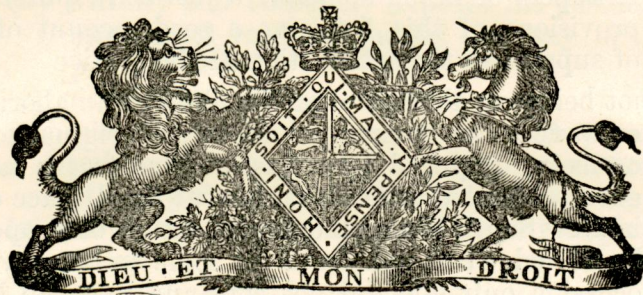


New South Wales.



ANNO PRIMO

EDWARDI VII REGIS.

Act No. 13, 1901.

An Act to consolidate the Acts for the prevention of Vagrancy. [Assented to, 4th October, 1901.]

BE 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:—

Preliminary and Interpretation.

- 1. This Act may be cited as the "Vagrancy Act 1901." Short title.
- 2. The Acts mentioned in the Schedule to this Act are hereby Repeal.
repealed.
- 3. In this Act unless the context or subject matter otherwise Interpretation.
indicates or requires— 15 Vic. No. 4 ss. 2, 3,
 - "Aboriginal" means an aboriginal native of New South Wales. 4.
 - "Idle or disorderly person" means every person who commits any offence mentioned in subsection one of section four.
 - "Incorrigible rogue" means every person who commits any offence mentioned in subsection three of section four.
 - "Justice" means justice of the peace.

A

"Rogue

Vagrancy.

“Rogue and vagabond” means every person who commits any offence mentioned in subsection two of section four.

Offences.

Punishment of idle
and disorderly
persons.
15 Vic. No. 4 s. 2.
24 Vic. No. 25.

4. (1) Whosoever—

- (a) having no visible lawful means of support or insufficient lawful means does not on being required by or summoned to appear or brought before a justice in pursuance of the provisions of this Act give a good account of his means of support to the satisfaction of the justice
- (b) not being an aboriginal or the child of an aboriginal lodges or wanders in company with any aboriginal and does not on being required by a justice give to his satisfaction a good account that he has a lawful fixed place of residence in New South Wales and lawful means of support and that he so lodged or wandered for some temporary and lawful occasion only and did not continue so to do beyond such occasion
- (c) being a common prostitute wanders in any street or public highway or behaves in a riotous or indecent manner in any place of public resort
- (d) being a habitual drunkard thrice convicted of drunkenness within the preceding twelve months behaves in a riotous or indecent manner in any street public highway or place of public resort
- (e) is the holder of a house frequented by reputed thieves or persons who have no visible lawful means of support
- (f) is found in a house frequented by reputed thieves or persons who have no visible lawful means of support in company with reputed thieves or such persons and does not on being required by a justice give to his satisfaction a good account of his lawful means of support and of his being in such house on a lawful occasion
- (g) wanders abroad or places himself in a public place street highway court or passage to beg or gather alms
- (h) causes procures or encourages any child to wander abroad or place himself in a public place street highway court or passage to beg or gather alms

shall on conviction before any justice by his own view or otherwise be liable to imprisonment with hard labour for a term not exceeding six months.

Punishment of
rogues and
vagabonds.
15 Vic. No. 4 s. 3.
24 Vic. No. 25.

(2) Whosoever—

- (a) having been convicted under this or any former Act of any such offence as is mentioned in the last preceding subsection afterwards commits any offence in the said subsection mentioned

(b)

Vagrancy.

- (b) goes about gathering alms under false pretence of loss by fire or other casualty or as collector under any false pretence
- (c) imposes or endeavours to impose upon any charitable institution or private individual by false or fraudulent representations with a view to obtain money or other benefit or advantage
- (d) wilfully and obscenely exposes his person in or in view of any street road or public highway or in any place of public resort
- (e) plays or bets at any unlawful game
- (f) plays or bets in any street road highway or other open and public place at or with any table or instrument of gaming at any game or pretended game of chance
- (g) has in his custody or possession any implement with intent feloniously to break into any dwelling-house warehouse coachhouse stable or out-building
- (h) is armed with any offensive weapon or has upon him any instrument with intent to commit any felonious act
- (i) having any unlawful purpose is found in any dwelling-house warehouse coach-house stable or outhouse or in any enclosed yard garden or area or on board any ship or vessel in any port harbour or place within New South Wales
- (j) being a suspected person or reputed thief frequenting any river canal or navigable stream dock or basin or any quay wharf or warehouse near or adjoining thereto or any street highway or avenue leading thereto or any place of public resort or any avenue leading thereto or any street highway or place adjacent with intent to commit felony
- (k) on being apprehended as an idle and disorderly person violently resists the constable or peace officer apprehending him and is subsequently convicted of the offence for which he was apprehended

shall on conviction before any justice be liable to imprisonment with hard labour for a term not exceeding six months and every such implement offensive weapon and instrument as aforesaid shall by the conviction of the offender become forfeited to the King's Majesty.

(3) Whosoever—

- (a) breaks or escapes out of any place of legal confinement before the expiration of the term for which he was committed or ordered to be confined by virtue of this Act
- (b) having been convicted under this or any former Act of any such offence as is mentioned in the last preceding subsection afterwards commits any offence in the said subsection mentioned

Punishment of
incorrigible rogues,
15 Vic. No. 4 s. 4.

(c)

Vagrancy.

(c) on being apprehended as a rogue and vagabond violently resists the constable apprehending him and is subsequently convicted of the offence for which he was apprehended shall on conviction before any justice be liable to be committed to prison with hard labour until the next Court of Quarter Sessions is held in the district within or nearest to which the offence was committed.

Powers of Quarter Sessions.
15 Vic. No. 4 s. 11.

5. The Court of Quarter Sessions may examine into the circumstances of the case and upon conviction order the offender to be further imprisoned and kept to hard labour for a term not exceeding twelve months from the time of making such order.

Witnesses may be bound over to Quarter Sessions.
Ibid. s. 10.

6. Whenever a justice commits an incorrigible rogue to prison until the holding of a Court of Quarter Sessions he shall require the person by whom the offender was apprehended and every person whose evidence appears material to prove the offence to become bound by recognizance to appear at the Court of Quarter Sessions to give evidence against the offender touching the offence and may commit to prison any such person who refuses to enter into a recognizance until he does so or is otherwise discharged by due course of law.

Obscene language or writing in a public street.
Ibid. s. 5.

7. Whosoever in any public street thoroughfare or place or within the view or hearing of a person passing therein—

- (a) sings any obscene song or ballad
- (b) writes or draws any indecent or obscene word figure or representation

(c) uses any profane indecent or obscene language shall be liable on conviction before a justice to a penalty not exceeding five pounds.

Abusive or threatening words or behaviour in a public street.
Ibid. s. 6.

8. Whosoever in any public street thoroughfare or place uses any threatening abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned shall on conviction before a justice be liable to a penalty not exceeding five pounds.

Apprehension of offenders and suspected persons.

Constable or other person may apprehend offender.
Ibid. s. 7.

9. (1) Any person found offending against this Act may be apprehended by a constable or other person and forthwith taken before a justice to be dealt with as directed by this Act.

Offender may be handed over to constable.
Ibid.

(2) Whenever a person other than a constable apprehends an offender he may deliver him to a constable to be taken before a justice.

Constable to take offender before a justice.
Ibid.

(3) Every constable who refuses or wilfully neglects to take into his custody or take before a justice a person so delivered to him or does not use his best endeavours to apprehend and convey before a justice any person whom he finds offending against this Act shall be deemed to have neglected his duty within the meaning of section thirteen.

Vagrancy.

10. Any justice upon information on oath before him made that an idle and disorderly person a rogue and vagabond or an incorrigible rogue is or is reasonably suspected to be harboured or concealed in any house kept or purporting to be kept for the reception lodging or entertainment of travellers or others may by warrant under his hand and seal authorise any constable or other person to enter at any time into such house and apprehend and bring before him or some other justice every idle and disorderly person rogue and vagabond or incorrigible rogue found therein to be dealt with in the manner directed by this Act.

Lodging-houses may be entered and offenders found therein apprehended.
15 Vic. No. 4 s. 13.

Seizure and disposal of property of offenders.

11. Any constable or other person apprehending a person charged with being an idle and disorderly person rogue and vagabond or incorrigible rogue may take any horse cattle vehicle or goods in the possession or use of the person apprehended and convey them before a justice.

Powers to seize goods found in possession of offender.
Ibid. s. 9.

12. Whenever a person is adjudged to be an idle and disorderly person or a rogue and vagabond or an incorrigible rogue the convicting justice may order—

Powers to search offender.
Ibid.

- (a) the offender to be searched and
- (b) his trunks boxes bundles parcels or packages to be inspected in the presence of the justice and the offender and
- (c) any vehicle found in the offender's possession or use to be searched in the offender's presence and
- (d) any money which is then found with or upon the offender to be paid and applied towards the expense of apprehending the offender and conveying him to prison and maintaining him during the term for which he is committed and the overplus of such money to be returned to the offender and
- (e) in the event of sufficient money for the purposes aforesaid not being found upon such search that the part or if necessary the whole of the offender's other effects then found be sold and the produce of the sale paid and applied as aforesaid and the overplus of such effects returned to the offender after deducting the charges for the sale.

Application of money found.
Ibid.

Sale of effects where sufficient money not found.
Ibid.

Neglect of duty by constable.

13. Every constable who neglects his duty in anything required of him by this Act shall on conviction before one or more justices be liable to a penalty not exceeding five pounds.

Penalty.
Ibid. s. 12.

Hindering constable in execution of duty.

14. Every person who disturbs or hinders any constable or other person in the execution of this Act or aids abets or assists in so doing shall on conviction before one or more justices be liable to a penalty not exceeding five pounds.

Penalty.
Ibid. s. 12.

*Vagrancy.**Actions against justices and others.*

Limitation of
actions.
15 Vic. No. 4 s. 18.

15. (1) Every action brought against a justice constable or other person for any matter or thing done or committed by him or in execution of his duty or office under this Act shall be commenced within three months after the cause of action or complaint arose.

(2) If any person is sued for any matter or thing done in the execution of this Act he may plead the general issue and give the special matter in evidence.

Successful defendant
to have treble costs.
Ibid. s. 17.

(3) The defendant in any such action shall if judgment be given in his favour have treble costs awarded to him by the Court unless the Judge certifies that there was a reasonable cause for such action.

Application of penalties.

Half penalty to go
to revenue, half to
Police Reward
Fund.
Ibid. s. 19.

16. All penalties or forfeitures imposed by this Act shall when recovered be paid as follows that is to say one moiety into the Consolidated Revenue Fund and the other moiety into the Police Reward Fund.

Schedule.

SCHEDULE.

Number of Act.	Title or Short Title.	Extent of repeal.
15 Vic. No. 4 ...	An Act for the more effectual prevention of Vagrancy and for the punishment of idle and disorderly persons rogues and vagabonds and incorrigible rogues in the Colony of New South Wales.	The whole Act.
24 Vic. No. 25 ...	The Magistrates' Powers Limitation Act ...	The whole Act.

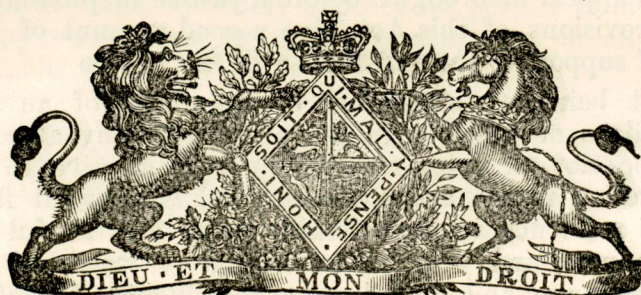
[6d.] By Authority: WILLIAM APPELEGATE GULLICK, Government Printer, Sydney, 1901.

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council Chamber,
Sydney, 26th September, 1901. }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO PRIMO

EDWARDI VII REGIS.

Act No. 13, 1901.

An Act to consolidate the Acts for the prevention of Vagrancy.
[Assented to, 4th October, 1901.]

BE 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:—

Preliminary and Interpretation.

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2. The Acts mentioned in the Schedule to this Act are hereby Repeal.
repealed.
3. In this Act unless the context or subject matter otherwise Interpretation.
indicates or requires—
"Aboriginal" means an aboriginal native of New South Wales. 15 Vic. No. 4 ss. 2, 3,
4.
"Idle or disorderly person" means every person who commits any offence mentioned in subsection one of section four.
"Incorrigible rogue" means every person who commits any offence mentioned in subsection three of section four.
"Justice" means justice of the peace.

"Rogue

Vagrancy.

“Rogue and vagabond” means every person who commits any offence mentioned in subsection two of section four.

Offences.

Punishment of idle
and disorderly
persons.

15 Vic. No. 4 s. 2.

24 Vic. No. 25.

4. (1) Whosoever—

- (a) having no visible lawful means of support or insufficient lawful means does not on being required by or summoned to appear or brought before a justice in pursuance of the provisions of this Act give a good account of his means of support to the satisfaction of the justice
- (b) not being an aboriginal or the child of an aboriginal lodges or wanders in company with any aboriginal and does not on being required by a justice give to his satisfaction a good account that he has a lawful fixed place of residence in New South Wales and lawful means of support and that he so lodged or wandered for some temporary and lawful occasion only and did not continue so to do beyond such occasion
- (c) being a common prostitute wanders in any street or public highway or behaves in a riotous or indecent manner in any place of public resort
- (d) being a habitual drunkard thrice convicted of drunkenness within the preceding twelve months behaves in a riotous or indecent manner in any street public highway or place of public resort
- (e) is the holder of a house frequented by reputed thieves or persons who have no visible lawful means of support
- (f) is found in a house frequented by reputed thieves or persons who have no visible lawful means of support in company with reputed thieves or such persons and does not on being required by a justice give to his satisfaction a good account of his lawful means of support and of his being in such house on a lawful occasion
- (g) wanders abroad or places himself in a public place street highway court or passage to beg or gather alms
- (h) causes procures or encourages any child to wander abroad or place himself in a public place street highway court or passage to beg or gather alms

shall on conviction before any justice by his own view or otherwise be liable to imprisonment with hard labour for a term not exceeding six months.

Punishment of
rogues and
vagabonds.

15 Vic. No. 4 s. 3.

24 Vic. No. 25.

(2) Whosoever—

- (a) having been convicted under this or any former Act of any such offence as is mentioned in the last preceding subsection afterwards commits any offence in the said subsection mentioned

(b)

Vagrancy.

- (b) goes about gathering alms under false pretence of loss by fire or other casualty or as collector under any false pretence
- (c) imposes or endeavours to impose upon any charitable institution or private individual by false or fraudulent representations with a view to obtain money or other benefit or advantage
- (d) wilfully and obscenely exposes his person in or in view of any street road or public highway or in any place of public resort
- (e) plays or bets at any unlawful game
- (f) plays or bets in any street road highway or other open and public place at or with any table or instrument of gaming at any game or pretended game of chance
- (g) has in his custody or possession any implement with intent feloniously to break into any dwelling-house warehouse coachhouse stable or out-building
- (h) is armed with any offensive weapon or has upon him any instrument with intent to commit any felonious act
- (i) having any unlawful purpose is found in any dwelling-house warehouse coach-house stable or outhouse or in any enclosed yard garden or area or on board any ship or vessel in any port harbour or place within New South Wales
- (j) being a suspected person or reputed thief frequenting any river canal or navigable stream dock or basin or any quay wharf or warehouse near or adjoining thereto or any street highway or avenue leading thereto or any place of public resort or any avenue leading thereto or any street highway or place adjacent with intent to commit felony
- (k) on being apprehended as an idle and disorderly person violently resists the constable or peace officer apprehending him and is subsequently convicted of the offence for which he was apprehended

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(3) Whosoever—

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Punishment of
incorrigible rogues.
15 Vic. No. 4 s. 4.

(c)

Vagrancy.

(c) on being apprehended as a rogue and vagabond violently resists the constable apprehending him and is subsequently convicted of the offence for which he was apprehended shall on conviction before any justice be liable to be committed to prison with hard labour until the next Court of Quarter Sessions is held in the district within or nearest to which the offence was committed.

Powers of Quarter Sessions.
15 Vic. No. 4 s. 11.

5. The Court of Quarter Sessions may examine into the circumstances of the case and upon conviction order the offender to be further imprisoned and kept to hard labour for a term not exceeding twelve months from the time of making such order.

Witnesses may be bound over to Quarter Sessions.
Ibid. s. 10.

6. Whenever a justice commits an incorrigible rogue to prison until the holding of a Court of Quarter Sessions he shall require the person by whom the offender was apprehended and every person whose evidence appears material to prove the offence to become bound by recognizance to appear at the Court of Quarter Sessions to give evidence against the offender touching the offence and may commit to prison any such person who refuses to enter into a recognizance until he does so or is otherwise discharged by due course of law.

Obscene language or writing in a public street.
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7. Whosoever in any public street thoroughfare or place or within the view or hearing of a person passing therein—

(a) sings any obscene song or ballad

(b) writes or draws any indecent or obscene word figure or representation

(c) uses any profane indecent or obscene language

shall be liable on conviction before a justice to a penalty not exceeding five pounds.

Abusive or threatening words or behaviour in a public street.
Ibid. s. 6.

8. Whosoever in any public street thoroughfare or place uses any threatening abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned shall on conviction before a justice be liable to a penalty not exceeding five pounds.

Apprehension of offenders and suspected persons.

Constable or other person may apprehend offender.
Ibid. s. 7.

9. (1) Any person found offending against this Act may be apprehended by a constable or other person and forthwith taken before a justice to be dealt with as directed by this Act.

Offender may be handed over to constable.
Ibid.

(2) Whenever a person other than a constable apprehends an offender he may deliver him to a constable to be taken before a justice.

Constable to take offender before a justice.
Ibid.

(3) Every constable who refuses or wilfully neglects to take into his custody or take before a justice a person so delivered to him or does not use his best endeavours to apprehend and convey before a justice any person whom he finds offending against this Act shall be deemed to have neglected his duty within the meaning of section thirteen.

Vagrancy.

10. Any justice upon information on oath before him made that an idle and disorderly person a rogue and vagabond or an incorrigible rogue is or is reasonably suspected to be harboured or concealed in any house kept or purporting to be kept for the reception lodging or entertainment of travellers or others may by warrant under his hand and seal authorise any constable or other person to enter at any time into such house and apprehend and bring before him or some other justice every idle and disorderly person rogue and vagabond or incorrigible rogue found therein to be dealt with in the manner directed by this Act.

Lodging-houses may be entered and offenders found therein apprehended.
15 Vic. No. 4 s. 13.

Seizure and disposal of property of offenders.

11. Any constable or other person apprehending a person charged with being an idle and disorderly person rogue and vagabond or incorrigible rogue may take any horse cattle vehicle or goods in the possession or use of the person apprehended and convey them before a justice.

Powers to seize goods found in possession of offender.
Ibid. s. 9.

12. Whenever a person is adjudged to be an idle and disorderly person or a rogue and vagabond or an incorrigible rogue the convicting justice may order—

Powers to search offender.
Ibid.

- (a) the offender to be searched and
- (b) his trunks boxes bundles parcels or packages to be inspected in the presence of the justice and the offender and
- (c) any vehicle found in the offender's possession or use to be searched in the offender's presence and
- (d) any money which is then found with or upon the offender to be paid and applied towards the expense of apprehending the offender and conveying him to prison and maintaining him during the term for which he is committed and the overplus of such money to be returned to the offender and
- (e) in the event of sufficient money for the purposes aforesaid not being found upon such search that the part or if necessary the whole of the offender's other effects then found be sold and the produce of the sale paid and applied as aforesaid and the overplus of such effects returned to the offender after deducting the charges for the sale.

Application of money found.
Ibid.

Sale of effects where sufficient money not found.
Ibid.

Neglect of duty by constable.

13. Every constable who neglects his duty in anything required of him by this Act shall on conviction before one or more justices be liable to a penalty not exceeding five pounds.

Penalty.
Ibid. s. 12.

Hindering constable in execution of duty.

14. Every person who disturbs or hinders any constable or other person in the execution of this Act or aids abets or assists in so doing shall on conviction before one or more justices be liable to a penalty not exceeding five pounds.

Penalty.
Ibid. s. 12.

Actions

Vagrancy.

Actions against justices and others.

Limitation of actions.
15 Vic. No. 4 s. 18.

15. (1) Every action brought against a justice constable or other person for any matter or thing done or committed by him or in execution of his duty or office under this Act shall be commenced within three months after the cause of action or complaint arose.

(2) If any person is sued for any matter or thing done in the execution of this Act he may plead the general issue and give the special matter in evidence.

Successful defendant to have treble costs.
Ibid. s. 17.

(3) The defendant in any such action shall if judgment be given in his favour have treble costs awarded to him by the Court unless the Judge certifies that there was a reasonable cause for such action.

Application of penalties.

Half penalty to go to revenue, half to Police Reward Fund.
Ibid. s. 19.

16. All penalties or forfeitures imposed by this Act shall when recovered be paid as follows that is to say one moiety into the Consolidated Revenue Fund and the other moiety into the Police Reward Fund.

Schedule.

 SCHEDULE.

Number of Act.	Title or Short Title.	Extent of repeal.
15 Vic. No. 4 ...	An Act for the more effectual prevention of Vagrancy and for the punishment of idle and disorderly persons rogues and vagabonds and incorrigible rogues in the Colony of New South Wales.	The whole Act.
24 Vic. No. 25 ...	The Magistrates' Powers Limitation Act ...	The whole Act.

In the name and on the behalf of His Majesty I assent to this Act.

FREDK. M. DARLEY,

Lieutenant-Governor.

State Government House,
Sydney, 4th October, 1901.

Memo. and Certificate to accompany the Vagrancy Bill.

15 *Vic. No. 4, sec. 8.* This provision came originally from sec. 7 of 5 Geo. IV c. 83, and was repeated in 15 *Vic. No. 4, sec. 8,* in apparent forgetfulness of the fact that 11 and 12 *Vic. c. 43, secs. 1, 2, and 3,* provided for all such cases. It is now, therefore, omitted.

I certify that this Bill solely consolidates, and in no way alters, adds to, or amends the law as contained in the enactments therein consolidated.

CHAS. G. HEYDON,
Commissioner for the Consolidation of the Statute Law.

Memorandum and Certificate to accompany the
Virginia Bill

It is the duty of the Legislature to provide for the support of the public schools and to see that the same are properly maintained and that the children of the State are afforded the opportunity of receiving a good education. It is the duty of the Legislature to provide for the support of the public schools and to see that the same are properly maintained and that the children of the State are afforded the opportunity of receiving a good education.

The Legislature has provided for the support of the public schools and has seen that the same are properly maintained and that the children of the State are afforded the opportunity of receiving a good education.

Witness my hand and the seal of the State at the City of Richmond, this 1st day of January, 1901.

1901

Vagrancy Bill.

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

Section of Repealed Acts.	Section of Consolidation Act.	Remarks.
15 VICTORIA No. 4.		
Preamble ...	Omitted.	
1	Omitted...	... Repealing section.
2	3, 4 (1)	
3	3, 4 (2)	Except the provisions as to exposing to public view obscene book, &c. These provisions were impliedly repealed by the Act No. 2, 1900. See now the Obscene and Indecent Publications Act, 1901.
4	3, 4 (3)	
5	7	
6	8	
7	9	
8	Omitted.	Provided for by 11 and 12 Vic. c. 43, ss. 1, 2, and 3.
9	11, 12	
10	6	
11	5	
12	13, 14	
13	10	
14	Omitted...	... Provided for by the Justices Acts Amendment Act, 1900.
15	Omitted...	... Form of conviction omitted. A general form is provided by 11 and 12 Vic. c. 43, s. 17. The provisions as to evidence are covered by the Evidence Act, 1898, s. 5, and the provisions as to quashing proceedings, &c., by the Justices Acts Amendment Act, 1900.
16	Omitted...	... Provided for by 11 and 12 Vic., c. 43, s. 14, and Evidence Act, 1898, s. 23 (1), (h).
17	15 (2)	
18	15 (1), (2)	
19	16	
24 VICTORIA No. 25.		
1	4	
2	Omitted...	... Short title.

Vagrancy Bill

Transferring from the ... of the ...

London, ...
H.M. Stationery Office, ...

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Legislative Council.

No. , 1901.

A BILL

To consolidate the Acts for the prevention of Vagrancy.

[MR. WISE ;— 21 August, 1901.]

BE 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:—

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2. The Acts mentioned in the Schedule to this Act are hereby Repeal.
repealed.
3. In this Act unless the context or subject matter otherwise Interpretation.
indicates or requires— 15 Vic. No. 4 ss. 2, 3,
4.
 - "Aboriginal" means an aboriginal native of New South Wales.
 - "Idle or disorderly person" means every person who commits any offence mentioned in subsection one of section four.
 - "Incorrigible rogue" means every person who commits any offence mentioned in subsection three of section four.
 - "Justice" means justice of the peace.

“Rogue and vagabond” means every person who commits any offence mentioned in subsection two of section four.

Offences.

4. (1) Whosoever—

- (a) having no visible lawful means of support or insufficient lawful means does not on being required by or summoned to appear or brought before a justice in pursuance of the provisions of this Act give a good account of his means of support to the satisfaction of the justice
- (b) not being an aboriginal or the child of an aboriginal lodges or wanders in company with any aboriginal and does not on being required by a justice give to his satisfaction a good account that he has a lawful fixed place of residence in New South Wales and lawful means of support and that he so lodged or wandered for some temporary and lawful occasion only and did not continue so to do beyond such occasion
- (c) being a common prostitute wanders in any street or public highway or behaves in a riotous or indecent manner in any place of public resort
- (d) being a habitual drunkard thrice convicted of drunkenness within the preceding twelve months behaves in a riotous or indecent manner in any street public highway or place of public resort
- (e) is the holder of a house frequented by reputed thieves or persons who have no visible lawful means of support
- (f) is found in a house frequented by reputed thieves or persons who have no visible lawful means of support in company with reputed thieves or such persons and does not on being required by a justice give to his satisfaction a good account of his lawful means of support and of his being in such house on a lawful occasion
- (g) wanders abroad or places himself in a public place street highway court or passage to beg or gather alms
- (h) causes procures or encourages any child to wander abroad or place himself in a public place street highway court or passage to beg or gather alms

shall on conviction before any justice by his own view or otherwise be liable to imprisonment with hard labour for a term not exceeding six months.

(2) Whosoever—

- (a) having been convicted under this or any former Act of any such offence as is mentioned in the last preceding subsection afterwards commits any offence in the said subsection mentioned
- (b)

Punishment of idle and disorderly persons.

15 Vic. No. 4 s. 2.

24 Vic. No. 25.

Punishment of rogues and vagabonds.

15 Vic. No. 4 s. 3.

24 Vic. No. 25.

- (b) goes about gathering alms under false pretence of loss by fire or other casualty or as collector under any false pretence
- (c) imposes or endeavours to impose upon any charitable institution or private individual by false or fraudulent representations with a view to obtain money or other benefit or advantage
- (d) wilfully and obscenely exposes his person in or in view of any street road or public highway or in any place of public resort
- (e) plays or bets at any unlawful game
- (f) plays or bets in any street road highway or other open and public place at or with any table or instrument of gaming at any game or pretended game of chance
- (g) has in his custody or possession any implement with intent feloniously to break into any dwelling-house warehouse coachhouse stable or out-building
- (h) is armed with any offensive weapon or has upon him any instrument with intent to commit any felonious act
- (i) having any unlawful purpose is found in any dwelling-house warehouse coach-house stable or outhouse or in any enclosed yard garden or area or on board any ship or vessel in any port harbour or place within New South Wales
- (j) being a suspected person or reputed thief frequenting any river canal or navigable stream dock or basin or any quay wharf or warehouse near or adjoining thereto or any street highway or avenue leading thereto or any place of public resort or any avenue leading thereto or any street highway or place adjacent with intent to commit felony
- (k) on being apprehended as an idle and disorderly person violently resists the constable or peace officer apprehending him and is subsequently convicted of the offence for which he was apprehended

shall on conviction before any justice be liable to imprisonment with hard labour for a term not exceeding six months and every such implement offensive weapon and instrument as aforesaid shall by the conviction of the offender become forfeited to the King's Majesty.

(3) Whosoever—

- (a) breaks or escapes out of any place of legal confinement before the expiration of the term for which he was committed or ordered to be confined by virtue of this Act
- (b) having been convicted under this or any former Act of any such offence as is mentioned in the last preceding subsection afterwards commits any offence in the said subsection mentioned.

Punishment of
incorrigible rogues.
15 Vi. No. 4 s. 4.

(c)

(c) on being apprehended as a rogue and vagabond violently resists the constable apprehending him and is subsequently convicted of the offence for which he was apprehended shall on conviction before any justice be liable to be committed to prison with hard labour until the next Court of Quarter Sessions is held in the district within or nearest to which the offence was committed.

Powers of Quarter Sessions.
15 Vic. No. 4 s. 11.

5. The Court of Quarter Sessions may examine into the circumstances of the case and upon conviction order the offender to be further imprisoned and kept to hard labour for a term not exceeding twelve months from the time of making such order.

Witnesses may be bound over to Quarter Sessions.
Ibid. s. 10.

6. Whenever a justice commits an incorrigible rogue to prison until the holding of a Court of Quarter Sessions he shall require the person by whom the offender was apprehended and every person whose evidence appears material to prove the offence to become bound by recognizance to appear at the Court of Quarter Sessions to give evidence against the offender touching the offence and may commit to prison any such person who refuses to enter into a recognizance until he does so or is otherwise discharged by due course of law.

Obscene language or writing in a public street.
Ibid. s. 5.

7. Whosoever in any public street thoroughfare or place or within the view or hearing of a person passing therein—

(a) sings any obscene song or ballad

(b) writes or draws any indecent or obscene word figure or representation

(c) uses any profane indecent or obscene language

shall be liable on conviction before a justice to a penalty not exceeding five pounds.

Abusive or threatening words or behaviour in a public street.
Ibid. s. 6.

8. Whosoever in any public street thoroughfare or place uses any threatening abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned shall on conviction before a justice be liable to a penalty not exceeding five pounds.

Apprehension of offenders and suspected persons.

Constable or other person may apprehend offender.
Ibid. s. 7.

9. (1) Any person found offending against this Act may be apprehended by a constable or other person and forthwith taken before a justice to be dealt with as directed by this Act.

Offender may be handed over to constable.
Ibid.

(2) Whenever a person other than a constable apprehends an offender he may deliver him to a constable to be taken before a justice.

Constable to take offender before a justice.
Ibid.

(3) Every constable who refuses or wilfully neglects to take into his custody or take before a justice a person so delivered to him or does not use his best endeavours to apprehend and convey before a justice any person whom he finds offending against this Act shall be deemed to have neglected his duty within the meaning of section thirteen.

10. Any justice upon information on oath before him made that an idle and disorderly person a rogue and vagabond or an incorrigible rogue is or is reasonably suspected to be harboured or concealed in any house kept or purporting to be kept for the reception lodging or entertainment of travellers or others may by warrant under his hand and seal authorise any constable or other person to enter at any time into such house and apprehend and bring before him or some other justice every idle and disorderly person rogue and vagabond or incorrigible rogue found therein to be dealt with in the manner directed by this Act.

Lodging-houses may be entered and offenders found therein apprehended. 15 Vic. No. 4 s. 13.

Seizure and disposal of property of offenders.

11. Any constable or other person apprehending a person charged with being an idle and disorderly person rogue and vagabond or incorrigible rogue may take any horse cattle vehicle or goods in the possession or use of the person apprehended and convey them before a justice.

Powers to seize goods found in possession of offender. *Ibid.* s. 9.

12. Whenever a person is adjudged to be an idle and disorderly person or a rogue and vagabond or an incorrigible rogue the convicting justice may order—

Powers to search offender. *Ibid.*

- (a) the offender to be searched and
- (b) his trunks boxes bundles parcels or packages to be inspected in the presence of the justice and the offender and
- (c) any vehicle found in the offender's possession or use to be searched in the offender's presence and
- (d) any money which is then found with or upon the offender to be paid and applied towards the expense of apprehending the offender and conveying him to prison and maintaining him during the term for which he is committed and the overplus of such money to be returned to the offender and
- (e) in the event of sufficient money for the purposes aforesaid not being found upon such search that the part or if necessary the whole of the offender's other effects then found be sold and the produce of the sale paid and applied as aforesaid and the overplus of such effects returned to the offender after deducting the charges for the sale.

Application of money found. *Ibid.*

Sale of effects where sufficient money not found. *Ibid.*

Neglect of duty by constable.

13. Every constable who neglects his duty in anything required of him by this Act shall on conviction before one or more justices be liable to a penalty not exceeding five pounds.

Penalty. *Ibid.* s. 12.

Hindering constable in execution of duty.

14. Every person who disturbs or hinders any constable or other person in the execution of this Act or aids abets or assists in so doing shall on conviction before one or more justices be liable to a penalty not exceeding five pounds.

Penalty. *Ibid.* s. 12.

Actions against justices and others.

Limitation of actions.
15 Vic. No. 4 s. 18.

15. (1) Every action brought against a justice constable or other person for any matter or thing done or committed by him or in execution of his duty or office under this Act shall be commenced within three months after the cause of action or complaint arose.

(2) If any person is sued for any matter or thing done in the execution of this Act he may plead the general issue and give the special matter in evidence.

Successful defendant to have treble costs.
Ibid. s. 17.

(3) The defendant in any such action shall if judgment be given in his favour have treble costs awarded to him by the Court unless the Judge certifies that there was a reasonable cause for such action.

Application of penalties.

Half penalty to go to revenue, half to Police Reward Fund.
Ibid. s. 19.

16. All penalties or forfeitures imposed by this Act shall when recovered be paid as follows that is to say one moiety into the Consolidated Revenue Fund and the other moiety into the Police Reward Fund.

Schedule.

SCHEDULE.

Number of Act.	Title or Short Title.	Extent of repeal.
15 Vic. No. 4 ...	An Act for the more effectual prevention of Vagrancy and for the punishment of idle and disorderly persons rogues and vagabonds and incorrigible rogues in the Colony of New South Wales.	The whole Act.
24 Vic. No. 25 ...	The Magistrates' Powers Limitation Act ...	The whole Act.

Memo. and Certificate to accompany the Vagrancy Bill.

15 *Vic. No. 4, sec. 8.* This provision came originally from sec. 7 of 5 Geo. IV c. 83, and was repeated in 15 *Vic. No. 4, sec. 8,* in apparent forgetfulness of the fact that 11 and 12 *Vic. c. 43, secs. 1, 2, and 3,* provided for all such cases. It is now, therefore, omitted.

I certify that this Bill solely consolidates, and in no way alters, adds to, or amends the law as contained in the enactments therein consolidated.

CHAS. G. HEYDON,
Commissioner for the Consolidation of the Statute Law.

Vagrancy Bill.

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

Section of Repealed Acts.	Section of Consolidation Act.	Remarks.
15 VICTORIA No. 4.		
Preamble ...	Omitted.	
1	Omitted...	... Repealing section.
2	3, 4 (1)	
3	3, 4 (2)	Except the provisions as to exposing to public view obscene book, &c. These provisions were impliedly repealed by the Act No. 2, 1900. See now the Obscene and Indecent Publications Act, 1901.
4	3, 4 (3)	
5	7	
6	8	
7	9	
8	Omitted.	Provided for by 11 and 12 Vic. c. 43, ss. 1, 2, and 3.
9	11, 12	
10	6	
11	5	
12	13, 14	
13	10	
14	Omitted...	... Provided for by the Justices Acts Amendment Act, 1900.
15	Omitted...	... Form of conviction omitted. A general form is provided by 11 and 12 Vic. c. 43, s. 17. The provisions as to evidence are covered by the Evidence Act, 1898, s. 5, and the provisions as to quashing proceedings, &c., by the Justices Acts Amendment Act, 1900.
16	Omitted...	... Provided for by 11 and 12 Vic., c. 43, s. 14, and Evidence Act, 1898, s. 23 (1), (b).
17	15 (3)	
18	15 (1), (2)	
19	16	
24 VICTORIA No. 25.		
1	4	
2	Omitted...	... Short title.

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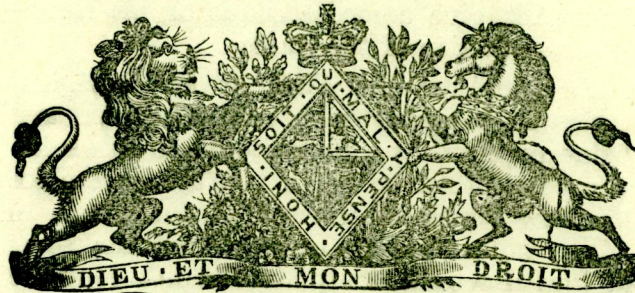
...

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.

New South Wales.



ANNO PRIMO

EDWARDI VII REGIS.

Act No. , 1901.

An Act to consolidate the Acts for the prevention of Vagrancy.

BE 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:—

Preliminary and Interpretation.

1. This Act may be cited as the "Vagrancy Act 1901." Short title.
2. The Acts mentioned in the Schedule to this Act are hereby Repeal.
repealed.
3. In this Act unless the context or subject matter otherwise Interpretation.
indicates or requires— 15 Vic. No. 4 ss. 2, 3,
4.
 - "Aboriginal" means an aboriginal native of New South Wales.
 - "Idle or disorderly person" means every person who commits any offence mentioned in subsection one of section four.
 - "Incorrigible rogue" means every person who commits any offence mentioned in subsection three of section four.
 - "Justice" means justice of the peace.

Vagrancy.

“Rogue and vagabond” means every person who commits any offence mentioned in subsection two of section four.

Offences.

4. (1) Whosoever—

- (a) having no visible lawful means of support or insufficient lawful means does not on being required by or summoned to appear or brought before a justice in pursuance of the provisions of this Act give a good account of his means of support to the satisfaction of the justice
- (b) not being an aboriginal or the child of an aboriginal lodges or wanders in company with any aboriginal and does not on being required by a justice give to his satisfaction a good account that he has a lawful fixed place of residence in New South Wales and lawful means of support and that he so lodged or wandered for some temporary and lawful occasion only and did not continue so to do beyond such occasion
- (c) being a common prostitute wanders in any street or public highway or behaves in a riotous or indecent manner in any place of public resort
- (d) being a habitual drunkard thrice convicted of drunkenness within the preceding twelve months behaves in a riotous or indecent manner in any street public highway or place of public resort
- (e) is the holder of a house frequented by reputed thieves or persons who have no visible lawful means of support
- (f) is found in a house frequented by reputed thieves or persons who have no visible lawful means of support in company with reputed thieves or such persons and does not on being required by a justice give to his satisfaction a good account of his lawful means of support and of his being in such house on a lawful occasion
- (g) wanders abroad or places himself in a public place street highway court or passage to beg or gather alms
- (h) causes procures or encourages any child to wander abroad or place himself in a public place street highway court or passage to beg or gather alms

shall on conviction before any justice by his own view or otherwise be liable to imprisonment with hard labour for a term not exceeding six months.

(2) Whosoever—

- (a) having been convicted under this or any former Act of any such offence as is mentioned in the last preceding subsection afterwards commits any offence in the said subsection mentioned
- (b)

Punishment of idle and disorderly persons.

15 Vic. No. 4 s. 2.

24 Vic. No. 25.

Punishment of rogues and vagabonds.

15 Vic. No. 4 s. 3.

24 Vic. No. 25.

Vagrancy.

- (b) goes about gathering alms under false pretence of loss by fire or other casualty or as collector under any false pretence
- (c) imposes or endeavours to impose upon any charitable institution or private individual by false or fraudulent representations with a view to obtain money or other benefit or advantage
- (d) wilfully and obscenely exposes his person in or in view of any street road or public highway or in any place of public resort
- (e) plays or bets at any unlawful game
- (f) plays or bets in any street road highway or other open and public place at or with any table or instrument of gaming at any game or pretended game of chance
- (g) has in his custody or possession any implement with intent feloniously to break into any dwelling-house warehouse coachhouse stable or out-building
- (h) is armed with any offensive weapon or has upon him any instrument with intent to commit any felonious act
- (i) having any unlawful purpose is found in any dwelling-house warehouse coach-house stable or outhouse or in any enclosed yard garden or area or on board any ship or vessel in any port harbour or place within New South Wales
- (j) being a suspected person or reputed thief frequenting any river canal or navigable stream dock or basin or any quay wharf or warehouse near or adjoining thereto or any street highway or avenue leading thereto or any place of public resort or any avenue leading thereto or any street highway or place adjacent with intent to commit felony
- (k) on being apprehended as an idle and disorderly person violently resists the constable or peace officer apprehending him and is subsequently convicted of the offence for which he was apprehended

shall on conviction before any justice be liable to imprisonment with hard labour for a term not exceeding six months and every such implement offensive weapon and instrument as aforesaid shall by the conviction of the offender become forfeited to the King's Majesty.

(3) Whosoever—

- (a) breaks or escapes out of any place of legal confinement before the expiration of the term for which he was committed or ordered to be confined by virtue of this Act
- (b) having been convicted under this or any former Act of any such offence as is mentioned in the last preceding subsection afterwards commits any offence in the said subsection mentioned.

Punishment of
incorrigible rogues.
15 Vic No. 4 s. 4.

(c)

Vagrancy.

(c) on being apprehended as a rogue and vagabond violently resists the constable apprehending him and is subsequently convicted of the offence for which he was apprehended shall on conviction before any justice be liable to be committed to prison with hard labour until the next Court of Quarter Sessions is held in the district within or nearest to which the offence was committed.

5. The Court of Quarter Sessions may examine into the circumstances of the case and upon conviction order the offender to be further imprisoned and kept to hard labour for a term not exceeding twelve months from the time of making such order.

Powers of Quarter Sessions.
15 Vic. No. 4 s. 11.

6. Whenever a justice commits an incorrigible rogue to prison until the holding of a Court of Quarter Sessions he shall require the person by whom the offender was apprehended and every person whose evidence appears material to prove the offence to become bound by recognizance to appear at the Court of Quarter Sessions to give evidence against the offender touching the offence and may commit to prison any such person who refuses to enter into a recognizance until he does so or is otherwise discharged by due course of law.

Witnesses may be bound over to Quarter Sessions.
Ibid. s. 10.

7. Whosoever in any public street thoroughfare or place or within the view or hearing of a person passing therein—

Obscene language or writing in a public street.

(a) sings any obscene song or ballad

Ibid. s. 5.

(b) writes or draws any indecent or obscene word figure or representation

(c) uses any profane indecent or obscene language shall be liable on conviction before a justice to a penalty not exceeding five pounds.

8. Whosoever in any public street thoroughfare or place uses any threatening abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned shall on conviction before a justice be liable to a penalty not exceeding five pounds.

Abusive or threatening words or behaviour in a public street.

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9. (1) Any person found offending against this Act may be apprehended by a constable or other person and forthwith taken before a justice to be dealt with as directed by this Act.

Constable or other person may apprehend offender.
Ibid. s. 7.

(2) Whenever a person other than a constable apprehends an offender he may deliver him to a constable to be taken before a justice.

Offender may be handed over to constable.
Ibid.

(3) Every constable who refuses or wilfully neglects to take into his custody or take before a justice a person so delivered to him or does not use his best endeavours to apprehend and convey before a justice any person whom he finds offending against this Act shall be deemed to have neglected his duty within the meaning of section thirteen.

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10. Any justice upon information on oath before him made that an idle and disorderly person a rogue and vagabond or an incorrigible rogue is or is reasonably suspected to be harboured or concealed in any house kept or purporting to be kept for the reception lodging or entertainment of travellers or others may by warrant under his hand and seal authorise any constable or other person to enter at any time into such house and apprehend and bring before him or some other justice every idle and disorderly person rogue and vagabond or incorrigible rogue found therein to be dealt with in the manner directed by this Act.

Lodging-houses may be entered and offenders found therein apprehended.
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Powers to search offender.
Ibid.

- (a) the offender to be searched and
- (b) his trunks boxes bundles parcels or packages to be inspected in the presence of the justice and the offender and
- (c) any vehicle found in the offender's possession or use to be searched in the offender's presence and
- (d) any money which is then found with or upon the offender to be paid and applied towards the expense of apprehending the offender and conveying him to prison and maintaining him during the term for which he is committed and the overplus of such money to be returned to the offender and
- (e) in the event of sufficient money for the purposes aforesaid not being found upon such search that the part or if necessary the whole of the offender's other effects then found be sold and the produce of the sale paid and applied as aforesaid and the overplus of such effects returned to the offender after deducting the charges for the sale.

Application of money found.
Ibid.

Sale of effects where sufficient money not found.
Ibid.

Neglect of duty by constable.

13. Every constable who neglects his duty in anything required of him by this Act shall on conviction before one or more justices be liable to a penalty not exceeding five pounds.

Penalty.
Ibid. s. 12.

Hindering constable in execution of duty.

14. Every person who disturbs or hinders any constable or other person in the execution of this Act or aids abets or assists in so doing shall on conviction before one or more justices be liable to a penalty not exceeding five pounds.

Penalty.
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15. (1) Every action brought against a justice constable or other person for any matter or thing done or committed by him or in execution of his duty or office under this Act shall be commenced within three months after the cause of action or complaint arose.

Limitation of actions.
15 Vic. No. 4 s. 18.

(2) If any person is sued for any matter or thing done in the execution of this Act he may plead the general issue and give the special matter in evidence.

(3) The defendant in any such action shall if judgment be given in his favour have treble costs awarded to him by the Court unless the Judge certifies that there was a reasonable cause for such action.

Successful defendant to have treble costs.
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Application of penalties.

16. All penalties or forfeitures imposed by this Act shall when recovered be paid as follows that is to say one moiety into the Consolidated Revenue Fund and the other moiety into the Police Reward Fund.

Half penalty to go to revenue, half to Police Reward Fund.
Ibid. s. 19.

SCHEDULE.

Schedule.

Number of Act.	Title or Short Title.	Extent of repeal.
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24 Vic. No. 25 ...	The Magistrates' Powers Limitation Act ...	The whole Act.