognizance so taken shall be without fee or reward.

> (4) The constable shall enter in a book, to be kept for that purpose at every such station-house, the name, residence, and occupation of the person, and his surety or sureties (if any) entering into such recognizance, together with the condition thereof and the sum thereby acknowledged, and shall return every such recognizance to the Justice present at the time and place when and where such person is bound to appear.

Common informers compounding information. 19 Vic. No. 24, s. 6.

41. Whosoever lodges any information before any Justice for any offence alleged to have been committed by which he was not personally aggrieved, and afterwards, directly or indirectly receives, without the permission of a Justice, any sum of money or other reward for compounding, delaying, or withdrawing the information, may be brought before any Justice, by warrant or summons, and charged with the offence of such compounding, delay, or withdrawal, and, on conviction, shall be liable to a penalty not exceeding ten pounds.

Constable at police charges.

Condition of recognizance.

PART

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PART III.

Offences in Sydney and in certain towns only.

42. (1) The provisions contained in this Part shall, unless the Application of this context or subject matter otherwise indicates or requires, apply and be Part. in force in the city of Sydney, the towns mentioned in the Third Schedule, and all other towns to which the provisions of this Act are extended as hereinafter provided.

(2) The provisions of this Part shall be read with and Certain Acts with subject to the provisions of the Sydney Corporation Act of 1879, and which this Part is to any Act amending the same, and of section two hundred and thirtyfour of the Municipalities Act, 1897, and of sections twenty-four, twenty-five, and twenty-six of the Public Roads Act, 1897.

(3) In any of the said towns which are not municipalities 11 Vic. No. 44. within the meaning of the Municipalities Act, 1897, and in any part of any of the said towns which is not included in any such municipality, any Justice may, if there is no Police Magistrate having jurisdiction therein, exercise all the powers and authorities of a Police Magistrate under this Part.

43. The Governor may, by proclamation in the Gazette, extend Governor may extend provisions of this Act the provisions of this Act to any town specified in such proclamation.

44. For the purposes of this Act-

to other towns. 2 Vic. No. 2, s. 64. Limits of the city,

- (1) the limits of the said city, and of Sydney Cove, and of &c., and of the towns to which this Part Darling Harbour, shall be those set out in the Second Schedule; applies. the limits of the towns mentioned in the Third Schedule 4Wm.IV No.7, s. 46. shall be such as have been set out and marked, and described 2 Vic. No. 2, s. 43. by publication in the Gazette under the provisions of any 17 Vic. No. 25, s. 1. Act hereby repealed, or shall hereafter be set out and marked by the Surveyor-General or some person deputed by him, subject to the approval of the Governor and described by publication in the Gazette.
- (2) the limits of any town to which the provisions of this Act Limits of towns to are extended shall be such as are set out and marked, and hereafter extended. described by publication in the Gazette in the manner hereinafter provided;
- (3) the carriage and foot ways in the streets and public places Carriage and foot within the said city and the towns mentioned in the Third towns to which this Schedule shall be such as have been set out and marked under Part applies. the provisions of any Act hereby repealed, or any Act relating 4Wm. IV No.7, 8.49. to the setting out and marking of such carriage or foot ways; 19 Vic. No. 10.
- (4) the carriage and foot ways of the streets and public places Carriage and foot within any town to which the provisions of this Act are ways of towns to extended shall be such as are set out and marked in the extended. manner hereinafter provided. · minaulain · The

45.

Police Offences.

How limits of towns to be set out, &c. 2 Vic. No. 2, s. 43.

Entering to erect or maintain marks no trespass.

2 Vic. No. 2, s. 43.

Destroying, &c., marks.

4 Wm. IV No.7, s. 46. 2 Vic. No. 2, s. 43.

How carriage and which this Part is extended are to be set out and marked. 2 Vic. No. 2, ss. 45, 46, 47.

Procedure where streets already set out and allotments sold in conformity with design of town. 19 Vic. No. 10, s. 1.

45. The Surveyor-General, or some person deputed by him, to which this Part shall, within three months of the publication in the Gazette of a proclamation extending the provisions of this Act to a town specified in such proclamation, set out and mark with sufficient marks the limits of such town, subject to the approval of the Governor, and shall publish in the Gazette a description of the boundaries thereof.

46. The Surveyor-General and his assistants shall not incur any liability for trespass in respect of any entry upon the property of any 4 Wm. IV No. 7, s. 46. person to erect any marks under the provisions of this Act, or to uphold or repair any such marks or any mark erected under the provisions of any Act hereby repealed to mark the limits of the said city or of any town mentioned in the Third Schedule.

2

47. Whosoever pulls down, destroys, defaces, or injures any mark erected to mark the limits of the said city or of any of the said towns shall be liable to a penalty of five pounds for the first offence, of ten pounds for the second offence, and of twenty pounds for the third or any subsequent offence.

48. (1) The Surveyor-General, or some person deputed by him, foot ways of towns to shall, within twelve months of the publication in the Gazette of a proclamation extending the provisions of this Act to a town specified in such proclamation, or, in case of unavoidable delay, so soon thereafter as possible, lay before the Governor a plan setting forth the proposed breadth of the carriage and foot ways of the streets and public places within such town, and a notice setting forth the breadth of such carriage-ways shall be published in the Gazette.

> (2) The Surveyor-General, or person deputed by him, shall, . within the time aforesaid, set out the breadth of the said carriage and foot ways, and shall cause the said foot ways to be marked by posts at the corners and intersections of the streets, or wherever the same may be necessary for defining such footways.

(3) The said footways shall be taken and measured from the curbstone, or exterior edge thereof, as laid down in the plan aforesaid, without reference being in any manner had to the breadth of the carriage-way adjoining thereto, or any part thereof, whether such carriage-way in any part exceeds the breadth of the carriage-way set forth in the notice aforesaid or not.

(4) The curbstone, or exterior edge of the said footways, shall in no case be placed or formed upon land not theretofore forming part of the street or footway, unless with the consent of the owner of the land, or under and by virtue of the Act fourth William the Fourth, number eleven, and number five, one thousand eight hundred and ninety-seven, or any Act amending the same.

(5) Provided that in any town in which the streets have been set out, and allotments sold, in conformity with the design, or any extension of the design of such town, it shall be sufficient, in licu

Police Offences.

lieu of the provisions hereinbefore contained, for the Surveyor-General, or some person deputed by him, or any justice or municipal officer of such town, under the authority of the Governor, to set out and mark the carriage and foot ways of the streets and public places in such towns, by placing posts at the corners and intersections of the streets, or wherever the same may be desirable, so as to give a width of forty-two feet for the carriage-way and twelve feet for the footway on each side, when such streets are sixty-six feet wide, and in proportion and at the discretion of the Surveyor-General, or other person or officer, when such streets are less than the said width.

49. All lands which have been or shall hereafter be left open All land now open to and used as a carriage or foot way within any of the said towns, as well the street or formed into a street at the as all land which has been or shall hereafter be formed into a street public expense to be within any of the said towns at the public expense, shall be deemed dedicated to and taken to be dedicated to the public, and shall not be fenced in or 2 Vic. No. 2, s. 47. reserved on any pretence whatsoever, but shall be subject to all such and the like regulations, orders, powers, authorities, and provisions to which land used as a public thoroughfare now is or hereafter shall be subject by law:

Provided always that the Governor may permit and suffer the Governor may permit owner or possessor of any land adjoining to any footway within any of owner of adjoining the said towns which has been heretofore left open and used as a way beyond twelve carriage or footway, to resume the possession of so much of the said feet. land as exceeds the distance of twelve feet from the outer curbstone Ibid. or exterior edge of the footways within the said towns as at present or hereafter to be laid down by the said Surveyor-General or any person deputed by him as to the Governor seems fit, subject, however, to and under and upon such conditions, regulations, and restrictions as shall be directed by the Governor respecting the same.

50. The Surveyor-General or any person deputed by him may, Footways as set out in the said city, and any person appointed by the Governor may, in may be levelled, &c. any of the said towns, cause any footway, set out and marked under s. 51. any Act hereby repealed or under this Act, to be levelled and made as 2 Vic. No. 2, s. 53. nearly as practicable of an equal height and breadth, and with an equal slope and inclination, and may for such purpose remove and abate any flagging, steps, or other matter or thing that may injure or obstruct the said footway, or render it unequal or inconvenient, and which is now or may hereafter be erected or placed on the space marked out for such footway.

51. (1) Any person who, after the said footways have been so Notice to be given to set out as aforesaid, desires to flag, pave, gravel, or put a curbstone to surreyor or police magistrate of intenthe footway in the front of his house shall, twenty-four hours at the tion to pave footways. least before such work is begun, give notice in writing in the said city 4 Wm. IV No. 7, to the city surveyor, or in the said towns to the Police Magistrate, of 2 Vic. No. 2, s. 54. such

such his intention, and shall conform to the directions of the said surveyor or Police Magistrate as to the length, breadth, height, slope, and inclination of such footway.

(2) Whosoever—

commences any such work without giving the notice hereinbefore directed; or,

refuses or neglects to conform to the directions of the said surveyor or Police Magistrate,

shall be liable to a penalty not exceeding ten pounds.

(3) The said surveyor and his assistants may, in the said city, and two Justices, the Police Magistrate being one of them, may, in the said towns, remove all work so executed contrary to such directions.

52. (1) Upon receipt of the plan mentioned in section fortyeight, the Governor may, by notice in the Gazette, fix and declare the distance from the curbstone or exterior edge of the said footway in any street or public place in any such town within which it shall not be lawful to erect any building :

Provided that such distance shall in no case exceed twelve feet unless with the consent of the owner of the land.

(2) Whosoever after the publication of such notice erects any house, shop, or other building, or allows any house, shop, or building to project or encroach in any part, within the distance from the curbstone or exterior edge of the footway fixed and declared in such notice; or,

rebuilds any house, shop, or other building which is now erected within the distance to be fixed and declared as aforesaid from the curbstone or exterior edge of the said footway, in the whole or in any part, or makes any addition or alteration to the same, except in conformity with the provisions hereof,

shall be liable to a penalty of twenty pounds.

(3) If the said house, shop, or other building, or any addition or projection is not removed or abated within one month after notice to that effect has been served by the Police Magistrate on the owner or occupier thereof, or left at his usual place of abode, the person so offending as aforesaid shall be liable to a penalty of one pound for every day the same shall remain not removed or abated.

(4) In any such case two or more Justices, the Police Magistrate being one of them, may grant a warrant to cause the said house, shop, or other building, and all additions or alterations thereto, so far as the same may be contrary to the provisions hereof, to be taken down, and the materials thereof to be sold.

The charges of taking down the same shall be paid out of the proceeds of such sale, and the surplus, if any, shall be paid to the owner of such materials.

The Governor to fix distance of building line from curbstone. 2 Vic. No. 2, s. 46.

Building within such distance. *Ibid.* s. 48.

53.

Police Offences.

53. (1) No person shall begin to erect any house, shop, or other In towns notice to be building in any street within any of the said towns without first serving Magistrate of intenon the Police Magistrate a notice in writing stating such intention and tion to build. 2 Vic. No. 2, s. 49. describing the proposed situation of the building.

(2) The said Police Magistrate shall within seven days after Police Magistrate to the receipt of such notice furnish such person with a paper signed by furnish copy of provisions of this the said Police Magistrate, specifying the provisions of this Act so far Act. as the same relate to the erection of such shop, house, or other building.

(3) If the said Police Magistrate, without reasonable cause, refuses or neglects to furnish such written paper within the said seven days, he shall be liable to a penalty of ten pounds.

(4) Whosoever begins to erect any such house, shop, or Building without other building without having first served such notice and received giving notice. such paper shall be liable to a penalty not exceeding ten pounds.

54. (1) The city surveyor or other person appointed by him may Names of streets may in the said city, and any person appointed by the Governor may in the be affixed to any said towns, mark upon the walls of any house the name of the street 4 Wm. IV No. 7, s. or place in which it is situated, or such other notice as it may be 50. conducive to the public convenience to affix, either by painting the 2 Vic. No. 2, s. 52. same upon the walls or by affixing a board thereto, upon which such notice may be painted, and may also from time to time allot a number to each house in every street or public place.

(2) The occupier of every such house shall paint or affix such number in legible characters upon the door of his house within fourteen days after written notice, from the said surveyor or person appointed by the Governor, to that effect, left at his said house.

(3) Whosoever refuses or neglects to paint or affix such number after such notice as aforesaid shall be liable to a penalty of ten shillings, and to the like penalty for every week during which such refusal or neglect continues.

55. Nothing in this Act contained shall be deemed to interfere Not to interfere with with the powers vested in any surveyor by the provisions of any other surveyors. 2 Vic. No. 2, s. 51. Act.

56. Whosoever at any time wilfully obstructs or molests any Obstructing persons person having the control of the streets or public places, or any duty under this Act. surveyor or any person whomsoever authorised to put in execution 4Wm. IV No. 7, s. 53. this Act, in the performance of his duty, shall be liable to a penalty 2 Vic. No. 2, s. 55. for the first offence of five pounds, and for the second offence of ten second offence. pounds, and for the third or any subsequent offence of twenty pounds. Third or subsequent

57. Any constable may apprehend any person whom he finds Dr ink and disorderly drunk in any street or public place at any hour of the day, and take persons. 4 Wm. IV No. 7, s. 6. him before a Justice to be dealt with according to law.

Any constable may apprehend all loose, idle, drunken or 17 Vic. No. 25, s. 2. disorderly persons whom he finds between sunset and the hour of eight in the forenoon lying or loitering in any street, highway, yard, or other

place

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2 Vic. No. 2, s. 6.

Police Offences.

place and not giving a satisfactory account of themselves, and deliver any person so apprehended into the custody of the constable in attendance at the nearest watch-house in order that such person may be secured until he can be brought before a Justice to be dealt with according to law or gives bail, in the manner hereinafter mentioned, for his appearance before a Justice, if such constable deems it prudent to take bail.

58. (1) Where any person found lying or loitering about as aforesaid, or charged with any petty misdemeanour, is brought without the warrant of a Justice into the custody of any constable during his persons brought before them for petty attendance at any watch-house within the said city or towns, in the misdemeanour, such night-time or in the daytime, if such person cannot be immediately brought before a Justice such constable may, if he shall deem it prudent, take bail by recognizance with or without sureties, without any fee or reward, from such person, conditioned that such person shall 4 Wm. IV No. 7, s. 7. appear for examination before a Justice or at the next ensuing sitting of the Court of Petty Sessions for the district in which he has been 17 Vic. No. 25, s. 3. apprehended, at a time and place to be mentioned in such recognizance. (2) Every recognizance so taken shall be of equal obligation

on the parties entering into the same, and liable to the same proceedings for the estreating thereof as if the same had been taken before a Justice.

(3) The constable shall enter in a book to be kept for that purpose in every watch-house the names, residence, and occupation of the party, and his surety or sureties (if any), entering into such recognizance, together with the condition thereof, and the sums respectively acknowledged, and shall lay the same before such Justice as shall be present at the time and place when and where the party is required to appear.

(4) If the party does not appear at the time and place required, or within one hour thereafter, the Justice shall cause a record of such recognizance to be drawn up and signed by the constable, and shall return the same to the next Court of Quarter Sessions, with a certificate at the back thereof, signed by such Justice, that the party has not complied with the obligation therein contained; and the Clerk of the Peace shall make the like estreats and schedules of every such recognizance as of recognizances forfeited in Quarter Sessions.

Time of hearing may be postponed.

In default of appearance recognizance to

be forfeited.

(5) If the party not appearing applies by any person on his behalf for a postponement of the hearing of the charge against him, and the Justice consents thereto, the Justice may enlarge the recognizance to such further time as he shall appoint.

(6) When the matter is heard and determined either by the dismissal of the case or by binding the party over to answer the matter thereof at the Sessions or otherwise, the recognizance for the appearance of the party before a Justice shall be discharged without fee or reward.

Constables attending at the watch-house may take bail by recognizance from recognizance to be conditioned for the appearance of the parties before a Justice.

2 Vic. No. 2, s. 7. 55 Vic. No. 5, s. 23.

18

59,

Police Offences.

59. Whosoever, assaults or resists, or aids or incites any person Assault on constable. to assault or resist, any constable in the execution of his duty, shall 4 Wm. IV No.7, s. 8. 2 Vic. No. 2, s. 8. be liable to a penalty not exceeding five pounds. 17 Vic. No. 25, s. 4.

60. Whosoever not being a licensee within the meaning of the Penalty on persons Liquor Act, 1898, knowingly harbours or entertains any constable, or harbouring constables during the permits any constable to abide or remain in his house, shop, room, or hours of duty. other place during any part of the time appointed for his being on 4 Wm. IV No. 7, s. 9. duty elsewhere, shall be liable to a penalty not exceeding five pounds. 17 Vic. No. 25, s. 5.

61. Whosoever trades or deals, or keeps open any shop, store, or Trading on Sunday. other place, for the purpose of trading or dealing on Sunday (the shops 4 Wm. IV No. 7, 8.10. or houses of butchers, bakers, fishmongers, and greengrocers, until the 2 Vic. No. 2, s. 10. hour of ten in the forenoon, and of bakers, between the hours of one 17 Vic. No. 25, s. 6. and two in the afternoon, and of apothecaries at any hour, only excepted), shall be liable to a penalty not exceeding three pounds :

Provided that nothing herein contained shall affect the provisions of the Act forty-seven Victoria number eight.

62. Whosoever, being the owner or occupier of any public owner of place of public anusement suffering anusement suffering games to be played on Sunday. billiard room or other public place of antuschions, position, shall be 4 wm. IV No. 7, s. 11. any one to play in his house or premises any game on Sunday, shall be 4 wm. IV No. 7, s. 11. 2 Vie. No. 25, s. 7.

63. Any Justice may, and he is hereby required to disperse, or Justices to disperse cause to be dispersed, all persons gathering together on Sunday in persons gambling in public places on any public or open place within the said city or towns, or within Sunday, &c. five miles of any part of the said city for the purpose of gambling, or Ibid. playing at any game; and to take and seize, or cause to be taken and seized any implements, instruments, or animals used, or intended to be used therein, and to destroy or carry away the same, and all persons such persons to be actually gambling or playing as aforesaid shall be prosecuted according prosecuted. to law.

64. Whosoever damages any public building, wall, parapet, Damaging public sluice, bridge, road, street, sewer, watercourse, or other public property buildings. shall be liable to pay the cost of repairing the same, and if the damage ⁴ Wm.IV No.7, s. 12. was wilfully done, to a penalty not exceeding twenty pounds.

65. Whosoever casts any filth or rubbish into any watercourse, Obstructing watersewer, or canal, or obstructs or diverts from its channel any public ^{courses, &c.} watercourse sewer or canal shall be liable to pay the cost of removing 4Wm.IV.No.7,s.13. watercourse, sewer, or canal, shall be liable to pay the cost of removing 2 Vic. No. 7, s. 1. such filth or obstruction, or of restoring such watercourse, sewer, or 17 Vic. No. 25, s. 9. canal to its proper channel, and to a penalty not exceeding five pounds.

66. Whosoever damages any public fountain, pump, cock, or Injuring public water-pipe, shall be liable to pay the cost of repairing the same, and fountains. if the damage was wilfully done shall be liable to a penalty not 4 Wm. IV No. 7, s. 14. exceeding twenty pounds. 17 Vic. No. 25, s. 10.

67. Whosoever has in his possession any private key for the Unlawfully purpose of opening any cock, or in any manner unlawfully appro- appropriating water. priates to his use any water from any public fountain or pipe shall Thid. be liable to a penalty not exceeding twenty pounds. **68**.

17 Vic. No. 25, s. 8.

Police Offences.

Wasting water of fountain. 4 Wm. IV No. 7, s. 14. 2 Vic. No. 2, s. 14.

2 Vic. No. 2, s. 14. 17 Vic. No. 25, s. 10.

Washing clothes at fountain. *I bid.* Beating carpets,

flying kites, breaking horses, &c., in street or public place.

4 Wm. IV No. 7, s. 15.

2 Vic. No. 2, s. 15.

Placing filth. &c., in street, r.ding on footpaths. &c. 4 Wm. 1V No. 7, 8. 15. 2 Vic. No. 2, s. 15.

17 Vic. No. 25, s. 11.

Placing carriages, goods, &c., on footways, &c., and not removing same when required.

4 Wm. IV No. 7, s. 16. 2 Vic. No. 2, s. 16. 17 Vic. No. 25, s. 12.

Placing timber, bricks, &c. 68. Whosoever opens or leaves open any cock of any public fountain or pump so that the water runs or may run to waste shall be liable to a penalty not exceeding two pounds.

69. Whosoever washes any clothes at any public fountain or pump shall be liable to a penalty not exceeding one pound.

70. Whosoever in any street or public place beats or dusts any carpet, or flies any kite, or drives any vehicle for the purpose of breaking, exercising, or trying any horse, or rides any horse for the purpose of exercising, trying, showing, or exposing such horse for sale (otherwise than by passing through such streets or public places while so driving or riding) shall be liable to a penalty not exceeding two pounds.

71. Whosoever—

places, or causes or permits to be placed, any rubbish, dead animal, filth, or other matter or thing upon any street or public place; or,

slaughters, dresses, scalds, or cuts up any animal in any street or public place, or so near thereto that any blood or filth shall flow

or be thereon; or, drives, draws, places, or causes, or permits to be driven, drawn, or placed upon any footway of any street or public place any vehicle or any wheel or barrow, or any cask; or,

wilfully leads, drives, or rides any horse, ass, or other beast upon any such footway,

shall be liable to a penalty not exceeding two pounds.

72. (1) Whosoever-

places, or causes or permits to be placed, any show-board, choppingblock, merchandise, cask, or goods of any kind whatsoever upon or over any street or public place; or,

hoops or cleans, or causes to be hooped or cleaned, any cask or vessel upon or over any street or public place; or,

places, or causes or permits to be placed, any vehicle or barrow upon any street or public place, except for the necessary time of harnessing or unharnessing the horse or other animal, or of loading or unloading, or of taking up or setting down any fare, or of waiting for passengers when actually hired; or,

except by lawful permission granted in pursuance of any statutory authority, places, or causes or permits to be placed, any building material, or any other matter or thing whatsoever, upon or over any street or public place; or,

hangs out or exposes, or causes or permits to be hung out or exposed, any matter or thing whatsoever from any house or premises over or next unto any part of any street or public place, or over any area of any house or premises,

and does not immediately remove the same on being required so to do by any Justice or constable, shall be liable to a penalty not exceeding two pounds. (2)

Police Offences.

(2) Where any such thing has not been so removed as Things not so aforesaid, any Justice or constable may without any warrant seize removed may be eized. the same, together with the horse or other animal if any thereunto belonging, and the harness and gear thereof.

(3) In case any of the things so seized are perishable or Perishables how to be are articles of food, the same shall be immediately forfeited, and disposed of. the person who seizes shall deliver the same, in the said city, to the superintendent of the Benevolent Asylum for the benefit of the inmates thereof, and, in the said towns, to the storekeeper of the Benevolent Society for the benefit of those supported by the said Society: Provided that in any town where no Benevolent Society is established the Police Magistrate may dispose of any such thing or article towards any charitable purpose.

In all other cases such Justice or constable shall cause the Other seizures. thing, animal, or gear so seized to be removed to the place appointed for the reception thereof, if any such there be, or otherwise to such place or places as he deems convenient, giving verbal or written notice of such place or places to the owner, driver, or other person interested in the same, if he is then present, and the same shall be there kept and detained until such owner, driver, or other person interested as aforesaid pays the penalty inflicted, together with the charges for taking and removing such thing and of keeping such animal.

(4) Unless the thing, animal, or gear so removed is Unless things (not claimed, and the said penalty and charges paid within five days next perisable) claimed after such removal, the said Justice may order the same to be appraised may be sold, &c. and sold, and the overplus (if any) of the money arising from such sale after deducting the said penalty and such costs, charges, and expenses attending such seizing, removing, keeping, appraising, and selling as the said Justice shall ascertain and allow shall be paid to the owner thereof.

73. Where any person has been required under the provisions No second notice of the last preceding section to remove any thing therein mentioned, 4 wm, 1V No. 7, s. 17. and afterwards places, hangs out, or exposes, or causes or permits to 2 vie. No. 2, s. 17. be placed, hung out, or exposed, as in the said section mentioned, the same or any other such thing, no second notice shall be necessary, but such person shall be liable to the same penalty, and the said things may be seized and dealt with as in the said section mentioned.

74. Nothing in this Act contained shall be deemed to prevent Awnings may be erected in front of shops. any person from placing an awning in front of his shop or house: 4 Wm. IV No. 7, s. 18.

Provided, however, that such awning is at least seven feet above 2 vic. No. 2, s. 18. the height of the footway in front of such house or shop, and that the 17 Vic. No. 25, s. 13. posts are placed close up to the curbstone or outer edge of such footway.

75. Whosoever discharges any firearm without lawful cause Discharging firearms, or lets off any firework in any street or public place shall be liable to 4 Wm. IV No. 7, s. 19. a penalty not exceeding five pounds : 2 Vic. No. 2, s. 19.

Provided 17 Vic. No. 25, s. 14.

Police Offences.

Proviso-saving persons engaged in military or police duties in Sydney. 43 Vic. No. 3, s. 234.

Burning shavings, &c., in the streets. 4 Wm. IV No. 7, s. 20. 2 Vic. No. 2, s. 20. 17 Vic. No. 25, s. 15. Bathing within certain limits. 4 Wm. IV No. 7, s. 21. 2 Vic. No. 2, s. 21. 17 Vic. No. 25, s. 16.

Indecent exposure of the person.

4 Wm. IV No. 7, s. 22. 2 Vic No. 2, s. 22. 17 Vic. No. 25, s. 17. Kceping swine within 40 yards of street. 4 Wm. IV No. 7, s. 23. 2 Vic. No. 2, s. 23.

Suffering swine, horse, goat, &c., to wander about the streets. 4 Wm. IV No. 7, s. 24. 2 Vic. No. 2, s. 23. 17 Vic. No. 25, s. 18.

Notice to remove hogstyes and nuisances 4 Wm. IV No. 7, s. 24. 2 Vic. No. 2, s. 24. 17 Vic. No. 25, s. 19.

Not removing, &c., nuisances after notice.

Provided that the provisions of this section shall not apply to persons while engaged in any military duty or exercise, or while shooting at a mark or target for any purpose connected with the duties of the military or volunteer force or of the police force within the boundaries of the area appropriated for such purposes in the said city.

76. Whosoever burns any shavings, or other things in any street or public place shall be liable to a penalty not exceeding two pounds.

77. Whosoever bathes in any part of Sydney Cove, or in any waters exposed to view from any wharf, street, public place, or dwelling-house in or near the said city or towns between the hours of six o'clock in the morning and eight in the evening shall be liable to a penalty not exceeding one pound.

78. Whosoever offends against decency by the exposure of his person in, or in the view of, any street or public place shall be liable to a penalty not exceeding ten pounds.

79. Whosoever keeps, any kind of swine in any house, building, yard, garden, or other hereditaments situate in, or within forty yards of, any street or public place shall be liable to a penalty not exceeding two pounds.

80. Whosoever suffers any kind of swine, or any horse, ass, mule, sheep, goat, or other cattle belonging to him, or under his charge, to stray or go about or to be tethered or depastured in any street or public place shall be liable to a penalty not exceeding two pounds.

81. (1) Any two Justices upon the complaint of any inhabitant that any privy, hog-stye, or other matter or thing is a nuisance, and after due investigation of such complaint, may by notice in writing order the owner or occupier of the premises wherein such nuisance exists to remedy or remove the same within seven days after such notice has been given to such owner or occupier, or has been left for such owner or occupier at his last or usual place of abode, or on the said premises.

(2) Whosoever, being such occupier, neglects to remedy or remove such nuisance pursuant to such notice and to the satisfaction of such Justices shall be liable to a penalty of ten pounds.

(3) Such Justices may indict or cause any person so disobeying any such notice to be indicted for such nuisance at the next Court of Quarter Sessions to be held nearest to such premises, and such person being found guilty thereof shall be liable to such punishment for the misdemeanour as the said Court of Quarter Sessions may direct, and such nuisance shall be removed, taken down, and abated according to law with regard to public or common nuisances.

82. Whoseever, being the owner or occupier of any house or Neglecting to keep place, neglects to keep clean all private avenues, passages, yards, and 4 Wm. IV, No. 7, s. 25. Ways within the said premises so as by such neglect to cause a nuisance 2 Vic. No. 2, s. 25. by offensive smell or otherwise, shall be liable to a penalty not 83. 17 Vic. No. 25, s. 20. exceeding two pounds.

private yards, &c., clean.

Police Offences.

83. (1) Any Justice or any constable authorised and deputed Inspection and by any writing under the hand of any Justice may, as often as he sees directions to cleanse occasion, inspect the butchers' shambles and slaughter-houses, and give and s'aughter-houses. such directions concerning the cleansing thereof, both within and 4 Wm.IV No.7, s. 26. without, as to him seems needful. 17 Vic. No. 25, s. 21.

(2) Whosoever being a butcher or the owner or occupier of Obstructing any such shamble or slaughter-house

obstructs or molests any such Justice or constable in the inspection ^{constable}. thereof; or,

refuses or neglects to comply with such directions within a reasonable Not complying with time,

shall, upon the view of any such Justice, or on conviction on the complaint of any such constable, be liable to a penalty not exceeding two pounds.

84. (1) Whosoever hauls or draws, or causes to be hauled or Drawing or trailing drawn upon any part of any street or public place, any timber, stone, $\frac{1}{4}$ Wm. IV No.7, s. 27. or other thing otherwise than upon wheeled carriages, or suffers any 2 Vie. No. 2, s. 27. timber, stone, or other thing carried principally or in part upon 17 Vie. No. 25, s. 22. wheeled carriages, to drag or trail upon any part of such street or public place to the injury thereof, or to hang over any part of any such carriage so as to occupy or obstruct the street beyond the breadth of the said carriage, shall be liable to a penalty not exceeding two pounds over and above the damages occasioned thereby.

85. Whosoever being the owner or occupier of any house, Owner or occupier building, or premises within the said towns having any entrance, area, not enclosing open space adjoining the footway of any street or adjoining the footpublic place beneath the level of the curbstone or exterior edge of ways in said towns. such footway, or any steps adjoining the footway of any such street or public place, fails to protect and guard the same by sufficient rails or other enclosures so as to prevent danger to persons passing, shall be liable to a penalty not exceeding five pounds.

86. Whosoever, being the owner or occupier of any house, Not securing building, or premises having any rails or bars over the areas or covering, &c., entrances to cellars, openings to any kitchen, cellar, or other part of the said house, coal-holes, &c. building, or premises beneath the surface of the footway of any street 4 Wm. IV No. 7, s. or public place or any doorway or entrance into the basement or 2 Vic. No. 2, s. 25. cellar story thereof, 17 Vic. No. 25, s. 23.

does not either keep the same or the rails of such kitchens, cellars, or other part in sufficient repair, and securely guard and constantly keep the same securely guarded by rails, or cover the same over with a strong flap or trap-door according to the nature of the case, and so as to prevent danger to any persons passing; or,

leaves open or does not sufficiently and substantially cover and keep covered and secured any coal-hole or other hole, funnel, trap-door,

Police Offences.

or cellar-flap belonging to or connected with his house, building, or premises (save and except only during such reasonable time as may be necessary for use, alteration, or repair); or,

does not repair and from time to time keep in good and substantial repair such rails, flaps, trap-doors, and other covering,

shall be liable to a penalty not exceeding five pounds.

87. Whosoever makes any cellar or any opening, door, or window in or beneath the surface of the footway of any street or ^{footways.} 4Wm IV No.7, s 29. Public place, shall be liable to a penalty not exceeding five pounds over and above the expense of remedying or removing such cellar, 17 Vic. No. 25, s. 24. opening, door, or window, such expense to be assessed and allowed by the Justice who hears the case.

88. Whosoever-

makes or causes to be made, or leaves or causes to be left, any hole in or adjoining to any street or public place for any purpose whatsoever, and does not forthwith enclose the same in a sufficient manner in the said city to the satisfaction of the city surveyor, and in the said towns to the satisfaction of the Police Magistrate; or.

- keeps up or causes to be kept up any such enclosure for any time longer than is absolutely necessary in the opinion, in the said city, of the city surveyor, or, in the said towns, of the Police Magistrate; or,
- does not when thereunto required in the said city by the city surveyor, or in the said towns by the Police Magistrate, sufficiently fence or enclose any such hole within twenty-four hours after he has been required to do so, in the manner and with such materials as the said surveyor or Police Magistrate directs, and to his satisfaction; or,

does not place a sufficient light upon the said enclosure; or,

does not keep such light constantly burning from sunset to sunrise during the continuance of such enclosure,

shall be liable to a penalty not exceeding five pounds.

89. Whosoever being the owner or occupier of any building Allowign rain to drop from eaves of houses fails to provide such building with gutters or other means to prevent rain from dropping from the eaves thereof upon any part of the footways of any street or public place shall be liable to a penalty of five shillings, and to a like penalty for every day that such default continues.

90. Whosoever-

drives or causes to be driven any vehicle with any night-soil or ammoniacal liquor therein through or in any street or public place between the hours of five o'clock in the morning and ten o'clock at night; or,

Making cellars or openings beneath the surface of 2 Vic. No. 2, s. 29.

Not fencing holes in street.

4 Wm. IV No. 7, s. 31.

2 Vic. No. 2, s. 31. 17 Vic. No. 25, s. 26.

fills

1

4 Wm. IV No. 7, s. 32. 2 Vic. No. 2, s. 32. Driving carts with

on footways.

night-soil through streets, &c. 4 Wm. IV No. 7, s. 33. 2 Vic. No. 2, s. 33. 17 Vic. No. 25, s. 27.

Police Offences.

fills any vehicle so as to turn over or cast any night-soil, ammoniacal liquor, slop, mire, or channel dirt, or filth, in or upon, or near to,

any street or public place, shall be liable to a penalty not exceeding five pounds.

91. Whosoever-

empties or begins to empty any privy, or take away night-soil from street, &c. any house or premises within any street or public place, or comes 4 Wm. IV No. 7, with any vehicle for that purpose, except between the hours of s. 34. 2 Vic. No. 2, s. 34.

ten at night and five in the morning; or, casts out of any cart or tub, or otherwise, any night-soil in or near 17 Vic. No. 25, s. 28. any street or public place,

shall be liable to imprisonment for a term not exceeding one month. 92. Whosoever-

Liability of owner or

Removing night-soil

- is the owner of any vehicle in which any night-soil or other matter employer for offence against sec. 90. is placed by any person contrary to the provisions of section 4Wm. IV No. 7, 8. 33. 2 Vic. No. 2, s. 33. ninety; or, 17 Vic. No. 25, s. 27.
- is the employer of any person so offending,

shall if such person cannot be apprehended be liable to a penalty not exceeding five pounds.

93. Whosoever-

Liability of owner or

is the owner of any vehicle or animal employed in and about employer for offence against sec. 91. emptying and removing night-soil contrary to the provisions of 4Wm.IV No.7, s. 34. section ninety-one, or coming for that purpose (save and except 2 Vic. No. 2, s. 34. 17 Vic. No. 25, s. 28. within the hours in the said section mentioned); or,

is the employer of any person who casts out any night-soil contrary to the provisions of the said section,

shall be liable to a penalty not exceeding five pounds.

94. (1) Whosoever wantonly or maliciously breaks or injures Injuring or any lamp or lamp-post, or extinguishes any lamp set up for public extinguishing lamps. or private convenience, shall be liable over and above the necessary 36. expense of repairing the injury committed, to be estimated by the 2 Vic. No. 2, s. 35. Justice before whom such offender is brought, to a penalty not 17 Vic. No. 25, s. 29. exceeding five pounds.

95. (1) Whosoever-

Throwing dead

Sydney Cove or Darling Harbour, or into any street or public Harbour, or rivers,

place, or into any river, creek, or other stream which flows by or 4 Wm. IV No. 7, 8. through any such street or public place; or, 37.

leaves or causes to be left any dead animal upon the shores of 2 Vic. No. 2, s. 36. Sydney Cove or Darling Harbour, or of any such river, creek,

or other stream as aforesaid,

shall be liable to a penalty not exceeding one pound.

96. (1) Any person who desires to blast any rock within the Notice to be given limits of the said city or towns, shall give notice in writing twenty- blast rock. four hours previously, in the said city to the city surveyor, or in 4 Wm. IV No. 7, 8. 38. 2 Vic. No. 2, s. 37.

the 17 Vic. No. 25, 8. 30.

throws or causes to be thrown any dead animal into any part of Cove or Darling

Police Offences.

the said towns to the Police Magistrate, who shall give directions in writing as to the time when the same may take place, and as to such other matters as he deems necessary for the public safety.

Blasting without giving notice, &c. (2) Whosoever—

blasts or causes to be blasted any rock within the limits aforesaid without giving such notice and obtaining such directions; or,

does not conform to the directions given to him as aforesaid,

shall be liable to a penalty not exceeding twenty pounds.

(3) The proof of such notice and directions as aforesaid shall be on the person charged.

97. Whosoever-

- wantonly breaks up or otherwise damages any part of any street or public place; or,
- without statutory authority or the leave first had and obtained in the said city of the city surveyor, or in the said towns of the Police Magistrate, forms, digs, or opens any drain or sewer in any street or public place; or,
- without such authority or leave as aforesaid, removes or causes to be removed, any soil, stone, or other material from any part of any street or public place,

shall be liable to a penalty not exceeding five pounds.

98. (1) Whosoever—

in any manner wilfully prevents any person from passing him or any vehicle under his care upon any street or public place; or,

rides upon the shafts of any vehicle whatsoever in any street or public place,

shall be liable to a penalty not exceeding two pounds.

99. Whosoever rides or drives through any street or public 4Wm. IV No. 7, s. 41. place so negligently or furiously as to endanger the safety of any 2 Vic. No. 2, s. 40. person, or of the public, shall be liable to a penalty not exceeding

100. Whosoever—

pastes or otherwise affixes any placard or other paper upon any wall or building; or,

defaces any such wall or building by chalk or paint or in any other manner.

17 Vic. No. 25, s. 34. shall on conviction, upon the complaint of the owner or occupier of any such wall or building, be liable to a penalty not exceeding one pound.

Wantonly damaging street, or removing turf, gravel, &c., without permission. 4 Wm. IV No. 7, s. 39. 2 Vic. No. 2, s. 38. 17 Vic. No. 25, s. 31.

Preventing persons passing. 4 Wm. IV No. 7, s. 40. 2 Vic. No. 2, s. 39. 17 Vic. No. 25, s. 32. Riding on shafts. Ibid.

Riding or driving to 17 Vic. No. 25, s. 33. ten pounds.

Affixing placards on or defacing walls. 4 Wm. IV No. 7, s. 43. 2 Vic. No. 2, s. 41. 2 Vic. No. 3.

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PART

Police Offences.

PART IV.

Special constables.

101. (1) In all cases where it appears to a Police Magistrate, or Police Magistrate any two Justices, that any tumult, riot, or felony has taken place, or may appoint special be reasonably apprehended in any city, town, or place, and he or they constables. are of opinion that the ordinary constables or officers appointed for 19 Vic. No. 24, s. 12. preserving the peace are not sufficient for the preservation of the peace, and for the protection of the inhabitants and the security of their property, or for the apprehension of offenders, any Police Magistrate, or any two Justices, may nominate and appoint by precept in writing under his or their hands, so many as he or they think fit of the householders, or other persons (not legally exempt from serving the office of constable) residing in or near to such city, town, or place, to act as special constables for such time and in such manner as to the said Police Magistrate or Justices seems fit and necessary for the public peace, and for the protection of the inhabitants and the security of the property in or near such city, town, or place.

(2) The Police Magistrate or Justices who appoint any special constables by virtue of this Act are hereby authorised to administer to every person so appointed the following oath, that is to say :---

I, A.B., do swear that I will well and truly serve our Sovereign Form of oath to be Lord the King in the office of special constable for the taken by special [city, town, or place, as the case may be] without favour or affection, malice, or ill-will, and that I will to the best of my power cause the peace to be kept and preserved, and prevent all offences against the persons and properties of His Majesty's subjects, and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law— So help me God.

(3) Whenever it is deemed necessary to nominate and appoint such special constables as aforesaid, notice thereof shall be forthwith transmitted by the said Police Magistrate or Justices to the Colonial Secretary.

102. The Police Magistrate or Justices who have appointed any Police Magistrates or special constables under this Act when such special constables have ^{regulations respect-} been called out shall have power to make such orders and regulations ing special constables, as may from time to time be necessary and expedient for rendering them for misconduct. such special constables more efficient for the preservation of the public 19 Vic. No. 24, s. 13. peace, and shall also have power to remove any such special constable from his office for any misconduct or neglect of duty therein.

103. Every special constable appointed under this Act shall Power of special have, exercise, and enjoy all such powers, authorities, advantages, and *Ibid.* 8. 14.

immunities,

immunities, and be liable to all such duties and responsibilities as any constable duly appointed now has by virtue of the Common Law, or of any Act or Imperial Act.

104. Whosoever, being appointed a special constable as aforesaid, refuses to take the oath hereinbefore mentioned when thereunto required by the Police Magistrate or Justices appointing him, shall be liable to a penalty not exceeding twenty pounds.

105. Whosoever-

being appointed a special constable as aforesaid neglects to appear at the time and place for which he is summoned for the purpose of taking the said oath; or,

having been appointed and sworn as a special constable as aforesaid, and being called upon to serve, neglects or refuses to serve as such special constable or to obey such lawful orders and directions as may be given to him by the Police Magistrate, or any Justice, or any chief constable, or inspector of police, or other officer under whose orders he may be placed for the performances of the duties of his office,

shall, unless he proves to the satisfaction of the Justice that he was prevented by sickness or some other unavoidable cause such as shall in the judgment of the said Justice be a sufficient excuse, be liable to a penalty not exceeding ten pounds.

106. The Police Magistrate or Justices who have appointed any special constables under this Act for any city, town, or place, may, if such special constables have been called out, suspend or determine constables called out. the services of all such special constables or of so many as to the said Police Magistrate or Justices sitting in petty sessions in such city, town, or place shall seem meet.

> Notice of such suspension or determination of the services of all or any of the said special constables shall be transmitted forthwith by the said Police Magistrate or such Justices to the Colonial Secretary.

> **107.** Every special constable shall forthwith after the expiration of his office or after he ceases to hold and exercise the same pursuant to this Act deliver over to his successor, if any such has been appointed, or to such person and at such time and place as may be directed by the Police Magistrate or such Justices all arms, staves, weapons, and other articles which have been provided for such special constable under this Act.

> Any such special constable who omits or refuses so to do shall be liable to a penalty not exceeding ten pounds.

108. Whosoever assaults or resists any special constable whilst ing special constables. in the execution of his office, or promotes, incites, or encourages any other person so to do shall be liable to a penalty not exceeding ten pounds or to imprisonment for any term not exceeding six months with or without hard labour.

Penalty for refusing to take the oath of office. 19 Vic. No. 24, s. 15.

Penalty for refusing to serve or for disobeying orders. Ibid. s. 15.

Police Magistrates and Justices may discontinue the services of special Ibid. s. 16.

Special constables to deliver arms, staves, &c., to successors. Ibid. s. 17.

Assaulting or resist-I bid. s. 18.

PART

Police Offences.

PART V.

Procedure.

109. All complaints of offences against this Act shall be heard complaints of offences o be dealt with and determined in a summary manner before a Justice. summarily.

110. (1) The Justice before granting a summons in respect of ⁴/₂ Vic. No. 2, ss. 55, 60. any offence under this Act may require that an information or ¹⁹/₁₉ Vic. No. 24, s. 23. Justice may require complaint in writing be laid.

(2) A memorandum in writing in the form or to the effect information to be the Fourth Schedule shell be had not of the set forth in the Fourth Schedule shall be kept of the substance of 19 Vic. No. 24, s. 23. every charge for which a summons is issued.

111. If any person charged with an offence under this Act Person convicted shall be ordered to pay costs. is convicted the Justice shall order him to pay the costs of the 4 wm. IV No. 7, s. 67. 2 Vie. No. 2, s. 58. 19 Vie. No. 24, s. 23. proceedings, which costs shall be assessed by such Justice.

112. No person shall be convicted of any offence against this No conviction unless Act after the expiration after the commission of such offence of the after commission of time following, that is to say :-offence.

Where the offence is under Parts II and IV-after six months;

Where the offence is under Part III—after one month.

113. The whole amount of all penalties recovered under sections ¹⁹ Vic. No. 24, s. 23.

113. The whole amount of all penalties recovered under sections is and seven shall be paid into the Consolidated Revenue.
114. (1) All actions and prosecutions to be commenced against index so that any person for anything done in pursuance of this Act shall be provided in two months after the act was committed.
(2) Notice in writing of any such action and of the cause if vie No. 24, 8. 24

thereof shall be given to the defendant one month at least before the Notice of action. commencement of the action.

(3) In any such action the defendant may plead the Defendant may plead the general general issue and give this Act and the special matter in evidence. issue.

(4) No plaintiff shall recover in any such action if tender Tender of amends. of sufficient amends has been made before action, or if after action a sufficient sum of money, together with the costs incurred up to that time, has been paid into Court on behalf of the defendant.

(5) In any such action if a verdict is given for the Costs. defendant, or the plaintiff becomes non-suited or discontinues after issue joined, or if upon demurrer or otherwise judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant has by law in other cases, and if a verdict is given for the plaintiff he shall not have costs against the defendant unless the Judge before whom the trial is held certifies his approbation of the action and of the verdict obtained thereupon.

4 Wm. IV No. 7, s. 67.

2 Vic. No. 2, s. 58.

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

Repeal of Acts.

Reference to Act.	Title or short title.	Extent of repeal.	
2 Wm. IV No. 12	An Act for repealing so much of [the Act 6 Geo. IV No. 20] as relates to the levying of tolls in New South	Sec. 24 from the words "or if any person or persons shall make any	
-	Wales, and for raising a fund for making, repairing, and upholding public roads, bridges, and ferries, and for regulating the collection of tolls thereon.	fire " down to and in- cluding the words" any carriage under his, her, or their care upon any such road." Secs. 25, 26, 28, and 29.	
4 Wm. IV. No. 7	An Act for regulating the police in the town and port of Sydney, and for removing and preventing nuisances and obstructions therein.	All hitherto unrepealed, except sec. 35.	
2 Vic. No. 2	A	All hitherto unrepealed.	
2 Vic. No. 3	An Act to alter and amend an Act intituled an Act for regulating the police in the town and port of Sydney and for removing and preventing nuisances and obstructions therein.	The whole.	
5 Vic. No. 6	A. A. I. 1.1.1. 1. I. C.	The whole.	
11 Vic. No. 44	An Act to amend the Act for regulating the police in the towns of Parramatta, Windsor, Maitland, Bathurst, and other towns respectively, and for	The whole.	
	removing and preventing nuisances and obstructions, and for the better		
17 Vic. No. 25	alignment of streets therein. An Act to extend to the Sydney hamlets certain of the provisions of the Sydney Police Act.	All hitherto unrepealed.	
17 Vic. No. 31	An Act to make further police regula- tions for the city, port, and hamlets of Sydney.	All hitherto unrepealed.	
18 Vic. No. 27		Sec. 5.	
19 Vic. No. 10	An Act to amend the Country Towns Police Act as respects the alignment of streets.	The whole.	

See s. 2.

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FIRST

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Police Offences.

FIRST	SCHEDULE—continued.

Reference to Ac	et.	Title or short title.	Extent of repeal.
19 Vic. No. 24		An Act to make further police regula- tions for the city, port, and hamlets	All hitherto unrepealed, except sec. 7.
		of Sydney and other towns and places in the Colony of New South Wales.	the second s
30 Vie, No. 5		The Drunkards' Punishment Act of 1866	The whole.
32 Vic. No. 7		Police Regulation Extension Act	The whole.
36 Vic. No. 18	•••	The Angora Goats Protection Act of 1873.	So much of sec. 1 as relates to section 5 of 18 Vic. No. 27.
41 Vic. No. 12	•••	Metropolitan Police Act Extension Act of 1878.	The whole.
43 Vic. No. 3		The Sydney Corporation Act of 1879	Sec. 68, 234.
55 Vic. No. 5	•••	Criminal Law and Evidence Amendment Act of 1891.	Sec. 23.
No. 71, 1900	•••	The Justices Acts Amendment Act of 1900.	Sec. 8.

SECOND SCHEDULE.

See s 44.

Description of the City of Sydney, and of Sydney Cove and of Darling Harbour.

CITY OF SYDNEY.

Commencing in the centre of Parramatta-street, at its junction with Bay-street; thence on the west by a straight line along the centre of Bay-street and its prolongation to the eastern shore of Blackwattle Cove; thence again on the west, and on the northwest, north-north-east, and east, by the waters of Port Jackson to the centre of the bridge at the foot of William-street East; thence on the east by the stream entering Rushcutter's Bay to a culvert on the South Head Old Road, at the north-west corner of Sydney Common; thence again on the east by the centre of Dowling-street to a point where it intersects the southern boundary of the Borough of Paddington ; thence on the north by that boundary to its intersection with the centre of Regent-street; thence by the centre of Leinster-street to the centre of Gordon-street; thence by the centre of that street to the north side of Park Road ; thence by the north side of that road to the south-eastern angle of St. Matthias's Church land; thence by the south-eastern and eastern boundaries of that land to the southern alignment of the South Head Old Road; thence by the southern alignment of that road easterly to its intersection with the line laid down, marked out by stone posts, and deemed to be the dividing-line between the Sydney Common and the Water Reserve; thence again on the east by the said dividing-line to its intersection with the southern boundary of the Sydney Common; thence by that boundary to the south-west angle of the said Common; thence in a northerly direction by the western boundary of the said Common to its intersection with the centre of Cleveland-street; thence by the centre of that street and a prolongation thereof to a landmark on the road to Cook's River; thence on the west by the eastern side of that road to the north-eastern angle of the University Reserve; thence by a straight line from that angle to the point of commencement, in the centre of Parramatta-street, opposite the centre of Bay-street.

SYDNEY COVE.

The waters included within a line extending from the north-west bastion of Fort Macquarie to Dawes Point, and all the shores to the southward of this line.

DARLING HARBOUR.

The waters included within a line extending from Dawes Point to Simmons Point, and all the shores to the southward of this line.

THIRD

See ss. 42, 44, 46.

6 a a

THIRD SCHEDULE.

LIST of Towns in which Part III is in force.

3

officite unrepealed,	Date of Pro	elamation-	19 Vie. No. 24 Au Act to mail	
Name of Town.	Bringing Town under the Act. Defining limits of Town.		- Dates of Government Gazette containing Proclamations.	
Aberdeen	6 July, 1894	6 July, 1894	10 July, 1894.	
Adamstown	17 Feb., 1888	17 Feb., 1888	S.G.G., 17 February, 1888.	
Adelong	14 Oct., 1863	13 Jan., 1892	16 October, 1863, and 15 January, 1892.	
Albion Park	3 Feb., 1899	3 Feb., 1899	7 February, 1899.	
Albury	26 May, 1851	4 Feb., 1871	27 May, 1851, and 10 February, 1871.	
Alectown	25 Feb., 1895	25 Feb., 1895	5 March, 1895.	
Alexandria	18 Feb., 1884	18 Feb., 1884	19 February, 1884.	
Alma	12 Mar., 1889	12 Mar., 1889	15 March, 1889.	
Appin	29 July, 1886	29 July, 1886	30 July, 1886.	
Armidale	16 Nov., 1852	31 Mar., 1879	19 November, 1852, and 31 March, 1879.	
Arthur	5 Aug., 1872	23 Mar., 1891	6 August, 1872, and S.G.G., 24 March 1891.	
Ashfield	14 June, 1880	14 June, 1880	15 June, 1880.	
Auburn	5 Aug., 1892	5 Aug., 1892	9 August, 1892.	
Back Creek (Barrington River).	5 May, 1879	5 May, 1879	6 May, 1879.	
Ballina	14 Oct., 1863	23 June, 1869	16 October, 1863, and 29 June, 1869.	
Balmain	30 Aug., 1850	14 June, 1865	26 July, 1861, and 16 June, 1865.	
Balranald	14 Oct., 1863	12 Feb., 1870	16 October, 1863, and 15 February, 1870.	
Barmedman	13 May, 1896	13 May, 1896	15 May, 1896.	
Barraba	12 Jan., 1877	12 Jan., 1877	16 January, 1877.	
Barringun	2 Mar., 1866	2 Mar., 1886	5 March, 1886.	
Bateman's Bay	27 May, 1884	27 May, 1884	30 May, 1884.	
Bathurst	Named in Act.	24 Dec., 1838	2 January, 1839.	
Bega	14 Oct., 1863	30 June, 1869	16 October, 1863, and 2 July, 1869, and	
ti aloun mioil r of it		26 June, 1901	28 June, 1901.	
Bendemeer	14 Oct., 1863	30 June, 1869	16 October, 1863, and 2 July, 1869.	
Berrigan	16 April, 1895	16 April, 1895	-17 April, 1805.	
Berrima	14 Oct., 1863	9 July, 1870	16 October, 1863, and 12 July, 1870.	
Berry	15 Mar., 1898	15 Mar., 1898	22 March, 1898.	
Bexley	23 July, 1901	23 July, 1901	23 July, 1901. 16 October, 1863, and 31 May, 1870.	
Binalong	14 Oct., 1863 1 May, 1877	28 May, 1870 11 June, 1894	4 May, 1877, and 12 June, 1894.	
Bingera Blackheath	1 May, 1877 29 Aug., 1895	29 Aug., 1895	S.G.G., 3 September, 1895.	
	4 Feb., 1870	4 Feb., 1870	8 February, 1870.	
Blayney Boggabilla	21 Jan., 1899	21 Jan., 1899	27 January, 1899.	
Boggabri	10 Jan., 1877	10 Jan., 1877	12 January, 1877.	
Bokhara	7 Sept., 1883	7 Sept., 1883	11 September, 1883.	
Bomaderry	15 Mar., 1898	15 Mar., 1898	22 March, 1898.	
Bombala	14 Oct., 1863	2 July, 1892	16 October, 1863, and 5 July, 1892.	
Booligal	5 June, 1897	5 June, 1897	8 June, 1897.	
Boorowa		7 Sept., 1869	19 July, 1861, and 10 September, 1869.	
		21 Feb., 1885	24 February, 1885.	
Botany Botany, West	13 April, 1880	13 April, 1880	13 April, 1880.	
Bourke	18 July, 1864	14 Oct., 1893	19 July, 1864, and 17 October, 1893.	
Bowning	18 Sept., 1895	18 Sept., 1895	20 September, 1895.	
Bowral	5 Nov., 1883	24 Sept., 1891	6 November, 1883, and 25 September, 1891	
Braidwood	27 Sept., 1852	27 Sept., 1852	1 October, 1852.	
Branxton	4 June, 1877	3 Sept., 1889	5 June, 1877, and 6 September, 1889.	
Brewarrina	24 Nov., 1877	24 Nov., 1877	27 November, 1877.	
Broken Hill	8 June, 1889	8 June, 1889	11 June, 1889.	
Bulli	14 Oct., 1882	14 Oct., 1882	17 October, 1882.	
Bulli South	14 Oct., 1882	14 Oct., 1882	17 October, 1882.	
Bundarra	28 Sept., 1868	28 Sept., 1868	29 September, 1868.	
Bungendore		24 Oct., 1872	25 October, 1872.	
Bungonia	14 Oct., 1863	24 Mar., 1900	16 October, 1863, and 27 March, 1900.	
		the second		

Police Offences.

Date of Proclamation-Dates of Government Gazette containing Proclamations. Name of Town. Bringing Town under the Act. Defining limits of Town. 18 May, 1880. S.G.G., 27 February, 1886. 21 December, 1900. 17 May, 1830 25 Feb., 1886 18 Dec., 1900 17 May, 1880 Burwood..... 25 Feb., 1886 Byerock 1900 Byron Bay 18 Dec., 7 Sept., 1869 22 June, 1901 30 Aug., 1887 16 October, 1863, and 10 September, 1869. 14 Oct., 1863 Camden Camden Haven..... 22 June, 1901 24 June, 1901. 5 August, 1840, and 2 September, 1887. 28 July, 1849 Campbelltown 5 Sept., 1887 5 Sept., 1868 18 Sept., 1889 29 Oct., 1880 12 Sept., 1870 16 October, 1863, and 8 September, 1868. 14 Oct., 1863 Camperdown 18 Sept., 1889 20 September, 1889. Candelo 29 Oct., 1880 1 Sept., 1854 2 November, 1880. Canterbury Carcoar and West Car-12 September, 1854, and 13 September, 1870. coar. 13 June, 1882. 29 December, 1887. 13 June, 1882 13 June, 1832 Cargellico 28 Dec., 1887 28 Dec., 17 May, 1887 Cargo 21 May, 1895. 16 October, 1863, and 29 June, 1869. 17 May, 1895 1895 Carroll 14 Oct., 1863 23 June, 1869 Casino 14 Oct., 23 June, 16 October, 1863, and 29 June, 1869. 1863 1869 Cassilis ... 10 March, 1896. 28 December, 1855, and 16 July, 1869 9 August, 1881. Cathe ine Hill Bay 6 Mar., 6 Mar., 1896 1896 13 July, 24 Dec., 1855 1869 Clarence Town 1881 5 Aug., 26 Feb., 29 July, 1881 5 Aug., 2 March, 1883, and 21 June, 1899. 31 July, 1836. ('obar 1883 15 June, 1899 Cobargo Collarendabri 29 July, 1896 1893 16 May, 1884. 13 May, 13 May, Concord Condoublin 1884 1884 May, 1884.
 September, 1877.
 June, 1869.
 May, 1901.
 October, 1900.
 March, 1855, and 20 February, 1891.
 October, 1900. 25 Sept., 1877 25 Sept., 1877 23 June, 1869 23 June, 1869 Cook Coolah 3 May, 1901 1901 3 May, 12 Oct., 1900 12 Oct., 1900 Coolamon 14 Mar., 16 Feb , 1891 1855 10 March, 1855, and 20 February, 1891
16 October, 1863, and 5 March, 1875.
24 October, 1865.
24 June, 1901.
22 October, 1887.
18 January, 1887.
18 December, 1863, and 11 July, 1890.
24 June, 1901.
25 August 1882. Cooma.. 14 Oct., 2 Mar., 1863 1875 Coonabarrabran Coonamble Coopernook 20 Oct., 1865 20 Oct., 1865 22 June, 1901 23 June, 1901 21 Oct., 1880 21 Oct., 1880 Cootamundra..... 23 Dec., 23 Dec., Coraki Corowa 1890 1890 1887 13 Jan., 1887 13 Jan., 1890 14 Dec., 1863 8 July, Cowra 22 June, 22 June, 1901 Croki Crookwell 1901 25 August, 1882. 29 December, 1887. 25 Aug., 25 Aug., 1882 1882 Cudal Cundletown Currathool, West 28 Dec., 1887 13 April, 1893 28 Dec., 1887 13 April, 1893 14 July, 1893. 29 May, 1894. 28 May, 1894 28 May, 1894 2 April, 1867, and 31 May, 1900. 30 May, 1900 19 April, 1864 10 May, 1880 18 April, 1891 31 Oct., 1889 24 February, 1857, and 31 May, 1900. 14 May, 1880. Darlington 27 Mar., 1837 23 Feb., 1857 Deniliquin 10 May, 1880 Denman 31 May, 1861, and 21 April, 1891. S.G.G., 2 November, 1889. 29 May, Dubbo Dundas 1861 31 Oct., 1889 1889 1891 25 October, 1853, and 13 January, 1891. 19 Oct., 1853 9 Jan., Dungog 2 Oct., 1888 29 June, 1891 11 April, 1889 18 Aug., 1886 31 July, 1890 14 July, 1890 31 July, 1877 5 October, 1888. 2 Oct., 1888 East Orange 30 June, 1891. East Maitland Named in Act. a) June, 1891.
a) August, 1860, and 11 April, 1889.
a) August, 1886.
a) August, 1899.
a) July, 1890. 30 Aug., 1860 1'den Emmaville 18 Aug., 1886 Emu Enfield Euston 31 July, 1899 14 July, 1890 3 August, 1877. 31 July, 1877 7 January, 1890. 20 July, 1880. 15 April, 1862, and 20 August, 1869. 24 June, 1901. 31 Dec., 1889 20 July, 1880 14 April, 1862 31 Dec., 1889 Fairfield 20 July, 1880 19 Aug., 1869 Five Dock 19 Aug., Forbes..... Forster 22 June, 1901 22 June, 1901

LIST of Towns in which Part III is in force-continued.

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	Date of Proclamation-				Detra et Commente de la commente de	
Name of Town.	Bringing under the		Defining of Tow		Dates of Government Gazette containing Proclamations.	
Frederickton	24 Oct.,	1885	24 Oct.,	1885	27 October, 1885.	
Germanton	27 Mar.,	1886	9 May,	1895	30 March, 1886, and 10th May, 1895.	
Gerringong	6 Oct.,	1880	6 Oct.,	1880	12 October, 1880.	
Gilgunnia	15 Dec.,	1896	15 Dec.,	1896	18 December, 1896.	
Gladstone	18 Dec.,		18 Dec.,	1900	21 December, 1900.	
Hebe Hen Innes	5 May, 22 May,	$1862 \\ 1865$	30 May, 22 May,	$1900 \\ 1865$	9 May, 1862, and 31 May, 1900.	
Jooloongolok	22 June,		22 June,		30 May, 1865. 24 June, 1901.	
Fosford, East		1869	8 Oct.,	1869	12 October, 1869.	
Fosford, West	14 Oct.,	1863	8 Oct.,	1869	16 October, 1863, and 12 October, 1869.	
Joulburn	2 Mar., 1		30 Jan.,	1892	3 March, 1848, 2 February, 1892.	
N N IG	8 Mar.,					
Frafton, N. and S	4 June,		18 Aug.,		4 June, 1858, and 21 August, 1868.	
Grafton, South	29 June, 21 Aug.,	18/0	22 Oct.,	1889	4 July, 1876, and 25 October, 1889.	
Frenfell		1868	21 Aug., 11 May,	1868	25 August, 1885. 12 May, 1868.	
reta		1889		1889	14 May, 1889.	
ulgong		1872	17 April,		30 January, 1872, and 18 April, 1889.	
Jundagai, North	18 Nov.,		19 April,	1864	22 November, 1861, and 22 April, 1864.	
Jundagai, South	19 April,		19 June,		22 April, 1864, and 21 June, 1889.	
unnedah	30 Mar.,		30 Mar.,		1 April, 1870.	
unning	11 Dec.,	1899	25 April,	1873	14 December, 1855, and 25 April, 1873.	
Iamilton	17 June,	1881	17 June,	1881	17 June, 1881.	
farrington	22 June,		22 June,		24 June, 1901.	
fartley	14 Oct.,	1863	24 June,	1869	16 October, 1863, and 29 June, 1869.	
Iay		1860	26 Sept.,		28 February, 1830, and 30 September, 1890	
laydonton	24 June,		29 Aug.,		25 June, 1850, and 2 September, 1870.	
Ielensburgh Iill End	4 Sept., 3 Aug.,	1871	4 Sept., 21 Jan.,		8 September, 1833.	
Iillgrove	12 Aug.,	1889	12 Aug.,		4 August, 1871, and 27 Jan., 1899. 13 August, 1889.	
Hillgrove, West		1895	15 Oct.,		18 October, 1895.	
Hillston and Hillston N.	14 Sept.,		14 Sept.,	1880	17 September, 1880.	
fornsby	18, Feb.,	1901	18 Feb.,	1901	19 February, 1901.	
funter's Hill		1886	14 July,		16 July, 1886.	
Iurstville	4 Jan.,	1892	4 Jan., 1		5 January, 1892, and 22 February, 1901.	
nverell	10 Sept.,	1966	20 Feb., 28 May,		14 September 1966 and 9 June 1906	
erilderie					14 September, 1866, and 2 June, 1896.	
A DATA PARTY AND A DATA PARTY AND	26 Nov.,	1000	26 Nov.,	A Second	29 November, 1870.	
KatoombaKelso	3 Jan., 18 July,			1889	4 January, 1839.	
empsey, West		1839 1863		1839 1890	7 August, 1839. 16 October. 1863, and 23 May, 1890.	
Kendall	22 June,		22 June,		24 June, 1901.	
Lew	22 June,		22 June,		24 June, 1901.	
liama		1863	26 June,		16 October, 1863, and 3 July, 1868.	
liandra		1863		1893	16 October, 1863, and 10 January, 1893.	
logarah	26 Sept.,	1890	26 Sept.,	1890	30 September, 1890.	
ambton	29 July,	1873	29 July,	1873	1 August, 1873.	
eichhardt		1881		1881	8 July, 1881.	
ismore	14 Oct.,	1863	22 July,	1892	16 October, 1863, and 26 July, 1892.	
ithgow		1882		1892	5 May, 1882, and 1 July, 1892.	
averpool		1848	15 April,		24 March, 1848, and 18 April, 1890.	
ockhart	30 May,	1900	30 May, 19		31 May, 1900, and 7 June, 1901.	
and the same property of the	10 11	1001	31 May,	1887	18 November 1884 and 19 Echanowy 1995	
oftus (Junee Junction)	17 Nov.,	1004	10 reb.,	1001	10 November, 1004, and 10 repruary. 1001	
oftus (Junee Junction) actionald Town	17 Nov., 20 Nov.,	223	15 Feb., 20 Nov.,		18 November, 1884, and 18 February, 188720 November, 1874.	

LIST of Towns in which Part III is in force-continued.

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Police Offences.

LIST of Towns in which Part III is in force-continued.

patalation kit sits time	Date of Pro	clamation-	cord to state
Name of Town.	Bringing Town under the Act.	Defining limits of Town.	Dates of Government Gazette containing Proclamations.
Maclean	18 Oct., 1888	18 Oct., 1888	S.G.G., 19 October, 1888.
Macquarie	21 Nov., 1839,	4 Feb., 1870	23 November, 1839, and 8 February, 1870.
Mandurama Manilla	12 Jan., 1888 20 Oct., 1890	12 Jan., 1888 20 Oct., 1890	S.G.G., 20 January, 1888. 21 October, 1890.
Manly	16 July, 1880	16 July, 1850	29 July, 1880.
Marrickville	20 Aug., 1866	20 Aug., 1866	21 August, 1866.
Marulan	12 Mar., 1888	12 Mar., 1888	13 March, 1888.
Menindie	11 May, 1868	23 Jan., 1893	12 May, 1868, and 27 January, 1893.
Merewether		18 June, 1888	19 June, 1888.
Merriwa	14 Oct., 1863 4 Feb., 1890	17 Jan., 1870 4 Feb., 1890	16 October, 1863, and 18 January, 1870.
Milparinka Millthorpe	4 Feb., 1890 18 Jan., 1897	4 Feb., 1890 18 Jan., 1897	7 February, 1890. 22 January, 1897.
Milton	25 Nov., 1889	25 Nov., 1889	26 November, 1889.
Mittagong	5 Nov., 1883	5 Sept., 1891	6 November, 1883, and 8 September, 1891.
Moama	14 Oct., 1863	5 April, 1801	16 October, 1863, and 6 April, 1894.
Molong	14 Oct., 1863	8 Oct., 1869	16 October, 1863, and 12 October, 1869.
Montefiores	23 Dec., 1853	20 April, 1870	27 December, 1853, and 22 April, 1870.
Moree	8 May, 1877	13 Sept., 1892	11 May, 1877, and 16th September, 1892. 2 March, 1860, and 30 June, 1891.
Morpeth Moruya	2 June, 1853 14 Oct., 1863	29 June, 1891 17 Jan., 1870	16 October, 1863, and 18 January, 1870.
Moss Vale	2 June, 1882	2 June, 1882	2 June, 1882.
Moulamein	14 Oct., 1863	23 Aug., 1888	16 October, 1863, and 24 August, 1888.
Mount Costigan	10 July, 1888	10 July, 1888	13 July, 1888.
Mount Macdonald	9 Mar., 1885	16 Dec., 1890	S.G.G., 10 March, 1885, and 19 Dec., 1890.
Mudgee	20 Jan., 1854	21 June, 1869	24 January, 1854, and 25 June, 1869.
Mullumbimby	18 Dec., 1900	18 Dec., 1900	21 December, 1900.
Mulwala Mungindi	18 Feb., 1892 22 July, 1896	18 Feb., 1892 22 July, 1896	19 February, 1892. 24 July, 1896.
Murrimboola (Murrum-	14 Sept., 1880	14 Sept., 1880	17 September, 1880.
burrah).	11.50pti, 1000	11 Septi, 1860	r, ceptomori, recoi
Murrurundi	24 June, 1850	21 Feb., 1891	25 June, 1850, and 24 February, 1891.
Murwillumbah	13 Aug., 1895	13 Aug., 1895	16 August, 1895.
Musclebrook, N. and S.	27 Sept., 1852 &	20 May, 1870	1 October, 1852, 14 December, 1852, and
Narrabri	14 Dec., 1852 8 Nov., 1866	8 Nov., 1866	23 May, 1870. 9 November, 1866.
Narrabri, West	21 Feb., 1891	21 Feb., 1891	24 February, 1891.
Narrandera	10 Aug., 1883 &	10 Aug., 1883 &	14 August, 1883, and 2 November, 1900.
	31 Oct., 1900	31 Oct., 1900	bit Leonards England, and a distance of the
Narromine	24 Mar., 1899	24 Mar., 1899	S.G.G., 24 March, 1899.
Nelligen	27 May, 1884	27 May, 1884	30 May, 1884.
Nerrigundah	14 Oct., 1863	22 Jan., 1870 8 Mar 1850 &	16 October, 1863, and 25 January, 1870.
Newcastle	5 Sept., 1846	8 Mar., 1850, & 13 Dec., 1858	8 September, 1846, 8 March, 1850, and 14 December, 1858.
New Lambton	19 June, 1889	19 June, 1889	21 June, 1889.
Newtown		8 Aug., 1865	16 October, 1863, and 15 August, 1865.
Nimmitabel	14 Oct., 1863	17 Jan. 1870	16 October, 1863, and 18 January, 1870.
North Homebush	22 June, 1901	22 June, 1901	24 June, 1901.
North Sydney		23 Dec., 1890	30 December, 1890.
Nowra		13 June, 1885 17 Jan., 1870	16 June, 1885. 13 December, 1861, and 18 January, 1870.
Nymagee		23 May, 1881	25 May, 1881.
Nyngan	11 Mar., 1884	11 Mar., 1884	14 March, 1884.
	Barn John - Artest	THE PS	a product of the process of the second
Oneybygamba	13 Oct., 1885	13 Oct., 1885	16 October, 1885.
Orange	29 May, 1854	21 June, 1869	6 June, 1954, and 25 June, 1869.
Oxley	21 Aug., 1895	21 Aug., 1895	23 August, 1895.
Paddington	19 June, 1862, &	30 May, 1900	20 June, 1862, 16 October, 1863, and 31
S POST Burnts & La	14 Oct., 1863		May, 1900.
Panbula	30 Aug., 1891	17 Jan., 1870	13 August, 1861, and 18 January, 1870.
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LIST of Towns in which Part III is in force-continued.

	Date of Pro	clamation -	Dates of Government Gaz tte containing
Name of Town.	Bringing Town under the Act.	Defining limits of Town.	Prochamations.
Parkes	12 June, 1874	12 June, 1874	12 June, 1874.
Parramatta	Named in Act	11 Oct., 1892	S.G.G., 12 October, 1892.
Paterson	14 Oct., 1863	17 Mar., 1900	16 October, 1863, and 20 March, 1900 21 July, 1891.
Peak Hill	20 July, 1801	20 July, 1891 25 Feb., 1870	16 October, 1863, and 1 March, 1870.
Penrith	14 Oct., 1863 (Sec Shel	arboar)	10 000000, 1100,
Petersham	8 Aug., 1865	8 Aug., 1865	15 August, 1865.
Picton	14 Oct., 1863	12 Feb., 1870	16 October, 1863, and 15 February, 1870.
Prospect	14 Aug., 1890	14 Aug., 1890	15 August, 1890.
Onenhouse	11 July, 1854	17 Sept., 1886	14 July, 1854, and 21 September, 1886.
Queanbeyan Quirindi	18 Feb., 1884	9 May, 1891	19 February, 1884, and 12 May, 1891.
Quilinai	10 100, 100		
Randwick and Coogee	22 Oct., 1860	22 Oct., 1860 &	23 October, 1860, and 31 May, 1920.
Trandwick and coogeon.		3) May, 1900	
Raymond Terrace	14 Oct., 1863	26 June, 1863	13 October, 1863, and 3 July, 1868. 16 October, 1863, and 26 February, 1884.
Redfern		26 Feb., 1884	
Richmond	14 Oct., 1863	4 Feb., 1870, & 12 Mar., 1870	March, 1870.
Debineenville	14 Oct., 1882	14 Oct., 1882	17 October, 1882.
Robinsonville Rockley	4 Dec., 1863	17 Jan., 1870	8 December, 1863, and 18 January, 1870.
Rookwood		13 Sept., 1892	16 September, 1892.
Ryde	30 Oct., 1874	30 Oct., 1874	30 October, 1874.
Rylstone	14 Oct., 1863	24 June, 1869	16 October, 1863, and 29 June, 1869.
	11 33 an 11		10.0.1.1. 1657 and 10 Nevember 1889
Scone	15 Oct., 1850	18 Nov., 1889	18 October, 1850, and 19 November, 1889. 10 August, 1869.
Shellharbour	10 Aug., 1869	10 Aug., 1869 14 Aug., 1890	15 August, 1899.
Sherwood		27 May, 1885	29 May, 1835.
Silverton Singleton		29 June, 1868	23 July, 1850, and 3 July, 1868.
Smithfield	0. 7	31 Dec., 1889	7 January, 1890.
Smithtown	18 Dec., 1900	18 Dec., 1900	21 December, 1900.
Sofala		24 June, 1869	16 March, 1858, and 29 June, 1869. 25 September, 1857, and 18 January, 1870.
St. Albans		17 Jan., 1870 25 June, 1860	25 Septemori, 1867, and 16 outmany, 1997, and 18 outmany, 1997, and 18 outmany, 1997, and 19 outmany, 1997, an
St. Aubins		00.31 7000	3 April, 1860.
St. Leonards St. Leonards, East			17 August, 186?.
Swansea		6 Mar., 1896	10 March, 1896.
St. Mary's	. 29 Sept., 1870	19 Sept., 1893	30 September, 1870, and 22 Sept., 1893. 12 May, 1885, and 30 December, 1892.
Stockton	. 11 May, 1885		25 April, 1871.
St. Peter's	22 April, 1871 27 Jan., 1886		S.G.G., 27 January, 1886, and G.G., 11
Strathfield	. 27 Jan., 1000	,,	October, 1892.
Stroud	. 29 Dec., 1856		
Sunny Corner		31 July, 1885	4 August, 1885.
Section and the second		10 E-1 1000	4 October, 1861, and 19 February, 1892.
Tambaroora			
Tamworth, N. and S			99 May 1885
Taralga Tarcutta		5 Feb., 1900	16 October, 1863, and 9 February, 1900.
Taree		16 Mar., 1886	S.G.G., 18 March, 1836.
Temora	. 23 Sept., 1880	23 Sept., 1880	24 September, 1850.
Tenterfield	14 Oct., 1863		
Teralba			
Tibooburra			
Tingha Tinonee		1 00 T 1001	24 June, 1901.
Tocumwal		17 June, 1890	

Police Offences.

LIST of Towns in which Part III is in force-continued.

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the state of the	Date of Pr	oclamation-	The second second second
Name of Town.	Bringing Town under the Act.	Defining limits of Town.	Dates of Government Gazette containing Proclamations.
Tuena Tumberumba Tumut Tuncurry	10 July, 1888 14 Oct., 1863 24 Sept., 1855 22 June, 1901	10 July, 1888 24 Jan., 1870 22 April, 1882 22 June, 1901	13 July, 1888. 16 October, 1863, and 28 January, 1870. 28 September, 1855, and 25 April, 1882. 24 June, 1901.
Ulladulla Ulmarra Upper Picton Uralla Urana	15 April, 1890 26 July, 1895	24 Jan., 1870 15 April, 1890 26 July, 1895 5 Mar., 1889 1 Sept., 1881	 October, 1863, and 28 January, 1870. 18 April, 1890. 30 July, 1895. 16 October, 1863, and 8 March, 1889. 6 September, 1881.
Vaucluse	30 May, 1900	30 May, 1900	31 May, 1900.
Wagga Wagga Wahgunyah, North Walcha Walgett Wallabadah Wallerawang Wallsend Waratah Waratah Waratah Waradell Warren Waterloo Waverley Weet Waa Wellington Weet Waa Wellington Wentworth West Maitland West Narrabri West Myalong White Cliffs Whiton Wickham Wilcannia Willoughby, North Willyama (Broken Hill) Wingham Windsor. Wollomba Wollombi Wollongong Woollanra Woollahra Woolahra	3 Mar., 1890 Named in Act. 22 June, 1901 14 Feb., 1854	14 July, 1886 18 May, 1865 10 Jan., 1882 13 July, 1869 18 July, 1889 11 Sept., 1885 22 Aug., 1874 22 Jun, 1870 8 Dec., 1900 29 June, 1897 & 12 Oct., 1900 30 May, 1900 30 May, 1900 30 May, 1900 30 May, 1900 30 May, 1900 30 May, 1900 24 Jan., 1891 22 Jan., 1891 21 Feb., 1891 2 Jan., 1897 14 Dec., 1897 30 Dec., 1890 6 Nov., 1872 31 Mar., 1887 3 Mar., 1886 13 Dec., 1856 18 Dec., 1900 30 May, 1900 14 Oct., 1882 6 Aug., 1894	 16 October, 1853, and 16 July, 1886. 30 May, 1865. 13 January, 1882. 16 October, 1863, and 16 July 1869. 10 September, 1869, and 19 July, 1889. 15 September, 1885. 25 August, 1874. 31 July, 1874. 16 October, 1863, and 25 January, 1870. 11 December, 1900. 4 November, 1881, 2 July, 1897, and 13 October, 1900. 16 October, 1863, and 31 May, 1900. 16 October, 1863, and 25 January, 1870. 27 December, 1853, and 21 August, 1891. 26 April, 1861, and 25 January, 1870. 30 June, 1891. 24 February, 1897. 17 December, 1897. 8. G.G., 31 December, 1890. 8 March, 1887. 4 March, 1890. 14 December, 1858. 24 June, 1890. 15 December, 1858. 24 June, 1890. 24 February, 1876. 10 December, 1858. 24 June, 1890. 10 December, 1858. 24 June, 1890. 10 December, 1858. 24 June, 1890. 10 December, 1858. 24 June, 1901. 17 February, 1854, and 15 February, 1870. 6 November, 1863, and 31 May, 1900. 17 October, 1863, and 31 May, 1900. 17 October, 1863, and 31 May, 1900. 16 October, 1863, and 31 May, 1900.
Yass Yass and O'Connell Town Young	20 June, 1840 10 Aug., 1869 4 June, 1862	24 June, 1869 10 Aug., 1869 19 Aug., 1869	24 June, 1840, and 29 June, 1869. 10 August, 1869. 6 June, 1862, and 20 August, 1869.

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FOURTH

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Police Offences.

See s. 110 (2).

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Form of mem	orandum of chan	rge for which s	ummons iss	ued.
[Name of Complainant.]	A.B., of No.	street,	Bate,	[police constable.]
[Name of Defendant.]	C.D., of No.	st	reet,	, [labourer.]
[Date of offence.]	on the	day of	, in	nst. [or last].
[Offence.]	[e.g., without public pla		dischargir	ng a fircarm in a
[Date of issuing summons.]	The	day of	19	••••••••••••••••••••••••••••••••••••••
[Signed by]	E.F., J.P.			
[Summons returnable.]	The	day of	, inst.	[or next].

By Authority : Reprinted by WILLIAM APPLEGATE GULLICK, Government Printer, Sydney, 1907. [1s. 6d.]

FOURTH

Memo. and Certificate to accompany the Police Offences Bill.

THIS Bill consolidates the whole or parts of eighteen Acts, viz. :--

2 Wm. IV. No. 12; 4 Wm. IV No. 7; 2 Vic. No. 2; 2 Vic. No. 3; 5 Vic. No. 6; 11 Vic. No. 44; 17 Vic. No. 25; 17 Vic. No. 31; 18 Vic. No. 27; 19 Vic. No. 10; 19 Vic. No. 24; 30 Vic. No. 5; 32 Vic. No. 7; 36 Vic. No. 18; 41 Vic. No. 12; 43 Vic. No. 3; 55 Vic. No. 5; No. 71, 1900.

The Acts here dealt with were known as the Sydney Police Act, the Hamlets Police Act, and the Towns Police Acts. "The Hamlets" was an irregular area, difficult now to ascertain exactly, but lying generally round the City. The description of the boundaries of the City referred to landmarks now lost. Almost the whole of the area of the Hamlets has since been included in the areas of suburban municipalities, which have from time to time been proclaimed as "towns." The police provisions relating to Sydney, the Hamlets, and the Towns, respectively, are in some cases substantially different, and in many others substantially the same with verbal differences very valuable for argumentative purposes. The result is that the Police Acts are a mass of hopeless confusion, so much so as to have become, to a very large extent, useless.

In this consolidation it is hoped that nearly all these difficulties are cleared away. It has been found possible, after a good deal of searching into surveys and proclamations of boundaries, to do away altogether with the Hamlets, which have long been really obsolete. The boundaries of Sydney have been made identical with the boundaries of the City of Sydney in the Corporation Act, an alteration which (if it is one at all) is very slight, but which at once removes the present obscurity. The area round the City is all brought into different "towns." The dates of the Gazettes in which all these towns, with their areas, have been proclaimed, have been searched out and placed in a Schedule, which will be an immense convenience. Where the same offences have been removed, though in some cases the limits of the Commission have prevented a blending of sections, between which the differences appeared to be substantial, however unnecessary. 80179 c 51-

The arrangement has been simplified, and the offences are now grouped into two main classes—police offences, which are offences over the whole State, and police offences, which are offences in Sydney and the towns. This general account of the consolidation is given in lieu of a detailed list of the many small changes and modifications of wording, by which it has been brought about, but these modifications can be seen in any case by an examination of the consolidated sections noted in the margin of each clause.

Clause 33. The words "of Requests" have been omitted after "any Court." The District Courts were not in existence when 19 Vic. No. 24 was passed.

Clause 42 et seq. It has been found possible to make the boundaries of the City, and of Sydney Cove, and Darling Harbour quite clear, but there are difficulties as to the carriage and foot ways which have only partly been removed. Alignments are now made only in municipalities, and there is no longer any such official as the Surveyor-General.

Clauses 70, 71. The original sections were confused and verbose to an excessive degree, and have been to a great extent redrafted.

I certify that, save as aforesaid, this Bill solely consolidates and in no way alters, adds to, or amends the law as contained in the Acts thereby consolidated.

CHAS. G. HEYDON,

Commissioner for the Consolidation of the Statute Law.

Police Offences Act.

TABLE showing how the sections of Acts consolidated have been dealt with.

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
	a final af the sea	2 Wм. IV No. 12.
24	Part 8	Part omitted ; to be dealt with in other Acts.
25		Omitted; covered by Crimes Act, s. 53 and cf. s. 9
		of this Act.
26		Omitted; superseded by s. 8 of Stage Carriages Act
	and the second second	and s. 21 of 19 Vic. No. 24, here reproduced in
		s. 37.
28		Omitted ; obsolete.
29	Parts 8 and 9	Part omitted; part covered by Crimes Act and par
	1 and the second second	obsolete.
		4 WM. IV No. 7.
1	1)	
$\frac{1}{2}$	15	Omitted ; obsolete.
3	1	omitted, obsolute.
4	5 (Omitted; repealed by 16 Vic. No. 33, and see now
5	}	Act No. 20, 1899.
6	57	
7	58	
8	59	
9	Part 60	Part omitted ; repealed by 45 Vic. No. 14.
10	61	
11	62, 63	
12	64	
13	65	
14	66, 67, 68, 69	
15	70,71	
16	72	
17	73	
18	74	
19	75 76	
20 21	Part 77	Part omitted ; covered by Crimes Act, s. 352.
22	Part 78	Part omitted ; covered by Crimes Act, s. 352.
23	79	The online , contra of onlines hos, s. 002.
24	80, 81	
25	82	
26	83	
27	Part 84	Part omitted; covered by Crimes Act, s. 352.
28	86	
29	87	
30		Omitted; exhausted.
31	88	
32	89	
33	Part 90 and 92	Part omitted; covered by Crimes Act, s. 352.
34	Part 91 and 93	Part omitted; covered by Crimes Act, s. 352.

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.	
	4 W	M. IV No. 7—continued.	
35		Omitted, not repealed; to be dealt with in consol tion of Sydney Corporation Acts.	lida-
36	Part 94	Part omitted ; covered by Crimes Act, s. 352.	
37	Part 95	Part omitted ; covered by Crimes Act, s. 352.	
38	96		
89	97		
40	Part 8 and 98	Part omitted, part repealed by 18 Vic. No. 28, part covered by Crimes Act, s. 352.	anc
	99	O ittel and he 12 Via No 2	
42	100	Omitted ; superseded by 43 Vic. No. 3.	
43 44	100	Omitted ; repealed by 27 Vic. No. 13.	
45	••••••••••	Omitted; obsolete.	
46	44, 46, 47		
47		Omitted; repealed by 6 Vic. No. 3, s. 8.	
43		Omitted; superseded by 43 Vic. No. 3.	
49	44 (3)		
50	54	大学生的现在形式 化合金 网络合金合金合金合金	
51	50		
52	51	and the state of the second state of the secon	
53	56		
54 55	a share in a se	Omitted; repealed by 18 Vic. No. 28.	
56	·····	Omitted, repeated by 10 the 110, 20.	
57 58) (Omitted; obsolete, and superseded by 43 Vic. No Omitted; repealed by 35 Vic. No. 7 and 18	o. 3 Vic
59	1	No. 28.	
60	1		
61		E 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
62			
63	····· ·····	Omitted; obsolete, and superseded by 43 Vic. No	0.3
64	The Local Street	(1) (1) (1) (1) (1) (1) (1) (1)	
65 66			
66 67	Part 109, 111, 112	Part omitted ; covered by Justices Acts.	
68	1 and 100, 111, 112	Omitted ; covered by Justices Acts.	
69	Part 109	Part omitted ; covered by No. 71, 1900.	
70		Omitted; covered by No. 71, 1900.	
71	A terminities of the	Omitted; covered by Justices Acts.	
72	in man in man	Omitted; obsolete.	
73		Omitted; covered by No. 71, 1900.	
74	114		
75 76	••••••	Omitted; covered by Acts relating to Penalties. Omitted; formal matter.	
	n da di sina indira di sina	2 VICTORIA NO. 2.	
1		0 11 1 1 1	
2	·····	Omitted; obsolete.	
3		Omitted, nenerlad by 16 Via No 99	
4	§ maining }	Omitted; repealed by 16 Vic. No. 33.	
56	57	See now Act No. 20, 1899.	
0	01		

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
And the paint of the second of the second	· · · · · ·	
1	i i i i i i i i i i i i i i i i i i i	CTORIA No. 2—continued.
7	58	
8	59	
9	Part 60	Part omitted ; repealed by 45 Vic. No. 14.
10	61	
11	62, 63	
12	64	the second se
13	65	
14	66, 67, 68, 69	
15	70,71	
16	72	
17	73	
18	74	
19	75	
20	76 Part 77	Part omitted ; covered by Crimes Act, s. 352.
21	Part 78	Part omitted; covered by Crimes Act, s. 352.
$\frac{22}{23}$		Tart omitted, covered by crimes net, s. 302.
	79, 80	
$\begin{array}{c} 24 \\ 25 \end{array}$	81 82	
25 26	83	
20 27	Part 84	Part omitted; covered by Crimes Act, s. 352.
28	86	Tatt omitted, covered by Ormes Act, 5: 502.
28 29	87	
30	01	Omitted; exhausted.
31	88	Omitted, exhausted.
32	89	
33	Part 90 and 92	Part omitted ; covered by Crimes Act, s. 352.
34	Part 91 and 93	Part omitted ; covered by Crimes Act, s. 352.
35	Part 94	Part omitted; covered by Crimes Act, s. 352.
36	Part 95	Part omitted; covered by Crimes Act, s. 352.
37	96	,,,,,,,,
38	97	
39	Part 8 and 98	Part omitted; covered by Crimes Act, s. 352.
40	99	,
41	100	
42		Omitted; obsolete.
43	44, 45, 46, 47	
44		Omitted; obsolete.
45	44 (3), 48	
46	48, 52 (1)	
47	48, 49	
48	52(2), (3), (4)	
49	53	No. of the second se
50	85	
51	55	
52	54	
53	50	
54	51	
55	56	
56		Omitted; obsolete.
57		Omitted; obsolete.
58	Part 109, 111, 112	Part omitted; covered by Justices Acts.
59		Omitted; covered by Justices Acts.

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
	9 V	ICTORIA No. 2-continued.
60		
61	Part 109	Part omitted; covered by No. 71, 1900.
62		Omitted ; covered by No. 71, 1900.
63		Omitted; covered by Justices Acts. Omitted; obsolete.
64	43	omitted, obsolete.
65		Omitted; covered by No. 71, 1900.
66	114	
67		Omitted; covered by Acts relating to Penalties.
68		Omitted ; formal matter.
		2 VICTORIA No. 3.
	100	
		No.
		5 VICTORIA NO. 6.
1	19	· · · · · · · · · · · · · · · · · · ·
2 3	19 19	
4	15	Omitted; superseded by Justices Acts.
		o mitted, superseded by sustices Acts.
	12 (0)	11 VICTORIA No. 44.
1	42(3)	1
		17 VICTORIA NO. 25.
1	44 (1)	17 TICIONIA 110, 20.
2	57	
2 3	58	
4	59	
5 6	Part 60	Part omitted ; repeale 1 by 45 Vic. No. 14.
6	61	
7	62, 63	
8 9	64 65	
10	65 66, 67, 68, 69	protection of the second state of the second s
11	71	
12	72	
13	74	
14	75	
15	76	
16	Part 77	Part omitted; covered by Crimes Act, s. 352.
17	Part 78	Part omitted; covered by Crimes Act, s. 352.
18 19	80	
19 20	81 82	and the second sec
20	83	
22	Part 84	Part omitted; covered by Crimes Act, s. 352.
23	86	- art charter, cororer by crimes her, s. 602.
24	87	
25		Omitted ; exhausted.
26	88	and the second
27	Part 90 and 92	Part omitted; covered by Crimes Act, s. 352.
28	Part 91 and 93	Part omitted; covered by Crimes Act, s. 352.
29	Part 94	Part omitted; covered by Crimes Act, s. 352.

3 0 r		Remarks.
90	17 V	ICTORIA No. 25-continued.
	96	i i i i i i i i i i i i i i i i i i i
31	97	Construction of the second
32	Part 8 and 98	Part omitted; part repealed by 18 Vic. No. 28, and
	rare o and oo	part covered by Crimes Act, s. 352.
33	99	part covered by ermies net, s. 552.
34	100	
35	109	
36		Omitted; covered by No. 71, 1900.
37	114	
chedules 1, 2,		Omitted ; provisions of 2 Vic. No. 2 have been extended
3.		to "towns" which cover these "suburbs," &c.
		17 VICTORIA No. 31.
1	20	
2	20 21	i the second
3	22	and the second
4	23	
5	24	Lange and the second
6	25	
7	26	in the two sectors and the sector is a sector of the secto
8		Omitted; repealed by 45 Vic. No. 14.
9	15	, 1 , 1 ,
10	14	the second se
11	18 (1)	
12	18 (2)	
13	8,9	
14	13	and the second
15	12	
16	17	
17		Omitted ; covered by Crimes Act, s. 352.
18 19	Dent 90)
20	Part 36 38	Part omitted ; covered by Crimes Act, s. 352
20 21	39	
22	40 (1)	
23	40(1)	
	20, 21, 22, 23, 24	
		18 Victoria No. 27.
5	11	10 VICIONIA INO. 27.
		19 VICTORIA NO. 10.
1 (44 (3), 48 (5)]	IS VICIORIA NO. 10.
		10 Vigrani No. 84
1 .		19 VICTORIA No. 24.
$\begin{array}{c c}1\\2\end{array}$	27	
3	28 29	
4	29 30	
5	30	
5 6	41	
7	TL	Omitted, not repealed; to be dealt with in consoli-
		dation of 16 Vic. No. 1.

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
	19 VI	CTORIA No. 24—continued.
8	33	
9	34	
10	32	allow Wallion has a realistic real of the
11	· ·····	Omitted; repealed by 14 Vic. No. 17.
12	101	
13	102	
14	103	
15	104, 105	
16	106	
17	107	Sales on March Oak - Marine - N. Lieuwark
18	108	she had the state of the state
19	35	
20	Part 16	Part omitted; repealed by 45 Vic. No. 14.
21	8, 10, 37	
22		Omitted; repealed by 46 Vic. No. 17.
23	Part 109, 110, 111,	Part omitted; covered by Justices Acts.
	112	
24		Omitted; refers to 13 Vic. No. 29, which was repealed
	and the second	by 25 Vic. No. 14.
25		Omitted; repealed by 46 Vic. No. 17.
26	Every section in	the new production of the second
	which a penalty	
	is imposed.	
		30 VICTORIA No. 5.
1	6	
2	7	
3		Omitted; covered by Crimes Act, s. 352.
4		Omitted; superseded by Act No. 71, 1900.
5	113	
6		Omitted; title.
	A Ash Sprink 1911	32 VICTORIA NO. 7.
1	5	- 2011년 1월 2011년 1월 2012년 1월 2011년 1월 2
2		Omitted; title.
_		
		36 VICTORIA No. 18.
1	Part 11	Part omitted refers to definition of "cattle" under
]	the Registration of Brands Act of 1866.
		41 VICTORIA No. 12.
1		
2	25, 26	
$\begin{array}{c} 1\\ 2\\ 3\end{array}$	40	
4		Omitted; title.
		43 VICTORIA No. 3.
00		10 VIOIDEIA IVO. 0.
68	3	
234	75 (proviso)	
		55 VICTORIA NO. 5.
23	58 (1)	
		N. 51 1000
Alexand and	they discharge at all	No. 71, 1900.
8	32 (3) (4)	

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council Chamber, Sydney, 4th September, 1901.

JOHN J. CALVERT, Clerk of the Parliaments.



EDWARDI VII REGIS.

Act No. , 1901.

An Act to consolidate the Statutes relating to Police Offences.

D^E it enacted by the King'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 :—

PART I.

Preliminary and Interpretation.

1. This Act may be cited as the "Police Offences Act, 1901," Short title and and is divided into Parts, as follows :---

PART I.—Preliminary and Interpretation.—ss. 1-4.

PART II.—Offences general to whole State.—ss. 5-41.

PART III.—Offences in Sydney and in certain towns only. ss. 42-100.

PART IV.—Special constables.—ss. 101-108,

PART V.-Procedure.-ss. 109-114.

c 51-A

, 1901. Act No.

Police Offences.

2. (1) The Acts mentioned in the First Schedule hereto are, to Repeal. the extent therein expressed, hereby repealed, except as to offences committed and things done or commenced before the passing of this Act, which shall be dealt with and continued, and in respect of which every right and liability shall remain, as if this Act had not been passed.

(2) All persons appointed under any Act hereby repealed Persons appointed and holding office at the time of the passing of this Act shall be deemed under repealed Acts. to have been appointed under this Act.

3. In this Act, unless the context or subject-matter otherwise Interpretation. indicates or requires-

"Justice" means a Justice of the Peace.

"Constable" means any member of the police force.

"Vehicle" includes every omnibus, coach, gig, and carriage of any kind, and every truck, sledge, or cart.

" Cart " includes every wain, waggon, or dray.

"City surveyor" means the city surveyor, or any other surveyor 43 Vie. No. 3, s. 68. appointed by the municipal council of the city of Sydney, subject to the provisions of the Sydney Corporation Act of 1879, or any other Act and any by-laws or regulations made under their authority.

4. This Act shall be read with, and subject to the provisions of, Certain Acts with 4. This Act shall be read with, and subject to the provisions of, which this Act to be the Nuisances Prevention Act, 1897, and the Metropolitan Traffic Act, which this Act to be 1900, and the regulations from time to time in force thereunder.

PART II.

Offences general to whole State.

5. The provisions of this Part shall apply and be in force in Application of this Part to whole state. 32 Vic. No. 7, s. 1. 44 Vic. No. 12, s. 1. every part of New South Wales.

art of New South Wales. 6. Whosoever is found drunk in any street or public place shall Being found drunk in a public place. 30 Vic. No. 5, s. 1. be liable to a penalty not exceeding one pound.

7. Whosoever is found drunk and disorderly in any street or Being found drunk and disorderly in a public public, place shall be liable to a penalty not exceeding two pounds. place. Ibid. s. 2.

8. Whosoever in any street or public place to the obstruction, Certain offences in public annovance, or danger of the residents or passengers-

sells gunpowder, squibs, rockets, or other combustible matter by selling gunpowder, &c., gas, candle, or other artificial light; or, 19 Vic. No. 24, s. 21. gas, candle, or other artificial light; or,

hoists or lowers, or causes to be hoisted or lowered, goods of any Hoisting or lowering description from any house without sufficient and proper tackling. Ibid. ropes and tackling; or,

conveys, or causes to be conveyed, the carcass or any part of the Carrying carcass of newly-slaughtered meat carcass of any newly-slaughtered animal, without a cloth without a cloth covering same. covering the same sufficient for the concealment thereof; or, Ibid.

hawks

places to annoyance, &c., of residents, &c.

hawks or carries about butchers' meat for sale without covering the same as aforesaid; or,

- places any line or pole across any street or passage, or hangs or Placing line, cord, or pole clothes on. places clothes thereon; or, 19 Vic. No. 24, s. 21.
- places, hangs up, or affixes any sign-post, board, house-ticket, Placing signboard notice, or other similar thing, otherwise than close and except close to the wall. parallel to, or flat upon, the wall of the building to which Ibid. the same belongs; or,
- places any flower-pot in any upper window without sufficiently Placing any flower-pot, see, in the upper window without guarding the without guarding the guarding the same from being thrown down; or,
- casts from the roof, or any part of any building, any slate, brick, Ibia. wood, rubbish, or other thing unless within a hoard when the roof of any house into the street. any building is being erected or repaired; or, Ibid.
- being a blacksmith, whitesmith, anchorsmith, nailmaker, or other Blacksmiths, &c, person using a forge, and having a door, window, or aperture not closing windows fronting or opening into or towards any street or passage, street at night. does not close and darken such door or window or aperture Ibid. within one hour after sunset, so as effectually to prevent the light from showing through the same :

Provided that nothing herein contained shall extend to forges below the pavement of the street; or,

- within the distance of one hundred yards from any dwelling- Burning rags within house burns any rags, bones, cork, or other offensive sub- 100 yards from any dwelling-house, &c. stance; or, Ibid.
- while driving any vehicle whatsoever does not keep to the near Not keeping vehicles side of such street or public place (except when overtaking on the near or left hard side of the and passing any other vehicle), or meeting any other vehicle street, &c does not pass to his near side of such vehicle, or in any (4Wm.IVNo.7,s.40. manner wilfully prevents any other person from passing him 2 Vic. No. 2, s. 39. 17 Vic. No. 25, s. 32.) or any vehicle under his care upon such street or public 19 Vic. No. 24, s. 21. place, or by negligence or misbehaviour prevents, or interrupts the free passage of any carriage or person in or upon the same; or,
- being the driver of any vehicle, is wilfully at such a distance Driver leaving vehicle out of his control. from such vehicle, or in such a situation, whilst it is passing 2 Wm. IV No. 12, s. 29. upon such street or public place that he cannot have the 2 vie. No. 2, s. 29 direction of the horse on other existed duration that have the 2 vie. No. 2, s. 39. direction of the horse or other animal drawing the same ; or, 17 Vic. No. 25, s. 32.
- having the charge of any cart, drawn by two or more horses or Riding on certain other animals, rides thereon without sufficient reins to guide ^{carts} without reins. 19 Vic. No. 24, s. 21. the animals drawing the same; or,
- while driving or having the charge of any cart, drawn by any Driving a cart out horse or other animal, and driven or guided by reins, wilfully of a walking pace. allows such horse or other animal to proceed out of a walking pace; or,

races any horse or other animal; or,

Racing horses. Wm. IV No. 12, s. 24.

baits

ame.

baits any bull or other beast; or, exposes any horse or other animal for show or sale (except in a Exposing animals market lawfully appointed for that purpose); or, * for sale, &c. 17 Vic. No. 31, s. 13. feeds any horse or other animal; or, shows any caravan containing any animal or any other show or public entertainment; or, shoes, bleeds, or farries any horse or animal (except in cases of accident); or, cleans, dresses, exercises, trains, or breaks any horse or animal; or, cleans, makes, or repairs any part of any vehicle (except in the Cleaning, &c., vehicles. 1 bid. case of accident where repair on the spot is necessary); or, Throwing stones. Ibid. throws or discharges any stone or other missile; or, Playing games. *Ibid*. plays at any game; or, by fighting or otherwise collects or causes to be collected together Causing mot to collect by fighting, &c any mob or tumultuous meeting; or, carries any goods upon any footway, Carrying goods on footway shall be liable to a penalty not exceeding two pounds. 19 Vic. No. 24, s. 21. 9. Whosoever in any street or public place— Riding or driving rides or drives so negligently or furiously as to endanger the ^{furiously in street.} ¹⁷ Vic. No. 31, s. 13. safety of any person or of the public; or, 2 Wm. IV No. 12, being the driver of any vehicle, by driving furiously or by any^{s. 29.} negligence or wilful misbehaviour causes any hurt or damage to any carriage upon such street or public place; or, blows any horn (unless he is a guard or postman in His Majesty's Blowing horns, de., Post Office in the performance of his duty), or uses any for announcing any sale, &c. other noisy instrument for the purpose of announcing any 17 Vic. No. 31, s. 13 - show or entertainment, or for the purpose of hawking, selling, distributing, or collecting any article whatsoever, or of obtaining money or alms; or, discharges any firearm without lawful cause; or, Discharging firearms, &c. makes any bonfire, or lets off any firework; or, Ibid.

wantonly disturbs any inhabitant by pulling or ringing any door- Ringing bells. Ibid. bell, or knocking at any door without lawful excuse,

shall be liable to a penalty not exceeding two pounds.

10. Whosoever keeps any dog or other animal which attacks Keeping dog, &c., and endangers any person who has the right of way or use of any persons having private yard, alley, street, or other place, shall be liable to a penalty right of way. 19 Vic. No. 24, s. 21. not exceeding two pounds.

11. Any constable may seize any goat found straying or at large Constable may seize in any street or public place, or may destroy any such goat not being places, and may destroy such as are not branded a branded Angora or other branded goat producing hair used in or Angoras, &c. adapted for the manufacture of cloth or other textile fabrics.

Baiting bulls. 2 Wm. IV No. 12, s. 24.

4

2 Wm. IV No. 12, s. 24.

18 Vic. No. 27, s. 5. 36 Vic. No. 18, s. 1.

12.

3

Police Offences.

12. Whosoever is guilty of any riotous, violent, or indecent Riotous, violent, or behaviour in any street or public place, or in any police office or indecent behaviour. police station-house, shall be liable to a penalty not exceeding two 17 Vic. No. 31, s. 15. pounds, or to imprisonment for a term not exceeding seven days.

13. Whosoever, being a street musician, has been required by street musicians not any householder or occupier of any premises, personally, or by his departing when desired so to do. servant, or by any police constable, to depart from the neighbourhood Ibid. s. 14. of the house or premises of such householder or occupier on account of the illness of any inmate of such house or premises, or for other reasonable cause, and afterwards sounds or plays upon any musical instrument in any street or public place near such house or premises, shall be liable to a penalty not exceeding two pounds.

14. (1) Whosoever keeps or uses or acts in the management of Keeping place used any house, room, pit, or other place for the purpose of fighting or baiting for cock-fighting, &c. cocks, dogs, or other animals shall be liable to a penalty not exceeding ^{*Ibid. s.* 10.} five pounds, or to imprisonment with or without hard labour for a term not exceeding one month.

(2) A conviction under this Act of this offence shall not exempt the owner, keeper, or manager of any such house, room, pit, or place from any penalty or penal consequence to which he may be liable for the nuisance thereby occasioned.

(3) The Inspector General of Police may by order in writing authorise any inspector of police, with such constables as he thinks necessary, to enter any premises kept or used for any of the purposes aforesaid, and take into custody all persons found therein without lawful excuse.

Every person so found shall be liable to a penalty not exceeding five shillings.

15. Whosoever makes or uses or allows to be made or used any Making internal internal communication between any house, shop, room, or place of communication with an adjoining public public resort, not licensed for the sale of any fermented or spirituous house. liquors, and any house or place licensed for the sale of such liquors Ibid. s. 9. or in which any such liquors are sold by a dealer in wine and spirits shall be liable to a penalty not exceeding ten pounds for every day that such communication is open.

16. Whosoever, not being a licensee within the meaning of the No person keeping a Liquor Act, 1898, keeps or has any house, shop, room, or place of resort to open same public resort wherein ready-made provisions, liquors, or refreshments for business before of any kind are sold or consumed (whether the same are kept or morning or later retailed therein or procured elsewhere), and opens or has open his than twelve o'clock premises for the reception or entertainment of promiscuous persons or 19 Vic. No. 24, s. 20. for the ordinary transaction of business earlier than six o'clock in the morning, or later than twelve o'clock at night, shall be liable to a penalty not exceeding five pounds.

Provided

Police Offences.

Provided that nothing herein contained shall affect the pro-Proviso-saving visions of the Acts No. 38, 1899, and No. 81, 1900.

17. Whosoever rides upon or causes himself to be carried or Using carriages withdrawn by any carriage without the consent of the owner or driver ^{outowner'sordriver's} thereof shall be liable to a penalty not exceeding five shillings, or if a 17 Vic. No. 31, s. 16. child apparently under the age of twelve years to be detained by order of the Justice until his parent or guardian can attend for the purpose of having such child delivered into his care; provided that if such parent or guardian do not so attend before the closing of the police court for the day the Justice may order such child to be discharged.

18. (1) The Inspector-General of Police may from time to time, Lespector-General of and as occasion requires, make regulations for the route to be observed Police to make regulations for preventing obstructions of obstructions in the the streets and public places in all times of public processions, public streets during public rejoicings, or illuminations, and may give directions to the constables *Ibid. s. 11.* for keeping order and for preventing any obstructions of the thoroughfares in the immediate neighbourhood of Government House, Parliament House, the public offices, the Courts of Justice, the theatres, and other places of public resort, and in any case when the streets or public places may be thronged or may be liable to be obstructed.

(2) No proprietor of any vehicle duly licensed to carry pas- Proprietors of sengers for hire shall be liable to any penalty for any deviation from vehicles rot liable the line of route specified in his license which the driver of such the route. vehicle makes by virtue of any regulation or direction made or given *Ibid. s. 12.* by the Inspector-General of Police.

19. Whosoever—

Shooting on Sunday.

Provisoes.

is found engaged in shooting at any pigeon match, or for pleasure, 5 Vic. No. 6, s. 1. sport, or profit of any kind whatever on Sunday; or,

is found carrying firearms on Sunday,

shall be liable to a penalty not exceeding five pounds :

Provided that—

- (a) nothing in this section shall be deemed to extend to travellers *rbid.* ss. 2, 3. bona fide carrying firearms for the protection of the lives and property of themselves or their employers on the public roads, or to constables and other persons carrying firearms for lawful purposes;
- (b) no person shall be prosecuted for an offence under this section unless the prosecution is commenced within ten days after the offence was committed.

20. Whosoever knowingly takes in exchange from any seaman Persons receiving or other person not being the owner or master of any vessel, anything ship's stores from belonging to any vessel, or any part of the cargo of any vessel, or any 17 yie. No. 31,

stores ss. 1, 24.

stores or articles in charge of the owner or master of any vessel, shall be liable to a penalty not exceeding five pounds or to imprisonment for a term not exceeding one month.

21. Whosoever for the purpose of preventing anything from Framing a false bill being seized on suspicion of being stolen or otherwise unlawfully of parcels to escape obtained, or from being produced in evidence concerning any alleged 17 Vie. No. 31, felony or misdemeanour fraudulently prepares or causes to be prepared ss. 2, 21. or produces any bill of parcels, receipt, or other document containing any false statement, shall be liable to a penalty not exceeding five pounds or to imprisonment for a term not exceeding one month.

22. Whosoever in or upon any warehouse, wharf, quay, or bank, Possessing instruor on board any ship or other vessel,

ments for unlawfully procuring and

is found having in his possession any instrument for the purpose of carrying away wine, unlawfully obtaining, or any material or utensil for the purpose

of unlawfully secreting or carrying away, any wine, spirits, or other liquors; or

attempts unlawfully to obtain any wine, spirits, or other liquors, shall be liable to a penalty not exceeding five pounds or to imprisonment for a term not exceeding one month.

23. Whosoever, in or upon any warehouse, wharf, quay, or bank, Piercing casks, opening packages, or on board any ship or other vessel, &c.

breaks or otherwise injures any cask or package containing wine, Ibid. ss. 4, 24. spirits, or other liquors, with intent to steal or otherwise unlaw-

fully obtain any of the contents thereof; or

unlawfully drinks, spills, or wastes any part of the contents thereof, shall be liable to a penalty not exceeding five pounds or to imprisonment for a term not exceeding one month.

24. Whoseever wilfully causes to be broken, started, or otherwise Breaking packages injured any cask, bag, or other package containing or prepared for with intent to spill containing any goods while on board of any lighter, or other craft, or Ibid. 55. 5, 24. on any wharf or landing place, or in the way to or from any warehouse, with intent that the contents of such package may be dropped from such package, shall be liable to a penalty not exceeding five pounds or to imprisonment for a term not exceeding one month.

25. Any superintendent, inspector, or sub-inspector of police, or Superintendents and any constable in charge of a station may enter at all times by night or inspectors may board day, with such constables as he thinks necessary, upon and into every Ibid. s. G. part of every ship or other vessel (not then actually employed in His 41 Vic. No. 12, s. 2. Majesty's service), for the purpose of directing any constable stationed on board, and of observing the conduct of all persons employed on board in loading or unloading, and of taking all necessary measures for providing against fire and other accidents, and for preserving peace and good order on board, and for preventing or detecting any felonies or misdemeanours.

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26. Any superintendent, inspector, or sergeant of police, or any Superintendent, &c.³ constable in charge of a station who has just cause to suspect that any having just cause to suspect felony may felony has been or is about to be committed on board of any ship or enter on board other vessel may enter thereon at all times, by night or day, and therein vessels, and take up take all necessary measures for preventing or detecting such felony, and 17 Vic. No. 31, s. 7. may take into custody all persons suspected of being concerned in such 41 Vic. No. 12, s. 2. felony, and may take charge of any property suspected to be stolen.

27. Whosoever being charged before a Justice with having Persons suspected of in his possession or conveying in any manner anything which may having or conveying be reasonably suspected of being stolen or unlawfully obtained, does 19 Vic. No. 24, s. 1. not give an account to the satisfaction of such Justice how he came by the same, shall be liable to a penalty not exceeding ten pounds or to imprisonment for a term not exceeding three months.

28. If information is given on oath to a Justice that there is search warrant. reasonable cause for suspecting that anything stolen or unlawfully *Ibid. s. 2.* obtained is concealed or lodged in any dwelling-house or any other place, such Justice may, by special warrant under his hand directed to any chief constable or inspector of police, cause every such dwellinghouse or other place to be entered and searched at any time of the day or by night if power for that purpose is given by such warrant.

The said Justice, if it appears to him necessary, may empower such chief constable or inspector, with such assistance as may be found necessary (such chief constable or inspector having previously made known such his authority),

- (1) to use force for the effecting of such entry, whether by breaking open doors or otherwise; and,
- (2) to convey any such thing found upon such search before a Justice, or to guard the same on the spot until the offenders are taken before a Justice, or otherwise to dispose thereof in some place of safety; and,
- (3) to take into custody and carry before the said Justice every person found in such house or place who appears to have been privy to the deposit of any such thing, knowing or having reasonable cause to suspect the same to have been stolen or otherwise unlawfully obtained.

29. (1) When any person who has been brought before a Person from whom Justice charged with having or conveying anything stolen or unlaw-stolen goods are said to have been received fully obtained, declares that he received the same from some other to be examined by person, or that he was employed as a carrier, agent, or servant to convey the Justice. The same for some other person, such Justice shall cause every such Tbid. s. 3. person, and also if necessary every former or pretended purchaser or other person through whose possession such thing has passed, to be brought before him and examined, and shall examine witnesses upon oath touching the same.

(2)

(2) Whosoever appears to such Justice to have had possession of such thing, and to have had reasonable cause to believe the same to have been stolen or unlawfully obtained, shall be liable to a penalty not exceeding ten pounds, or to imprisonment with or without hard labour for a term not exceeding three months.

Every such person shall be deemed to have had possession of such thing at the time and place when and where the same was found or seized, and the possession of a carrier, agent, or servant shall be deemed to be the possession of the person who employed such carrier, agent, or servant to convey such thing.

30. If any goods or money charged to be stolen or fraudulently Order for delivery obtained are in the custody of any constable by virtue of any warrant to owner, &c., of of a Justice, or in prosecution of any charge of felony or misdemeanour have been stolen or or obtaining possession as aforesaid has not been found, or has been constable. summarily convicted or discharged, or has been tried and acquitted, 19 Vic. No. 24, s. 4. or if such person has been tried and found guilty, but the property so in custody was not included in any indictment upon which he has been found guilty, any Justice may make an order for the delivery of such goods or money to the person who appears to be the rightful owner thereof, or, in case the owner cannot be ascertained, then may make such order with respect to such goods or money as to such Justice seems meet.

No such order shall be any bar to the right of any person to sue the person to whom such goods or money are delivered, and to recover such goods or money from him by an action commenced within six months next after the making of such order.

31. When any goods or money charged to be stolen, or unlaw- Unclaimed stolen fully obtained, and of which the owner is unknown, are ordered by goods in the custody a Justice to be detained, any Justice may, after the expiration of twelve sold after twelve months, if during that time no owner has appeared to claim the same, months for the sell or dispose of such goods or apply such money for the benefit of reward fund. the "Police Reward Fund." Ibid. s. 5.

32. (1) Upon complaint made to a Justice by any person Order for the claiming to be entitled to the property or possession of any goods which delivery to the owner of goods are detained by any other person, the value of which is not greater than unlawfully detained, twenty pounds, and not being deeds, muniments, or papers relating to Ibid. s. 10. any property of greater value than fifty pounds, any Justice may summon the person complained of and inquire into the title thereto or to the possession thereof.

(2) If it appears to the Justice hearing the case that such goods have been detained without just cause, after due notice of the claim made by the person complaining, or that the person detaining such goods has a lien or right to detain the same by way of security for

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for the payment of money or the performance of any act by the owner thereof, such Justice may order the goods to be delivered up to the owner thereof either absolutely or upon tender of the amount appearing to be due by such owner (which amount such Justice shall determine), or upon performance, or upon tender and refusal of the performance of the act for the performance whereof such goods are detained as security, or if such act cannot be performed then upon tender of amends for non-performance thereof (the nature or amount of which amends such Justice shall determine).

(3) Such Justice may in and by the said order further Order for payment order and direct that, in the event of neglect or refusal to deliver up of value if goods not the goods according to such order, the person against whom such order included in such is made shall forfeit to the party aggrieved the full value of such goods ^{order} not being greater than twenty pounds, which value the Justice shall ^{No. 71, 1900, s. 8 (1)}. determine.

(4) In any case where no such further order and direction or may be made is made by the adjudicating Justice such further order and direction ^{subsequently} by any Justice. may be subsequently made by any Justice. *Ibid.* subs. (2).

(5) No such order shall be any bar to the right of any person such order no bar to to sue the person to whose possession such goods or money came by right to sue. virtue of such order, and to recover from him the goods or money so delivered or forfeited by an action commenced within six months next after the making of such order.

33. Whosoever, being the occupier of, or having occupied, any Compensation for house or lodging as tenant thereof, wilfully or maliciously does any tenants. damage to the premises or to any furniture thereof, shall, upon *Ibid. s. 8.* complaint made to a Justice within one month next after the commission of the offence or the end of the tenancy or occupation, forfeit and pay to the landlord or party aggrieved such sum of money, not exceeding twenty pounds, as appears to the Justice to be a reasonable compensation for the damage done.

34. (1) Upon complaint made to a Justice by any person who Oppressive has occupied any house or lodging by the week or month, or whereof distresses. Ibid. s. 9. the rent does not exceed the rate of twenty-five pounds by the year, that his goods have been taken from him by an unlawful distress, or that the landlord, or his broker, or agent, has been guilty of any irregularity or excess in respect of such distress, such Justice may summon the person complained of, and if, upon the hearing of the matter, it shall appear to the Justice that such distress was improperly taken, or unfairly disposed of, or that the charges made by the person who distrained, or attempted to distrain, are contrary to law, or that the proceeds of the sale of such distress have not been duly accounted for to the owner thereof, such Justice may order the distress so taken if not sold to be returned to the tenant on payment of the rent which appears to be due at such time as the Justice appoints, or if the distress

distress has been sold then such Justice may order payment to the said tenant of the value thereof, deducting thereout the rent which so appears to be due, which value such Justice shall determine.

(2) Any such landlord or party complained against shall, in default of compliance with any such order, forfeit to the party aggrieved the value of such distress, not being greater than twentyfive pounds, which value such Justice shall determine.

35. Whosoever assaults, resists, or interrupts any sheriff's bailiff, Assaulting bailiffs, bailiff of any court, or any keeper or other officer in the discharge of &c., in the execution any public duty, or any bailiff or keeper distraining for rent, or for rates 19 Vic. No. 24, s. 19. or taxes.

or, rescues or attempts to rescue any property levied or distrained on, shall be liable to a penalty not exceeding ten pounds, or to imprisonment with or without hard labour for a term not exceeding six months.

Provided always that if the Justice hearing the case thinks the same a proper case to be sent to a superior court to be dealt with, such Justice may commit the offender to take his trial for such offence.

36. Any constable may stop, search, and detain any vessel, Constable may boat, or vehicle in or upon which there is reason to suspect that any vessel, vehicle, anything stolen or unlawfully obtained may be found, and also any &c., or person person who may be reasonably suspected of having or conveying in veying stolen property. any manner anything stolen or unlawfully obtained.

 37. (1) Whosoever being the owner of any cart drawn by any ¹⁷ Vic. No. 31, s. 19.
 horse or other animal, and driven or guided by reins, does not have having name his name and place of abode painted legibly in full length on the off painted thereon. side, in white letters at least two inches high and proportionately $\frac{2}{s}$ Wm. IV No. 12, s. 26. broad on a black ground, shall be liable to a penalty not exceeding 19 Vie. No. 24, s. 21. two pounds.

(2) If the person in charge of any such cart as aforesaid, Person in charge refuses to give his or the owner's name and address, or gives a false to be detained till satisfactory account name of himself or the owner, such person shall be detained by any given. constable or other person until a satisfactory account is given to such *Ibid*. constable or other person who may require the same.

38. Any constable may stop and detain until due inquiry can Removing furniture be made, all vehicles which he finds employed in removing the to evade rent. furniture of any house or lodging between the hours of eight in the 17 Vic. No. 31, s. 20. evening and six on the following morning, or which he finds so employed at any time if he has good grounds for believing that such removal is made for the purpose of evading the payment of rent.

39. (1) Whenever any person having charge of any horse, Horses, carriages, vehicle, or boat, or any other animal, or thing, is apprehended by any &c., of offenders may constable under the provisions of this Act, any constable may take Ibid. s. 21. charge of such horse, vehicle, or boat, or such other animal or thing,

and

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and deposit the same in some place of safe custody as a security for payment of any penalty to which the person having had charge thereof may become liable, and for payment of any expenses which may have been necessarily incurred for taking charge of and keeping the same.

(2) The Justice before whom the complaint against such person has been heard, may order such horse, vehicle, or boat, or such other animal or thing to be sold for the purpose of satisfying such penalty and reasonable expenses in default of payment thereof in like manner as if the same had been subject to be distrained and had been distrained for the payment of such penalty and reasonable expenses.

40. (1) Whenever any person charged with any felony or any Constable at police grave misdemeanour, is, without warrant, in the custody of any station may bind over persons making constable at any station-house during the time when the police court charges. of the district in which such station-house is situated is shut, the 17 Vic. No. 31, s. 22. constable in charge of the station-house may require the person 41 Vic. No. 12, s. 3. making such charge to enter into a recognizance conditioned as hereinafter mentioned, and upon his refusal so to do, such constable may, if he deem it prudent, discharge from custody the person so charged upon his recognizance with or without sureties conditioned as hereinafter mentioned.

(2) Every recognizance so taken shall be conditioned for the Condition of appearance of the person thereby bound before a Justice at the next $\frac{\text{recognizance}}{\text{recognizance}}$. sitting at the police court of the district in which such station-house $\frac{17 \text{ Vic. No. 31, s. 23.}}{41 \text{ Vic. No. 12, s. 3.}}$

(3) Every such recognizance so taken shall be without fee or reward.

(4) The constable shall enter in a book, to be kept for that purpose at every such station-house, the name, residence, and occupation of the person, and his surety or sureties (if any) entering into such recognizance, together with the condition thereof and the sum thereby acknowledged, and shall return every such recognizance to the Justice present at the time and place when and where such person is bound to appear.

41. Whosoever lodges any information before any Justice for Common informers any offence alleged to have been committed by which he was not compounding personally aggrieved, and afterwards, directly or indirectly receives, without the permission of a Justice, any sum of money or other reward for compounding, delaying, or withdrawing the information, may be brought before any Justice, by warrant or summons, and charged with the offence of such compounding, delay, or withdrawal, and, on conviction, shall be liable to a penalty not exceeding ten pounds.

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PART III.

Offences in Sydney and in certain towns only.

42. (1) The provisions contained in this Part shall, unless the Application of this context or subject matter otherwise indicates or requires, apply and be Part. in force in the city of Sydney, the towns mentioned in the Third Schedule, and all other towns to which the provisions of this Act are extended as hereinafter provided.

(2) The provisions of this Part shall be read with and Certain Acts with subject to the provisions of the Sydney Corporation Act of 1879, and be read. any Act amending the same, and of section two hundred and thirtyfour of the Municipalities Act, 1897, and of sections twenty-four, twenty-five, and twenty-six of the Public Roads Act, 1897.

(3) In any of the said towns which are not municipalities 11 Vie. No. 44. within the meaning of the Municipalities Act, 1897, and in any part of any of the said towns which is not included in any such municipality, any Justice may, if there is no Police Magistrate having jurisdiction therein, exercise all the powers and authorities of a Police Magistrate under this Part.

43. The Governor may, by proclamation in the Gazette, extend Governor may extend provisions of this Act to any town specified in such proclamation. the provisions of this Act to any town specified in such proclamation.

44. For the purposes of this Act—

- (1) the limits of the said city, and of Sydney Cove, and of &c., and of the towns to which this Part Darling Harbour, shall be those set out in the Second Schedule; applies. the limits of the towns mentioned in the Third Schedule 4Wm. IV No.7, s. 46. shall be such as have been set out and marked, and described 2 Vic. No. 2, e. 43. by publication in the Gazette under the provisions of any 17 Vic. No. 25, s. 1. Act hereby repealed, or shall hereafter be set out and marked by the Surveyor-General or some person deputed by him, subject to the approval of the Governor and described by publication in the Gazette.
- (2) the limits of any town to which the provisions of this Act Limits of towns to are extended shall be such as are set out and marked, and which this Part is hereafter extended. described by publication in the Gazette in the manner hereinafter provided;
- (3) the carriage and foot ways in the streets and public places Carriage and foot within the said city and the towns mentioned in the Third ways of city and Schedule shall be such as have been set out and marked under Part applies. the provisions of any Act hereby repealed, or any Act relating ⁴/₂ Wm. IV No. 7, s. 49. to the setting out and marking of such carriage or foot ways; 19 Vic. No. 10.
- (4) the carriage and foot ways of the streets and public places Carriage and foot within any town to which the provisions of this Act are ways of towns to extended shall be such as arc set out and marked in the extended. manner hereinafter provided.

Limits of the city,

2 Vic. No. 2, s. 64.

45.

45. The Surveyor-General, or some person deputed by him, How limits of towns shall, within three months of the publication in the Gazette of a towhich this Part proclamation extending the provisions of this Act to a town specified to be set out, &c. in such proclamation, set out and mark with sufficient marks the limits 2 Vic. No. 2, s. 43. of such town, subject to the approval of the Governor, and shall publish in the Gazette a description of the boundaries thereof.

46. The Surveyor-General and his assistants shall not incur any Entering to erect or liability for trespass in respect of any entry upon the property of any maintain marks no person to erect any marks under the provisions of this Act, or to uphold $_{4 \text{ Wm. IV No. 7, s. 46.}}$ or repair any such marks or any mark erected under the provisions of $_{2 \text{ Vic. No. 2, s. 43.}}$ any Act hereby repealed to mark the limits of the said city or of any town mentioned in the Third Schedule.

47. Whosoever pulls down, destroys, defaces, or injures any Destroying, &c., mark erected to mark the limits of the sold city or of any of the said marks. towns shall be liable to a penalty of five pounds for the first offence, ⁴ Wm.IV No.7, s. 46. of ten pounds for the second offence, and of twenty pounds for the ² Vic. No. 2, s. 43. third or any subsequent offence.

48. (1) The Surveyor-General, or some person deputed by him, How carriage and shall, within twelve months of the publication in the Gazette of a foot ways of towns to which this Part is proclamation extending the provisions of this Act to a town specified extended are to be in such proclamation, or, in case of unavoidable delay, so soon there-set out and marked. after as possible, lay before the Governor a plan setting forth the ²/_{46,47}. Proposed breadth of the carriage and foot ways of the streets and public places within such town, and a notice setting forth the breadth of such carriage-ways shall be published in the Gazette.

(2) The Surveyor-General, or person deputed by him, shall, within the time aforesaid, set out the breadth of the said carriage and foot ways, and shall cause the said foot ways to be marked by posts at the corners and intersections of the streets, or wherever the same may be necessary for defining such footways.

(3) The said footways shall be taken and measured from the curbstone, or exterior edge thereof, as laid down in the plan aforesaid, without reference being in any manner had to the breadth of the carriage-way adjoining thereto, or any part thereof, whether such carriage-way in any part exceeds the breadth of the carriage-way set forth in the notice aforesaid or not.

(4) The curbstone, or exterior edge of the said footways, shall in no case be placed or formed upon land not theretofore forming part of the street or footway, unless with the consent of the owner of the land, or under and by virtue of the Act fourth William the Fourth, number eleven, and number five, one thousand eight hundred and ninety-seven, or any Act amending the same.

(5) Provided that in any town in which the streets have Procedure where streets already set been set out, and allotments sold, in conformity with the design, or out and allotments any extension of the design of such town, it shall be sufficient, in sold in conformity with design of town.

lieu 19 Vic. No. 10, s. 1.

lieu of the provisions hereinbefore contained, for the Surveyor-General, or some person deputed by him, or any justice or municipal officer of such town, under the authority of the Governor, to set out and mark the carriage and foot ways of the streets and public places in such towns, by placing posts at the corners and intersections of the streets, or wherever the same may be desirable, so as to give a width of forty-two feet for the carriage-way and twelve feet for the footway on each side, when such streets are sixty-six feet wide, and in proportion and at the discretion of the Surveyor-General, or other person or officer, when such streets are less than the said width.

49. All lands which have been or shall hereafter be left open All land now open to and used as a carriage or foot way within any of the said towns, as well the street or formed as all land which has been or shall hereafter be formed into a street public expense to be within any of the said towns at the public expense, shall be deemed decimed dedicated to the public. and taken to be dedicated to the public, and shall not be fenced in or 2 Vic. No. 2. s. 47. reserved on any pretence whatsoever, but shall be subject to all such and the like regulations, orders, powers, authorities, and provisions to which land used as a public thoroughfare now is or hereafter shall be subject by law:

Provided always that the Governor may permit and suffer the Governor may permit owner or possessor of any land adjoining to any footway within any of owner of sdjoining land to resume footthe said towns which has been heretofore left open and used as a way beyond twelve carriage or footway, to resume the possession of so much of the said feet. Ibid. land as exceeds the distance of twelve feet from the outer curbstone or exterior edge of the footways within the said towns as at present or hereafter to be laid down by the said Surveyor-General or any person deputed by him as to the Governor seems fit, subject, however, to and under and upon such conditions, regulations, and restrictions as shall be directed by the Governor respecting the same.

50. The Surveyor-General or any person deputed by him may, Footways as set out in the said city, and any person appointed by the Governor may, in may be levelled, &c. any of the said towns, cause any footway, set out and marked under 4 Wm. IV No. 7, any Act hereby repealed or under this Act, to be levelled and made as 2 Vic. No. 2, s. 53. nearly as practicable of an equal height and breadth, and with an equal slope and inclination, and may for such purpose remove and abate any flagging, steps, or other matter or thing that may injure or obstruct the said footway, or render it unequal or inconvenient, and which is now or may hereafter be erected or placed on the space marked out for such footway.

51. (1) Any person who, after the said footways have been so Notice to be given to set out as aforesaid, desires to flag, pave, gravel, or put a curbstone to surveyor or police magistrate of intenthe footway in the front of his house shall, twenty-four hours at the tion to pave footways. least before such work is begun, give notice in writing in the said city 4 Wm. IV No. 7, to the city surveyor, or in the said towns to the Police Magistrate, of ^{s. 52.} ² Vic. No. 2, s. 54. such

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such his intention, and shall conform to the directions of the said surveyor or Police Magistrate as to the length, breadth, height, slope, and inclination of such footway.

(2) Whosoever—

commences any such work without giving the notice hereinbefore directed; or,

refuses or neglects to conform to the directions of the said surveyor or Police Magistrate,

shall be liable to a penalty not exceeding ten pounds.

(3) The said surveyor and his assistants may, in the said city, and two Justices, the Police Magistrate being one of them, may, in the said towns, remove all work so executed contrary to such directions.

52. (1) Upon receipt of the plan mentioned in section forty- The Governor to fix eight, the Governor may, by notice in the Gazette, fix and declare the distance of building distance from the curbstone or exterior edge of the said footway in 2 Vic. No. 2, s. 46. any street or public place in any such town within which it shall not be lawful to erect any building :

Provided that such distance shall in no case exceed twelve feet unless with the consent of the owner of the land.

(2) Whosoever after the publication of such notice erects Building within such any house, shop, or other building, or allows any house, shop, or distance. building to project or encroach in any part, within the distance from the curbstone or exterior edge of the footway fixed and declared in such notice; or,

rebuilds any house, shop, or other building which is now erected within the distance to be fixed and declared as aforesaid from the curbstone or exterior edge of the said footway, in the whole or in any part, or makes any addition or alteration to the same, except in conformity with the provisions hereof,

shall be liable to a penalty of twenty pounds.

(3) If the said house, shop, or other building, or any addition or projection is not removed or abated within one month after notice to that effect has been served by the Police Magistrate on the owner or occupier thereof, or left at his usual place of abode, the person so offending as aforesaid shall be liable to a penalty of one pound for every day the same shall remain not removed or abated.

(4) In any such case two or more Justices, the Police Magistrate being one of them, may grant a warrant to cause the said house, shop, or other building, and all additions or alterations thereto, so far as the same may be contrary to the provisions hereof, to be taken down, and the materials thereof to be sold.

The charges of taking down the same shall be paid out of the proceeds of such sale, and the surplus, if any, shall be paid to the owner of such materials.

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53. (1) No person shall begin to erect any house, shop, or other In towns notice to be building in any street within any of the said towns without first serving given to the Police Magistrate of inten. on the Police Magistrate a notice in writing stating such intention and tion to build. describing the proposed situation of the building. 2 Vic. No. 2, s. 49.

(2) The said Police Magistrate shall within seven days after Police Magistrate to the receipt of such notice furnish such person with a paper signed by furnish copy of provisions of this the said Police Magistrate, specifying the provisions of this Act so far Act. as the same relate to the erection of such shop, house, or other building.

(3) If the said Police Magistrate, without reasonable cause, refuses or neglects to furnish such written paper within the said seven days, he shall be liable to a penalty of ten pounds.

(4) Whosoever begins to erect any such house, shop, or Building without other building without having first served such notice and received giving notice. such paper shall be liable to a penalty not exceeding ten pounds.

54. (1) The city surveyor or other person appointed by him may Names of streets may in the said city, and any person appointed by the Governor may in the be affixed to any house. said towns, mark upon the walls of any house the name of the street 4 Wm. IV No. 7, s. or place in which it is situated, or such other notice as it may be 50. conducive to the public convenience to affix, either by painting the 2 Vic. No. 2, s. 52. same upon the walls or by affixing a board thereto, upon which such notice may be painted, and may also from time to time allot a number to each house in every street or public place.

(2) The occupier of every such house shall paint or affix such number in legible characters upon the door of his house within fourteen days after written notice, from the said surveyor or person appointed by the Governor, to that effect, left at his said house.

(3) Whosoever refuses or neglects to paint or affix such number after such notice as aforesaid shall be liable to a penalty of ten shillings, and to the like penalty for every week during which such refusal or neglect continues.

55. Nothing in this Act contained shall be deemed to interfere Not to interfere with with the powers vested in any surveyor by the provisions of any other ^{powers vested in} surveyors. Act. 2 Vic. No. 2, s. 51.

56. Whosever at any time wilfully obstructs or molests any Obstructing persons person having the control of the streets or public places, or any duty under this Act. surveyor or any person whomsoever authorised to put in execution 4Wm. IV No. 7, s. 53. this Act, in the performance of his duty, shall be liable to a penalty ² Vic. No. 2, s. 55. for the first offence of five pounds, and for the second offence of ten second offence. pounds, and for the third or any subsequent offence of twenty pounds, Third or subsequent

57. Any constable may apprehend any person whom he finds Dronk and disorderly drunk in any street or public place at any hour of the day, and take persons. 4 Wm. IV No. 7, s. 6. him before a Justice to be dealt with according to law.

2 Vic. No. 2, s. 6.

Any constable may apprehend all loose, idle, drunken or 17 Vic. No. 25, s. 2. disorderly persons whom he finds between sunset and the hour of eight in the forenoon lying or loitering in any street, highway, yard, or other

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place and not giving a satisfactory account of themselves, and deliver any person so apprehended into the custody of the constable in attendance at the nearest watch-house in order that such person may be secured until he can be brought before a Justice to be dealt with according to law or gives bail, in the manner hereinafter mentioned, for his appearance before a Justice, if such constable deems it prudent to take bail.

58. (1) Where any person found lying or loitering about as Constables attending aforesaid, or charged with any petty misdemeanour, is brought without at the watch-house may take bail by the warrant of a Justice into the custody of any constable during his recognizance from attendance at any watch-house within the said city or towns, in persons brought the night-time or in the daytime, if such person cannot be imme-misdemeanour, such diately brought before a Justice such constable may, if he shall deem recognizance to be conditioned for the it prudent, take bail by recognizance with or without sureties, without appearance of the any fee or reward, from such person, conditioned that such person shall justice. appear for examination before a Justice or at the next ensuing sitting 4 Wm. IV No. 7, s. 7. of the Court of Petty Sessions for the district in which he has been 2 Vic. No. 2, s. 7. apprehended, at a time and place to be mentioned in such recognizance. 17 Vie. No. 25, s. 3.

(2) Every recognizance so taken shall be of equal obligation 55 Vic. No. 5, s. 23. on the parties entering into the same, and liable to the same proceedings for the estreating thereof as if the same had been taken before a Justice.

(3) The constable shall enter in a book to be kept for that purpose in every watch-house the names, residence, and occupation of the party, and his surety or sureties (if any), entering into such recognizance, together with the condition thereof, and the sums respectively acknowledged, and shall lay the same before such Justice as shall be present at the time and place when and where the party is required to appear.

(4) If the party does not appear at the time and place In default of appearrequired, or within one hour thereafter, the Justice shall cause a record ance recognizance to be forfeited. of such recognizance to be drawn up and signed by the constable, and shall return the same to the next Court of Quarter Sessions, with a certificate at the back thereof, signed by such Justice, that the party has not complied with the obligation therein contained; and the Clerk of the Peace shall make the like estreats and schedules of every such recognizance as of recognizances forfeited in Quarter Sessions.

(5) If the party not appearing applies by any person on his Time of hearing may behalf for a postponement of the hearing of the charge against him, be postponed. and the Justice consents thereto, the Justice may enlarge the recognizance to such further time as he shall appoint.

(6) When the matter is heard and determined either by the dismissal of the case or by binding the party over to answer the matter thereof at the Sessions or otherwise, the recognizance for the appearance of the party before a Justice shall be discharged without fee or reward.

59.

Police Offences.

59. Whoseever, assaults or resists, or aids or incites any person Assault on constable. to assault or resist, any constable in the execution of his duty, shall 4 Wm. IV No. 7, s. 8. be liable to a penalty not exceeding five pounds. 17 Vic. No. 25, s. 4.

60. Whose ver not being a licensee within the meaning of the Penalty on persons Liquor Act, 1898, knowingly harbours or entertains any constable, or harbouring constable during the permits any constable to abide or remain in his house, shop, room, or hours of duty. other place during any part of the time appointed for his being on 4 Wm. IV No. 7, s. 9. 2 Vic. No. 2, s. 9. duty elsewhere, shall be liable to a penalty not exceeding five pounds. ² Vic. No. 2, s. 9. 17 Vic. No. 25, s. 5.

61. Whosoever trades or deals, or keeps open any shop, store, or Trading on Sunday. other place, for the purpose of trading or dealing on Sunday (the shops 4 Wm. IV No.7. 8.10. or houses of butchers, bakers, fishmongers, and greengrocers, until the 2 Vic. No. 2, s. 10. hour of ten in the forenoon, and of bakers, between the hours of one 17 Vic. No. 25, s. 6. and two in the afternoon, and of apothecaries at any hour, only excepted), shall be liable to a penalty not exceeding three pounds:

Provided that nothing herein contained shall affect the provisions of the Act forty-seven Victoria number eight.

62. Whosoever, being the owner or occupier of any public Owner of place of public anusement suffering musement suffering games to be played on suffers games to be played on suffers. billiard room or other public place of antusement, pounday, shall be 4 wm. IV No. 7, 8.11. any one to play in his house or premises any game on Sunday, shall be 4 wm. IV No. 7, 8.11. 2 Vic. No. 2, 8. 11.1 17 Vic. No. 25, 8.7.

63. Any Justice may, and he is hereby required to disperse, or Justices to disperse cause to be dispersed, all persons gathering together on Sunday in persons gambling in public places on any public or open place within the said city or towns, or within Sunday, &c. five miles of any part of the said city for the purpose of gambling, or Ibid. playing at any game; and to take and seize, or cause to be taken and seized any implements, instruments, or animals used, or intended to be used therein, and to destroy or carry away the same, and all persons such persons to be actually gambling or playing as aforesaid shall be prosecuted according prosecuted. to law.

64. Whosoever damages any public building, wall, parapet, Damaging public 64. Whosoever damages any public building, wall, parapet, buildings. sluice, bridge, road, street, sewer, watercourse, or other public property shall be liable to pay the cost of repairing the same, and if the damage 2 Vie. No. 2, s. 12. was wilfully done, to a penalty not exceeding twenty pounds. 17 Vie. No. 25, s. 8.

65. Whosoever casts any filth or rubbish into any watercourse, Obstructing watersewer, or canal, or obstructs or diverts from its channel any public ^{courses, &c.} 4Wm.IV.No.7,s.13. watercourse, sewer, or canal, shall be liable to pay the cost of removing 2 Vic. No. 2, s. 13. such filth or obstruction, or of restoring such watercourse, sewer, or 17 Vie. No. 25, s. 9. canal to its proper channel, and to a penalty not exceeding five pounds.

66. Whosoever damages any public fountain, pump, cock, or Injuring public water-pipe, shall be liable to pay the cost of repairing the same, and fountains. if the damage was wilfully done shall be liable to a penalty not $\frac{4 \text{ Wm. IV No. 7, s. 14.}}{2 \text{ Vic. No. 2, s. 14.}}$ exceeding twenty pounds. 17 Vic. No. 25, s. 10.

67. Whosoever has in his possession any private key for the Unlawfully purpose of opening any cock, or in any manner unlawfully appro- appropriating water. priates to his use any water from any public fountain or pipe shall be liable to a penalty not exceeding twenty pounds. 68.

Police Offences.

68. Whosoever opens or leaves open any cock of any public Wasting water of fountain or pump so that the water runs or may run to waste shall be 4Wm. IV No. 7, s. 14. 2 Vic. No. 2, s. 14. liable to a penalty not exceeding two pounds. 17 Vic. No. 25, s. 10.

69. Whosoever washes any clothes at any public fountain or Washing clothes at pump shall be liable to a penalty not exceeding one pound. fountain. Thid.

70. Whosoever in any street or public place beats or dusts any Beating carpets, carpet, or flies any kite, or drives any vehicle for the purpose of flying kites, breaking, exercising, or trying any horse, or rides any horse for the breaking horses, &c., purpose of exercising, trying, showing, or exposing such horse for sale place. (otherwise than by passing through such streets or public places while 4 Wm. IV No. 7, s. so driving or riding) shall be liable to a penalty not exceeding two 2 Vic. No. 2, s. 15. 15. pounds.

71. Whosoever—

places, or causes or permits to be placed, any rubbish, dead animal, street, riding on footpaths, &c. filth, or other matter or thing upon any street or public place; or, 4 Wm. IV No. 7, s.

slaughters, dresses, scalds, or cuts up any animal in any street or 15. public place, or so near thereto that any blood or filth shall flow 2 Vic. No. 2, s. 15. or be thereon; or,

drives, draws, places, or causes, or permits to be driven, drawn, or placed upon any footway of any street or public place any vehicle or any wheel or barrow, or any cask; or,

wilfully leads, drives, or rides any horse, ass, or other beast upon any such footway,

shall be liable to a penalty not exceeding two pounds.

72. (1) Whosoever—

places, or causes or permits to be placed, any show-board, chopping- goods, &c., on footblock, merchandise, cask, or goods of any kind whatsoever upon removing same when or over any street or public place; or,

hoops or cleans, or causes to be hooped or cleaned, any cask or 4 Wm. IV No. 7, s. vessel upon or over any street or public place; or,

places, or causes or permits to be placed, any vehicle or barrow upon 17 Vic. No. 25, s. 12. any street or public place, except for the necessary time of harnessing or unharnessing the horse or other animal, or of loading or unloading, or of taking up or setting down any fare, or of waiting for passengers when actually hired; or,

except by lawful permission granted in pursuance of any statutory Placing timber, authority, places, or causes or permits to be placed, any building bricks, &c. material, or any other matter or thing whatsoever, upon or over any street or public place; or,

hangs out or exposes, or causes or permits to be hung out or exposed, any matter or thing whatsoever from any house or premises over or next unto any part of any street or public place, or over any area of any house or premises,

and does not immediately remove the same on being required so to do by any Justice or constable, shall be liable to a penalty not exceeding two pounds. (2)

Placing carriages, required.

2 Vic. No. 2, s. 16.

Placing filth, &c., in

1 Vic. No. 25, s. 11.

Police Offences.

(2) Where any such thing has not been so removed as Things not so aforesaid, any Justice or constable may without any warrant seize removed may be the same, together with the horse or other animal if any thereunto belonging, and the harness and gear thereof.

(3) In case any of the things so seized are perishable or Perishables how to be are articles of food, the same shall be immediately forfeited, and disposed of. the person who seizes shall deliver the same, in the said city, to the superintendent of the Benevolent Asylum for the benefit of the inmates thereof, and, in the said towns, to the storekeeper of the Benevolent Society for the benefit of those supported by the said Society: Provided that in any town where no Benevolent Society is established the Police Magistrate may dispose of any such thing or article towards any charitable purpose.

In all other cases such Justice or constable shall cause the Other seizures. thing, animal, or gear so seized to be removed to the place appointed for the reception thereof, if any such there be, or otherwise to such place or places as he deems convenient, giving verbal or written notice of such place or places to the owner, driver, or other person interested in the same, if he is then present, and the same shall be there kept and detained until such owner, driver, or other person interested as aforesaid pays the penalty inflicted, together with the charges for taking and removing such thing and of keeping such animal.

(4) Unless the thing, animal, or gear so removed is Unless things (not claimed, and the said penalty and charges paid within five days next perishable) claimed after such removal, the said Justice may order the same to be appraised may be sold, &c. and sold, and the overplus (if any) of the money arising from such sale after deducting the said penalty and such costs, charges, and expenses attending such seizing, removing, keeping, appraising, and selling as the said Justice shall ascertain and allow shall be paid to the owner thereof.

73. Where any person has been required under the provisions No second notice of the last preceding section to remove any thing therein mentioned, 4 Wm. IV No. 7, s. 17. and afterwards places, hangs out, or exposes, or causes or permits to 2 Vic. No. 2, s. 17. be placed, hung out, or exposed, as in the said section mentioned, the same or any other such thing, no second notice shall be necessary, but such person shall be liable to the same penalty, and the said things may be seized and dealt with as in the said section mentioned.

74. Nothing in this Act contained shall be deemed to prevent Awnings may be erected any person from placing an awning in front of his shop or house : 4 Wm. 1V No. 7, s. 18.

Provided, however, that such awning is at least seven feet above ² Vic. No. 2, s. 18. the height of the footway in front of such house or shop, and that the 17 Vic. No. 25, s. 13. posts are placed close up to the curbstone or outer edge of such footway.

75. Whosoever discharges any firearm without lawful cause Discharging firearms, &c., in street. or lets off any firework in any street or public place shall be liable to 4 Wm. IV No. 7, s. 19. a penalty not exceeding five pounds : 2 Vic. No. 2, s. 19.

Provided 17 Vic. No. 25, s. 14.

Police Offences.

Provided that the provisions of this section shall not apply to Proviso-saving persons persons while engaged in any military duty or exercise, or while police duties in Sydney. shooting at a mark or target for any purpose connected with the duties 43 Vic. No. 3, s. 234. of the military or volunteer force or of the police force within the boundaries of the area appropriated for such purposes in the said city.

76. Whosever burns any shavings, or other things in any street Burning shavings, &c., or public place shall be liable to a penalty not exceeding two pounds. ⁴ Wm. IV No. 7, s. 20. 77. Whosoever bathes in any part of Sydney Cove, or in any ² Vic. No. 25, s. 15.

waters exposed to view from any wharf, street, public place, or Bathing within certain dwelling-house in or near the said city or towns between the hours of 4 Wm. IV No. 7, s. 21. six o'clock in the morning and eight in the evening shall be liable to 2 Vic. No. 2, s. 21. a penalty not exceeding one pound.

78. Whosoever offends against decency by the exposure of his Indecent exposure of the person in, or in the view of, any street or public place shall be liable 4 Wm. IV No. 7, S. 22. 2 Vic. No. 2, s. 22. 17 Vic. No. 25, s. 17. to a penalty not exceeding ten pounds.

79. Whosoever keeps, any kind of swine in any house, building, Keeping swine within 40 yard, garden, or other hereditaments situate in, or within forty yards 4 wm. IV No. 7, S. 23. of, any street or public place shall be liable to a penalty not exceeding 2 vic. No. 2, s. 23. two pounds.

80. Whosoever suffers any kind of swine, or any horse, ass, mule, ^{Suffering swine, horse, sheep, goat, or other cattle belonging to him, or under his charge, to ^{about the streets.} 4 Wm. IV No. 7, s. 24. stray or go about or to be tethered or depastured in any street or 2 vic. No. 2, s. 23.} 17 Vic. No. 25, s. 18. public place shall be liable to a penalty not exceeding two pounds.

81. (1) Any two Justices upon the complaint of any inhabitant Notice to remove hogthat any privy, hog-stye, or other matter or thing is a nuisance, and 4 Wm. IV No. 7, s. 24. after due investigation of such complaint, may by notice in writing ² Vic. No. 2, s. 24. order the owner or occupier of the premises wherein such nuisance exists to remedy or remove the same within seven days after such notice has been given to such owner or occupier, or has been left for such owner or occupier at his last or usual place of abode, or on the said premises.

(2) Whosoever, being such occupier, neglects to remedy or Not removing, &c., remove such nuisance pursuant to such notice and to the satisfaction nuisances after notice. of such Justices shall be liable to a penalty of ten pounds.

(3) Such Justices may indict or cause any person so disobeying any such notice to be indicted for such nuisance at the next Court of Quarter Sessions to be held nearest to such premises, and such person being found guilty thereof shall be liable to such punishment for the misdemeanour as the said Court of Quarter Sessions may direct, and such nuisance shall be removed; taken down, and abated according to law with regard to public or common nuisances.

82. Whoseever, being the owner or occupier of any house or Neglecting to keep place, neglects to keep clean all private avenues, passages, yards, and private yards, &c., ways within the said premises so as by such neglect to cause a nuisance 4Wm. IV, No.7, s. 25. by offensive smell or otherwise, shall be liable to a penalty not 2 Vic. No. 2, s. 25. 83. 17 Vic. No. 25, s. 20. exceeding two pounds.

83. (1) Any Justice or any constable authorised and deputed Inspection and by any writing under the hand of any Justice may, as often as he sees directions to cleanse occasion, inspect the butchers' shambles and slaughter-houses, and give and slaughter-houses such directions concerning the cleansing thereof, both within and 4 Wm. IV No.7, s. 26. without, as to him seems needful. 17 Vic. No. 25, s. 21.

(2) Whosoever being a butcher or the owner or occupier of Obstructing inspecting justice or any such shamble or slaughter-house constable.

obstructs or molests any such Justice or constable in the inspection thereof; or,

refuses or neglects to comply with such directions within a reasonable Not complying with directions to cleanse. time.

shall, upon the view of any such Justice, or on conviction on the complaint of any such constable, be liable to a penalty not exceeding two pounds.

84. (1) Whosoever hauls or draws, or causes to be hauled or Drawing or trailing drawn upon any part of any street or public place, any timber, stone, timber, &c. 4 Wm. IV No.7, s. 27. or other thing otherwise than upon wheeled carriages, or suffers any 2 Vic. No. 2, s. 27. timber, stone, or other thing carried principally or in part upon 17 Vic. No. 25, s. 22. wheeled carriages, to drag or trail upon any part of such street or public place to the injury thereof, or to hang over any part of any such carriage so as to occupy or obstruct the street beyond the breadth of the said carriage, shall be liable to a penalty not exceeding two pounds over and above the damages occasioned thereby.

85. Whosoever being the owner or occupier of any house, Owner or occupier building, or premises within the said towns having any entrance, area, not enclosing open garden, or other open space adjoining the footway of any street or adjoining the footpublic place beneath the level of the curbstone or exterior edge of ways in said towns. such footway, or any steps adjoining the footway of any such street or public place, fails to protect and guard the same by sufficient rails or other enclosures so as to prevent danger to persons passing, shall be liable to a penalty not exceeding five pounds.

86. Whosoever, being the owner or occupier of any house, Not securing building, or premises having any rails or bars over the areas or covering, &c., entrances to cellars, openings to any kitchen, cellar, or other part of the said house, coal-holes, &c. building, or premises beneath the surface of the footway of any street 4 Wm. IV No. 7, s. or public place or any doorway or entrance into the basement or 2 Vic. No. 2, s. 28. cellar story thereof, 17 Vic. No. 25, s. 23.

does not either keep the same or the rails of such kitchens, cellars, or other part in sufficient repair, and securely guard and constantly keep the same securely guarded by rails, or cover the same over with a strong flap or trap-door according to the nature of the case, and so as to prevent danger to any persons passing; or,

leaves open or does not sufficiently and substantially cover and keep covered and secured any coal-hole or other hole, funnel, trap-door,

or

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or cellar-flap belonging to or connected with his house, building, or premises (save and except only during such reasonable time as may be necessary for use, alteration, or repair); or,

does not repair and from time to time keep in good and substantial repair such rails, flaps, trap-doors, and other covering,

shall be liable to a penalty not exceeding five pounds.

87. Whosoever makes any cellar or any opening, door, or Making cellars or window in or beneath the surface of the footway of any street or the surface of public place, shall be liable to a penalty not exceeding five pounds footways. over and above the expense of remedying or removing such cellar, 2 Vic. No. 2, s. 29. opening, door, or window, such expense to be assessed and allowed 17 Vic. No. 25, s. 24, by the Justice who hears the case.

88. Whosoever-

in or adjoining to any street or public place for any purpose what- 31.

soever, and does not forthwith enclose the same in a sufficient 2 Vic. No. 2, s. 31. manner in the said city to the satisfaction of the city surveyor, 17 Vic. No. 25, s. 26. and in the said towns to the satisfaction of the Police Magistrate; or,

keeps up or causes to be kept up any such enclosure for any time longer than is absolutely necessary in the opinion, in the said city, of the city surveyor, or, in the said towns, of the Police Magistrate; or,

does not when there unto required in the said city by the city surveyor, or in the said towns by the Police Magistrate, sufficiently fence or enclose any such hole within twenty-four hours after he has been required to do so, in the manner and with such materials as the said surveyor or Police Magistrate directs, and to his satisfaction; or,

does not place a sufficient light upon the said enclosure: or.

does not keep such light constantly burning from sunset to sunrise during the continuance of such enclosure,

shall be liable to a penalty not exceeding five pounds.

89. Whosoever being the owner or occupier of any building Allowing rain to drop fails to provide such building with gutters or other means to prevent from eaves of houses rain from dropping from the eaves thereof upon any part of the foot- 4 Wm. IV No. 7, ways of any street or public place shall be liable to a penalty of five s. 32. shillings, and to a like penalty for every day that such default 2 Vic. No. 2, s. 32. continues.

90. Whosoever-

drives or causes to be driven any vehicle with any night-soil or night-soil through streets, &c. ammoniacal liquor therein through or in any street or public 4 Wm. IV No. 7, place between the hours of five o'clock in the morning and ten s. 33. 2 Vic. No. 2, s. 33. o'clock at night; or,

17 Vic. No. 25, s. 27. fills

Driving carts with

Not fencing holes

fills any vehicle so as to turn over or cast any night-soil, ammoniacal liquor, slop, mire, or channel dirt, or filth, in or upon, or near to, any street or public place, shall be liable to a penalty not exceeding five pounds. 91. Whosoever-Removing night-soil empties or begins to empty any privy, or take away night-soil from or casting same in street, &c. any house or premises within any street or public place, or comes 4 Wm. IV No. 7, with any vehicle for that purpose, except between the hours of s. 34. 2 Vic. No. 2, s. 34. ten at night and five in the morning; or, casts out of any cart or tub, or otherwise, any night-soil in or near 17 Vic. No. 25, s. 28. any street or public place, shall be liable to imprisonment for a term not exceeding one month. 92. Whosoever-Liability of owner or is the owner of any vehicle in which any night-soil or other matter against sec. 90. is placed by any person contrary to the provisions of section 4Wm. IV No. 7, s. 33. ninety; or, 2 Vic. No. 2, s. 33. 17 Vic. No. 25, s. 27. is the employer of any person so offending, shall if such person cannot be apprehended be liable to a penalty not exceeding five pounds. 93. Whosoever-Liability of owner or

is the owner of any vehicle or animal employed in and about employer for offence against sec. 91. emptying and removing night-soil contrary to the provisions of 4Wm.IV No.7, s. 34. section ninety-one, or coming for that purpose (save and except 2 Vie. No. 2, s. 34. 17 Vic. No. 25, s. 28. within the hours in the said section mentioned); or,

is the employer of any person who casts out any night-soil contrary to the provisions of the said section,

shall be liable to a penalty not exceeding five pounds.

94. (1) Whosoever wantonly or maliciously breaks or injures Injuring or any lamp or lamp-post, or extinguishes any lamp set up for public extinguishing lamps. or private convenience, shall be liable over and above the necessary 4 Wm. IV No. 7, s. expense of repairing the injury committed, to be estimated by the 2 Vic. No. 2, s. 35. Justice before whom such offender is brought, to a penalty not 17 Vic. No. 25, s. 29. exceeding five pounds.

95. (1) Whosoever—

Throwing dead

throws or causes to be thrown any dead animal into any part of animals into Sydney Sydney Cove or Darling Harbour, or into any street or public Harbour, or rivers, place, or into any river, creek, or other stream which flows by or &c., in towns. 4 Wm. IV No. 7, s. through any such street or public place; or, 37.

leaves or causes to be left any dead animal upon the shores of 2 Vic. No. 2, s. 36. Sydney Cove or Darling Harbour, or of any such river, creek,

or other stream as aforesaid,

shall be liable to a penalty not exceeding one pound.

96. (1) Any person who desires to blast any rock within the Notice to be given limits of the said city or towns, shall give notice in writing twenty- of intention to blast rock. four hours previously, in the said city to the city surveyor, or in 4 Wm. IV No. 7, s. 38.

the ² Vic. No. 2, s. 37. 17 Vic. No. 25, s. 30.

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Police Offences.

the said towns to the Police Magistrate, who shall give directions in writing as to the time when the same may take place, and as to such other matters as he deems necessary for the public safety.

(2) Whosoever-

blasts or causes to be blasted any rock within the limits aforesaid giving notice, &c. without giving such notice and obtaining such directions; or,

does not conform to the directions given to him as aforesaid,

shall be liable to a penalty not exceeding twenty pounds.

(3) The proof of such notice and directions as aforesaid shall be on the person charged.

97. Whosoever-

wantonly breaks up or otherwise damages any part of any street or street, or removing nublic place; or public place; or,

Wantonly damaging out permission.

Blasting without

without statutory authority or the leave first had and obtained in 4 Wm. IV No. 7, the said city of the city surveyor, or in the said towns of the 2 Vic. No. 2, s. 38.

Police Magistrate, forms, digs, or opens any drain or sewer in 17 Vic. No. 25, s. S1. any street or public place; or,

without such authority or leave as aforesaid, removes or causes to be removed, any soil, stone, or other material from any part of any street or public place,

shall be liable to a penalty not exceeding five pounds.

98. (1) Whosoever-

Preventing persons passing. in any manner wilfully prevents any person from passing him or 4 Wm. iv No. 7, s. 40. 2 Vic. No. 2, s. 39. any vehicle under his care upon any street or public place; or, 17 Vie. No. 25, s. 32.

rides upon the shafts of any vehicle whatsoever in any street or Riding on shafts. public place, I bid.

shall be liable to a penalty not exceeding two pounds.

99. Whoseever rides or drives through any street or public Riding or driving to place so negligently or furiously as to endanger the safety of any danger of others. 4Wm. IV No. 7, s. 41. person, or of the public, shall be liable to a penalty not exceeding 2 Vic. No. 2, s. 40. ten pounds. 17 Vic. No. 25, s. 33.

100. Whosoever-

Affixing placards on pastes or otherwise affixes any placard or other paper upon any or defacing walls. 4 Wm. IV No. 7, s. wall or building; or, 43.

defaces any such wall or building by chalk or paint or in any other 2 Vic. No. 2, s. 41. manner, 2 Vic. No. 3.

shall on conviction, upon the complaint of the owner or occupier of 17 Vic. No. 25, s. 34. any such wall or building, be liable to a penalty not exceeding one pound.

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Police Offences.

PART IV.

Special constables.

101. (1) In all cases where it appears to a Police Magistrate, or Police Magistrate any two Justices, that any tumult, riot, or felony has taken place, or may appoint special be reasonably apprehended in any city, town, or place, and he or they constables. are of opinion that the ordinary constables or officers appointed for 19 Vie. No. 24, s. 12. preserving the peace are not sufficient for the preservation of the peace, and for the protection of the inhabitants and the security of their property, or for the apprehension of offenders, any Police Magistrate, or any two Justices, may nominate and appoint by precept in writing under his or their hands, so many as he or they think fit of the householders, or other persons (not legally exempt from serving the office of constable) residing in or near to such city, town, or place, to act as special constables for such time and in such manner as to the said Police Magistrate or Justices seems fit and necessary for the public peace, and for the protection of the inhabitants and the security of the property in or near such city, town, or place.

(2) The Police Magistrate or Justices who appoint any special constables by virtue of this Act are hereby authorised to administer to every person so appointed the following oath, that is to say:—

I, A.B., do swear that I will well and truly serve our Sovereign Form of oath to be Lord the King in the office of special constable for the taken by special [city, town, or place, as the case may be] without favour or affection, malice, or ill-will, and that I will to the best of my power cause the peace to be kept and preserved, and prevent all offences against the persons and properties of His Majesty's subjects, and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law— So help me God.

(3) Whenever it is deemed necessary to nominate and appoint such special constables as aforesaid, notice thereof shall be forthwith transmitted by the said Police Magistrate or Justices to the Colonial Secretary.

102. The Police Magistrate or Justices who have appointed any Police Magistrates or special constables under this Act when such special constables have regulations respectbeen called out shall have power to make such orders and regulations ing special constables, as may from time to time be necessary and expedient for rendering and may remove such special constables more efficient for the preservation of the public 19 Vic. No. 24, s. 13. peace, and shall also have power to remove any such special constable from his office for any misconduct or neglect of duty therein.

103. Every special constable appointed under this Act shall Power of special have, exercise, and enjoy all such powers, authorities, advantages, and *Ibid. s. 14.* immunities,

immunities, and be liable to all such duties and responsibilities as any constable duly appointed now has by virtue of the Common Law, or of any Act or Imperial Act.

104. Whosoever, being appointed a special constable as afore- Penalty for refusing said, refuses to take the oath hereinbefore mentioned when thereunto to take the oath of required by the Police Magistrate or Justices appointing him, shall ^{office.} 19 Vic. No. 24, s. 15. be liable to a penalty not exceeding twenty pounds.

105. Whosoever-

- being appointed a special constable as aforesaid neglects to appear to serve or for disobeying orders. at the time and place for which he is summoned for the purpose Ibid. s. 15. of taking the said oath; or,
- having been appointed and sworn as a special constable as aforesaid, and being called upon to serve, neglects or refuses to serve as such special constable or to obey such lawful orders and directions as may be given to him by the Police Magistrate, or any Justice, or any chief constable, or inspector of police, or other officer under whose orders he may be placed for the performances of the duties of his office,

shall, unless he proves to the satisfaction of the Justice that he was prevented by sickness or some other unavoidable cause such as shall in the judgment of the said Justice be a sufficient excuse, be liable to a penalty not exceeding ten pounds.

106. The Police Magistrate or Justices who have appointed any Police Magistrates special constables under this Act for any city, town, or place, may, if and Justices may such special constables have been called out, suspend or determine services of special the services of all such special constables or of so many as to the constables called out. said Police Magistrate or Justices sitting in petty sessions in such city, 1bid. s. 16. town, or place shall seem meet.

Notice of such suspension or determination of the services of all or any of the said special constables shall be transmitted forthwith by the said Police Magistrate or such Justices to the Colonial Secretary.

107. Every special constable shall forthwith after the expiration Special constables to of his office or after he ceases to hold and exercise the same pursuant deliver arms, staves, to successors. to this Act deliver over to his successor, if any such has been appointed, Ibid. s. 17. or to such person and at such time and place as may be directed by the Police Magistrate or such Justices all arms, staves, weapons, and other articles which have been provided for such special constable under this Act.

Any such special constable who omits or refuses so to do shall be liable to a penalty not exceeding ten pounds.

108. Whosoever assaults or resists any special constable whilst Assaulting or resistin the execution of his office, or promotes, incites, or encourages any ing special constables. other person so to do shall be liable to a penalty not exceeding ten *Ibid. s. 18.* pounds or to imprisonment for any term not exceeding six months with or without hard labour.

PART

Penalty for refusing

PART V.

Procedure.

109. All complaints of offences against this Act shall be heard complaints of offences and determined in a summary manner before a Justice. summarily.

110. (1) The Justice before granting a summons in respect of ⁴/₂ ⁴ ⁴/₁₀, ⁴/₁₀, ⁵/₁₀, ⁵/₁₀, ⁵/₁₀, ⁶⁰/₁₀, ⁶⁰/₁₀, ⁴/₁₀, ⁶¹/₁₀, ⁶¹/₁₀ complaint in writing be laid. Justice may require

(2) A memorandum in writing in the form or to the effect information to be laid in writing. set forth in the Fourth Schedule shall be kept of the substance of 19 Vic. No. 24, s. 23. every charge for which a summons is issued.

111. If any person charged with an offence under this Act is Person convicted shall be ordered to pay costs. 111. If any person charged with an onence and of the proceed- ordered to pay costs. convicted the Justice shall order him to pay the costs of the proceed- 4 wm. IV No. 7, s. 67. 2 Vie. No. 2, s. 58. 19 Vie. No. 24, s. 23.

112. No person shall be convicted of any offence against this No conviction unless Act after the expiration after the commission of such offence of the within certain time time following, that is to say :--offence.

Where the offence is under Parts II and IV-after six months;

Where the offence is under Part III—after one month.

113. The whole amount of all penalties recovered under sections ¹⁹ Vic. No. 24, s. 23. Appropriation of six and seven shall be paid into the Consolidated Revenue.

114. (1) All actions and prosecutions to be commenced against ³⁰ Vie. No. 5, s. 5. rson for anything done in prosecutions to the commenced against ³⁰ Vie. No. 5, s. 5. any person for anything done in pursuance of this Act shall be persons acting under this Act. (2) Notice in writing of any such action and of the cause 17 Vic. No. 2, s. 66.

thereof shall be given to the defendant one month at least before the Notice of action. commencement of the action.

(3) In any such action the defendant may plead the Defendant may general issue and give this Act and the special matter in evidence.

(4) No plaintiff shall recover in any such action if tender Tender of amends. of sufficient amends has been made before action, or if after action a sufficient sum of money, together with the costs incurred up to that time, has been paid into Court on behalf of the defendant.

(5) In any such action if a verdict is given for the costs. defendant, or the plaintiff becomes non-suited or discontinues after issue joined, or if upon demurrer or otherwise judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant has by law in other cases, and if a verdict is given for the plaintiff he shall not have costs against the defendant unless the Judge before whom the trial is held certifies his approbation of the action and of the verdict obtained thereupon.

4 Wm. IV No. 7.

s. 67. 2 Vic. No. 2, s. 58.

plead the general issue.

SCHEDULES.

Act No. , 1901.

Police Offences.

SCHEDULES.

FIRST SCHEDULE.

Repeal of Acts.

See s. 2.

Reference to Act.	Title or short title.	Extent of repeal.
2 Wm. IV No. 12	An Act for repealing so much of [the Act 6 Geo. IV No. 20] as relates to the levying of tolls in New South Wales, and for raising a fund for making, repairing, and upholding public roads, bridges, and ferries, and for regulating the collection of tolls thereon.	Sec. 24 from the words "or if any person or persons shall make any fire" down to and in- cluding the words"any carriage under his, her, or their care upon any such road." Secs. 25, 26, 28, and 29.
4 Wm. IV. No. 7	An Act for regulating the police in the town and port of Sydney, and for removing and preventing nuisances and obstructions therein.	All hitherto unrepealed, except sec. 35.
2 Vic. No. 2	An Act for regulating the police in the towns of Parramatta, Windsor, Maitland, Bathurst, and other towns respectively, and for removing and preventing nuisances and obstructions, and for the better alignment of streets therein.	
2 Vic. No. 3	An Act to alter and amend an Act intituled an Act for regulating the police in the town and port of Sydney, and for removing and preventing nuisances and obstructions therein.	The whole.
5 Vie. No. 6	An Act to prohibit shooting for sport,	The whole.
11 Vie. No. 44	pleasure, or profit on Sunday. An Act to amend the Act for regulating the police in the towns of Parramatta, Windsor, Maitland, Bathurst, and other towns respectively, and for removing and preventing nuisances and obstructions, and for the better alignment of streets therein.	The whole.
17 Vic. No. 25	An Act to extend to the Sydney hamlets certain of the provisions of the Sydney Police Act.	All hitherto unrepealed.
17 Vic. No. 31	An Ant to make funtling maline manula	All hitherto unrepealed.
18 Vic. No. 27	An Act for protecting enclosed lands from intrusion and trespass.	Sec. 5.
19 Vie. No. 10	An Act to amend the Country Towns Police Act as respects the alignment of streets.	The whole.

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FIRST

FIRST SCHEDULE—continued.					
Reference to A	et.	Title or short title.	Extent of repeal.		
19 Vie. No. 24 30 Vie. No. 5 32 Vie. No. 7 36 Vie. No. 18		An Act to make further police regula- tions for the city, port, and hamlets of Sydney and other towns and places in the Colony of New South Wales. The Drunkards' Punishment Act of 1866 Police Regulation Extension Act The Angora Goats Protection Act of 1873.	The whole.		
41 Vic. No. 12		Metropolitan Police Act Extension Act of 1878.			
43 Vie. No. 3 55 Vie. No. 5		The Sydney Corporation Act of 1879 Criminal Law and Evidence Amendment Act of 1891.	Sec. 68, 234. Sec. 23.		
No. 71, 1900		The Justices Acts Amendment Act of 1900.	Sec. 8.		

SECOND SCHEDULE.

7 (7) 1. 71 1.....

Sec s. 44.

Description of the City of Sydney, and of Sydney Cove and of Darling Harbour. CITY OF SYDNEY.

Commencing in the centre of Parramatta-street, at its junction with Bay-street; thence on the west by a straight line along the centre of Bay-street and its prolongation to the eastern shore of Blackwattle Cove; thence again on the west, and on the northwest, north-north-east, and east, by the waters of Port Jackson to the centre of the bridge at the foot of William-street East; thence on the east by the stream entering Rushcutter's Bay to a culvert on the South Head Old Road, at the north-west corner of Sydney Common ; thence again on the east by the centre of Dowling-street to a point where it intersects the southern boundary of the Borough of Paddington ; thence on the north by that boundary to its intersection with the centre of Regent-street; thence by the centre of Leinster-street to the centre of Gordon-street; thence by the centre of that street to the north side of Park Road ; thence by the north side of that road to the south-eastern angle of St. Matthias's Church land ; thence by the south-eastern and eastern boundaries of that land to the southern alignment of the South Head Old Road ; thence by the southern alignment of that road easterly to its intersection with the line laid down, marked out by stone posts, and deemed to be the dividing-line between the Sydney Common and the Water Reserve; thence again on the east by the said dividing-line to its intersection with the southern boundary of the Sydney Common; thence by that boundary to the south-west angle of the said Common; thence in a northerly direction by the western boundary of the said Common to its intersection with the centre of Cleveland-street; thence by the centre of that street and a prolongation thereof to a landmark on the road to Cook's River; thence on the west by the eastern side of that road to the north-eastern angle of the University Reserve; thence by a straight line from that angle to the point of commencement, in the centre of Parramatta-street, opposite the centre of Bay-street.

SYDNEY COVE.

The waters included within a line extending from the north-west bastion of Fort Macquarie to Dawes Point, and all the shores to the southward of this line.

DARLING HARBOUR.

The waters included within a line extending from Dawes Point to Simmons Point, and all the shores to the southward of this line. 31

THIRD

THIRD SCHEDULE.

See ss. 42, 44, 46.

LIST of Towns in which Part III is in force.

	Date of Pre	oclamation—	
Name of Town.	Bringing Town under the Act.	Defining limits of Town.	Dates of Government Gazette containing Proclamations,
Aberdeen	6 July, 1894	6 July, 1894	10 July, 1894.
Adamstown	17 Feb., 1888	17 Feb., 1888	S.G.G., 17 February, 1888.
Adelong		13 Jan., 1892	16 October, 1863, and 15 January, 1892.
Albion Park		3 Feb., 1899	7 February, 1899.
Albury	26 May, 1851	4 Feb., 1871	27 May, 1851, and 10 February, 1871.
Alectown		25 Feb., 1895	5 March, 1895.
Alexandria	18 Feb., 1884	18 Feb., 1884	19 February, 1884.
Alma	12 Mar., 1889	12 Mar., 1889	15 March, 1889.
Appin		29 July, 1886	30 July, 1886.
Armidale		31 Mar., 1879	19 November, 1852, and 31 March, 1879.
Arthur	5 Aug., 1872	23 Mar., 1891	6 August, 1872, and S.G.G., 24 March, 1891.
Ashfield		14 June, 1880	15 June, 1880.
Auburn	5 Aug., 1892	5 Aug., 1892	9 August, 1892.
Back Creek (Barrington River).	5 May, 1879	5 May, 1879	6 May, 1879.
Ballina	14 Oct., 1863	23 June, 1869	16 October, 1863, and 29 June, 1869.
Balmain	30 Aug., 1850	14 June, 1865	26 July, 1861, and 16 June, 1865.
Balranald		12 Feb., 1870	16 October, 1863, and 15 February, 1870.
Barmedman		13 May, 1896	15 May, 1896.
Barraba		12 Jan., 1877	16 January, 1877.
Barringun		2 Mar., 1886	5 March, 1886.
Bateman's Bay	27 May, 1884	27 May, 1884	30 May, 1884.
Bathurst		24 Dec., 1838	2 January, 1839.
Bega		30 June, 1869	16 October, 1863, and 2 July, 1869, and
		26 June, 1901	28 June, 1901.
Bendemeer	14 Oct., 1863	30 June, 1869	16 October, 1863, and 2 July, 1869.
Berrigan		16 April, 1895	17 April, 1895.
Berrima		9 July, 1870	16 October, 1863, and 12 July, 1870.
Berry		15 Mar., 1898	22 March, 1898.
Bexley		23 July, 1901	23 July, 1901.
Binalong		28 May, 1870	16 October, 1863, and 31 May, 1870.
Bingera	1 May, 1877	11 June, 1894	4 May, 1877, and 12 June, 1894.
Blackheath		29 Aug., 1895	S.G.G., 3 September, 1895.
Blayney		4 Feb., 1870	8 February, 1870.
Boggabilla		21 Jan., 1899	27 January, 1899.
Boggabri	10 Jan., 1877	10 Jan., 1877 7 Sept., 1883	12 January, 1877.
Bokhara	7 Sept., 1883	7 Sept., 1883	11 September, 1883.
Bomaderry		15 Mar., 1898	22 March, 1898.
Bombala		2 July, 1892	16 October, 1863, and 5 July, 1892.
Booligal	5 June, 1897	5 June, 1897	8 June, 1897.
Boorowa	17 July, 1861	7 Sept., 1869	19 July, 1861, and 10 September, 1869.
Botany Botany, West	21 Feb., 1885 13 April, 1880	21 Feb., 1885 13 April, 1880	24 February, 1885.
Bourke			13 April, 1880.
Bowning	18 July, 1864 18 Sept., 1895	14 Oct., 1893 18 Sept., 1895	19 July, 1864, and 17 October, 1893. 20 September, 1895.
Bowral	5 Nov., 1883	24 Sept., 1891	6 November, 1883, and 25 September, 1891.
Braidwood	27 Sept., 1852	27 Sept., 1851	1 October, 1852.
Branxton	4 June, 1877	3 Sept., 1889	5 June, 1877, and 6 September, 1889.
Brewarrina	24 Nov., 1877	24 Nov., 1877	27 November, 1877.
Broken Hill	8 June, 1889	8 June, 1889	11 June, 1889.
Bulli		14 Oct., 1882	17 October, 1882.
		14 Oct., 1882	17 October, 1882.
Dum South	14 000., 1002		
	14 Oct., 1882 28 Sept., 1868	28 Sept., 1868	
Bulli South Bundarra Bungendore	28 Sept., 1868	28 Sept., 1868 24 Oct., 1872	29 September, 1868. 25 October, 1872.
Bundarra		28 Sept., 1868	29 September, 1868.

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Police Offences.

LIST of Towns in which Part III is in force-continued.

	Date of Pro	clamation-	
Name of Town.	Bringing Town under the Act.	Defining limits of Town.	Dates of Government Gazette containing Proclamations.
Burwood	17 May, 1880	17 May, 1880	18 May, 1880.
Byerock		25 Feb., 1886	S.G.G., 27 February, 1886.
Byron Bay	18 Dec., 1900	18 Dec., 1900	21 December, 1900.
Camden	14 Oct., 1863	7 Sept., 1869	16 October 1862 and 10 Sector 1 1000
Camden Haven	22 June, 1901	22 June, 1901	16 October, 1863, and 10 September, 1869. 24 June, 1901.
Campbelltown	28 July, 1849	30 Aug., 1887	5 August, 1840, and 2 September, 1887.
Camperdown	14 Oct., 1863	5 Sept., 1868	16 October, 1863, and 8 September, 1868.
Candelo Canterbury	18 Sept., 1889	18 Sept., 1889	20 September, 1889.
Carcoar and West Car-	29 Oct., 1880 1 Sept., 1854	29 Oct., 1880 12 Sept., 1870	2 November, 1880. 12 September, 1854, and 13 September, 1870.
coar.	19 Tune 1000	19 T 1000	
Cargellico Cargo	13 June, 1882 28 Dec., 1887	13 June, 1882 28 Dec., 1887	13 June, 1882. 29 December, 1887.
Carroll	17 May, 1895	17 May, 1895	21 May, 1895.
Casino	14 Oct., 1863	23 June, 1869	16 October, 1863, and 29 June, 1869.
Cassilis		23 June, 1869	16 October, 1863, and 29 June, 1869.
Catherine Hill Bay Clarence Town	6 Mar., 1896 24 Dec., 1855	6 Mar., 1896 13 July, 1869	10 March, 1896.
Cobar		13 July, 1869 5 Aug., 1881	28 December, 1855, and 16 July, 1869 9 August, 1881.
Cobargo		15 June, 1899	2 March, 1883, and 21 June, 1899.
Collarendabri	29 July, 1896	29 July, 1896	31 July, 1896.
Concord Condoublin	13 May, 1884	13 May, 1884	16 May, 1884.
Cook		25 Sept., 1877 23 June, 1869	28 September, 1877. 29 June, 1869.
Coolah		3 May, 1901	7 May, 1901.
Coolamon	12 Oct., 1900	12 Oct., 1900	13 October, 1900.
Coomaharmahran	14 Mar., 1855	16 Feb., 1891	16 March, 1855, and 20 February, 1891.
Coonabarrabran	14 Oct., 1863 20 Oct., 1865	2 Mar., 1875 20 Oct., 1865	16 October, 1863, and 5 March, 1875. 24 October, 1865.
Coopernook		23 June, 1901	24 June, 1901.
Cootamundra		21 Oct., 1880	22 October, 1880.
Coraki	23 Dec., 1890	23 Dec., 1890	S.G.G. 23 December, 1890.
Corowa Cowra	13 Jan., 1887 14 Dec., 1863	13 Jan., 1887 8 July, 1890	18 January, 1887.
Croki	22 June, 1901	22 June, 1901	18 December, 1863, and 11 July, 180. 24 June, 1901.
Crookwell	25 Aug., 1882	25 Aug., 1882	25 August, 1882.
Cudal	28 Dec., 1887	28 Dec., 1887	29 December, 1887.
Cundletown Currathool, West	13 April, 1893 28 May, 1894	13 April, 1893	14 July, 1893.
Currathoor, West	20 may, 1054	28 May, 1894	29 May, 1894.
Darlington	27 Mar., 1867	30 May, 1900	2 April, 1867, and 31 May, 1900.
Deniliquin		19 April, 1864	24 February, 1857, and 22 April, 1864.
Denman Dubbo	10 May, 1880 29 May, 1861	10 May, 1880 18 April, 1891	14 May, 1880.
Dundas	31 Oct., 1889	31 Oct., 1889	31 May, 1861, and 21 April, 1891. S.G.G., 2 November, 1889.
Dungog	19 Oct., 1853	9 Jan., 1891	25 October, 1853, and 13 January, 1891.
East Orange	2 Oct., 1888	2 Oct., 1888	5 October, 1888.
East Maitland	Named in Act.	29 June, 1891	30 June, 1891.
Eden	30 Aug., 1860	11 April, 1889	31 August, 1860, and 11 April, 1889.
Emmaville	18 Aug., 1886 31 July, 1899	18 Aug., 1886 31 July, 1899	24 August, 1886.
Enfield	14 July, 1890	14 July, 1899	2 August, 1899. 15 July, 1890.
Euston	31 July, 1877	31 July, 1877	3 August, 1877.
Fairfield	31 Dec., 1889	31 Dec., 1889	7 January, 1890.
Five Dock	20 July, 1880	20 July, 1880	20 July, 1880.
Forbes	14 April, 1862	19 Aug., 1869	15 April, 1862, and 20 August, 1869.
Forster	22 June, 1901	22 June, 1901	24 June, 1901.

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Act No. , 1901.

Police Offences.

LIST of Towns in which Part III is in force-continued.

	Date of Proclamation-				
Name of Town.	Bringing Tou under the A	wn et.	Defining limi of Town.	its	Dates of Government Gazette containing Proclamations.
Frederickton	24 Oct., 18	885	24 Oct., 18	885	27 October, 1885.
Germanton	27 Mar., 18			895	30 March, 1886, and 10th May, 1895.
Gerringong				880	12 October, 1880.
Gilgunnia Gladstone	15 Dec., 18 18 Dec., 19	896 900		896 900	18 December, 1896. 21 December, 1900.
Hebe	5 May, 18	862		900	9 May, 1862, and 31 May, 1900.
Glen Innes	22 May, 18	865	22 May, 18	865	30 May, 1865.
Jooloongolok	22 June, 19		22 June, -19		24 June, 1901.
Gosford, East	8 Oct., 18 14 Oct., 18			869 869	12 October, 1869. 16 October, 1863, and 12 October, 1869.
Goulburn	2 Mar., 184			892	3 March, 1848, 2 February, 1892.
	8 Mar., 18	850			
Grafton, N. and S	4 June, 18		18 Aug., 18		4 June, 1858, and 21 August, 1868.
Grafton, South	29 June, 18 21 Aug., 18			889	4 July, 1876, and 25 October, 1889.
Frenfell	11 May, 18		21 Aug., 18 11 May, 18		25 August, 1885. 12 May, 1868.
Freta		889		389	14 May, 1889.
Julgong	27 Jan., 18	872	17 April, 18	889	30 January, 1872, and 18 April, 1889.
Jundagai, North	18 Nov., 18		19 April, 18		22 November, 1861, and 22 April, 1864.
Jundagai, South Junnedah	19 April, 18 30 Mar., 18		19 June, 18 30 Mar., 18		22 April, 1864, and 21 June, 1889. 1 April, 1870.
Gunning	11 Dec., 18		25 April, 18		14 December, 1855, and 25 April, 1873.
• • • • • • • • • • • • • • • • • • •					
Iamilton	17 June, 18		17 June, 18		17 June, 1881.
Harrington Hartley	22 June, 19 14 Oct., 18		22 June, 19		24 June, 1901.
Hay	27 Feb., 18		24 June, 18 26 Sept., 18	890	16 October, 1863, and 29 June, 1869. 28 February, 1860, and 30 September, 1890.
Haydonton	24 June, 18		29 Aug., 18	370	25 June, 1850, and 2 September, 1870.
Ielensburgh	4 Sept., 18	896	4 Sept., 18	396	8 September, 1896.
Hill End	3 Aug., 18		21 Jan., 18		4 August, 1871, and 27 Jan., 1899.
Hillgrove Hillgrove, West	12 Aug., 18 15 Oct., 18	889 895	12 Aug., 18 15 Oct., 18		13 August, 1889. 18 October, 1895.
Hillston and Hillston N.	14 Sept., 18		14 Sept., 18	880	17 September, 1880.
Iornsby	18 Feb., 19		18 Feb., 19	901	19 February, 1901.
Hunter's Hill		886	14 July, 18	386	16 July, 1886.
Hurstville	4 Jan., 18	892	4 Jan., 189		5 January, 1892, and 22 February, 1901.
nverell	10 Sept., 18	866	20 Feb., 19 28 May, 18		14 September, 1866, and 2 June, 1896.
erilderie	26 Nov., 18	Contract (
			26 Nov., 18		29 November, 1870.
Katoomba Kelso		889 839	3 Jan., 18 18 July, 18	389	4 January, 1889.
Kempsey, West		863	20 May, 18		7 August, 1839. 16 October, 1863, and 23 May, 1890.
Kendall	22 June, 19	901	22 June, 19	001	24 June, 1901.
Kew	22 June, 19	901	22 June, 19	001	24 June, 1901.
Kiama		863	26 June, 18		16 October, 1863, and 3 July, 1868.
Kiandra Kogarah	14 Oct., 18 26 Sept., 18	863 890	9 Jan., 18 26 Sept., 18	890	16 October, 1863, and 10 January, 1893. 30 September 1890
Ū.					30 September, 1890.
ambton	29 July, 18		29 July, 18		1 August, 1873.
eichhardt	4 July, 18	881	4 July, 18	881	8 July, 1881.
ismoreithgow		863	22 July, 18		16 October, 1863, and 26 July, 1892.
	20 Mar., 18	882	29 July, 18 15 April, 18		5 May, 1882, and 1 July, 1892. 24 March, 1848, and 18 April, 1890.
Averbool		900	30 May, 190	0 0	31 May, 1900, and 7 June, 1901.
ockhart	50 may, 15		0,		,,,
ockhart			31 May, 194	101	
	17 Nov., 18	884	31 May, 194 15 Feb., 185	887	18 November, 1884, and 18 February, 1887.
ockhart		384		887	18 November, 1884, and 18 February, 1887. 20 November, 1874.

Act No. , 1901.

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Police Offences.

LIST of Towns in which Part III is in force-continued.

	Date of Proc	lamation—		
Name of Town.	Bringing Town under the Act.	Defining limits of Town.	Dates of Government Gazette containing Proclamations.	
Maclean	18 Oct., 1888	18 Oct., 1888	S.G.G., 19 October, 1888.	
Macquarie	21 Nov., 1839	4 Feb., 1870	23 November, 1839, and 8 February, 1870.	
Mandurama	12 Jan., 1888	12 Jan., 1888	S.G.G., 20 January, 1888.	
Manilla	20 Oct., 1890	20 Oct., 1890	21 October, 1890.	
Manly	16 July, 1880	16 July, 1880	29 July, 1880.	
Marrickville	20 Aug., 1866	20 Aug., 1866	21 August, 1866.	
Marulan	12 Mar., 1888	12 Mar., 1888	13 March, 1888.	
Menindie	11 May, 1868	23 Jan., 1893	12 May, 1868, and 27 January, 1893.	
Merewether	18 June, 1888	18 June, 1888	19 June, 1888.	
Merriwa	14 Oct., 1863	17 Jan., 1870	16 October, 1863, and 18 January, 1870.	
Milparinka	4 Feb., 1890	4 Feb., 1890	7 February, 1890.	
Millthorpe	18 Jan., 1897	18 Jan., 1897	22 January, 1897.	
Milton	25 Nov., 1889	25 Nov., 1889	26 November, 1889. 6 November 1882 and 8 September 1891	
Mittagong	5 Nov., 1883	5 Sept., 1891	6 November, 1883, and 8 September, 1891.	
Moama	14 Oct., 1863	5 April, 1894	16 October, 1863, and 6 April, 1894.	
Molong	14 Oct., 1863 23 Dec., 1853	8 Oct., 1869	16 October, 1863, and 12 October, 1869. 27 December 1853 and 22 April 1870	
Montefiores	23 Dec., 1853 8 May, 1877	20 April, 1870 13 Sept., 1892	27 December, 1853, and 22 April, 1870. 11 May, 1877, and 16th September, 1892.	
Moree	2 June, 1853	29 June, 1891	2 March, 1860, and 30 June, 1891.	
Morpeth	14 Oct., 1863	17 Jan., 1870	16 October, 1863, and 18 January, 1870.	
Moruya Moss Vale	2 June, 1882	2 June, 1882	2 June, 1882.	
Moulamein	1	23 Aug., 1888	16 October, 1863, and 24 August, 1888.	
Mount Costigan	10 July, 1888	10 July, 1888	13 July, 1888.	
Mount Macdonald	9 Mar., 1885	16 Dec., 1890	S.G.G., 10 March, 1885, and 19 Dec., 1890	
Mudgee	20 Jan., 1854	21 June, 1869	24 January, 1854, and 25 June, 1869.	
Mullumbimby		18 Dec., 1900	21 December, 1900.	
Mulwala	10 11 1000	18 Feb., 1892	19 February, 1892.	
Mungindi		22 July, 1896	24 July, 1896.	
Murrimboola (Murrum- burrah).	14 Sept., 1880	14 Sept., 1880	17 September, 1880.	
Murrurundi	24 June, 1850	21 Feb., 1891	25 June, 1850, and 24 February, 1891.	
Murwillumbah	13 Aug., 1895	13 Aug., 1895	16 August, 1895.	
Musclebrook, N. and S.	27 Sept., 1852 &	20 May, 1870	1 October, 1852, 14 December, 1852, and	
	14 Dec., 1852	0.11 1000	23 May, 1870.	
Narrabri	8 Nov., 1866	8 Nov., 1866	9 November, 1866.	
Narrabri, West	21 Feb., 1891	21 Feb., 1891	24 February, 1891.	
Narrandera		10 Aug., 1883 &	14 August, 1883, and 2 November, 1900.	
Namina	31 Oct., 1900	31 Oct., 1900	S.C.C. 21 March 1900	
Narromine	24 Mar., 1899	24 Mar., 1899	S.G.G., 24 March, 1899.	
Nelligen		27 May, 1884 22 Jan 1870	30 May, 1884.	
Nerrigundah		22 Jan., 1870 8 Mar 1850 &	16 October, 1863, and 25 January, 1870.	
Newcastle	5 Sept., 1846	8 Mar., 1850, & 13 Dec., 1858	8 September, 1846, 8 March, 1850, and 1 December, 1858.	
New Lambton	19 June, 1889	19 June, 1889	21 June, 1889.	
Newtown		8 Aug., 1865	16 October, 1863, and 15 August, 1865.	
Nimmitabel		17 Jan. 1870	16 October, 1863, and 18 January, 1865.	
North Homebush		22 June, 1901	24 June, 1901.	
North Sydney		23 Dec., 1890	30 December, 1890.	
Nowra	13 June, 1885	13 June, 1885	16 June, 1885.	
Nundle		17 Jan., 1870	13 December, 1861, and 18 January, 1870	
Nymagee	100 35 1001	23 May, 1881	25 May, 1881.	
Nyngan		11 Mar., 1884	14 March, 1884.	
• •	and second as a second		10.0.1.1. 1001	
Oneybygamba	13 Oct., 1885	13 Oct., 1885	16 October, 1885.	
Orange	29 May, 1854	21 June, 1869	6 June, 1954, and 25 June, 1869.	
014150	21 Aug., 1895	21 Aug., 1895	23 August, 1895.	
Oxley				
Oxley	0.		00 T 1000 10 0 1 1 1000 10	
	. 19 June, 1862, &		20 June, 1862, 16 October, 1863, and 3	
Oxley	. 19 June, 1862, & 14 Oct., 1863		 June, 1862, 16 October, 1863, and 3 May, 1900. August, 1861, and 18 January, 1870. 	

LIST of Towns in which Part III is in force-continued.

	Date of I	Proclamation -		
Name of Town.	Bringing Town under the Act.	Defining limits of Town.	Dates of Government Gazette containing Proclamations.	
Parkes	. 12 June, 1874	1 19 7 10		
rarramatta	Named in Ao		4 12 June, 1874.	
Paterson	14 Oct 186			
Peak Hill	. 20 July 1891	3 17 Mar., 190 1 20 July, 189		
Penrith	14 Oct 1865	3 25 Feb., 1870	1 21 July, 1891.	
Peterborough	(See She	ll harbour)	0 16 October, 1863, and 1 March, 1870.	
Petersham	8 Aug., 1865	S Ang 1961		
Picton	14 Oct., 1863	8 Aug., 1862 12 Feb., 1870	5 15 August, 1865.	
Prospect	14 Aug., 1890		0 16 October, 1863, and 15 February, 1870.	
		14 Aug., 1890	15 August, 1890.	
Queanbeyan	11 July, 1854	17 Sont 1000	14 7 2 200	
Quirindi	18 Feb., 1884	17 Sept., 1886	14 July, 1854, and 21 September, 1886.	
		9 May, 1891	19 February, 1884, and 12 May, 1891.	
Randwick and Coogee	22 Oct., 1860	99 Oct 1900		
		22 Oct., 1860 a	& 23 October, 1860, and 31 May, 1900.	
Raymond Terrace	14 Oct., 1863	30 May, 1900		
Redfern	14 Oct., 1863	26 June, 1868 26 Feb., 1884		
Richmond	14 Oct., 1863	4 Feb., 1870, 8	10 October, 1863 and 96 Fohmours 1004	
	11 000., 1000	19 Mar 1970, 0	10 October, 1863, 8 February 1970 and 10	
Robinsonville	14 Oct., 1882	12 Mar., 1870		
Rockley	4 Dec., 1863	14 Oct., 1882 17 Jan., 1870	17 October, 1882.	
Rookwood	13 Sept., 1892	13 Sept., 1892	8 December, 1863, and 18 January, 1870.	
Ryde	30 Oct., 1874	30 Oct 1074		
Rylstone	14 Oct., 1863	30 Oct., 1874 24 June, 1869	30 October, 1874.	
		24 June, 1809	16 October, 1863, and 29 June, 1869.	
Scone	15 Oct., 1850	18 Nov 1000		
Shellharbour	10 Aug., 1869	18 Nov., 1889 10 Aug., 1869	18 October, 1850, and 19 November, 1889.	
Sherwood	14 Aug., 1890	14 Aug., 1809	10 August, 1809.	
Silverton	27 May, 1885	14 Aug., 1890 27 May, 1885	15 August, 1890.	
Singleton	22 July, 1850	29 June, 1868	29 May, 1885.	
Smithfield	31 Dec., 1889	31 Dec., 1889	23 July, 1850, and 3 July, 1868.	
Smithtown	18 Dec., 1900	18 Dec., 1900	January, 1890.	
Sofala	16 Mar., 1858	24 June, 1869	21 December, 1900.	
St. Albans	25 Sept., 1857	17 Jan., 1870	16 March, 1858, and 29 June, 1869.	
St. Aubins	25 June, 1860	25 June, 1860	29 September, 1857, and 18 January 1970	
St. Leonards	30 Mar., 1860	30 Mar., 1860	20 0 une, 1800.	
St. Leonards, East	14 Aug., 1869	14 Aug., 1869	3 April, 1860.	
Swansea	6 Mar., 1896	6 Mar., 1896	17 August, 1869.	
St. Mary's	29 Sept., 1870	19 Sept., 1893	10 March, 1896.	
Stockton	11 May 1885	28 Dec., 1892	30 September, 1870, and 22 Sept., 1893.	
St. Peter's	29 April 1971	22 April, 1871	12 May, 1889, and 30 December 1900	
Strathfield	27 Jan., 1886	7 Oct., 1892	20 April, 18/1.	
	and the second second	1002	S.G.G., 27 January, 1886, and G.G., 11 October, 1892.	
Stroud	29 Dec., 1856	19 Aug., 1869		
Sunny Corner	31 July, 1885	31 July, 1885	30 December, 1856, and 20 August, 1869. 4 August, 1885.	
	a provide a subscript			
Tambaroora	2 Oct., 1861	16 Feb., 1892	4 October 1861 and 10 E1	
Tamworth, N. and S	28 Feb 1879	28 Feb., 1879	4 October, 1861, and 19 February, 1892. 4 March, 1879.	
Taralga	1 May 1995	21 May, 1885	22 May, 1885.	
Tarcutta	4 Oct., 1863	5 Feb., 1900	16 October 1863 and 0 E.1	
Taree	6 Mar., 1886	16 Mar., 1886	16 October, 1863, and 9 February, 1900. S.G.G., 18 March, 1886.	
1 emora 2	3 Sept., 1880	23 Sept., 1880	24 September, 1880.	
Tenterneid	4 Oct., 1863	22 Jan., 1870	16 October, 1863, and 25 January, 1870.	
Teralba	I Jan., 1899	21 Jan., 1899	27 January, 1899.	
Tibooburra	8 Sept., 1889	18 Sept., 1889	20 September, 1889.	
Ingna 1	1 Mar., 1882	11 Mar., 1882	14 March, 1882.	
Tinonee	2 June, 1901	22 June, 1901	24 June, 1901.	
Tocumwal 1	7 June, 1890	17 June, 1890	20 June, 1890, and 5 March, 1895.	
Tuena 1	July, 1888	10 July, 1888	13 July, 1888.	
Tumberumba 1	4 Oct., 1863		16 October, 1863, and 28 January, 1870.	
		A CONTRACTOR OF CONTRACTOR	1000, and 20 January, 1870.	

Act No. , 1901.

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Police Offences.

LIST of Towns in which Part III is in force-continued.

	Date of Proc	elamation	Dates of Government Gazette containing	
Name of Town.	Bringing Town under the Act.	Defining limits of Town,	Proclamations.	
Tumut Tuncurry	24 Sept., 1855 22 June, 1901	22 April, 1882 22 June, 1901	28 September, 1855, and 25 April, 1882. 24 June, 1901.	
Ulladulla	14 Oct., 1863	24 Jan., 1870	16 October, 1863, and 28 January, 1870.	
Ulmarra	15 April, 1890	*15 April, 1890	18 April, 1890.	
Upper Picton	26 July, 1895	26 July, 1895	30 July, 1895.	
Uralla	14 Oct., 1863	5 Mar., 1889	16 October, 1863, and 8 March, 1889.	
Urana	1 Sept., 1881	1 Sept., 1881	6 September, 1881.	
Vaucluse	30 May, 1900	30 May, 1900	31 May, 1900.	
Wagga Wagga	14 Oct., 1863	14 July, 1886	16 October, 1853, and 16 July, 1886.	
Wahgunyah, North	18 May, 1865	18 May, 1865	30 May, 1865. 13 January, 1882.	
Walcha	10 Jan., 1882	10 Jan., 1882 13 July, 1869	16 October, 1863, and 16 July 1869.	
Walgett	14 Oct., 1863	13 July, 1869 18 July, 1889	10 September, 1869, and 19 July, 1889.	
Wallabadah	7 Sept., 1869	11 Sept., 1885	15 September, 1885.	
Wallerawang	11 Sept., 1885 22 Aug., 1874	22 Aug., 1874	25 August, 1874.	
Wallsend	28 July, 1874	28 July, 1874	31 July 1874.	
Waratah Warialda	14 Oct., 1863	22 Jan., 1870	16 October, 1863, and 25 January, 1870.	
Wardell	8 Dec., 1900	8 Dec., 1900	11 December, 1900.	
Warren	4 Nov., 1881	29 June, 1897 &	4 November, 1881, 2 July, 1897, and 13	
Hurren minimu		12 Oct., 1900	October, 1900.	
Waterloo	14 Oct., 1863	30 May, 1900	16 October, 1863, and 31 May, 1900.	
Waverley	14 Oct., 1863	30 May, 1900	16 October, 1863, and 31 May, 1900. 16 October, 1863, and 25 January, 1870.	
Wee Waa	14 Oct., 1863	24 Jan., 1870	27 December, 1853, and 21 August, 1891.	
Wellington	23 Dec., 1853	19 Aug., 1891	26 April, 1861, and 25 January, 1870.	
Wentworth	. 24 April, 1861	22 Jan., 1870 29 June, 1891	30 June, 1891.	
West Maitland	Named in Act.	29 June, 1891 21 Feb., 1891	24 February, 1891.	
West Narrabri		2 Jan., 1897	8 January, 1897.	
West Wyalong	2 Jan., 1897	14 Dec., 1897	17 December, 1897.	
White Cliffs	. 14 Dec., 1897 30 Dec., 1890	30 Dec., 1890	S.G.G., 31 December, 1890.	
Whitton Wickham		6 Nov., 1872		
Wilcannia	1	11 May, 1868		
Willoughby, North	. 10 June, 1880	10 June, 1880	11 June, 1880.	
Willyama (Broken Hill) 7 Mar., 1887	7 Mar., 1887	8 March, 1887.	
Wingham	3 Mar., 1890	3 Mar., 1890	4 March, 1890.	
Windsor	. Named in Act.	13 Dec., 1858		
Wollomba	22 June, 1901			
Wollombi	. 14 Feb., 1854			
Wollongong	. 5 Nov., 1846	9 July, 1856	21 December, 1940, and 11 bury, 1990.	
Woodburn	18 Dec., 1900		1 0 - 1 1000 - 1 21 Mar 1000	
Woollahra	. 14 Oct., 1863	30 May, 1900 14 Oct., 1882		
Wonona		2 14 Oct., 1882 6 Aug., 1894		
Wyalong	6 Aug., 1894	0 Aug., 1034		
Vaga	20 June, 1840) 24 June, 1869	24 June, 1840, and 29 June, 1869.	
Yass Yass and O'Connell Tow	n 10 Aug., 1869		a 10 August, 1869.	
Young				
2 oung	1			

FOURTH

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Act No. , 1901.

Police Offences.

FOURTH SCHEDULE.

See s. 110 (2).

Form of memo	randum of char	ge for which su	ummons issued	<i>d.</i>	
[Name of Complainant.]	A.B., of No.	street,	, [p	olice consta	ble.]
[Name of Defendant.]	C.D., of No.	sti	reet,	, [labou	rer.]
[Date of offence.]	on the	day of	, inst.	[or last].	
[Offence.]	[e.g., without public pla		discharging	a firearm	in a
[Date of issuing summons.]	The	day of	19 .		
[Signed by]	E.F., J.P.	Charles and the			00
[Summons returnable.]	The	day of	, inst. [a	pr next].	

[1s. 9d.]

Sydney: William Applegate Gullick, Government Printer.-1901.

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Memo. and Certificate to accompany the Police Offences Bill.

THIS Bill consolidates the whole or parts of eighteen Acts, viz. :--

2 Wm. IV. No. 12; 4 Wm. IV No. 7; 2 Vic. No. 2; 2 Vic. No. 3; 5 Vic. No. 6; 11 Vic. No. 44; 17 Vic. No. 25; 17 Vic. No. 31; 18 Vic. No. 27; 19 Vic. No. 10; 19 Vic. No. 24; 30 Vic. No. 5; 32 Vic. No. 7; 36 Vic. No. 18: 41 Vic. No. 12; 43 Vic. No. 3; 55 Vic. No. 5; No. 71, 1900.

The Acts here dealt with were known as the Sydney Police Act, the Hamlets Police Act, and the Towns Police Acts. "The Hamlets" was an irregular area, difficult now to ascertain exactly, but lying generally round the City. The description of the boundaries of the City referred to landmarks now lost. Almost the whole of the area of the Hamlets has since been included in the areas of suburban municipalities, which have from time to time been proclaimed as "towns." The police provisions relating to Sydney, the Hamlets, and the Towns, respectively, are in some cases substantially different, and in many others substantially the same with verbal differences very valuable for argumentative purposes. The result is that the Police Acts are a mass of hopeless confusion, so much so as to have become, to a very large extent, useless.

In this consolidation it is hoped that nearly all these difficulties are cleared away. It has been found possible, after a good deal of searching into surveys and proclamations of boundaries, to do away altogether with the Hamlets, which have long been really obsolete. The boundaries of Sydney have been made identical with the boundaries of the City of Sydney in the Corporation Act, an alteration which (if it is one at all) is very slight, but which at once removes the present obscurity. The area round the City is all brought into different "towns." The dates of the Gazettes in which all these towns, with their areas, have been proclaimed, have been searched out and placed in a Schedule, which will be an immense convenience. Where the same offences have been variously described in the different Acts, distinctions without differences have been removed, though in some cases the limits of the Commission have prevented a blending of sections, between which the differences appeared to be substantial, however unnecessary. 80179 c 51The arrangement has been simplified, and the offences are now grouped into two main classes—police offences, which are offences over the whole State, and police offences, which are offences in Sydney and the towns. This general account of the consolidation is given in lieu of a detailed list of the many small changes and modifications of wording, by which it has been brought about, but these modifications can be seen in any case by an examination of the consolidated sections noted in the margin of each clause.

Clause 33. The words "of Requests" have been omitted after "any Court." The District Courts were not in existence when 19 Vic. No. 24 was passed.

Clause 42 et seq. It has been found possible to make the boundaries of the City, and of Sydney Cove, and Darling Harbour quite clear, but there are difficulties as to the carriage and foot ways which have only partly been removed. Alignments are now made only in municipalities, and there is no longer any such official as the Surveyor-General.

Clauses 70, 71. The original sections were confused and verbose to an excessive degree, and have been to a great extent redrafted.

I cer ify that, save as aforesaid, this Bill solely consolidates and in no way alters, ad ls to, or amends the law as contained in the Acts thereby consolidated.

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สนามา และ ประเทศสุดที่มี ประเทศ เป็นหมาย เกมเข้ามากรู้ไป การกำลังสุดที่มีการการประเทศสารประกังสุด (1996) สุดที่มีสีว่าน การกระบบการประกัง สารประการการให้เป็น การก็เป็น 6.1.1000 การประกังการประกังการประกังสุดสารสา

CHAS. G. HEYDON, Commissioner for the Consolidation of the Statute Law.

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Police Offences Act.

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TABLE showing how the sections of Acts consolidated have been dealt with.

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
to state T	Plant and a second	2 Wм. IV No. 12.
24	Part 8	Part omitted ; to be dealt with in other Acts.
25	Laito	Omitted; covered by Crimes Act, s. 53 and cf. s. 9
20		of this Act.
26		Omitted; superseded by s. 8 of Stage Carriages Act, and s. 21 of 19 Vic. No. 24, here reproduced in s. 37.
28		Omitted ; obsolete.
29	Parts 8 and 9	Part omitted; part covered by Crimes Act and part obsolete.
		4 WM. IV No. 7.
1		
$\frac{1}{2}$	<pre>{</pre>	Omitted ; obsolete.
3)	
4	1	Omitted; repealed by 16 Vic. No. 33, and sce now
5	3 {	Act No. 20, 1899.
6	57	
7	58	
8	59	and the second
9	Part 60	Part omitted ; repealed by 45 Vic. No. 14.
10	61	
11	62, 63	
12	64	in the Andrew Color Contract of the
13	65	
14	66, 67, 68, 69	
15	70,71	다 같은 것은 것이 집에서 집에 가지 않는 것이 같이 많이 많이 많이 많이 많이 많이 했다.
16	72	e we in the second of the the the the second of the second
17	73	e the second state of the second state of the
18	74	and a second
19	75	Compared States 1 - Compared and 19 19
20	76 Part 77	Part omitted; covered by Crimes Act, s. 352.
21	Part 77 Part 78	Part omitted; covered by Crimes Act, s. 352.
22	79	and omitted, covered by example her, a real
23 24	80, 81	The second s
24	82	a second s
25	83	The State of the
20 27	Part 84	Part omitted; covered by Crimes Act, s. 352.
28	86	
28	87	
30	0,	Omitted ; exhausted.
31	88	
32	89	
33	Part 90 and 92	Part omitted; covered by Crimes Act, s. 352.
- 31	Part 91 and 93	Part omitted ; covered by Crimes Act, s. 352.

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
	4 W	M. IV No. 7—continued.
35		Omitted, not repealed; to be dealt with in consolida- tion of Sydney Corporation Acts.
36	Part 91	Part omitted ; covered by Crimes Act, s. 352.
37	Part 95	Part omitted ; covered by Crimes Act, s. 352.
33	96	
89	97	
40	Part 8 and 98	Part omitted, part repealed by 18 Vic. No. 28, and part covered by Crimes Act, s. 352.
41	90	
42 43	100	Omitted ; superseded by 43 Vic. No. 3.
44	100	Omitted , populad by 97 Via No. 19
45		Omitted ; repealed by 27 Vic. No. 13. Omitted ; obsolete.
46	44, 46, 47	,
47		Omitted ; repealed by 6 Vic. No. 3, s. 8.
43		Omitted ; superseded by 43 Vic. No. 3.
49	44 (3)	
50	54	
51 52	50	
53	51 56	a strand a s
54)	
55		Omitted; repealed by 18 Vic. No. 28.
56)	o
57		Omitted ; obsolete, and superseded by 43 Vic. No. 3.
58 19	} {	Omitted; repealed by 35 Vic. No. 7 and 18 Vic. No. 28.
60		
61 62		
63	a man and	Omitted : obsolute and supercoded by 49 Wis N. O.
64		Omitted; obsolete, and superseded by 43 Vic. No. 3.
65		
66		
	Part 109, 111, 112	Part omitted ; covered by Justices Acts.
-68	D (100	Omitted ; covered by Justices Acts.
(9 70	Part 109	Part omitted; covered by No. 71, 1900.
70	••••••	Omitted; covered by No. 71, 1900.
72		Omitted; covered by Justices Acts. Omitted; obsolete.
73		Omitted; covered by No. 71, 1900.
74	114	, concrete of 110, 11, 1000.
75 76		Omitted; covered by Acts relating to Penalties. Omitted; formal matter.
		2 VICTORIA NO. 2.
$\left. \begin{array}{c} 1\\ 2\\ 3\end{array} \right \right\}$		Omitted; obsolete.
4 5 6		Omitted ; repealed by 16 Vic. No. 33. See now Act No. 20, 1899.

Section of Repealed Act-	Section of Consolidated Act.	Remarks.
,		
		ICTORIA No. 2-continued.
7 8	58	f leg is held the second s
8 9	59 Part 60	
10	61	Part omitted; repealed by 45 Vic. No. 14.
11	62, 63	
12	64	
13	65	
11	66, 67, 68, 69	The second s
15	70,71	and the second
16	72	
17 18	73 74	
19	74	
20	76	
21	Part 77	Part omitted; covered by Crimes Act, s. 352.
22	Part 78	Part omitted ; covered by Crimes Act, s. 352.
23	79, 80	· · · · · · · · · · · · · · · · · · ·
24	81	
25	82	
26 27	83 Dent 94	Bert amilial and all Gi to are
28	Part 84 86	Part omitted; covered by Crimes Act, s. 352.
29	87	
30		Omitted; exhausted.
31	88	,
32	* 89	
33	Part 90 and 92	Part omitted; covered by Crimes Act, s. 352.
34 35	Part 91 and 93 Part 94	Part omitted ; covered by Crimes Act, s. 352.
36	Part 95	Part omitted ; covered by Crimes Act, s. 352. Part omitted ; covered by Crimes Act, s. 352.
37	96	rare omitted, covered by offines Act, s. 552.
38	97	
39	Part 8 and 98	Part omitted ; covered by Crimes Act, s. 352.
40	99	The state of the state of the state of the
41 42	1 0	Omittad, abalata
43	44, 45, 46, 47	Omitted; obsolete.
44		Omitted; obsolete.
45	44 (3), 48	
46	48, 52 (1)	
47	48, 49	
48 49	52 (2), (3), (4) 53	
50	85	
51	55	
52	54	
53	50	
54	51	
55 56	56	Omitted . sheelsts
57		Omitted ; obsolete. Omitted ; obsolete.
		Part omitted ; covered by Justices Acts
59		
58	Part 109, 111, 112	Part omitted; covered by Justices A Omitted; covered by Justices Acts.

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Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
	2 V1	CTORIA No. 2-continued.
60	Part 109	Part omitted; covered by No. 71, 1900.
61	for a second	Omitted; covered by No. 71, 1900.
		Omitted; covered by Justices Acts.
62		
63		Omitted; obsolete.
64	43	0. 14. 1
65		Omitted; covered by No. 71, 1900.
66	114	O the last last Densities
67		Omitted; covered by Acts relating to Penalties.
68		Omitted ; formal matter.
		2 VICTORIA NO. 3.
	100	
1939 S		5 VICTORIA NO. 6.
1.3	19	
2	19	
3	19	
4		Omitted; superseded by Justices Acts.
		11 VICTORIA NO. 44.
1	42 (3)	II VICIORIA ING. 44.
-	1 (0)	
		17 VICTORIA NO. 25.
1	44 (1)	
2	57	
2 3	58	and the start of a started on the starting of the start of the start of the
4	59	
5	Part 60	Part omitted ; repealed by 45 Vic. No. 14.
6	61	
0		
	62, 63	
7	62, 63 64	
7 8	64	
7 8 9	64 65	
7 8 9 10	64 65 66, 67, 68, 69	
7 8 9 10 11	64 65 66, 67, 68, 69 71	
7 8 9 10 11 12	$\begin{array}{c} 64\\ 65\\ 66,67,68,69\\ 71\\ 72\end{array}$	
7 8 9 10 11 12 13	$\begin{array}{c} 64\\ 65\\ 66,67,68,69\\ 71\\ 72\\ 74\end{array}$	
7 8 9 10 11 12 13 14	$\begin{array}{c} 64\\ 65\\ 66,67,68,69\\ 71\\ 72\\ 74\\ 75\end{array}$	
$7\\8\\9\\10\\11\\12\\13\\14\\15$	$\begin{array}{c} 64\\ 65\\ 66,67,68,69\\ 71\\ 72\\ 74\\ 75\\ 76\end{array}$	Part omitted : covered by Crimes Act. s. 352.
$7\\8\\9\\10\\11\\12\\13\\14\\15\\16$	64 65 66, 67, 68, 69 71 72 74 75 76 Part 77	Part omitted; covered by Crimes Act, s. 352.
$7\\8\\9\\10\\11\\12\\13\\14\\15\\16\\17$	64 65 66, 67, 68, 69 71 72 74 75 76 Part 77 Part 78	Part omitted ; covered by Crimes Act, s. 352. Part omitted ; covered by Crimes Act, s. 352.
7 8 9 10 11 12 13 14 15 16 17 18	64 65 66, 67, 68, 69 71 72 74 75 76 Part 77 Part 78 80	Part omitted ; covered by Crimes Act, s. 352. Part omitted ; covered by Crimes Act, s. 352.
7 8 9 10 11 12 13 14 15 16 17 18 19	64 65 66, 67, 68, 69 71 72 74 75 76 Part 77 Part 78 80 81	Part omitted ; covered by Crimes Act, s. 352. Part omitted ; covered by Crimes Act, s. 352.
$7\\8\\9\\10\\11\\12\\13\\14\\15\\16\\17\\18\\19\\20$	64 65 66, 67, 68, 69 71 72 74 75 76 Part 77 Part 78 80 81 82	Part omitted ; covered by Crimes Act, s. 352. Part omitted ; covered by Crimes Act, s. 352.
$7\\8\\9\\10\\11\\12\\13\\14\\15\\16\\17\\18\\19\\20\\21$	64 65 66, 67, 68, 69 71 72 74 75 76 Part 77 Part 78 80 81 82 83	Part omitted ; covered by Crimes Act, s. 352.
$7\\8\\9\\10\\11\\12\\13\\14\\15\\16\\17\\18\\19\\20\\21\\22$	64 65 66, 67, 68, 69 71 72 74 75 76 Part 77 Part 78 80 81 82 83 Part 84	Part omitted ; covered by Crimes Act, s. 352. Part omitted ; covered by Crimes Act, s. 352. Part omitted ; covered by Crimes Act, s. 352.
$\begin{array}{c} 7\\ 8\\ 9\\ 10\\ 11\\ 12\\ 13\\ 14\\ 15\\ 16\\ 17\\ 18\\ 19\\ 20\\ 21\\ 22\\ 23\\ \end{array}$	64 65 66, 67, 68, 69 71 72 74 75 76 Part 77 Part 78 80 81 82 83 Part 84 86	Part omitted ; covered by Crimes Act, s. 352.
$\begin{array}{c} 7\\ 8\\ 9\\ 10\\ 11\\ 12\\ 13\\ 14\\ 15\\ 16\\ 17\\ 18\\ 19\\ 20\\ 21\\ 22\\ 23\\ 24\\ \end{array}$	64 65 66, 67, 68, 69 71 72 74 75 76 Part 77 Part 78 80 81 82 83 Part 84	Part omitted ; covered by Crimes Act, s. 352. Part omitted ; covered by Crimes Act, s. 352.
$\begin{array}{c} 7\\ 8\\ 9\\ 10\\ 11\\ 12\\ 13\\ 14\\ 15\\ 16\\ 17\\ 18\\ 19\\ 20\\ 21\\ 22\\ 23\\ 24\\ 25\\ \end{array}$	64 65 66, 67, 68, 69 71 72 74 75 76 Part 77 Part 78 80 81 82 83 Part 84 86 87	Part omitted ; covered by Crimes Act, s. 352.
$\begin{array}{c} 7\\ 8\\ 9\\ 10\\ 11\\ 12\\ 13\\ 14\\ 15\\ 16\\ 17\\ 18\\ 19\\ 20\\ 21\\ 22\\ 23\\ 24\\ 25\\ 26\end{array}$	64 65 66, 67, 68, 69 71 72 74 75 76 Part 77 Part 78 80 81 82 83 Part 84 86 87 	Part omitted; covered by Crimes Act, s. 352. Part omitted; covered by Crimes Act, s. 352. Omitted; exhausted.
$\begin{array}{c} 7\\ 8\\ 9\\ 10\\ 11\\ 12\\ 13\\ 14\\ 15\\ 16\\ 17\\ 18\\ 19\\ 20\\ 21\\ 22\\ 23\\ 24\\ 25\\ 26\\ 27\\ \end{array}$	64 65 66, 67, 68, 69 71 72 74 75 76 Part 77 Part 78 80 81 82 83 Part 84 86 87 	Part omitted; covered by Crimes Act, s. 352. Part omitted; covered by Crimes Act, s. 352. Omitted; exhausted. Part omitted; covered by Crimes Act, s. 352.
$\begin{array}{c} 7\\ 8\\ 9\\ 10\\ 11\\ 12\\ 13\\ 14\\ 15\\ 16\\ 17\\ 18\\ 19\\ 20\\ 21\\ 22\\ 23\\ 24\\ 25\\ 26\end{array}$	64 65 66, 67, 68, 69 71 72 74 75 76 Part 77 Part 78 80 81 82 83 Part 84 86 87 	Part omitted; covered by Crimes Act, s. 352. Part omitted; covered by Crimes Act, s. 352. Omitted; exhausted.

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.	ta militias 19-3-11 (dairess
	17 VI	CTORIA No. 25-continued.	
30 (96	4.	3
31	97	D i il l i i i i i i i i i i i i i i i i	No 29 and
32	Part 8 and 98	Part omitted ; part repealed by 18 Vic. part covered by Crimes Act, s. 352.	No. 28, and
33	. 99	part covered by crimes Act, s. 002.	1
34	100		1
35	109	80.0	141
36		Omitted; covered by No. 71, 1900.	Sec.
37	114	Omitted ; provisions of 2 Vic. No. 2 have b	een extended
chedules 1, 2, 3.		to "towns" which cover these "subu	rbs," &c.
J .	1		5.6
16	W. ATT ON WE WE	17 VICTORIA No. 31.	ERS .
1	20		2.5
2	21		22
3 4	$\begin{array}{c} 22\\ 23\end{array}$		elie -
4 5	23	Los and a statistical states	a 8
6	25	a stand to be a second and	
7	. 26	di primo pre a ser la ma	
8		Omitted; repealed by 45 Vic. No. 14.	
9	$15\\14$		
10 11	14 18 (1)	. Participation of the second s	
11	18 (2)	A LOW MERSON A VICE A LINE AND AND A	
13	8,9		а. *
14	13		
15	12 17		
16 17	11		
18		Comitted; covered by Crimes Act, s. 35	
19	Part 36	Part omitted ; covered by Crimes Act, s.	352
20	38		
21	39		
$\frac{22}{23}$.	40(1) 40(2)		
24	20, 21, 22, 23, 24		ſ
Jumph and Street		and the state of the	
		18 VICTORIA No. 27.	
5	11	Frank Willing a second second	
		19 VICTOBIA NO. 10.	4. (*.
1	44 (3), 48 (5)]		ŝ
-	1 11 (0), 10 (0)]		1
		19 VICTORIA No. 24.	
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34	29 30	and the second	
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5 6	41		4
7		Omitted, not repealed; to be dealt with	h in consoli
	the second s	dation of 16 Vic. No. 1.	

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
	19 V	ICTOBIA No. 24—continued.
8	33	1
9	34	
10	32	
11		Omitted; repealed by 14 Vic. No. 17.
12	101	
13	102	
14	103	
15	104, 105	
16	106	
17	107	in a second s
18	108	
19	35	
20	Part 16	Part omitted ; repealed by 45 Vic. No. 14.
21	8, 10, 37	Ture omitted, Tepealou by 40 TIC. 110. 14.
22	0, 20, 01	Omitted; repealed by 46 Vic. No. 17.
23	Part 109, 110, 111,	Part omitted; covered by Justices Acts.
	112	The omitted, covered by sustices Acts.
21		Omitted; refers to 13 Vic. No. 29, which was repealed
		by 25 Vic. No. 14.
25		Omitted; repealed by 46 Vic. No. 17.
26	Every section in	
	which a penalty	
	is imposed.	
		20 Vigmonte No. 5
		30 VICTORIA NO. 5.
1	6	
2	7	
3		Omitted; covered by Crimes Act, s. 352.
4		Omitted; superseded by Act No. 71, 1900.
5	113	
6	••••••	Omitted; title.
		32 VICTORIA NO. 7.
1	5	of Holowik Ho. J.
2	0	Omitted; title.
- 1		Omitted; title.
		36 VICTORIA NO. 18.
1	Part 11	Part omitted refers to definition of "cattle" under
		the Registration of Brands Act of 1866.
1 .		41 VICTORIA NO. 12.
1	5	
2 3	25,26	
ð 4	40	Omitte 1 dill
4	••••••	Omitted; title.
		43 VICTORIA No. 3.
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		55 VICTORIA NO. 5.
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Legislative Council.

No. , 1901.

A BILL

To consolidate the Statutes relating to Police Offences.

[MR. WISE; -21 August, 1901.]

B it enacted by the King'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 :—

PART I.

Preliminary and Interpretation.

1. This Act may be cited as the "Police Offences Act, 1901," Short title and and is divided into Parts, as follows :---

PART I.—Preliminary and Interpretation.—ss. 1-4.

PART II.—Offences general to whole State.—ss. 5-41.

PART III.—Offences in Sydney and in certain towns only. ss. 42-100.

PART IV.—Special constables.—ss. 101-108.

PART V.-Procedure.-ss. 109-114.

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2.

2. (1) The Acts mentioned in the First Schedule hereto are, to the extent therein expressed, hereby repealed, except as to offences committed and things done or commenced before the passing of this Act, which shall be dealt with and continued, and in respect of which every right and liability shall remain, as if this Act had not been passed.

(2) All persons appointed under any Act hereby repealed under repealed Acts. and holding office at the time of the passing of this Act shall be deemed to have been appointed under this Act.

> 3. In this Act, unless the context or subject-matter otherwise indicates or requires-

"Justice" means a Justice of the Peace.

"Constable" means any member of the police force.

- "Vehicle" includes every omnibus, coach, gig, and carriage of any kind, and every truck, sledge, or cart.
- " Cart " includes every wain, waggon, or dray.

"City surveyor" means the city surveyor, or any other surveyor appointed by the municipal council of the city of Sydney, subject to the provisions of the Sydney Corporation Act of 1879, or any other Act and any by-laws or regulations made under their authority.

4. This Act shall be read with, and subject to the provisions of, the Nuisances Prevention Act, 1897, and the Metropolitan Traffic Act, 1900, and the regulations from time to time in force thereunder.

PART II.

Offences general to whole State.

5. The provisions of this Part shall apply and be in force in every part of New South Wales.

6. Whosoever is found drunk in any street or public place shall be liable to a penalty not exceeding one pound.

7. Whosoever is found drunk and disorderly in any street or public place shall be liable to a penalty not exceeding two pounds.

8. Whosoever in any street or public place to the obstruction, annoyance, or danger of the residents or passengers-

sells gunpowder, squibs, rockets, or other combustible matter by gas, candle, or other artificial light; or,

hoists or lowers, or causes to be hoisted or lowered, goods of any description from any house without sufficient and proper ropes and tackling; or,

conveys, or causes to be conveyed, the carcass or any part of the carcass of any newly-slaughtered animal, without a cloth covering the same sufficient for the concealment thereof; or, hawks

Application of this Part to whole State. 32 Vic. No. 7, s. 1. 41 Vic. No. 12, s. 1. Being found drunk in a public place. 30 Vic. No. 5, s. 1. Being found drunk and disorderly in a public place. Ibid. s. 2. Certain offences in public

places to annoyance, &c., of residents, &c. Selling gunpowder, &c., by artificial light 19 Vic. No. 24, s. 21.

Hoisting or lowering goods without proper tackling. Ibid.

Carrying carcass of newly-slaughtered meat without a cloth covering same. Ibid.

Repcal.

Persons appointed

Interpretation.

43 Vic. No. 3, s. 68.

Certain Acts with which this Act to be read.

hawks or carries about butchers' meat for sale without covering the same as aforesaid; or,

places any line or pole across any street or passage, or hangs or Placing line, cord, or pole c othes on. places clothes thereon; or, 19 Vic. No. 24, s. 21.

places, hangs up, or affixes any sign-post, board, house-ticket, Placing signboard notice, or other similar thing, otherwise than close and except close to the wall. parallel to, or flat upon, the wall of the building to which Ibid. the same belongs; or,

- places any flower-pot in any upper window without sufficiently Placing any flower-pot, guarding the same from being thrown down; or. guarding the same from being thrown down; or,
- casts from the roof, or any part of any building, any slate, brick, Ibid. wood, rubbish, or other thing unless within a hoard when the roof of any house into the street. any building is being erected or repaired; or, Ibid.

being a blacksmith, whitesmith, anchorsmith, nailmaker, or other Blacksmiths, &c., person using a forge, and having a door, window, or aperture not closing windows fronting or opening into or towards any street or passage, street at night. does not close and darken such door or window or aperture Ibid. within one hour after sunset, so as effectually to prevent the light from showing through the same :

Provided that nothing herein contained shall extend to forges below the pavement of the street; or,

- within the distance of one hundred yards from any dwelling- Burning rags within house burns any rags, bones, cork, or other offensive sub- 100 yards from any house, &c. stance; or, Thid.
- while driving any vehicle whatsoever does not keep to the near Not keeping vehicles side of such street or public place (except when overtaking on the near or left hard side of the and passing any other vehicle), or meeting any other vehicle street, &c. does not pass to his near side of such vehicle, or in any (+Wm.IVNo.7, s. 40. manner wilfully prevents any other person from passing him ² Vic. No. 2, s. 39. 17 Vic. No. 25, s. 62.) or any vehicle under his care upon such street or public 19 Viz. No. 24, s. 21. place, or by negligence or misbehaviour prevents, or interrupts the free passage of any carriage or person in or upon the same; or,
- being the driver of any vehicle, is wilfully at such a distance Driver leaving vehicle from such vehicle, or in such a situation, whilst it is passing 2 wm. IV No. 12, s. 29. upon such street or public place that he cannot have the 4 Wm. IV No. 7, s. 40. 2 Vic. No. 2, s. 39. direction of the horse or other animal drawing the same; or, 17 Vic. No. 25, s. 32.
- having the charge of any cart, drawn by two or more horses or Riding on certain other animals, rides thereon without sufficient reins to guide car's without reins. 19 Vic. No. 24, s. 21. the animals drawing the same; or,
- while driving or having the charge of any cart, drawn by any Driving a cart out horse or other animal, and driven or guided by reins, wilfully of a waking pace. allows such horse or other animal to proceed out of a walking Ilid. pace; or, Racing horses.

races any horse or other animal; or,

2 Wm. IV No. 12, s. 24. baits

Baiting bulls. 2 Wm. IV No. 12, s. 24. Exposing animals for sale, &c. 17 Vic. No. 31, s. 13.

Cleaning, &c., vehicles. Ibid.

Throwing stones. Ibid. Playing games. Ibid. Causing mob to collect by fighting, &c. 2 Wm. IV No. 12, s. 24. Carrying goods on footway. 19 Vic. No. 24, s. 21.

Riding or driving furiously in street. 17 Vic. No. 31, s. 13. 2 Wm. IV No. 12, s. 29.

Blowing horns, &c., for announcing any sale, &c. 17 Vic. No. 31, s. 13.

Discharging firearms, &c. Ibid. Ringing bells. Ibid.

Keeping dog, &c., which attacks, &c., persons having right of way.

Constable may seize goats straying in public places, and may destroy such as are not branded Angoras, &c. 18 Vic. No. 27, s. 5. 36 Vic. No. 18, s. 1.

baits any bull or other beast; or,

exposes any horse or other animal for show or sale (except in a market lawfully appointed for that purpose); or,

feeds any horse or other animal; or,

- shows any caravan containing any animal or any other show or public entertainment; or,
- shoes, bleeds, or farries any horse or animal (except in cases of accident); or,
- cleans, dresses, exercises, trains, or breaks any horse or animal; or,

cleans, makes, or repairs any part of any vehicle (except in the case of accident where repair on the spot is necessary); or,

throws or discharges any stone or other missile; or,

plays at any game; or,

by fighting or otherwise collects or causes to be collected together any mob or tumultuous meeting; or,

carries any goods upon any footway,

shall be liable to a penalty not exceeding two pounds.

9. Whosoever in any street or public place—

rides or drives so negligently or furiously as to endanger the safety of any person or of the public; or,

- being the driver of any vehicle, by driving furiously or by any negligence cr wilful misbehaviour causes any hurt or damage to any carriage upon such street or public place; or,
- blows any horn (unless he is a guard or postman in His Majesty's Post Office in the performance of his duty), or uses any other noisy instrument for the purpose of announcing any show or entertainment, or for the purpose of hawking, selling, distributing, or collecting any article whatsoever, or of obtaining money or alms; or,

discharges any firearm without lawful cause; or,

makes any bonfire, or lets off any firework; or,

wantonly disturbs any inhabitant by pulling or ringing any doorbell, or knocking at any door without lawful excuse,

shall be liable to a penalty not exceeding two pounds.

10. Whosoever keeps any dog or other animal which attacks and endangers any person who has the right of way or use of any private yard, alley, street, or other place, shall be liable to a penalty 19 Vic. No. 24, s. 21. not exceeding two pounds.

> 11. Any constable may seize any goat found straying or at large in any street or public place, or may destroy any such goat not being a branded Angora or other branded goat producing hair used in or adapted for the manufacture of cloth or other textile fabrics.

12. Whoseever is guilty of any riotous, violent, or indecent Riotous, violent, or behaviour in any street or public place, or in any police office or indecent behaviour. police station-house, shall be liable to a penalty not exceeding two 17 Vic. No. 31, s. 15. pounds, or to imprisonment for a term not exceeding seven days.

13. Whosoever, being a street musician, has been required by Street musicians not any householder or occupier of any premises, personally, or by his departing when desired so to do. servant, or by any police constable, to depart from the neighbourhood Ibid. s. 14. of the house or premises of such householder or occupier on account of the illness of any inmate of such house or premises, or for other reasonable cause, and afterwards sounds or plays upon any musical instrument in any street or public place near such house or premises, shall be liable to a penalty not exceeding two pounds.

14. (1) Whosoever keeps or uses or acts in the management of Keeping place used any house, room, pit, or other place for the purpose of fighting or baiting for cock-fighting, &c. cocks, dogs, or other animals shall be liable to a penalty not exceeding five pounds, or to imprisonment with or without hard labour for a term not exceeding one month.

(2) A conviction under this Act of this offence shall not exempt the owner, keeper, or manager of any such house, room, pit, or place from any penalty or penal consequence to which he may be liable for the nuisance thereby occasioned.

(3) The Inspector General of Police may by order in writing authorise any inspector of police, with such constables as he thinks necessary, to enter any premises kept or used for any of the purposes aforesaid, and take into custody all persons found therein without. lawful excuse.

Every person so found shall be liable to a penalty not exceeding five shillings.

15. Whosoever makes or uses or allows to be made or used any Making internal internal communication between any house, shop, room, or place of communication with public resort not licensed for the sale of any former tel or place of an adjoining public public resort, not licensed for the sale of any fermented or spirituous house. liquors, and any house or place licensed for the sale of such liquors Ibid. s. 9. or in which any such liquors are sold by a dealer in wine and spirits shall be liable to a penalty not exceeding ten pounds for every day that such communication is open.

16. Whosoever, not being a licensee within the meaning of the No person keeping a Liquor Act, 1898, keeps or has any house, shop, room, or place of resort to open same public resort wherein ready-made provisions, liquors, or refreshments for business before of any kind are cold of any kind are sold or consumed (whether the same are kept or morning or later retailed therein or procured elsewhere), and opens or has open his than twelve o'clock premises for the reception or entertainment of promiscuous persons or 19 Vic. No. 24, s. 20. for the ordinary transaction of business earlier than six o'clock in the morning, or later than twelve o'clock at night, shall be liable to a penalty not exceeding five pounds. Provided

Proviso-saving Early Closing Act.

Using carriages with-

Provided that nothing herein contained shall affect the provisions of the Acts No. 38, 1899, and No. 81, 1900.

17. Whosoever rides upon or causes himself to be carried or outowner'sordriver's drawn by any carriage without the consent of the owner or driver 17 Vic. No. 31, s. 16. thereof shall be liable to a penalty not exceeding five shillings, or if a

child apparently under the age of twelve years to be detained by order of the Justice until his parent or guardian can attend for the purpose of having such child delivered into his care; provided that if such parent or guardian do not so attend before the closing of the police court for the day the Justice may order such child to be discharged.

Inspector General of lations for prevent ng obstructions in the. processions, &c. Ibid. s. 11.

18. (1) The Inspector-General of Police may from time to time, Police to make regu- and as occasion requires, make regulations for the route to be observed by all vehicles, horses, and persons, and for preventing obstructions of streets during public the streets and public places in all times of public processions, public rejoicings, or illuminations, and may give directions to the constables for keeping order and for preventing any obstructions of the thoroughfares in the immediate neighbourhood of Government House, Parliament House, the public offices, the Courts of Justice, the theatres, and other places of public resort, and in any case when the streets or public places may be thronged or may be liable to be obstructed.

(2) No proprietor of any vehicle duly licensed to carry passengers for hire shall be liable to any penalty for any deviation from the line of route specified in his license which the driver of such vehicle makes by virtue of any regulation or direction made or given by the Inspector-General of Police.

19. Whosoever—

is found engaged in shooting at any pigeon match, or for pleasure sport, or profit of any kind whatever on Sunday; or,

is found carrying firearms on Sunday,

shall be liable to a penalty not exceeding five pounds :

Provided that—

- (a) nothing in this section shall be deemed to extend to travellers bona fide carrying firearms for the protection of the lives and property of themselves or their employers on the public roads, or to constables and other persons carrying firearms for lawful purposes;
- (b) no person shall be prosecuted for an offence under this section unless the prosecution is commenced within ten days after the offence was committed.

20. Whoseever knowingly takes in exchange from any seaman or other person not being the owner or master of any vessel, anything belonging to any vessel, or any part of the cargo of any vessel, or any stores

Proprietors of vehicles rot liable for deviating from the route. Ibid. s. 12.

Shooting on Sunday. 5 Vic. No. 6, s. 1.

Provisoes.

Ibid. ss. 2, 3.

Persons receiving ship's stores from seamen, &c. 17 Vic. No. 31, ss. 1, 24.

stores or articles in charge of the owner or master of any vessel, shall be liable to a penalty not exceeding five pounds or to imprisonment for a term not exceeding one month.

21. Whosoever for the purpose of preventing anything from Framing a false bill being seized on suspicion of being stolen or otherwise unlawfully of parcels to escape obtained, or from being produced in evidence concerning any alleged 17 Vic. No. 31, felony or misdemeanour fraudulently prepares or causes to be prepared ss. 2, 21. or produces any bill of parcels, receipt, or other document containing any false statement, shall be liable to a penalty not exceeding five pounds or to imprisonment for a term not exceeding one month.

22. Whosoever in or upon any warehouse, wharf, quay, or bank, Possessing instruor on board any ship or other vessel,

is found having in his possession any instrument for the purpose of carrying away wine, unlawfully obtaining, or any material or utensil for the purpose 4. of unlawfully secreting or carrying away, any wine, spirits, or Ibid. ss. 3, 24. other liquors; or

attempts unlawfully to obtain any wine, spirits, or other liquors, shall be liable to a penalty not exceeding five pounds or to imprisonment for a term not exceeding one month.

23. Whosoever, in or upon any warehouse, wharf, quay, or bank, Piercing casks, opening packages, or on board any ship or other vessel, Sc.

breaks or otherwise injures any cask or package containing wine, Ibid. FS. 4, 24. spirits, or other liquors, with intent to steal or otherwise unlaw-

fully obtain any of the contents thereof; or

unlawfully drinks, spills, or wastes any part of the contents thereof, shall be liable to a penalty not exceeding five pounds or to imprisonment for a term not exceeding one month.

24. Whosoever wilfully causes to be broken, started, or otherwise Breaking packages injured any cask, bag, or other package containing or prepared for with intent to spill containing any goods while on board of any lighter, or other craft, or Ibid. 85. 5, 24. on any wharf or landing place, or in the way to or from any warehouse, with intent that the contents of such package may be dropped from such package, shall be liable to a penalty not exceeding five pounds or to imprisonment for a term not exceeding one month.

25. Any superintendent, inspector, or sub-inspector of police, or superintendents and any constable in charge of a station may enter at all times by night or inspectors may board day, with such constables as he thinks necessary, upon and into every *Ibid. s. 6.* part of every ship or other vessel (not then actually employed in His 41 Vic. No. 12, s. 2. Majesty's service), for the purpose of directing any constable stationed on board, and of observing the conduct of all persons employed on board in loading or unloading, and of taking all necessary measures for providing against fire and other accidents, and for preserving peace and good order on board, and for preventing or detecting any felonies or misdemeanours.

26.

ments for unlawfully

Superintendent, &c. having just cause to suspect felony may enter on board vessels, and take up suspected persons.

Persons suspected of

Search warrant. Ibid. s. 2.

26. Any superintendent, inspector, or sergeant of police, or any constable in charge of a station who has just cause to suspect that any felony has been or is about to be committed on board of any ship or other vessel may enter thereon at all times, by night or day, and therein 17 Vic. No. 31, s. 7. take all necessary measures for preventing or detecting such felony, and 41 Vic. No. 12, s. 2. may take into custody all persons suspected of being concerned in such felony, and may take charge of any property suspected to be stolen.

27. Whosoever being charged before a Justice with having having or conveying in his possession or conveying in any manner anything which may 19 Vic. No. 24, s. 1. be reasonably suspected of being stolen or unlawfully obtained, does not give an account to the satisfaction of such Justice how he came by the same, shall be liable to a penalty not exceeding ten pounds or to imprisonment for a term not exceeding three months.

> 28. If information is given on oath to a Justice that there is reasonable cause for suspecting that anything stolen or unlawfully obtained is concealed or lodged in any dwelling-house or any other place, such Justice may, by special warrant under his hand directed to any chief constable or inspector of police, cause every such dwellinghouse or other place to be entered and searched at any time of the day or by night if power for that purpose is given by such warrant.

> The said Justice, if it appears to him necessary, may empower such chief constable or inspector, with such assistance as may be found necessary (such chief constable or inspector having previously made known such his authority),

- (1) to use force for the effecting of such entry, whether by breaking open doors or otherwise; and,
- (2) to convey any such thing found upon such search before a Justice, or to guard the same on the spot until the offenders are taken before a Justice, or otherwise to dispose thereof in some place of safety; and,
- (3) to take into custody and carry before the said Justice every person found in such house or place who appears to have been privy to the deposit of any such thing, knowing or having reasonable cause to suspect the same to have been stolen or otherwise unlawfully obtained.

29. (1) When any person who has been brought before a stolen goods are said Justice charged with having or conveying anything stolen or unlawfully obtained, declares that he received the same from some other person, or that he was employed as a carrier, agent, or servant to convey the same for some other person, such Justice shall cause every such person, and also if necessary every former or pretended purchaser or other person through whose possession such thing has passed, to be brought before him and examined, and shall examine witnesses upon oath touching the same.

(2)

Person from whom stolen goods are said to be examined by the Justice. Ibid. s. 3.

(2) Whosever appears to such Justice to have had possession of such thing, and to have had reasonable cause to believe the same to have been stolen or unlawfully obtained, shall be liable to a penalty not exceeding ten pounds, or to imprisonment with or without hard labour for a term not exceeding three months.

Every such person shall be deemed to have had possession of such thing at the time and place when and where the same was found or seized, and the possession of a carrier, agent, or servant shall be deemed to be the possession of the person who employed such carrier, agent, or servant to convey such thing.

30. If any goods or money charged to be stolen or fraudulently Order for delivery obtained are in the custody of any constable by virtue of any warrant to owner, &c., of of a Justice, or in prosecution of any charge of felony or misdemeanour have been stolen or in regard to the obtaining thereof, and the person charged with stealing fraudulently obtained on obtaining person of and in custody of or obtaining possession as aforesaid has not been found, or has been constable. summarily convicted or discharged, or has been tried and acquitted, 19 Vic. No. 24, s. 4. or if such person has been tried and found guilty, but the property so in custody was not included in any indictment upon which he has been found guilty, any Justice may make an order for the delivery of such goods or money to the person who appears to be the rightful owner thereof, or, in case the owner cannot be ascertained, then may make such order with respect to such goods or money as to such Justice seems meet.

No such order shall be any bar to the right of any person to sue the person to whom such goods or money are delivered, and to recover such goods or money from him by an action commenced within six months next after the making of such order.

31. When any goods or money charged to be stolen, or unlaw- Unclaimed stolen fully obtained, and of which the owner is unknown, are ordered by goods in the custody a Justice to be detained, any Justice may, after the expiration of twelve sold after twelve months, if during that time no owner has appeared to claim the same, months for the police sell or dispose of such goods or apply such money for the benefit of reward fund. the "Police Reward Fund." Ibid. s. 5.

32. (1) Upon complaint made to a Justice by any person Order for the claiming to be entitled to the property or possession of any goods which delivery to the owner of goods are detained by any other person, the value of which is not greater than unlawfully detained. twenty pounds, and not being deeds, muniments, or papers relating to Ibid. s. 10. any property of greater value than fifty pounds, any Justice may summon the person complained of and inquire into the title thereto or to the possession thereof.

(2) If it appears to the Justice hearing the case that such goods have been detained without just cause, after due notice of the claim made by the person complaining, or that the person detaining such goods has a lien or right to detain the same by way of security for

for the payment of money or the performance of any act by the owner thereof, such Justice may order the goods to be delivered up to the owner thereof either absolutely or upon tender of the amount appearing to be due by such owner (which amount such Justice shall determine), or upon performance, or upon tender and refusal of the performance of the act for the performance whereof such goods are detained as security, or if such act cannot be performed then upon tender of amends for non-performance thereof (the nature or amount of which amends such Justice shall determine).

(3) Such Justice may in and by the said order further order and direct that, in the event of neglect or refusal to deliver up the goods according to such order, the person against whom such order is made shall forfeit to the party aggrieved the full value of such goods not being greater than twenty pounds, which value the Justice shall determine.

(4) In any case where no such further order and direction subsequently by any is made by the adjudicating Justice such further order and direction may be subsequently made by any Justice.

> (5) No such order shall be any bar to the right of any person to sue the person to whose possession such goods or money came by virtue of such order, and to recover from him the goods or money so delivered or forfeited by an action commenced within six months next after the making of such order.

> 33. Whoseever, being the occupier of, or having occupied, any house or lodging as tenant thereof, wilfully or maliciously does any damage to the premises or to any furniture thereof, shall, upon complaint made to a Justice within one month next after the commission of the offence or the end of the tenancy or occupation, forfeit and pay to the landlord or party aggrieved such sum of money, not exceeding twenty pounds, as appears to the Justice to be a reasonable compensation for the damage done.

> 34. (1) Upon complaint made to a Justice by any person who has occupied any house or lodging by the week or month, or whereof the rent does not exceed the rate of twenty-five pounds by the year, that his goods have been taken from him by an unlawful distress, or that the landlord, or his broker, or agent, has been guilty of any irregularity or excess in respect of such distress, such Justice may summon the person complained of, and if, upon the hearing of the matter, it shall appear to the Justice that such distress was improperly taken, or unfairly disposed of, or that the charges made by the person who distrained, or attempted to distrain, are contrary to law, or that the proceeds of the sale of such distress have not been duly accounted for to the owner thereof, such Justice may order the distress so taken if not sold to be returned to the tenant on payment of the rent which appears to be due at such time as the Justice appoints, or if the distress

Order for payment of value if goods not delivered up may be included in such order No. 71, 1900, s. 8 (1).

or may be made Justice.

Ibid. subs. (2). Such order no bar to right to sue. 19 Vic. No. 24, s. 10.

Compensation for wilful damage by tenants. Ibid. s. 8.

Oppressive distresses. Ibid. s. 9.

distress has been sold then such Justice may order payment to the said tenant of the value thereof, deducting thereout the rent which so appears to be due, which value such Justice shall determine.

(2) Any such landlord or party complained against shall, in default of compliance with any such order, forfeit to the party aggrieved the value of such distress, not being greater than twentyfive pounds, which value such Justice shall determine.

35. Whosoever assaults, resists, or interrupts any sheriff's bailiff, Assaulting bailiffs, bailiff of any court, or any keeper or other officer in the discharge of &c., in the execution any public duty, or any bailiff or keeper distraining for rent, or for rates 19 Vic. No. 24, s. 19. or taxes,

or, rescues or attempts to rescue any property levied or distrained on, shall be liable to a penalty not exceeding ten pounds, or to imprisonment with or without hard labour for a term not exceeding six months.

Provided always that if the Justice hearing the case thinks the same a proper case to be sent to a superior court to be dealt with, such Justice may commit the offender to take his trial for such offence.

36. Any constable may stop, search, and detain any vessel, Constable may boat, or vehicle in or upon which there is reason to suspect that detain and search anything stolen or unlawfully obtained may be found, and also any &c., or person person who may be reasonably suspected of having or conveying in suspected of conveying stolen or unlawfully obtained.

37. (1) Whosoever being the owner of any cart drawn by any ¹⁷ Vic. No. 31, s. 19. horse or other animal, and driven or guided by reins, does not have having name his name and place of abode painted legibly in full length on the off painted thereon. side, in white letters at least two inches high and proportionately ²/_s. ²⁶/_b. broad on a black ground, shall be liable to a penalty not exceeding 19 Vic. No. 24, s. 21. two pounds.

(2) If the person in charge of any such cart as aforesaid, Person in charge refuses to give his or the owner's name and address, or gives a false to be detained till name of himself or the owner, such person shall be detained by any given. constable or other person until a satisfactory account is given to such *Ibid*. constable or other person who may require the same.

38. Any constable may stop and detain until due inquiry can Removing furniture be made, all vehicles which he finds employed in removing the to evade rent. furniture of any house or lodging between the hours of eight in the ¹⁷ Vic. No. 31, s. 20. evening and six on the following morning, or which he finds so employed at any time if he has good grounds for believing that such removal is made for the purpose of evading the payment of rent.

39. (1) Whenever any person having charge of any horse, Horses, carriages, vehicle, or boat, or any other animal, or thing, is apprehended by any $\frac{\&c.}{be}$, of offenders may constable under the provisions of this Act, any constable may take $\frac{Bid}{Bid}$. **5.** 21. charge of such horse, vehicle, or boat, or such other animal or thing,

and deposit the same in some place of safe custody as a security for payment of any penalty to which the person having had charge thereof may become liable, and for payment of any expenses which may have been necessarily incurred for taking charge of and keeping the same.

(2) The Justice before whom the complaint against such person has been heard, may order such horse, vehicle, or boat, or such other animal or thing to be sold for the purpose of satisfying such penalty and reasonable expenses in default of payment thereof in like manner as if the same had been subject to be distrained and had been distrained for the payment of such penalty and reasonable expenses.

Constable at police station may bind charges. 41 Vic. No. 12, s. 3.

40. (1) Whenever any person charged with any felony or any over persons making grave misdemeanour, is, without warrant, in the custody of any constable at any station-house during the time when the police court 17 Vic. No. 31, s. 22. of the district in which such station-house is situated is shut, the constable in charge of the station-house may require the person making such charge to enter into a recognizance conditioned as hereinafter mentioned, and upon his refusal so to do, such constable may, if he deem it prudent, discharge from custody the person so charged upon his recognizance with or without sureties conditioned as hereinafter mentioned.

Condition of

recognizance. 17 Vie. No. 31, s. 23. 41 Vic. No. 12, s. 3.

(2) Every recognizance so taken shall be conditioned for the appearance of the person thereby bound before a Justice at the next sitting at the police court of the district in which such station-house is situated.

(3) Every such recognizance so taken shall be without fee or reward.

(4) The constable shall enter in a book, to be kept for that purpose at every such station-house, the name, residence, and occupation of the person, and his surety or sureties (if any) entering into such recognizance, together with the condition thereof and the sum thereby acknowledged, and shall return every such recognizance to the Justice present at the time and place when and where such person is bound to appear.

Common informers compounding information. 19 Vic. No. 24, s. 6.

41. Whosoever lodges any information before any Justice for any offence alleged to have been committed by which he was not personally aggrieved, and afterwards, directly or indirectly receives, without the permission of a Justice, any sum of money or other reward for compounding, delaying, or withdrawing the information, may be brought before any Justice, by warrant or summons, and charged with the offence of such compounding, delay, or withdrawal, and, on conviction, shall be liable to a penalty not exceeding ten pounds.

PART

PART III.

Offences in Sydney and in certain towns only.

42. (1) The provisions contained in this Part shall, unless the Application of this context or subject matter otherwise indicates or requires, apply and be Part. in force in the city of Sydney, the towns mentioned in the Third Schedule, and all other towns to which the provisions of this Act are extended as hereinafter provided.

(2) The provisions of this Part shall be read with and Certain Acts with subject to the provisions of the Sydney Corporation Act of 1879, and which this Part is to any Act amending the same, and of section two hundred and thirtyfour of the Municipalities Act, 1897, and of sections twenty-four, twenty-five, and twenty-six of the Public Roads Act, 1897.

(3) In any of the said towns which are not municipalities 11 Vic. No. 44. within the meaning of the Municipalities Act, 1897, and in any part of any of the said towns which is not included in any such municipality, any Justice may, if there is no Police Magistrate having jurisdiction therein, exercise all the powers and authorities of a Police Magistrate under this Part.

43. The Governor may, by proclamation in the Gazette, extend Governor may extend provisions of this Act to other town specified in such proclamation. the provisions of this Act to any town specified in such proclamation. 2 Vic. No. 2, s. 64.

Limits of the city,

44. For the purposes of this Act—

- (1) the limits of the said city, and of Sydney Cove, and of &c., and of the towns Darling Harbour, shall be those set out in the Second Schedule; to which this Part the limits of the towns mentioned in the Third Schedule 4 Wm. IV No.7, s. 43. shall be such as have been set out and marked, and described 2 Vic. No. 2, e. 43. by publication in the Gazette under the provisions of any 17 Vic. No. 25, s. 1. Act hereby repealed, or shall hereafter be set out and marked by the Surveyor-General or some person deputed by him, subject to the approval of the Governor and described by publication in the Gazette.
- (2) the limits of any town to which the provisions of this Act Limits of towns to are extended shall be such as are set out and marked, and which this Part is hereafter extended. described by publication in the Gazette in the manner hereinafter provided;
- (3) the carriage and foot ways in the streets and public places Carriage and foot within the said city and the towns mentioned in the Third ways of city and towns to which this Schedule shall be such as have been set out and marked under Part applies. the provisions of any Act hereby repealed, or any Act relating 4 Wm. IV No.7, s. 49. 2 Vic. No. 2, s. 45. to the setting out and marking of such carriage or foot ways; 19 Vic. No. 10.
- (4) the carriage and foot ways of the streets and public places Carriage and foot within any town to which the provisions of this Act are ways of towns to extended shall be such as are set out and marked in the extended. manner hereinafter provided.

How limits of towns to be set out. &c. 2 Vic. No. 2, s. 43.

Entering to erect cr maintain marks no trespass.

2 Vic. No. 2, s. 43.

Destroying, &c., marks.

4 Wm. IV No.7, s. 46. 2 Vic. No. 2, s. 43.

How carriage and foot ways of towns to which this Part is extended are to be set out and marked. 2 Vic. No. 2, 88. 45, 46, 47.

Procedure where streets already set out and allotments sold in conformity with design of town. 19 Vic. No. 10, s. 1.

45. The Surveyor-General, or some person deputed by him, to which this Part shall, within three months of the publication in the Gazette of a proclamation extending the provisions of this Act to a town specified in such proclamation, set out and mark with sufficient marks the limits of such town, subject to the approval of the Governor, and shall publish in the Gazette a description of the boundaries thereof.

46. The Surveyor-General and his assistants shall not incur any liability for trespass in respect of any entry upon the property of any 4 Wm. IV No. 7, s. 46. person to erect any marks under the provisions of this Act, or to uphold or repair any such marks or any mark erected under the provisions of any Act hereby repealed to mark the limits of the said city or of any town mentioned in the Third Schedule.

47. Whosoever pulls down, destroys, defaces, or injures any mark erected to mark the limits of the said city or of any of the said towns shall be liable to a penalty of five pounds for the first offence, of ten pounds for the second offence, and of twenty pounds for the third or any subsequent offence.

48. (1) The Surveyor-General, or some person deputed by him, shall, within twelve months of the publication in the Gazette of a proclamation extending the provisions of this Act to a town specified in such proclamation, or, in case of unavoidable delay, so soon thereafter as possible, lay before the Governor a plan setting forth the proposed breadth of the carriage and foot ways of the streets and public places within such town, and a notice setting forth the breadth of such carriage-ways shall be published in the Gazette.

(2) The Surveyor-General, or person deputed by him, shall, within the time aforesaid, set out the breadth of the said carriage and foot ways, and shall cause the said foot ways to be marked by posts at the corners and intersections of the streets, or wherever the same may be necessary for defining such footways.

(3) The said footways shall be taken and measured from the curbstone, or exterior edge thereof, as laid down in the plan aforesaid, without reference being in any manner had to the breadth of the carriage-way adjoining thereto, or any part thereof, whether such carriage-way in any part exceeds the breadth of the carriage-way set forth in the notice aforesaid or not.

(4) The curbstone, or exterior edge of the said footways, shall in no case be placed or formed upon land not theretofore forming part of the street or footway, unless with the consent of the owner of the land, or under and by virtue of the Act fourth William the Fourth, number eleven, and number five, one thousand eight hundred and ninety-seven, or any Act amending the same.

(5) Provided that in any town in which the streets have been set out, and allotments sold, in conformity with the design, or any extension of the design of such town, it shall be sufficient, in lieu

lieu of the provisions hereinbefore contained, for the Surveyor-General, or some person deputed by him, or any justice or municipal officer of such town, under the authority of the Governor, to set out and mark the carriage and foot ways of the streets and public places in such towns, by placing posts at the corners and intersections of the streets, or wherever the same may be desirable, so as to give a width of forty-two feet for the carriage-way and twelve feet for the footway on each side, when such streets are sixty-six feet wide, and in proportion and at the discretion of the Surveyor-General, or other person or officer, when such streets are less than the said width.

49. All lands which have been or shall hereafter be left open All land now open to and used as a carriage or foot way within any of the said towns, as well the street or formed into a street at the as all land which has been or shall hereafter be formed into a street public expense to be within any of the said towns at the public expense, shall be deemed dedicated to the public. and taken to be dedicated to the public, and shall not be fenced in or 2 Vic. No. 2, s. 47. reserved on any pretence whatsoever, but shall be subject to all such and the like regulations, orders, powers, authorities, and provisions to which land used as a public thoroughfare now is or hereafter shall be subject by law :

Provided always that the Governor may permit and suffer the Governor may permit owner or possessor of any land adjoining to any footway within any of owner of adjoining to any footway within any of land to resume footthe said towns which has been heretofore left open and used as a way beyond twelve carriage or footway, to resume the possession of so much of the said feet. land as exceeds the distance of twelve feet from the outer curbstone Ibid. or exterior edge of the footways within the said towns as at present or hereafter to be laid down by the said Surveyor-General or any person deputed by him as to the Governor seems fit, subject, however, to and under and upon such conditions, regulations, and restrictions as shall be directed by the Governor respecting the same.

50. The Surveyor-General or any person deputed by him may, Footways as set out in the said city, and any person appointed by the Governor may, in may be levelled, &c. any of the said towns, cause any footway, set out and marked under s. 51. any Act hereby repealed or under this Act, to be levelled and made as 2 Vic. No. 2, s. 53. nearly as practicable of an equal height and breadth, and with an equal slope and inclination, and may for such purpose remove and abate any flagging, steps, or other matter or thing that may injure or obstruct the said footway, or render it unequal or inconvenient, and which is now or may hereafter be crected or placed on the space marked out for such footway.

51. (1) Any person who, after the said footways have been so Notice to be given to set out as aforesaid, desires to flag, pave, gravel, or put a curbstone to surveyor or police magistrate of intenthe footway in the front of his house shall, twenty-four hours at the tion to pave footways. least before such work is begun, give notice in writing in the said city 4 Wm. IV No.7, to the city surveyor, or in the said towns to the Police Magistrate, of ^{s. 52.} 2 Vic. No. 2, s. 54.

such

such his intention, and shall conform to the directions of the said surveyor or Police Magistrate as to the length, breadth, height, slope, and inclination of such footway.

(2) Whosoever—

commences any such work without giving the notice hereinbefore directed; or,

refuses or neglects to conform to the directions of the said surveyor or Police Magistrate,

shall be liable to a penalty not exceeding ten pounds.

(3) The said surveyor and his assistants may, in the said city, and two Justices, the Police Magistrate being one of them, may, in the said towns, remove all work so executed contrary to such directions.

52. (1) Upon receipt of the plan mentioned in section fortyeight, the Governor may, by notice in the Gazette, fix and declare the distance from the curbstone or exterior edge of the said footway in any street or public place in any such town within which it shall not be lawful to erect any building :

Provided that such distance shall in no case exceed twelve feet unless with the consent of the owner of the land.

(2) Whosoever after the publication of such notice erects any house, shop, or other building, or allows any house, shop, or building to project or encroach in any part, within the distance from the curbstone or exterior edge of the footway fixed and declared in such notice; or,

rebuilds any house, shop, or other building which is now erected within the distance to be fixed and declared as aforesaid from the curbstone or exterior edge of the said footway, in the whole or in any part, or makes any addition or alteration to the same, except in conformity with the provisions hereof,

shall be liable to a penalty of twenty pounds.

(3) If the said house, shop, or other building, or any addition or projection is not removed or abated within one month after notice to that effect has been served by the Police Magistrate on the owner or occupier thereof, or left at his usual place of abode, the person so offending as aforesaid shall be liable to a penalty of one pound for every day the same shall remain not removed or abated.

(4) In any such case two or more Justices, the Police Magistrate being one of them, may grant a warrant to cause the said house, shop, or other building, and all additions or alterations thereto, so far as the same may be contrary to the provisions hereof, to be taken down, and the materials thereof to be sold.

The charges of taking down the same shall be paid out of the proceeds of such sale, and the surplus, if any, shall be paid to the owner of such materials.

The Governor to fix distance of building line from curbstone. 2 Vic. No. 2, s. 46.

Building within such distance. *Ibid.* s. 48.

53.

53. (1) No person shall begin to erect any house, shop, or other In towns notice to be building in any street within any of the said towns without first serving Magistrate of intenon the Police Magistrate a notice in writing stating such intention and tion to build. describing the proposed situation of the building. 2 Vic. No. 2, s. 49.

(2) The said Police Magistrate shall within seven days after Police Magistrate to the receipt of such notice furnish such person with a paper signed by furnish copy of provisions of this the said Police Magistrate, specifying the provisions of this Act so far Act. as the same relate to the erection of such shop, house, or other building.

(3) If the said Police Magistrate, without reasonable cause, refuses or neglects to furnish such written paper within the said seven days, he shall be liable to a penalty of ten pounds.

(4) Whosoever begins to erect any such house, shop, or Building without other building without having first served such notice and received giving notice. such paper shall be liable to a penalty not exceeding ten pounds.

54. (1) The city surveyor or other person appointed by him may Names of streets may in the said city, and any person appointed by the Governor may in the be affixed to any said towns, mark upon the walls of any house the name of the street $_{4}$ Wm. IV No. 7, s. or place in which it is situated, or such other notice as it may be 50. conducive to the public convenience to affix, either by painting the 2 Vie. No. 2, s. 52. same upon the walls or by affixing a board thereto, upon which such notice may be painted, and may also from time to time allot a number to each house in every street or public place.

(2) The occupier of every such house shall paint or affix such number in legible characters upon the door of his house within fourteen days after written notice, from the said surveyor or person appointed by the Governor, to that effect, left at his said house.

(3) Whosoever refuses or neglects to paint or affix such number after such notice as aforesaid shall be liable to a penalty of ten shillings, and to the like penalty for every week during which such refusal or neglect continues.

55. Nothing in this Act contained shall be deemed to interfere Not to interfere with with the powers vested in any surveyor by the provisions of any other powers vested in surveyors. Act. 2 Vie. No. 2, s. 51.

56. Whosoever at any time wilfully obstructs or molests any Obstructing persons person having the control of the streets or public places, or any duty under this Act.

surveyor or any person whomsoever authorised to put in execution 4Wm. IV No.7, s. 53. this Act, in the performance of his duty, shall be liable to a penalty ² Vic. No. 2, s. 55. for the first offence of five pounds, and for the second offence of ten second offence. pounds, and for the third or any subsequent offence of twenty pounds. offence.

57. Any constable may apprehend any person whom he finds Drunk and disorderly drunk in any street or public place at any hour of the day, and take persons. him before a Justice to be dealt with according to law.

Any constable may apprehend all loose, idle, drunken or ² Vic. No. 2, s. 6. disorderly persons whom he finds between sunset and the hour of eight in the forenoon lying or loitering in any street, highway, yard, or other

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place

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place and not giving a satisfactory account of themselves, and deliver any person so apprehended into the custody of the constable in attendance at the nearest watch-house in order that such person may be secured until he can be brought before a Justice to be dealt with according to law or gives bail, in the manner hereinafter mentioned, for his appearance before a Justice, if such constable deems it prudent to take bail.

58. (1) Where any person found lying or loitering about as aforesaid, or charged with any petty misdemeanour, is brought without the warrant of a Justice into the custody of any constable during his persons brought before them for petty attendance at any watch-house within the said city or towns, in the night-time or in the daytime, if such person cannot be immediately brought before a Justice such constable may, if he shall deem it prudent, take bail by recognizance with or without sureties, without any fee or reward, from such person, conditioned that such person shall 4 Wm. IV No. 7, s. 7, appear for examination before a Justice or at the next ensuing sitting of the Court of Petty Sessions for the district in which he has been 17 Vic. No. 25, s. 3. apprehended, at a time and place to be mentioned in such recognizance.

(2) Every recognizance so taken shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof as if the same had been taken before a Justice.

(3) The constable shall enter in a book to be kept for that purpose in every watch-house the names, residence, and occupation of the party, and his surety or sureties (if any), entering into such recognizance, together with the condition thereof, and the sums respectively acknowledged, and shall lay the same before such Justice as shall be present at the time and place when and where the party is required to appear.

(4) If the party does not appear at the time and place required, or within one hour thereafter, the Justice shall cause a record of such recognizance to be drawn up and signed by the constable, and shall return the same to the next Court of Quarter Sessions, with a certificate at the back thereof, signed by such Justice, that the party has not complied with the obligation therein contained; and the Clerk of the Peace shall make the like estreats and schedules of every such recognizance as of recognizances forfeited in Quarter Sessions.

(5) If the party not appearing applies by any person on his behalf for a postponement of the hearing of the charge against him, and the Justice consents thereto, the Justice may enlarge the recognizance to such further time as he shall appoint.

(6) When the matter is heard and determined either by the dismissal of the case or by binding the party over to answer the matter thereof at the Sessions or otherwise, the recognizance for the appearance of the party before a Justice shall be discharged without fee or reward.

Constables attending at the watch-house may take bail by recognizance from misdemeanour, such recognizance to be conditioned for the appearance of the parties before a Justice.

2 Vic. No. 2, s. 7. 55 Vic. No. 5, s. 23.

In default of appearance recognizance to be forfeited.

Time of hearing may be postponed.

59. Whosoever, assaults or resists, or aids or incites any person Assault on constable. to assault or resist, any constable in the execution of his duty, shall 4 Wm. IV No. 7, s. 8. be liable to a penalty not exceeding five pounds. 17 Vic. No. 25, s. 4.

60. Whosoever not being a licensee within the meaning of the Penalty on persons Liquor Act, 1898, knowingly harbours or entertains any constable, or harbouring constable during the permits any constable to abide or remain in his house, shop, room, or hours of duty. other place during any part of the time appointed for his being on 4 Wm. IV No. 7, s. 9. duty elsewhere shall be liable to a penalty not exceeding five pounds 2 Vic. No. 2, s. 9. duty elsewhere, shall be liable to a penalty not exceeding five pounds. 17 Vic. No. 25, s. 5.

61. Whosoever trades or deals, or keeps open any shop, store, or Trading on Sunday. other place, for the purpose of trading or dealing on Sunday (the shops 4 Wm. IV No. 7, s. 10. or houses of butchers, bakers, fishmongers, and greengrocers, until the 2 Vic. No. 2, s. 10. hour of ten in the forenoon, and of bakers, between the hours of one 17 Vic. No. 25, s. 6. and two in the afternoon, and of apothecaries at any hour, only excepted), shall be liable to a penalty not exceeding three pounds:

Provided that nothing herein contained shall affect the provisions of the Act forty-seven Victoria number eight.

62. Whosoever, being the owner or occupier of any public owner of public billiard room or other public place of amusement, permits or suffers games to be played on Sunday. billiard room or other public place of antiscinent, period, shall be 4 Wm. IV No. 7, s. 11. any one to play in his house or premises any game on Sunday, shall be 4 Wm. IV No. 7, s. 11. 2 Vic. No. 2, s. 11. 17 Vic. No. 25, s. 7.

63. Any Justice may, and he is hereby required to disperse, or Justices to disperse cause to be dispersed, all persons gathering together on Sunday in public places on any public or open place within the said city or towns, or within Sunday, &c. five miles of any part of the said city for the purpose of gambling, or *Ibid*. playing at any game; and to take and seize, or cause to be taken and seized any implements, instruments, or animals used, or intended to be used therein, and to destroy or carry away the same, and all persons such persons to be actually gambling or playing as aforesaid shall be prosecuted according prosecuted. to law.

64. Whosoever damages any public building, wall, parapet, Damaging public sluice, bridge, road, street, sewer, watercourse, or other public property $\frac{1}{4}$ Wm.IV No.7, s.12. shall be liable to pay the cost of repairing the same, and if the damage $\frac{1}{2}$ Vic. No. 2, s. 12. was wilfully done, to a penalty not exceeding twenty pounds.

65. Whoseever casts any filth or rubbish into any watercourse, Obstructing watersewer, or canal, or obstructs or diverts from its channel any public ^{courses, &c.} watercourse, sewer, or canal, shall be liable to pay the cost of removing 2 Vic. No. 2, s. 13. such filth or obstruction, or of restoring such watercourse, sewer, or 17 Vic. No. 25. s. 9. canal to its proper channel, and to a penalty not exceeding five pounds.

66. Whosoever damages any public fountain, pump, cock, or Injuring public water-pipe, shall be liable to pay the cost of repairing the same, and fountains. if the damage was wilfully done shall be liable to a penalty not $\frac{4 \text{ Wm. IV No. 7, \epsilon. 14.}}{2 \text{ Vic. No. 2, s. 14.}}$ exceeding twenty pounds.

67. Whosoever has in his possession any private key for the Unlawfully purpose of opening any cock, or in any manner unlawfully appro- appropriating water. priates to his use any water from any public fountain or pipe shall priates to his use any water from any public fountain or pipe shall be liable to a penalty not exceeding twenty pounds. 68.

17 Vic. No. 25, s. 8.

Wasting water of fountain 4 Wm. IV No. 7, s. 14. 2 Vic. No. 2, s. 14. 17 Vic. No. 25, s. 10. Washing clothes at fountain. I bid. Beating carpets, flying kites, breaking horses, &c., in street or public place. 4 Wm. IV No. 7, s. 15. 2 Vic. No. 2, s. 15. Placing filth, &c., in street, riding on footpaths, &c. 4 Wm. IV No. 7, s. 15 2 Vic. No. 2, s. 15.

1 Vic. No. 25, s. 11.

Placing carriages, goods, &c., on footways, &c., and not removing same when required.

4 Wm. IV No. 7, s. 16. 2 Vic. No. 2, s. 16.

17 Vic. No. 25, s. 12.

Placing timber, bricks, &c. 68. Whosoever opens or leaves open any cock of any public fountain or pump so that the water runs or may run to waste shall be liable to a penalty not exceeding two pounds.

69. Whosoever washes any clothes at any public fountain or pump shall be liable to a penalty not exceeding one pound.

70. Whosoever in any street or public place beats or dusts any carpet, or flies any kite, or drives any vehicle for the purpose of breaking, exercising, or trying any horse, or rides any horse for the purpose of exercising, trying, showing, or exposing such horse for sale (otherwise than by passing through such streets or public places while so driving or riding) shall be liable to a penalty not exceeding two pounds.

71. Whosoever—

places, or causes or permits to be placed, any rubbish, dead animal, filth, or other matter or thing upon any street or public place; or,

slaughters, dresses, scalds, or cuts up any animal in any street or public place, or so near thereto that any blood or filth shall flow or be thereon; or,

- drives, draws, places, or causes, or permits to be driven, drawn, or placed upon any footway of any street or public place any vehicle or any wheel or barrow, or any cask; or,
- wilfully leads, drives, or rides any horse, ass, or other beast upon any such footway,
- shall be liable to a penalty not exceeding two pounds.

72. (1) Whosoever—

places, or causes or permits to be placed, any show-board, choppingblock, merchandise, cask, or goods of any kind whatsoever upon or over any street or public place; or,

hoops or cleans, or causes to be hooped or cleaned, any cask or vessel upon or over any street or public place; or,

places, or causes or permits to be placed, any vehicle or barrow upon any street or public place, except for the necessary time of harnessing or unharnessing the horse or other animal, or of loading or unloading, or of taking up or setting down any fare, or of waiting for passengers when actually hired; or,

except by lawful permission granted in pursuance of any statutory authority, places, or causes or permits to be placed, any building material, or any other matter or thing whatsoever, upon or over any street or public place; or,

hangs out or exposes, or causes or permits to be hung out or exposed, any matter or thing whatsoever from any house or premises over or next unto any part of any street or public place, or over any area of any house or premises,

and does not immediately remove the same on being required so to do by any Justice or constable, shall be liable to a penalty not exceeding two pounds. (2)

(2) Where any such thing has not been so removed as Things not so aforesaid, any Justice or constable may without any warrant seize removed may be seized. the same, together with the horse or other animal if any thereunto belonging, and the harness and gear thereof.

(3) In case any of the things so seized are perishable or Perishables how to be are articles of food, the same shall be immediately forfeited, and disposed of. the person who seizes shall deliver the same, in the said city, to the superintendent of the Benevolent Asylum for the benefit of the inmates thereof, and, in the said towns, to the storekeeper of the Benevolent Society for the benefit of those supported by the said Society: Provided that in any town where no Benevolent Society is established the Police Magistrate may dispose of any such thing or article towards any charitable purpose.

In all other cases such Justice or constable shall cause the Other seizures. thing, animal, or gear so seized to be removed to the place appointed for the reception thereof, if any such there be, or otherwise to such place or places as he deems convenient, giving verbal or written notice of such place or places to the owner, driver, or other person interested in the same, if he is then present, and the same shall be there kept and detained until such owner, driver, or other person interested as aforesaid pays the penalty inflicted, together with the charges for taking and removing such thing and of keeping such animal.

(4) Unless the thing, animal, or gear so removed is Unless things (not claimed, and the said penalty and charges paid within five days next within five days they after such removal, the said Justice may order the same to be appraised may be sold, &c. and sold, and the overplus (if any) of the money arising from such sale after deducting the said penalty and such costs, charges, and expenses attending such seizing, removing, keeping, appraising, and selling as the said Justice shall ascertain and allow shall be paid to the owner thereof.

73. Where any person has been required under the provisions No second notice of the last preceding section to remove any thing therein mentioned, 4 Wm. IV No. 7, 8, 17. and afterwards places, hangs out, or exposes, or causes or permits to 2 Vic. No. 2, s. 17. be placed, hung out, or exposed, as in the said section mentioned, the same or any other such thing, no second notice shall be necessary, but such person shall be liable to the same penalty, and the said things may be seized and dealt with as in the said section mentioned.

74. Nothing in this Act contained shall be deemed to prevent Awnings may be erected any person from placing an awning in front of his shop or house : 4 Wm. IV No. 7, s. 18.

Provided, however, that such awning is at least seven feet above ² Vic. No. 2, s. 18. the height of the footway in front of such house or shop, and that the 17 Vic. No. 25, s. 13. posts are placed close up to the curbstone or outer edge of such footway.

75. Whosoever discharges any firearm without lawful cause Discharging firearms, or lets off any firework in any street or public place shall be liable to 4 Wm. IV No. 7, s. 19. a penalty not exceeding five pounds : 2 Vic. No. 2, s. 19.

Provided 17 Vic. No. 25, s. 14.

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Proviso-saving persons engaged in military or police duties in Sydney. 43 Vic. No. 3, s. 234.

Burning shavings, &c., in the streets. 4 Wm. 1V No. 7, s. 20. 2 Vic. No. 2, s. 20. 17 Vic. No. 25, s. 15. Bathing within certain 4 Wm. IV No. 7, s. 21. 2 Vic. No. 2, s. 21. 17 Vic. No. 25, s. 16.

Indecent exposure of the person. 4 Wm. IV No. 7, s. 22. 2 Vic. No. 2, s. 22. 17 Vic. No. 25, s. 17. Keeping swine within 40 yards of street. 4 Wm. IV No. 7, s. 23. 2 Vic. No. 2, s. 23.

Suffering swine, horse, goat, &c., to wander about the streets. 4 Wm. IV No. 7, s. 24. 2 Vic. No. 2, s. 23. 17 Vic. No. 25, s. 18.

Notice to remove hogstyes and nuisances. 4 Wm. IV No. 7, s. 24. 2 Vic. No. 2, s. 24. 17 Vic. No. 25, s. 19.

Not removing, &c., nuisances after notice.

Neglecting to keep private yards, &c., clean.

Provided that the provisions of this section shall not apply to persons while engaged in any military duty or exercise, or while shooting at a mark or target for any purpose connected with the duties of the military or volunteer force or of the police force within the boundaries of the area appropriated for such purposes in the said city.

76. Whosoever burns any shavings, or other things in any street or public place shall be liable to a penalty not exceeding two pounds.

77. Whosoever bathes in any part of Sydney Cove, or in any waters exposed to view from any wharf, street, public place, or dwelling-house in or near the said city or towns between the hours of six o'clock in the morning and eight in the evening shall be liable to a penalty not exceeding one pound.

78. Whoseever offends against decency by the exposure of his person in, or in the view of, any street or public place shall be liable to a penalty not exceeding ten pounds.

79. Whosoever keeps, any kind of swine in any house, building, yard, garden, or other hereditaments situate in, or within forty yards of, any street or public place shall be liable to a penalty not exceeding two pounds.

80. Whosoever suffers any kind of swine, or any horse, ass, mule, sheep, goat, or other cattle belonging to him, or under his charge, to stray or go about or to be tethered or depastured in any street or public place shall be liable to a penalty not exceeding two pounds.

81. (1) Any two Justices upon the complaint of any inhabitant that any privy, hog-stye, or other matter or thing is a nuisance, and after due investigation of such complaint, may by notice in writing order the owner or occupier of the premises wherein such nuisance exists to remedy or remove the same within seven days after such notice has been given to such owner or occupier, or has been left for such owner or occupier at his last or usual place of abode, or on the said premises.

(2) Whosoever, being such occupier, neglects to remedy or remove such nuisance pursuant to such notice and to the satisfaction of such Justices shall be liable to a penalty of ten pounds.

(3) Such Justices may indict or cause any person so disobeying any such notice to be indicted for such nuisance at the next Court of Quarter Sessions to be held nearest to such premises, and such person being found guilty thereof shall be liable to such punishment for the misdemeanour as the said Court of Quarter Sessions may direct, and such nuisance shall be removed, taken down, and abated according to law with regard to public or common nuisances.

82. Whoseever, being the owner or occupier of any house or place, neglects to keep clean all private avenues, passages, yards, and 4Wm. IV, No. 7, s. 25, ways within the said premises so as by such neglect to cause a nuisance 2 Vic. No. 2, s. 25. by offensive smell or otherwise, shall be liable to a penalty not 17 Vic. No. 25, s. 20. exceeding two pounds. 83.

83. (1) Any Justice or any constable authorised and deputed Inspection and by any writing under the hand of any Justice may, as often as he sees butchers' shambles occasion, inspect the butchers' shambles and slaughter-houses, and give and slaughter-houses such directions concerning the cleansing thereof, both within and $\frac{4}{2}$ Wm. IV No.7, s. 26. without, as to him seems needful. 17 Vic. No. 25, s. 21.

(2) Whosoever being a butcher or the owner or occupier of Obstructing inspecting justice or any such shamble or slaughter-house constable.

obstructs or molests any such Justice or constable in the inspection thereof; or,

refuses or neglects to comply with such directions within a reasonable Not complying with directions to cleanse. time,

shall, upon the view of any such Justice, or on conviction on the complaint of any such constable, be liable to a penalty not exceeding two pounds.

84. (1) Whosoever hauls or draws, or causes to be hauled or Drawing or trailing drawn upon any part of any street or public place, any timber, stone, timber, &c. or other thing otherwise than upon wheeled carriages, or suffers any 2 Vic. No. 2, s. 27. timber, stone, or other thing carried principally or in part upon 17 Vic. No. 25, s. 22. wheeled carriages, to drag or trail upon any part of such street or public place to the injury thereof, or to hang over any part of any such carriage so as to occupy or obstruct the street beyond the breadth of the said carriage, shall be liable to a penalty not exceeding two pounds over and above the damages occasioned thereby.

85. Whosoever being the owner or occupier of any house, Owner or occupier building, or premises within the said towns having any entrance, area, not enclosing open spaces and steps garden, or other open space adjoining the footway of any street or adjoining the footpublic place beneath the level of the curbstone or exterior edge of ways in said towns. such footway, or any steps adjoining the footway of any such street ² Vic. No. 2, s. 50. or public place, fails to protect and guard the same by sufficient rails or other enclosures so as to prevent danger to persons passing, shall be liable to a penalty not exceeding five pounds.

86. Whosoever, being the owner or occupier of any house, Not securing building, or premises having any rails or bars over the areas or covering, &c., openings to any kitchen, cellar, or other part of the said house, coal-holes, &c. building, or premises beneath the surface of the footway of any street 4 Wm. IV No. 7, s. or public place or any doorway or entrance into the basement or 2 Vic. No. 2, s. 28. cellar story thereof,

does not either keep the same or the rails of such kitchens, cellars, or other part in sufficient repair, and securely guard and constantly keep the same securely guarded by rails, or cover the same over with a strong flap or trap-door according to the nature of the case, and so as to prevent danger to any persons passing; or,

leaves open or does not sufficiently and substantially cover and keep covered and secured any coal-hole or other hole, funnel, trap-door,

or

17 Vic. No. 25, s. 23.

or cellar-flap belonging to or connected with his house, building, or premises (save and except only during such reasonable time as may be necessary for use, alteration, or repair); or,

does not repair and from time to time keep in good and substantial repair such rails, flaps, trap-doors, and other covering,

shall be liable to a penalty not exceeding five pounds.

87. Whosoever makes any cellar or any opening, door, or window in or beneath the surface of the footway of any street or public place, shall be liable to a penalty not exceeding five pounds 4Wm IV No.7, s 29. over and above the expense of remedying or removing such cellar, 17 Vic. No. 25, s. 24, opening, door, or window, such expense to be assessed and allowed by the Justice who hears the case.

88. Whosoever-

makes or causes to be made, or leaves or causes to be left, any hole in or adjoining to any street or public place for any purpose whatsoever, and does not forthwith enclose the same in a sufficient manner in the said city to the satisfaction of the city surveyor, and in the said towns to the satisfaction of the Police Magistrate; or,

keeps up or causes to be kept up any such enclosure for any time longer than is absolutely necessary in the opinion, in the said city, of the city surveyor, or, in the said towns, of the Police Magistrate; or,

does not when thereunto required in the said city by the city surveyor, or in the said towns by the Police Magistrate, sufficiently fence or enclose any such hole within twenty-four hours after he has been required to do so, in the manner and with such materials as the said surveyor or Police Magistrate directs, and to his satisfaction; or,

does not place a sufficient light upon the said enclosure; or,

does not keep such light constantly burning from sunset to sunrise during the continuance of such enclosure,

shall be liable to a penalty not exceeding five pounds.

89. Whosoever being the owner or occupier of any building fails to provide such building with gutters or other means to prevent rain from dropping from the eaves thereof upon any part of the footways of any street or public place shall be liable to a penalty of five shillings, and to a like penalty for every day that such default continues.

90. Whosoever—

drives or causes to be driven any vehicle with any night-soil or ammoniacal liquor therein through or in any street or public place between the hours of five o'clock in the morning and ten o'clock at night; or,

Making cellars (r openings beneath the surface of footways. 2 Vie. No. 2, s. 29.

Not fencing holes in street. 4 Wm. IV No. 7, s. 31. 2 Vic. No. 2, s. 31. 17 Vic. No. 25, s. 26.

Allowing rain to drop from eaves of houses on footways. 4 Wm. IV No. 7, 8. 32. 2 Vic. No. 2, s. 32.

Driving carts with night-soil through streets, &c.

4 Wm. IV No. 7, s. 33.

2 Vic. No. 2, s. 33. 17 Vic. No. 25, s. 27.

fills

fills any vehicle so as to turn over or cast any night-soil, ammoniacal liquor, slop, mire, or channel dirt, or filth, in or upon, or near to, any street or public place, shall be liable to a penalty not exceeding five pounds. 91. Whosoever— Removing night-soil empties or begins to empty any privy, or take away night-soil from creasing same in tr et &c. any house or premises within any street or public place, or comes 4 Wm. IV No. 7, with any vehicle for that purpose, except between the hours of s. 34. ten at night and five in the morning; or, 2 Vic. No. 2, s. 31. casts out of any cart or tub, or otherwise, any night-soil in or near 17 Vic. No. 25, s. 28. any street or public place, shall be liable to imprisonment for a term not exceeding one month. 92. Whosoever-Lidbility of owner or is the owner of any vehicle in which any night-soil or other matter against sec. 90. is placed by any person contrary to the provisions of section 4Wm IV No. 7, s. 33. ninety; or, 2 Vic. No. 2, s. 33. 17 Vie. No. 25, s. 27. is the employer of any person so offending, shall if such person cannot be apprehended be liable to a penalty not exceeding five pounds. 93. Whosoever-Liability of owner or is the owner of any vehicle or animal employed in and about employer for offence emptying and removing night-soil contrary to the provisions of 4 Wm. IV No. 7, 8. 34. section ninety-one, or coming for that purpose (save and except ² Vie. No. 2, s. 34. 17 Vic. No. 25, s. 28. within the hours in the said section mentioned); or, is the employer of any person who casts out any night-soil contrary to the provisions of the said section, shall be liable to a penalty not exceeding five pounds. 94. (1) Whosoever wantonly or maliciously breaks or injures Injuring or any lamp or lamp-post, or extinguishes any lamp set up for public extinguishing lamp. or private convenience, shall be liable over and above the necessary 4 Wm. IV No. 7, s. expense of repairing the injury committed, to be estimated by the 2 Vie. No. 2, s. 35. Justice before whom such offender is brought, to a penalty not 17 Vic No. 25, s. 29. exceeding five pounds. 95. (1) Whosoever— Throwing dead throws or causes to be thrown any dead animal into any part of animals into Sydney. Cove or Darling Sydney Cove or Darling Harbour, or into any street or public Harbour, or rivers, place, or into any river, creek, or other stream which flows by or &c, in towns. 4 Wm. IV No. 7, s. through any such street or public place; or, leaves or causes to be left any dead animal upon the shores of 2 Vic. No. 2, s 36. 37.

Sydney Cove or Darling Harbour, or of any such river, creek,

or other stream as aforesaid, shall be liable to a penalty not exceeding one pound.

96. (1) Any person who desires to blast any rock within the Notice to be given limits of the said city or towns, shall give notice in writing twenty- of intention to blast rock.

four hours previously, in the said city to the city surveyor, or in 4 Wm. IV No. 7, s. 38. the

2 Vic. No. 2, s. 37. 17 Vic. No, 25, s. 30.

the said towns to the Police Magistrate, who shall give directions in writing as to the time when the same may take place, and as to such other matters as he deems necessary for the public safety.

(2) Whosoever—

blasts or causes to be blasted any rock within the limits aforesaid without giving such notice and obtaining such directions; or,

does not conform to the directions given to him as aforesaid,

shall be liable to a penalty not exceeding twenty pounds.

(3) The proof of such notice and directions as aforesaid shall be on the person charged.

97. Whosoever—

wantonly breaks up or otherwise damages any part of any street or public place; or,

without statutory authority or the leave first had and obtained in the said city of the city surveyor, or in the said towns of the Police Magistrate, forms, digs, or opens any drain or sewer in any street or public place; or,

without such authority or leave as aforesaid, removes or causes to be removed, any soil, stone, or other material from any part of any street or public place,

shall be liable to a penalty not exceeding five pounds.

98. (1) Whosoever-

in any manner wilfully prevents any person from passing him or any vehicle under his care upon any street or public place; or,

rides upon the shafts of any vehicle whatsoever in any street or public place,

shall be liable to a penalty not exceeding two pounds.

99. Whosoever rides or drives through any street or public 4Wm. IV No. 7, s. 41. place so negligently or furiously as to endanger the safety of any person, or of the public, shall be liable to a penalty not exceeding

100. Whosoever—

pastes or otherwise affixes any placard or other paper upon any wall or building; or,

defaces any such wall or building by chalk or paint or in any other manner,

17 Vic. No. 25, s. 34. shall on conviction, upon the complaint of the owner or occupier of any such wall or building, be liable to a penalty not exceeding one pound.

Wantonly damaging street, or removing turf, gravel, &c., without permission. 4 Wm. IV No. 7, s. 39. 2 Vic. No. 2, s. 38. 17 Vic. No. 25, s. 31.

Blasting without

giving notice, &c.

Preventing persons passing. 4 Wm. IV No. 7, s. 40. 2 Vic. No. 2, s. 39. 17 Vic. No. 25, s. 32. Riding on shafts. Ibid.

Riding or driving to 2 Vic. No. 2, s. 40. 17 Vic. No. 25, s. 33. ten pounds.

Affixing placards on or defacing walls. 4 Wm. IV No. 7, s.

43. 2 Vic. No. 2, s. 41.

2 Vic. No. 3.

PART

PART IV.

Special constables.

101. (1) In all cases where it appears to a Police Magistrate, or Police Magistrate any two Justices, that any tumult, riot, or felony has taken place, or may appoint special be reasonably apprehended in any city, town, or place, and he or they constables. are of opinion that the ordinary constables or officers appointed for 19 Vic. No. 24, s. 12. preserving the peace are not sufficient for the preservation of the peace, and for the protection of the inhabitants and the security of their property, or for the apprehension of offenders, any Police Magistrate, or any two Justices, may nominate and appoint by precept in writing under his or their hands, so many as he or they think fit of the householders, or other persons (not legally exempt from serving the office of constable) residing in or near to such city, town, or place, to act as special constables for such time and in such manner as to the said Police Magistrate or Justices seems fit and necessary for the public peace, and for the protection of the inhabitants and the security of the property in or near such city, town, or place.

(2) The Police Magistrate or Justices who appoint any special constables by virtue of this Act are hereby authorised to administer to every person so appointed the following oath, that is to say :—

I, A.B., do swear that I will well and truly serve our Sovereign Form of oath to be Lord the King in the office of special constable for the taken by special [city, town, or place, as the case may be] without favour or affection, malice, or ill-will, and that I will to the best of my power cause the peace to be kept and preserved, and prevent all offences against the persons and properties of His Majesty's subjects, and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law— So help me God.

(3) Whenever it is deemed necessary to nominate and appoint such special constables as aforesaid, notice thereof shall be forthwith transmitted by the said Police Magistrate or Justices to the Colonial Secretary.

102. The Police Magistrate or Justices who have appointed any Police Magistrates or special constables under this Act when such special constables have Justices may make been called out shall have power to make such orders and regulations ing special constables, as may from time to time be necessary and expedient for rendering and may remove such special constables more efficient for the preservation of the public 19 Vic. No. 24, s. 13. peace, and shall also have power to remove any such special constable from his office for any misconduct or neglect of duty therein.

103. Every special constable appointed under this Act shall Power of special have, exercise, and enjoy all such powers, authorities, advantages, and constables. *Ibid. s. 14. immunities,*

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immunities, and be liable to all such duties and responsibilities as any constable duly appointed now has by virtue of the Common Law, or of any Act or Imperial Act.

104. Whosoever, being appointed a special constable as aforesaid, refuses to take the oath hereinbefore mentioned when thereunto 19 Vic. No. 24, s. 15. required by the Police Magistrate or Justices appointing him, shall be liable to a penalty not exceeding twenty pounds.

105. Whosoever—

being appointed a special constable as aforesaid neglects to appear at the time and place for which he is summoned for the purpose of taking the said oath; or,

having been appointed and sworn as a special constable as aforesaid, and being called upon to serve, neglects or refuses to serve as such special constable or to obey such lawful orders and directions as may be given to him by the Police Magistrate, or any Justice, or any chief constable, or inspector of police, or other officer under whose orders he may be placed for the performances of the duties of his office,

shall, unless he proves to the satisfaction of the Justice that he was prevented by sickness or some other unavoidable cause such as shall in the judgment of the said Justice be a sufficient excuse, be liable to a penalty not exceeding ten pounds.

106. The Police Magistrate or Justices who have appointed any special constables under this Act for any city, town, or place, may, if such special constables have been called out, suspend or determine the services of all such special constables or of so many as to the said Police Magistrate or Justices sitting in petty sessions in such city, town, or place shall seem meet.

Notice of such suspension or determination of the services of all or any of the said special constables shall be transmitted forthwith by the said Police Magistrate or such Justices to the Colonial Secretary.

107. Every special constable shall forthwith after the expiration of his office or after he ceases to hold and exercise the same pursuant to this Act deliver over to his successor, if any such has been appointed, or to such person and at such time and place as may be directed by the Police Magistrate or such Justices all arms, staves, weapons, and other articles which have been provided for such special constable under this Act.

Any such special constable who omits or refuses so to do shall be liable to a penalty not exceeding ten pounds.

108. Whoseever assaults or resists any special constable whilst in the execution of his office, or promotes, incites, or encourages any other person so to do shall be liable to a penalty not exceeding ten pounds or to imprisonment for any term not exceeding six months with or without hard labour.

Penalty for refusing to take the oath of office.

Penalty for refusing to serve or for disobeying orders. Ibid. s. 15.

Police Magistrates and Justices may discontinue the services of special constables called out. 1 bid. s. 16.

Special constables to deliver arms, staves, &c., to successors. Ibid. s. 17.

Assaulting or resisting special constables. 1 bid. s. 18.

PART

PART V.

Procedure.

109. All complaints of offences against this Act shall be heard Complaints of offences and determined in a summary manner before a Justice. summarily.

110. (1) The Justice before granting a summons in respect of ⁴⁴Wm. IV No. 7, ss. 67, 69. any offence under this Act may require that an information or ¹⁹Vic. No. 25, s. 35. complaint in writing he had Justice may require complaint in writing be laid.

information to be (2) A memorandum in writing in the form or to the effect laid in writing. set forth in the Fourth Schedule shall be kept of the substance of 19 Vic. No. 24, s. 23. every charge for which a summons is issued.

111. If any person charged with an offence under this Act is Person convicted shall be ordered to pay costs. convicted the Justice shall order him to pay the costs of the proceed- 4 WM. IV No. 7, s. 67. 2 Vic. No. 2, s. 58. 19 Vic. No. 24, s. 23. ings, which costs shall be assessed by such Justice.

112. No person shall be convicted of any offence against this No conviction unless Act after the expiration after the commission of such offence of the after commission of time following, that is to say :offence. 4 Wm. IV No. 7.

Where the offence is under Parts II and IV-after six months :

Where the offence is under Part III-after one month.

Where the offence is under Part 111—after one month. 113. The whole amount of all penalties recovered under sections six and seven shall be paid into the Consolidated Revenue. 114. (1) All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be person acting under this Act. 4 Wm. IV No. 7, s. 74. 2 Vic. No. 24, s. 22 Appropriation of penalties recovered under sections 30 Vic. No. 24, s. 22 Proceedings against proceedings against 4 Wm. IV No. 7, s. 74. 2 Vic. No. 2, s. 66.

(2) Notice in writing of any such action and of the cause ¹⁷ vic. No. 25, s. 37. thereof shall be given to the defendant one month at least before the Notice of action. commencement of the action.

(3) In any such action the defendant may plead the Defendant may general issue and give this Act and the special matter in evidence. plead the general issue

(4) No plaintiff shall recover in any such action if tender Tender of amends. of sufficient amends has been made before action, or if after action a sufficient sum of money, together with the costs incurred up to that time, has been paid into Court on behalf of the defendant.

(5) In any such action if a verdict is given for the costs. defendant, or the plaintiff becomes non-suited or discontinues after issue joined, or if upon demurrer or otherwise judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant has by law in other cases, and if a verdict is given for the plaintiff he shall not have costs against the defendant unless the Judge before whom the trial is held certifies his approbation of the action and of the verdict obtained thereupon.

SCHEDULES.

19 Vic. No. 24, s. 23.

s. 67.

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SCHEDULES.

FIRST SCHEDULE.

Repeal of Acts.

Reference to Act.	Title or short title.	Extent of repeal.
2 Wm. IV No. 12	An Act for repealing so much of [the Act 6 Geo. IV No. 20] as relates to the levying of tolls in New South Wales, and for raising a fund for making, repairing, and upholding public roads, bridges, and ferries, and for regulating the collection of tolls thereon.	Sec. 24 from the words "or if any person or persons shall make any fire" down to and in- cluding the words"any carriage under his, her, or their care upon any such road." Secs. 25, 26, 28, and 29.
4 Wm. IV. No. 7	An Act for regulating the police in the town and port of Sydney, and for removing and preventing nuisances and obstructions therein.	All hitherto unrepealed, except sec. 35.
2 Vic. No. 2	An Act for regulating the police in the towns of Parramatta, Windsor, Maitland, Bathurst, and other towns respectively, and for removing and preventing nuisances and obstructions, and for the better alignment of streets therein.	All hitherto unrepealed.
2 Vie. No. 3	An Act to alter and amend an Act intituled an Act for regulating the police in the town and port of Sydney, and for removing and preventing nuisances and obstructions therein.	The whole.
5 Vic. No. 6	pleasure, or profit on Sunday.	The whole.
11 Vie. No. 44	An Act to amend the Act for regulating the police in the towns of Parramatta, Windsor, Maitland, Bathurst, and other towns respectively, and for removing and preventing nuisances and obstructions, and for the better alignment of streets therein.	The whole.
17 Vic. No. 25	An Act to extend to the Sydney hamlets certain of the provisions of the Sydney Police Act.	All hitherto unrepealed.
17 Vic. No. 31	An Ast to make further ralice name	All hitherto unrepealed.
18 Vic. No. 27	A A I Compared in a selected lands	Sec. 5.
19 Vic. No. 10	An Act to amend the Country Towns Police Act as respects the alignment of streets.	The whole.

Sce s. 2.

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FIRST

FIRST SCHEDULE—continued.					
Reference to Act.		Title or short title.	Extent of repeal.		
19 Vic. No. 24		An Act to make further police regula- tions for the city, port, and hamlets of Sydney and other towns and places in the Colony of New South Wales.	All hitherto unrepealed, except sec. 7.		
30 Vic. No. 5 32 Vic. No. 7		The Drunkards' Punishment Act of 1866 Police Regulation Extension Act	The whole.		
36 Vic. No. 18		The Angora Goats Protection Act of 1873.	So much of sec. 1 as relates to section 5 of 18 Vic. No. 27.		
41 Vic. No. 12		Metropolitan Police Act Extension Act of 1878.	The whole.		
43 Vic. No. 3		The Sydney Corporation Act of 1879	Sec. 68, 234.		
55 Vic. No. 5		Criminal Law and Evidence Amendment Act of 1891.	Sec. 23.		
No. 71, 1900		The Justices Acts Amendment Act of 1900.	Sec. 8.		

SECOND SCHEDULE.

Sec 8. 44.

Description of the City of Sydney, and of Sydney Cove and of Darling Harbour.

CITY OF SYDNEY.

Commencing in the centre of Parramatta-street, at its junction with Bay-street; thence on the west by a straight line along the centre of Bay-street and its prolongation to the eastern shore of Blackwattle Cove; thence again on the west, and on the northwest, north-north-east, and east, by the waters of Port Jackson to the centre of the bridge at the foot of William-street East; thence on the east by the stream entering Rushcutter's Bay to a culvert on the South Head Old Road, at the north-west corner of Sydney Common ; thence again on the east by the centre of Dowling-street to a point where it intersects the southern boundary of the Borough of Paddington ; thence on the north by that boundary to its intersection with the centre of Regent-street; thence by the centre of Leinster-street to the centre of Gordon-street; thence by the centre of that street to the north side of Park Road ; thence by the north side of that road to the south-eastern angle of St. Matthias's Church land ; thence by the south-eastern and eastern boundaries of that land to the southern alignment of the South Head Old Road; thence by the southern alignment of that road easterly to its intersection with the line laid down, marked out by stone posts, and deemed to be the dividing-line between the Sydney Common and the Water Reserve; thence again on the east by the said dividing-line to its intersection with the southern boundary of the Sydney Common; thence by that boundary to the south-west angle of the said Common ; thence in a northerly direction by the western boundary of the said Common to its intersection with the centre of Cleveland-street; thence by the centre of that street and a prolongation thereof to a landmark on the road to Cook's River; thence on the west by the eastern side of that road to the north-eastern angle of the University Reserve; thence by a straight line from that angle to the point of commencement, in the centre of Parramatta-street, opposite the centre of Bay-street.

SYDNEY COVE.

The waters included within a line extending from the north-west bastion of Fort Macquarie to Dawes Point, and all the shores to the southward of this line.

DARLING HARBOUR.

The waters included within a line extending from Dawes Point to Simmons Point, and all the shores to the southward of this line.

THIRD

THIRD SCHEDULE.

Sce 18. 42, 44, 46.

LIST of Towns in which Part III is in force.

	Date of Pro	clamation-	Datas of Concernment Constitute containing
Name of Town.	Bringing Town under the Act.	Defining limits of Town.	Dates of Government Gazette containing Proclamations.
Aberdeen	6 July, 1894	6 July, 1894	10 July, 1894.
Adamstown	17 Feb., 1888	17 Feb., 1888	S.G.G., 17 February, 1888.
Adelong	14 Oct., 1863	13 Jan., 1892	16 October, 1863, and 15 January, 1892.
Albion Park	3 Feb., 1899	3 Feb., 1899	7 February, 1899.
Albury	26 May, 1851	4 Feb., 1871	27 May, 1851, and 10 February, 1871.
Alectown	25 Feb., 1895	25 Feb., 1895	5 March, 1895.
Alexandria		18 Feb., 1884	19 February, 1884.
Alma	12 Mar., 1889	12 Mar., 1889	15 March, 1889.
Appin	29 July, 1886	29 July, 1886	30 July, 1886.
Armidale	16 Nov., 1852	31 Mar., 1879	19 November, 1852, and 31 March, 1879.
Arthur	5 Aug., 1872	23 Mar., 1891	6 August, 1872, and S.G.G., 24 March, 1891.
Ashfield	14 June, 1880	14 June, 1880	15 June, 1880.
Auburn	5 Aug., 1892	5 Aug., 1892	9 August, 1892.
Back Creek (Barrington River).	5 May, 1879	5 May, 1879	6 May, 1879.
Ballina	14 Oct., 1863	23 June, 1869	16 October, 1863, and 29 June, 1869.
Balmain	30 Aug., 1850	14 June, 1865	26 July, 1861, and 16 June, 1865.
Balranald		12 Feb., 1870	16 October, 1863, and 15 February, 1870.
Barmedman		13 May, 1896	15 May, 1896.
Barraba	12 Jan., 1877	12 Jan., 1877	16 January, 1877.
Barringun	2 Mar., 1866	2 Mar., 1886	5 March, 1886.
Bateman's Bay	27 May, 1884	27 May, 1884	30 May, 1884.
Bathurst	Named in Act.	24 Dec., 1838	2 January, 1839.
Bega	14 Oct., 1863	30 June, 1869	16 October, 1863, and 2 July, 1869, and
		26 June, 1901	28 June, 1901.
Bendemeer	14 Oct., 1863	30 June, 1869	16 October, 1863, and 2 July, 1869.
Berrigan	16 April, 1895	16 April, 1895	17 April, 1895.
Berrima	14 Oct., 1863	9 July, 1870	16 October, 1863, and 12 July, 1870.
Berry	15 Mar., 1898	15 Mar., 1898	22 March, 1898. 23 July, 1901.
Bexley	23 July, 1901	23 July, 1901	16 October, 1863, and 31 May, 1870.
Binalong	14 Oct., 1863	28 May, 1870	4 May, 1877, and 12 June, 1894.
Bingera	1 May, 1877	11 June, 1894	S.G.G., 3 September, 1895.
Blackheath		29 Aug., 1895 4 Feb., 1870	8 February, 1870.
Blayney		21 Jan., 1899	27 January, 1899.
Boggabilla	10 Jan., 1877	10 Jan., 1877	12 January, 1877.
Boggabri	7 Sept., 1883	7 Sept., 1883	11 September, 1883.
Bokhara	15 Mar., 1898	15 Mar., 1898	22 March, 1898.
Bomaderry Bombala	14 Oct., 1863	2 July, 1892	16 October, 1863, and 5 July, 1892.
Booligal	5 June, 1897	5 June, 1897	8 June, 1897.
Boorowa	17 July, 1861	7 Sept., 1869	19 July, 1861, and 10 September, 1869.
Botany	21 Feb., 1885	21 Feb., 1885	24 February, 1885.
Botany, West	13 April, 1880	13 April, 1880	13 April, 1880.
Bourke	18 July, 1864	14 Oct., 1893	19 July, 1864, and 17 October, 1893.
Bowning	18 Sept., 1895	18 Sept., 1895	20 September, 1895.
Bowral	5 Nov., 1883	24 Sept., 1891	6 November, 1883, and 25 September, 1891.
Braidwood		27 Sept., 1852	1 Oetober, 1852.
Branxton	4 June, 1877	3 Sept., 1889	5 June, 1877, and 6 September, 1889.
Brewarrina	24 Nov., 1877	24 Nov., 1877	27 November, 1877.
Broken Hill	8 June, 1889	8 June, 1889	11 June, 1889.
Bulli	14 Oct., 1882	14 Oct., 1882	17 October, 1882.
Bulli South	14 Oct., 1882	14 Oct., 1882	17 October, 1882.
Bundarra	28 Sept., 1868	28 Sept., 1868	29 September, 1868.
Bungendore	24 Oct., 1872	24 Oct., 1872	25 October, 1872.
Bungonia	14 Oct., 1863	24 Mar., 1900	16 October, 1863, and 27 March, 1900.

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	Date of Pro	clamation—	and the second
Name of Town.	Bringing Town under the Act.	Defining limits of Town.	Dates of Government Gazette containing Proclamations.
Burwood	17 May, 1880	17 May, 1880	18 May, 1880.
Byerock	25 Feb., 1886	25 Feb., 1886	S.G.G., 27 February, 1886.
Byron Bay	18 Dec., 1900	18 Dec., 1900	21 December, 1900.
	a sheet of a start of	- 0 1 1000	
Camden Camden Haven	14 Oct., 1863 22 June, 1901	7 Sept., 1869 22 June, 1901	16 October, 1863, and 10 September, 1869 24 June, 1901.
Campbelltown		30 Aug., 1887	5 August, 1840, and 2 September, 1887.
Camperdown		5 Sept., 1868	16 October, 1863, and 8 September, 1868.
Candelo	18 Sept., 1889	18 Sept., 1889	20 September, 1889.
Canterbury	29 Oct., 1880	29 Oct., 1880	2 November, 1880.
Carcoar and West Car-	1 Sept., 1851	12 Sept., 1870	12 September, 1854, and 13 September, 1870
coar.	10 1 1000	10 T 1000	10.7 1002
Cargellico	13 June, 1852	13 June, 1882	13 June, 1882.
Cargo	28 Dec., 1887	28 Dec., 1887	29 December, 1887.
Carroll Casino	17 May, 1895 14 Oct., 1863	17 May, 1895 23 June, 1869	21 May, 1895. 16 October, 1863, and 29 June, 1869.
Cassilis		23 June, 1869 23 June, 1869	16 October, 1863, and 29 June, 1869.
Catherine Hill Bay	6 Mar., 1896	6 Mar., 1896	10 March, 1896.
Clarence Town		13 July, 1869	28 December, 1855, and 16 July, 1869
Cobar	5 Aug., 1881	5 Aug., 1881	9 August, 1881.
Cobargo	26 Feb., 1883	15 June, 1899	2 March, 1883, and 21 June, 1899.
Collarendabri	29 July, 1896	29 July, 1896	31 July, 1896.
Concord		13 May, 1884	16 May, 1884.
Condoublin		25 Sept., 1877	28 September, 1877.
Cook		23 June, 1869	29 June, 1869.
Coolah Coolamon		3 May, 1901 12 Oct., 1900	7 May, 1901. 13 October, 1900.
Cooma	12 Oct., 1900 14 Mar., 1855	12 Oct., 1900 16 Feb , 1891	16 March, 1855, and 20 February, 1891.
Coonabarrabran	14 Oct., 1863	2 Mar., 1875	16 October, 1863, and 5 March, 1875.
Coonamble	20 Oct., 1865	20 Oct., 1865	24 October, 1865.
Coopernook		23 June, 1901	24 June, 1901.
Cootamundra		21 Oct., 1880	22 October, 1880.
Coraki	23 Dec., 1890	23 Dec., 1890	S.G.G. 23 December, 1890.
Corowa	13 Jan., 1887	13 Jan., 1887	18 January, 1887.
Cowra	14 Dec., 1863	8 July, 1890	18 December, 1863, and 11 July, 180.
Croki		22 June, 1901	24 June, 1901.
Crookwell	25 Aug., 1882	25 Aug., 1882 28 Dec., 1887	25 August, 1882. 29 December, 1887.
Cudal Cundletown	28 Dec., 1887 13 April, 1893	28 Dec., 1887 13 April, 1893	14 July, 1893.
Currathool, West		28 May, 1894	29 May, 1894.
	,	,	
Darlington	27 Mar., 1867	30 May, 1900	2 April, 1867, and 31 May, 1900.
Deniliquin	23 Feb., 1857	19 April, 1864	24 February, 1857, and 22 April, 1864.
Denman		10 May, 1880	14 May, 1880.
Dubbo		18 April, 1891	31 May, 1861, and 21 April, 1891.
Dundas		31 Oct., 1889 9 Jan., 1891	S.G.G., 2 November, 1889. 25 October, 1853, and 13 January, 1891.
Dungog	. 19 Oct., 1853	9 Jan., 1891	20 October, 1000, and 15 Sandary, 1891.
East Orange	2 Oct., 1888	2 Oct., 1888	5 October, 1888.
East Maitland		29 June, 1891	30 June, 1891.
Eden		11 April, 1889	31 August, 1860, and 11 April, 1889.
Emmaville	18 Aug., 1886	18 Aug., 1886	24 August, 1886.
Emu	31 July, 1899	31 July, 1899	2 August, 1899.
Enfield		14 July, 1890	15 July, 1890.
Euston	31 July, 1877	31 July, 1877	3 August, 1877.
Fairfield	31 Dec., 1889	31 Dec., 1889	7 January, 1890.
Five Dock	20 July, 1889	20 July, 1880	20 July, 1880.
Forbes	14 April, 1862	19 Aug., 1869	15 April, 1862, and 20 August, 1969.
Forster	22 June, 1901	22 June, 1901	24 June, 1901.

LIST of Towns in which Part III is in force-continued.

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	Date of Proclamation-				
Name of Town.	Bringing T under the		Defining l of Tow		Dates of Government Gazette containing Proclamations.
Frederickton	24 Oct.,	1885	24 Oct.,	1885	27 October, 1885.
Germanton	27 Mar.,	1886	9 May,	1895	30 March, 1886, and 10th May, 1895.
Gerringong		1880	6 Oct.,	1880	12 October, 1880.
Gilgunia		1896	15 Dec.,	1896	18 December, 1896.
Gladstone Glebe		$\frac{1900}{1862}$	18 Dec., 30 May,	$\frac{1900}{1900}$	21 December, 1900. 9 May, 1862, and 31 May, 1900.
Glen Innes		1865	22 May,	1865	30 May, 1865.
Hooloongolok	22 June,	1901	22 June,		24 June, 1901.
Gosford, East	8 Oct.,		8 Oct.,	1869	12 October, 1869.
Gosford, West Goulburn	14 Oct., 2 Mar., 18	1863	8 Oct., 30 Jan.,	1869 1892	16 October, 1863, and 12 October, 1869. 3 March, 1848, 2 February, 1892.
Gouiduni	S Mar.,		oo Jan.,	1052	5 March, 1048, 2 February, 1852.
Grafton, N. and S	4 June,		18 Aug.,	1868	4 June, 1858, and 21 August, 18(8.
Grafton, South	29 June,		22 Oct.,	1889	4 July, 1876, and 25 October, 1889.
Granville	21 Aug.,		21 Aug.,		25 August, 1885.
Grenfell Greta		$\frac{1868}{1889}$	11 May, 13 May,	$\frac{1868}{1889}$	12 May, 1868. 14 May, 1889.
Gul gong		1872	17 April,		30 January, 1872, and 18 April, 1889.
Gundagai, North	18 Nov.,		19 April,		22 November, 1861, and 22 April, 1864.
Gandagai, South	19 April,		19 June,		22 April, 1864, and 21 June, 1889.
Gunnedah	30 Mar.,		30 Mar.,		1 April, 1870.
Gunning	11 Dec.,	1855	25 April,	1010	14 December, 1855, and 25 April, 1873.
Hamilton	17 June,	1881	17 June,	1881	17 June, 1881.
Harrington	22 June,		22 June,		24 June, 1901.
Ifartley		1863	24 June,		16 October, 1863, and 29 June, 1869.
Hay Haydonton	27 Feb., 24 June,	1860	26 Sept., 29 Aug.,		28 February, 1860, and 30 September, 1890 25 June, 1850, and 2 September, 1870.
Helensburgh	4 Sept.,		4 Sept.,		8 September, 1896.
Hill End	3 Aug.,		21 Jan.,		4 August, 1871, and 27 Jan., 1899.
Hillgrove	12 Aug.,		12 Aug.,		13 August, 1889.
Hillgrove, West		1895	15 Oct.,		18 October, 1895.
Hillston and Hillston N. Hornsby	14 Sept., 18 Feb.,	1901	14 Sept., 18 Feb.,		17 September, 1880. 19 February, 1901.
Hunter's Hill		1886	14 July,		16 July, 1886.
Hurstville		1892	4 Jan., 1	1892 &	5 January, 1892, and 22 February, 1901.
	100	1000	2) Feb.,		14 0 4 1 1000 10 1 1000
Inverell	10 Sept.,	A State of the second	28 May,		14 September, 1866, and 2 June, 1896.
Jerilderie	26 Nov.,	1870	26 Nov.,	1870	29 November, 1870.
Katoomba		1889	3 Jan.,	1889	4 January, 1889.
Kelso		1839	18 July,	1839	7 August, 1839.
Kempsey, West Kendall	14 Oct., 22 June,	1863	20 May, 22 June,	1890	16 October, 1863, and 23 May, 1890. 24 June, 1901.
Kew	22 June,		22 June,		24 June, 1901.
Kiama		1863	26 June,		16 October, 1863, and 3 July, 1868.
Kiandra		1863	9 Jan.,		16 October, 1863, and 10 January, 1893.
Kogarah	26 Sept.,	1890	26 Sept.,	1890	30 September, 1890.
Lambton	29 July,	1873	29 July,	1873	1 August, 1873.
Leichhardt		1881	4 July,	1881	8 July, 1881.
Lismore	14 Oct.,	1863	22 July,	1892	16 October, 1863, and 26 July, 1892.
Lithgow		1882	29 July,	1892	5 May, 1882, and 1 July, 1892.
Liverpool Lockhart	20 Mar., 30 May,	1848	15 April, 30 May, 1		24 March, 1848, and 18 April, 1890. 31 May, 1900, and 7 June, 1901.
LIGARIATU	of may,	1000	31 May,	1900 &	or may, 1000, and 7 oune, 1901.
Loftus (Junee Junction)	17 Nov.,	1884	15 Feb.,	1887	18 November, 1884, and 18 February, 1887
Mandanal I To-	00 N	1074	20 M	1074	20 November 1974
Macdonald Town	20 Nov.,	18/4	20 Nov.,	18/4	20 November, 1874.

LIST of Towns in which Part III is in force-continued.

LIST of Towns in which Part III is in force-continued.

	Date of Proc	elamation-	
Name of Town.	Bringing Town under the Act.	Defining limits of Town.	Dates of Government Gazette containing Proclamations.
Maclean	18 Oct., 1888	18 Oct., 1888	S.G.G., 19 October, 1888.
Macquarie	21 Nov., 1839	4 Feb., 1870	23 November, 1839, and 8 February, 1870.
Mandurama	12 Jan., 1888	12 Jan., 1888	S.G.G., 20 January, 1888.
Manilla	20 Oct., 1890	20 Oct., 1890	21 October, 1890.
Manly	16 July, 1880	16 July, 1880	29 July, 1880.
Aarrickville	20 Aug., 1866	20 Aug., 1866	21 August, 1866.
Iarulan	12 Mar., 1888	12 Mar., 1888	13 March, 1888.
Ienindie	11 May, 1868	23 Jan., 1893	12 May, 1868, and 27 January, 1893.
ferewether	18 June, 1888 14 Oct., 1863	18 June, 1888 17 Jan., 1870	19 June, 1888.
Ierriwa Iilparinka	14 Oct., 1863 4 Feb., 1890	4 Feb., 1890	16 October, 1863, and 18 January, 1870.
fillthorpe	18 Jan., 1897	18 Jan., 1897	7 February, 1890. 22 January, 1897.
filton	25 Nov., 1889	25 Nov., 1889	26 November, 1889.
littagong	5 Nov., 1883	5 Sept., 1891	6 November, 1883, and 8 September, 1891.
Ioama	14 Oct., 1863	5 April, 1894	16 October, 1863, and 6 April, 1894.
folong	14 Oct., 1863	8 Oct., 1869	16 October, 1863, and 12 October, 1869.
Iontefiores	23 Dec., 1853	20 April, 1870	27 December, 1853, and 22 April, 1870.
Ioree	8 May, 1877	13 Sept., 1892	11 May, 1877, and 16th September, 1892.
lorpeth	2 June, 1853	29 June, 1891	2 March, 1860, and 30 June, 1891.
Ioruya		17 Jan., 1870	16 October, 1863, and 18 January, 1870.
loss Vale	2 June, 1882	2 June, 1882	2 June, 1882.
loulamein	14 Oct., 1863	23 Aug., 1888	16 October, 1863, and 24 August, 1888.
lount Costigan	10 July, 1888	10 July, 1888	13 July, 1888.
fount Macdonald	9 Mar., 1885	16 Dec., 1890	S.G.G., 10 March, 1885, and 19 Dec., 1890
Iudgee	20 Jan., 1854	21 June, 1869	24 January, 1854, and 25 June, 1869.
fullumbimby	18 Dec., 1900	18 Dec., 1900	21 December, 1900.
lulwala	18 Feb , 1892 22 July, 1896	18 Feb., 1892 22 July, 1896	19 February, 1892.
Iungindi Iurrimboola (Murrum- burrah).	14 Sept., 1880	14 Sept., 1880	24 July, 1896. 17 September, 1880.
Aurrurundi	24 June, 1850	21 Feb., 1891	25 June, 1850, and 24 February, 1891.
Murwillumbah	13 Aug., 1895	13 Aug., 1895	16 August, 1895.
Ausclebrook, N. and S.	27 Sept., 1852 &	20 May, 1870	1 October, 1852, 14 December, 1852, and
and a province of the second	14 Dec., 1852	NUMBER OF STREET, ST	23 May, 1870.
Aarrabri	8 Nov., 1866	8 Nov., 1866	9 November, 1866.
arrabri, West	21 Feb., 1891	21 Feb., 1891	24 February, 1891.
arrandera	10 Aug., 1883 &	10 Aug., 1883 &	14 August, 1883, and 2 November, 1900.
Tanninina	31 Oct., 1900	31 Oct., 1900	0001 1 1000
Narromine	24 Mar., 1899	24 Mar., 1899	S.G.G., 24 March, 1899.
Velligen	27 May, 1884 14 Oct., 1863	27 May, 1884	30 May, 1884.
Newcastle	5 Sept., 1846	22 Jan., 1870 8 Mar., 1850, &	16 October, 1863, and 25 January, 1870.
	0 Sept., 1010	13 Dec., 1858	8 September, 1846, 8 March, 1850, and 1- December, 1858.
New Lambton	19 June, 1889	19 June, 1889	21 June, 1889.
Vewtown	14 Oct., 1863	8 Aug., 1865	16 October, 1863, and 15 August, 1865.
Vimmitabel	14 Oct., 1863	17 Jan. 1870	16 October, 1863, and 18 January, 1870.
North Homebush	22 June, 1901	22 June, 1901	24 June, 1901.
North Sydney		23 Dec., 1890	30 December, 1890.
Nowra	13 June, 1885	13 June, 1885	16 June, 1885.
Jundle		17 Jan., 1870	13 December, 1861, and 18 January, 1870
ymagee	23 May, 1881	23 May, 1881	25 May, 1881.
Nyngan	11 Mar., 1884	11 Mar., 1884	14 March, 1884.
Oneybygamba	13 Oct., 1885	13 Oct., 1885	16 October, 1885.
Orange		21 June, 1869	6 June, 1954, and 25 June, 1869.
Oxley	21 Aug., 1895	21 Aug., 1895	23 August, 1895.
Paddington	A CONTRACTOR	and and its	
Paddington	19 June, 1862, & 14 Oct., 1863	30 May, 1900	20 June, 1862, 16 October, 1863, and 3
Panbula	30 Aug., 1891	17 Jan 1870	May, 1900.
	50 Aug., 1691	17 Jan., 1870	13 August, 1861, and 18 January, 1870.

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LIST of Towns in which Part III is in force-continued.

	Date of Pro	clamation -	ananti e enel
Name of Town.	Bringing Town under the Act.	Defining limits of Town.	Dates of Government Gazette containing Proclamations.
Parkes	12 June, 1874	12 June, 1874	12 June, 1874.
Parramatta	Named in Act	11 Oct., 1892	S.G.G., 12 October, 1892.
Paterson	14 Oct., 1863	17 Mar., 1900	16 October, 1863, and 20 March, 1900.
Peak Hill	20 July, 1891	20 July, 1891	21 July, 1891.
Penrith	14 Oct., 1863 (See Shell	25 Feb., 1870	16 October, 1863, and 1 March, 1870.
Peterborough Petersham	8 Aug., 1865	harbour) 8 Aug., 1865	15 August, 1865.
Picton	14 Oct., 1863	12 Feb., 1870	16 October, 1863, and 15 February, 1870.
Prospect	14 Aug., 1890	14 Aug., 1890	15 August, 1890.
Queanbeyan Quirindi	11 July, 1854 18 Feb., 1884	17 Sept., 1886 9 May, 1891	14 July, 1854, and 21 September, 1886. 19 February, 1884, and 12 May, 1891.
Randwick and Coogee	22 Oct , 1860	22 Oct., 1860 & 30 May, 1900	23 October, 1860, and 31 May, 1900.
Raymond Terrace	14 Oct., 1863	26 June, 1868	16 October, 1863, and 3 July, 1868.
Redfern	14 Oct., 1863	26 Feb., 1884	16 October, 1863, and 26 February, 1884.
Richmond	14 Oct., 1863	4 Feb., 1870, &	16 October, 1863, 8 February, 1870, and 18
		12 Mar., 1870	March, 1870.
Robingonville	14 Oct., 1882	14 Oct., 1882	17 October, 1882.
Rockley	4 Dec., 1863	17 Jan., 1870	8 December, 1863, and 18 January, 1870. 16 September, 1892.
Rookwood Ryde	13 Sept., 1892 30 Oct., 1874	13 Sept., 1892 30 Oct., 1874	30 October, 1874.
Rylstone	14 Oct., 1863	24 June, 1869	16 October, 1863, and 29 June, 1869.
Scone	15 Oct., 1850	18 Nov., 1889	18 October, 1850, and 19 November, 1889.
Shellharbour	10 Aug., 1869	10 Aug., 1869	10 August, 1869.
Sherwood	14 Aug., 1890	14 Aug., 1890	15 August, 1890.
Silverton Singleton	27 May, 1885 22 July, 1850	27 May, 1885 29 June, 1868	29 May, 1885. 23 July, 1850, and 3 July, 1868.
Smithfield	31 Dec., 1889	31 Dec., 1889	7 January, 1890.
Smithtown	18 Dec., 1900	18 Dec., 1900	21 December, 1900.
Sofala	16 Mar., 1858	24 June, 1869	16 March, 1858, and 29 June, 1869.
St. Albans	25 Sept., 1857	17 Jan., 1870	25 September, 1857, and 18 January, 1870
St. Aubins	25 June, 1860	25 June, 1860	26 June, 1860.
St. Leonards	30 Mar., 1860	30 Mar., 1860	3 April, 1860.
St. Leonards, East	14 Aug., 1869 6 Mar. 1806	14 Aug., 1869 6 Mar., 1896	17 August, 1869. 10 March, 1896.
Swansea	6 Mar., 1896 29 Sept., 1870	19 Sept., 1893	30 September, 1870, and 22 Sept., 1893.
Stock ton	11 May, 1885	28 Dec., 1892	12 May, 1885, and 30 December, 1892.
St. Peter's	22 April, 1871	22 April, 1871	25 April, 1871.
Strathfield	27 Jan., 1886	7 Oct., 1892	S.G.G., 27 January, 1886, and G.G., 11 October, 1892.
Stroud	29 Dec., 1856	19 Aug., 1869	30 December, 1856, and 20 August, 1869.
Sunny Corner	31 July, 1885	31 July, 1885	4 August, 1885.
Tambaroora	2 Oct., 1861	16 Feb., 1892	4 October, 1861, and 19 February, 1892.
Tamworth, N. and S		28 Feb., 1879	4 March, 1879.
Faralga	21 May, 1885	21 May, 1885	22 May, 1885. 16 October, 1863, and 9 February, 1900.
Farcutta	14 Oct., 1863	5 Feb., 1900 16 Mar 1886	S.G.G., 18 March, 1886.
Faree	16 Mar., 1886 23 Sept., 1880	16 Mar., 1886 23 Sept., 1880	24 September, 1880.
Temora Tenterfield	14 Oct., 1863	22 Jan., 1870	16 October, 1863, and 25 January, 1870.
Teralba	21 Jan., 1899	21 Jan., 1899	27 January, 1899.
Tibooburra	18 Sept., 1889	18 Sept., 1889	20 September, 1889.
Fingha	11 Mar., 1882	11 Mar., 1882	14 March, 1882.
Finonee	22 June, 1901	22 June, 1901	24 June, 1901.
	17 June, 1890	17 June, 1890	20 June, 1890, and 5 March, 1895.
Tocumwal	1, 0 410, 1000		
Tocumwal Tuena Tumberumba	10 July, 1888 14 Oct., 1863	10 July, 1888 24 Jan., 1870	13 July, 1888. 16 October, 1863, and 28 January, 1870.

Date of Proclamation --Dates of Government Gazette containing Name of Town. Defining limits of Town. Proclamations. Bringing Town under the Act. 24 Sept., 1855 22 June, 1901 22 April, 1882 22 June, 1901 Tumut 28 September, 1855, and 25 April, 1882. Tuncurry 24 June, 1901. 24 Jan., 1870 15 April, 1890 26 July, 1895 5 Mar., 1889 1 Sept., 1881 14 Oct., 1863 15 April, 1890 26 July, 1895 Ulladulla 16 October, 1863, and 28 January, 1870. 16 October, 1803, and 25 Sandary, 15, 18 April, 1890. 30 July, 1895. 16 October, 1863, and 8 March, 1889. 6 September, 1881. Ulmarra Upper Picton..... 14 Oct., 1863 Uralla Urana 1 Sept., 1881 Vaucluse 30 May, 1900 30 May, 1900 31 May, 1900. 16 October, 1853, and 16 July, 1886.
30 May, 1865.
13 January, 1882.
16 October, 1863, and 16 July 1869.
10 September, 1869, and 19 July, 1889.
15 September, 1885.
25 August, 1874.
21 July, 1874. Wagga Wagga 14 Oct., 1863 14 July, 1886 18 May, Wahgunyah, North 18 May, 1865 1865 10 Jan., Walcha 10 Jan., 1882 1882 Walgett Wallabadah 13 July, 18 July, 14 Oct., 1863 1869 7 Sept., 11 Sept., 1889 1369 11 Sept., Wallerawang..... 1885 1885 22 Aug., 28 July, 22 Aug., 28 July, Wallsend 1874 1874 Jaly, 1874.
16 October, 1863, and 25 January, 1870.
11 December, 1900. Waratah 1874 1874 14 Oct., 22 Jan., Warialda 1863 1870 8 Dec., Wardell 1900 8 Dec., 1900 Warren 4 Nov., 1881 29 June, 1897 & 4 November, 1881, 2 July, 1897, and 13 12 Oct., 1900 October, 1900. October, 1990.
16 October, 1863, and 31 May, 1900.
16 October, 1863, and 31 May, 1900.
16 October, 1863, and 25 January, 1870.
27 December, 1853, and 21 August, 1891.
26 April, 1861, and 25 January, 1870.
30 June, 1891.
24 Echangen, 1891. 30 May, Waterloo 14 Oct., 1900 1863 Waverley 30 May, 1863 1900 14 Oct., Wee Waa 14 Oct., 1863 24 Jan., 1870 23 Dec., 1853 24 April, 1861 19 Aug., Wellington 1891 22 Jan., Wentworth 1870 Named in Act. 21 Feb., 1891 West Maitland 29 June, 1891 24 February, 1891. 8 January, 1897. 17 December, 1897. West Narrabri 21 Feb., 1891 West Wyalong 2 Jan., 1897 2 Jan., 1897 White Cliffs 14 Dec., 14 Dec., 1897 1897 Whitton 30 Dec., 1890 30 Dec., 1890 S.G.G., 31 December, 1890. Wickham 6 Nov., 1872 6 Nov., 1872 8 November, 1872. Wilcannia Willoughby, North Willyama (Broken Hill) 11 May, 1868 11 May, 1868 12 May, 1868. 10 June, 1880 10 June, 1880 11 June, 1880. 7 Mar., 1887 3 Mar., 1890 7 Mar., 1887 3 Mar., 1890 8 March, 1887. 4 March, 1890. Wingham Windsor... Named in Act. 13 Dec., 1858 14 December, 1858. 22 June, 1901 24 June, 1901. Wollomba 22 June, 1901 12 Feb., 1870 9 July, 1856 17 February, 1854, and 15 February, 1870. Wollombi 14 Feb., 1854 6 November, 1846, and 11 July, 1856. 21 December, 1900. Wollongong 5 Nov., 1846 Woodburn 18 Dec., 1900 18 Dec., 1900 14 Oct., 30 May, 1900 14 Oct., 1882 Woollahra 1863 16 October, 1863, and 31 May, 1900. 17 October, 1882. Wonona 14 Oct., 1882 Wyalong 6 Aug., 1894 6 Aug., 1894 10 August, 1891. Yass Yass YassandO'ConnellTown 20 June, 1840 24 June, 1869 24 June, 1840, and 29 June, 1869. 10 Aug., 1869 4 June, 1862 10 Aug., 1869 19 Aug., 1869 10 August, 1869. 6 June, 1862, and 20 August, 1869. Young.....

LIST of Towns in which Part III is in force-continued.

c 51—D

FOURTH

See s. 110 (2).

FOURTH SCHEDULE.

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Form of memorandum of charge for which summons issued. , [police constable.] A.B., of No. street, [Name of Complainant.] , [labourer.] street, C.D., of No. [Name of Defendant.] , inst. [or last]. day of [Date of offince.] on the [e.g., without lawful cause discharging a firearm in a [Offince.] public place.] 19 day of [Date of issuing summons.] The E.F., J.P. [Signed by] , inst. [or next]. The day of [Summons r. lurnable.]

[1s. 9d.]

Sydney: William Applegate Gullick, Government Printer.-1901.