

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, 12th August, 1909. }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO NONO

EDWARDI VII REGIS.

Act No. , 1909.

An Act to consolidate the Statutes relating to Police Offences.

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:—

PART I.

Preliminary and Interpretation.

1. This Act may be cited as the "Police Offences Act, 1909," 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. 109-111.

Police Offences.

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 (1) The Acts mentioned in the First Schedule hereto are, to the extent therein expressed, hereby repealed, except as to offences committed and things done or commenced before the passing of this Act, which shall be dealt with and continued, and in respect of which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(2) All persons appointed under any Act hereby repealed and holding office at the time of the passing of this Act shall be deemed to have been appointed under this Act.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, 1902, 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 Metropolitan Traffic Act, 1900, the Public Health (Nightsoil Removal) Act, 1902, and the Local Government Act, 1906, and any Acts amending the same, and the regulations or ordinances 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 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.

8. (1) 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,

Repeal.

Persons appointed under repealed Acts.

Interpretation.

No. 5, 1901, s. 3.

Certain Acts with which this Act to be read.

Application of this Part to whole State.
Ibid. s. 5.

Being found drunk in a public place.
Ibid. s. 6.
Act No. 12, 1908, s. 8 (1).

Being found drunk and disorderly in a public place.
Ibid. s. 7.
No. 12, 1908, s. 8 (2).

Certain offences in public places to annoyance, &c., of residents, &c.
No. 5, 1901, s. 8.

Selling gunpowder, &c., by artificial light.

Hoisting or lowering goods without proper tackling.

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- 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, Carrying carcass of newly-slaughtered meat without a cloth covering same.
- 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 places clothes thereon; or, Placing line, cord, or pole across any street to hang clothes on.
- places, hangs up, or affixes any sign-post, board, house-ticket, notice, or other similar thing, otherwise than close and parallel to, or flat upon, the wall of the building to which the same belongs; or, Placing signboard except close to the wall.
- places any flower-pot in any upper window without sufficiently guarding the same from being thrown down; or, Placing any flower-pot, &c., in the upper window without guarding the same.
- casts from the roof, or any part of any building, any slate, brick, wood, rubbish, or other thing unless within a hoard when any building is being erected or repaired; or, Throwing anything from the roof of any house into the street.
- being a blacksmith, whitesmith, anchorsmith, nailmaker, or other person using a forge, and having a door, window, or aperture fronting or opening into or towards any street or passage, does not close and darken such door or window or aperture within one hour after sunset, so as effectually to prevent the light from showing through the same: Blacksmiths, &c., not closing windows opening into any street at night.
- 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 burns any rags, bones, cork, or other offensive substance; or, Burning rags within 100 yards from any dwelling-house, &c.
- while driving any vehicle whatsoever does not keep to the near side of such street or public place (except when overtaking and passing any other vehicle), or meeting any other vehicle does not pass to his near side of such vehicle, or in any manner wilfully prevents any other person from passing him or any vehicle under his care upon such street or public place, or by negligence or misbehaviour prevents, or interrupts the free passage of any carriage or person in or upon the same; or, Not keeping vehicles on the near or left hand side of the street, &c.
- being the driver of any vehicle, is wilfully at such a distance from such vehicle, or in such a situation, whilst it is passing upon such street or public place, that he cannot have the direction of the horse or other animal drawing the same; or, Driver leaving vehicle out of his control.
- having the charge of any cart, drawn by two or more horses or other animals, rides thereon without sufficient reins to guide the animals drawing the same; or, Riding on certain carts without reins.
- while driving or having the charge of any cart, drawn by any horse or other animal, and driven or guided by reins, wilfully allows such horse or other animal to proceed out of a walking pace; or, Driving a cart out of a walking pace.
- paces any horse or other animal; or, Racing horses.
- baits any bull or other beast; or, Baiting bulls.
- exposes any horse or other animal for show or sale (except in a market lawfully appointed for that purpose) or, Exposing animals for sale, &c. feeds

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- 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, Cleaning, &c.,
vehicles.
 throws or discharges any stone or other missile; or, Throwing stones.
 plays at any game; or, Playing games.
 by fighting or otherwise collects or causes to be collected together
 any mob or tumultuous meeting; or, Causing mob to
collect by
fighting, &c.
 carries any goods upon any footway, Carrying goods on
footway.
 shall be liable to a penalty not exceeding two pounds.
- (2) 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. Selling detonators.
Act No. 12, 1908,
s. 9.
- 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, Riding or driving
furiously in street.
No. 5, 1901, s. 9.
 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, distribut-
 ing, or collecting any article whatsoever, or of obtaining money
 or alms; or, Blowing horns, &c.,
for announcing any
sale, &c.
 discharges any firearm without lawful cause; or, Discharging firearms, &c.
Ibid.
No. 12, 1908, s. 10.
 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, Ringing bells,
Ibid.
 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
 two pounds. Keeping dog, &c.,
which attacks, &c.,
persons having
right of way.
No. 5, 1901, s. 10.
- 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. Constable may seize
goats straying in public
places, and may destroy
such as are not branded
Angoras, &c.
Ibid., s. 11.
- 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. Riotous, violent, or
indecent behaviour.
Ibid. s. 12.
- 13.**

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13. Whosoever, being a street musician, has been required by any householder or occupier of any premises, personally, or by his servant, or by any police constable, to depart from the neighbourhood 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.

Street musicians not departing when desired so to do.
Ibid. s. 13.

14. (1) Whosoever keeps or uses or acts in the management of any house, room, pit, or other place for the purpose of fighting or baiting 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.

Keeping place used for cock-fighting, &c.
Ibid. s. 14.

(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 internal communication between any house, shop, room, or place of public resort, not licensed for the sale of any fermented or spirituous liquors, and any house or place licensed for the sale of such liquors 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.

Making internal communication with an adjoining public house.
Ibid. s. 15.

16. Whosoever, not being a licensee within the meaning of the Liquor Act, 1898, keeps or has any house, shop, room, or place of public resort wherein ready-made provisions, liquors, or refreshments of any kind are sold or consumed (whether the same are kept or retailed therein or procured elsewhere), and opens or has open his premises for the reception or entertainment of promiscuous persons or 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:

No person keeping a house for public resort to open same for business before six o'clock in the morning or later than twelve o'clock at night.
Ibid. s. 16.

Provided that nothing herein contained shall effect the provisions of the Acts No. 38, 1899, and No. 81, 1900, or any Acts amending the same.

Proviso—saving Early Closing Act.

17. Whosoever rides upon or causes himself to be carried or drawn by any carriage without the consent of the owner or driver thereof

Using carriages without owner's or driver's consent.
Ibid. s. 17.

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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.

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 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.

Inspector-General of Police to make regulations for preventing obstructions in the streets during public processions, &c.
Ibid. s. 18.

(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.

Proprietors of vehicles not liable for deviating from the route.

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:

Shooting on Sunday.
Ibid. s. 19.

Provided that—

Provisos.

(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.

Persons receiving ship's stores from seamen, &c.
Ibid. s. 20.

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

Framing a false bill of parcels to escape detection.
Ibid. s. 21.

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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, or on board any ship or other vessel, is found having in his possession any instrument for the purpose of 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.

Possessing instruments for unlawfully procuring and carrying away wine, &c.
Ibid. s. 22.

23. Whosoever, in or upon any warehouse, wharf, quay, or bank, or on board any ship or other vessel, breaks or otherwise injures any cask or package containing wine, 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.

Piercing casks, opening packages, &c.
Ibid. s. 23.

24. Whosoever wilfully causes to be broken, started, or otherwise injured any cask, bag, or other package containing or prepared for containing any goods while on board of any lighter, or other craft, or 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.

Breaking packages with intent to spill contents.
Ibid. s. 24.

25. Any superintendent, inspector, or sub-inspector of police, or any constable in charge of a station may enter at all times by night or day, with such constables as he thinks necessary, upon and into every part of every ship or other vessel (not then actually employed in His 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.

Superintendents and inspectors may board vessels.
Ibid. s. 25.

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 take all necessary measures for preventing or detecting such felony, and may take into custody all persons suspected of being concerned in such felony, and may take charge of any property suspected to be stolen.

Superintendent, &c., having just cause to suspect felony may enter on board vessels, and take up suspected persons.
Ibid. s. 26.

27. Whosoever being charged before a Justice with—
(a) having anything in his custody; or

(b) Persons unlawfully in possession of property.
Act No. 12, 1908, s. 11.

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- (b) knowingly having anything in the custody of another person;
or
(c) knowingly having anything in the 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 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 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 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

Search warrant.
No. 5, 1901, s. 28.
No. 12, 1908, s. 12
(1) and (2).

Person from whom
stolen goods are said
to have been
received to be
examined by the
Justice.
No. 5, 1901, s. 29.
No. 12, 1908, s. 12
(3).

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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 obtained are in the custody of any constable by virtue of any warrant of a Justice, or in prosecution of any charge of felony or misdemeanour in regard to the obtaining thereof, and the person charged with stealing or obtaining possession as aforesaid has not been found, or has been summarily convicted or discharged, or has been tried and acquitted, 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.

Order for delivery to owner, &c., of goods charged to have been stolen or fraudulently obtained and in custody of constable.
No. 5, 1901, s. 30.

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 unlawfully obtained, and of which the owner is unknown, are ordered by a Justice to be detained, any Justice may, after the expiration of twelve months, if during that time no owner has appeared to claim the same, sell or dispose of such goods or apply such money for the benefit of the Police Reward Fund.

Unclaimed stolen goods in the custody of the police may be sold after twelve months for the benefit of the Police Reward Fund.
Ibid. s. 31.

32. (1) Upon complaint made to a Justice by any person claiming to be entitled to the property or possession of any goods which are detained by any other person, the value of which is not greater than twenty pounds, and not being deeds, muniments, or papers relating to 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.

Order for the delivery to the owner of goods unlawfully detained.
Ibid. s. 32.

(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,

or

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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.

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

(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.

(Act No. 12, 1908, s. 13.)

(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.

or may be made subsequently 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.

Such order no bar to right to sue.

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.

Compensation for wilful damage by tenants.
No. 5, 1901, s. 33.

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

Oppressive distresses.
Ibid. s. 34.

to

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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 twenty-five pounds, which value such Justice shall determine.

35. Whosoever—

assaults, resists, or interrupts any sheriff's bailiff, bailiff of any court, or any keeper or other officer in the discharge of any public duty, or any bailiff or keeper distraining for rent, or for rates or taxes; or,

Assaulting bailiffs, &c., in the execution of their duty.
Ibid. s. 35.

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, or vehicle in or upon which there is reason to suspect that anything stolen or unlawfully obtained may be found, and also any person who may be reasonably suspected of having or conveying in any manner anything stolen or unlawfully obtained.

Constable may detain and search any vessel, vehicle, &c., or person suspected of conveying stolen property.
Ibid. s. 36.

37. (1) Whosoever being the owner of any cart drawn by any horse or other animal, and driven or guided by reins, does not have his name and place of abode painted legibly in full length on the off side, in white letters at least two inches high and proportionately broad on a black ground, shall be liable to a penalty not exceeding two pounds.

Owners of carts not having name painted thereon.
Ibid. s. 37.

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

Person in charge to be detained till satisfactory account given.
Ibid.

38. Any constable may stop and detain until due inquiry can be made, all vehicles which he finds employed in removing the furniture of any house or lodging between the hours of eight in the 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.

Removing furniture to evade rent.
Ibid. s. 38.

39.

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39. (1) Whenever any person having charge of any horse, vehicle, or boat, or any other animal, or thing, is apprehended by any constable 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.

Horses, carriages,
&c., of offenders may
be detained.

Ibid. s. 39.

(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 grave misdemeanour is, without warrant, in the custody of any constable at any station-house during the time when the police court 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.

Constable at police
station may bind
over persons making
charges.

Ibid. s. 40.

(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.

Condition of
recognizance.

(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 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.

Common informers
compounding
information.

Ibid. s. 41.

Police Offences.

PART III.

Offences in Sydney and in certain towns only.

42. (1) The provisions contained in this Part shall, unless the context or subject matter otherwise indicates or requires, apply and be 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.

Application of this Part.
Ibid. s. 42.

(2) The provisions of this Part shall be read with and subject to the provisions of the Sydney Corporation Act of 1902, and any Act amending the same, and of section ninety-five of the Local Government Act, 1906, and of sections twenty-seven, twenty-eight, and twenty-nine of the Public Roads Act, 1902.

Certain Acts with which this Part is to be read.

(3) In any of the said towns which are not municipalities within the meaning of the Local Government Act, 1906, and any Act amending the same, 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 the provisions of this Act to any town specified in such proclamation.

Governor may extend provisions of this Act to other towns.
Ibid. s. 43.

44. For the purposes of this Act—

- (1) the limits of the said city, and of Sydney Cove, and of Darling Harbour, shall be those set out in the Second Schedule; the limits of the towns mentioned in the Third Schedule shall be such as have been set out and marked, and described by publication in the Gazette under the provisions of any 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 are extended shall be such as are set out and marked, and described by publication in the Gazette in the manner hereinafter provided;
- (3) the carriage and foot ways in the streets and public places within the said city and the towns mentioned in the Third Schedule shall be such as have been set out and marked under the provisions of any Act hereby repealed, or any Act relating to the setting out and marking of such carriage or foot ways;
- (4) the carriage and foot ways of the streets and public places within any town to which the provisions of this Act are extended shall be such as are set out and marked in the manner hereinafter provided.

Limits of the city, &c., and of the towns to which this Part applies.
Ibid. s. 44.

Limits of towns to which this Part is hereafter extended.

Carriage and foot ways of city and towns to which this Part applies.

Carriage and foot ways of towns to which this Part is extended.

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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.

How limits of towns to which this Part shall be extended are to be set out, &c.
Ibid. s. 45.

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.

Entering to erect or maintain marks no trespass.
Ibid. s. 46.

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.

Destroying, &c., marks.
Ibid. s. 47.

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.

How carriage and foot ways of towns to which this Part is extended are to be set out and marked.
Ibid. s. 48.

(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 of the

Procedure where streets already set out and allotments sold in conformity with design of town.

Police Offences.

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 and used as a carriage or foot way within any of the said towns, as well as all land which has been or shall hereafter be formed into a street within any of the said towns at the public expense, shall be deemed and taken to be dedicated to the public, and shall not be fenced in or 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:

All land now open to the street or formed into a street at the public expense to be deemed dedicated to the public.

Ibid. s. 49.

Provided always that the Governor may permit and suffer the owner or possessor of any land adjoining to any footway within any of the said towns which has been heretofore left open and used as a carriage or foot way, to resume the possession of so much of the said 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.

Governor may permit owner of adjoining land to resume footway beyond twelve feet.

Ibid.

50. The Surveyor-General or any person deputed by him may, in the said city, and any person appointed by the Governor may, in any of the said towns, cause any footway, set out and marked under any Act hereby repealed or under this Act, to be levelled and made as 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.

Footways as set out may be levelled, &c.

Ibid. s. 50.

51. (1) Any person who, after the said footways have been so set out as aforesaid, desires to flag, pave, gravel, or put a curbstone to the footway in the front of his house shall, twenty-four hours at the least before such work is begun, give notice in writing in the said city to the City Surveyor, or in the said towns to the Police Magistrate, of

Notice to be given to surveyor or police magistrate of intention to pave footways.

Ibid. s. 51.

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-eight, 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:

The Governor to fix distance of building line from curbstone. *Ibid.* s. 52.

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,

Building within such distance.

rebuilt 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 building in any street within any of the said towns without first serving on the Police Magistrate a notice in writing stating such intention and describing the proposed situation of the building.

In towns notice to be given to the Police Magistrate of intention to build.
Ibid. s. 53.

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

Police Magistrate to furnish copy of provisions of this Act.

(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 having first served such notice and received such paper shall be liable to a penalty not exceeding ten pounds.

Building without giving notice.

54. (1) The City Surveyor or other person appointed by him may in the said city, and any person appointed by the Governor may in the said towns, mark upon the walls of any house the name of the street or place in which it is situated, or such other notice as it may be conducive to the public convenience to affix, either by painting the 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.

Names of streets may be affixed to any house.
Ibid. s. 54.

(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 with the powers vested in any surveyor by the provisions of any other Act.

Not to interfere with powers vested in surveyors.
Ibid. s. 55.

56. Whosoever at any time wilfully obstructs or molests any person having the control of the streets or public places, or any surveyor or any person whomsoever authorised to put in execution this Act, in the performance of his duty, shall be liable to a penalty for the first offence of five pounds, and for the second offence of ten pounds, and for the third or any subsequent offence of twenty pounds.

Obstructing persons in performance of duty under this Act.
Ibid. s. 56.
First offence.
Second offence.
Third or subsequent offence.

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

Drunk and disorderly persons.
Ibid. s. 57.

Any constable may apprehend all loose, idle, drunken, or 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 and

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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 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:

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

Ibid. s. 58.

Act No. 12, 1908, s.

14 (1).

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.

In default of appearance recognizance to be forfeited.

Ibid., s. 14 (2).

(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.

Time of hearing may be postponed.

(6)

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(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. Whosoever assaults or resists, or aids, or incites any person to assault or resist, any constable in the execution of his duty, shall be liable to a penalty not exceeding five pounds. Assault on constable. No. 5, 1901, s. 59.

60. Whosoever not being a licensee within the meaning of the Liquor Act, 1898, knowingly harbours or entertains any constable, or permits any constable to abide or remain in his house, shop, or room, or other place during any part of the time appointed for his being on duty elsewhere, shall be liable to a penalty not exceeding five pounds. Penalty on persons harbouring constables during the hours of duty. Ibid. s. 60.

61. Whosoever trades or deals, or keeps open any shop, store, or other place, for the purpose of trading or dealing on Sunday (the shops or houses of butchers, bakers, fishmongers, and greengrocers, until the hour of ten in the forenoon, and of bakers between the hours of one and two in the afternoon, and of apothecaries at any hour, only excepted), shall be liable to a penalty not exceeding three pounds: Trading on Sunday. Ibid. s. 61.

Provided that nothing herein contained shall affect the provisions of the Act No. 50, 1902.

62. Whosoever, being the owner or occupier of any public billiard room or other public place of amusement permits or suffers any one to play in his house or premises any game on Sunday, shall be liable to a penalty not exceeding five pounds. Owner of place of public amusement suffering games to be played on Sunday. Ibid. s. 62.

63. Any Justice may, and he is hereby required to disperse, or cause to be dispersed, all persons gathering together on Sunday in any public or open place within the said city or towns, or within five miles of any part of the said city for the purpose of gambling, or 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 actually gambling or playing as aforesaid shall be prosecuted according to law. Justices to disperse persons gambling in public places on Sunday, &c. Ibid. s. 63. Such persons to be prosecuted.

64. Whosoever damages any public building, wall, parapet, 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 was wilfully done, to a penalty not exceeding twenty pounds. Damaging public buildings. Ibid. s. 64.

65. Whosoever casts any filth or rubbish into any watercourse, sewer, or canal, or obstructs or diverts from its channel any public watercourse, sewer, or canal shall be liable to pay the cost of removing such filth or obstruction, or of restoring such watercourse, sewer, or canal to its proper channel, and to a penalty not exceeding five pounds. Obstructing watercourses, &c. Ibid. s. 65.

66. Whosoever damages any public fountain, pump, cock, or water-pipe, shall be liable to pay the cost of repairing the same, and if the damage was wilfully done shall be liable to a penalty not exceeding twenty pounds. Injuring public fountains. Ibid. s. 66.

Police Offences.

67. Whosoever has in his possession any private key for the purpose 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. Unlawfully appropriating water. *Ibid.* s. 67.

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. Wasting water of fountain. *Ibid.* s. 68.

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

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. Beating carpets, flying kites, breaking horses, &c., in street or public place. *Ibid.* s. 70.

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. Placing filth, &c., in street, riding on footpaths, &c., *Ibid.* s. 71.

72. (1) Whosoever—
places, or causes or permits to be placed, any show-board, chopping-block, 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, Placing carriages, goods, &c., on footways, &c., and not removing same when required. *Ibid.* s. 72.
and Placing timber, bricks, &c.

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.

(2) Where any such thing has not been so removed as afore- Things not so removed may be seized.
said, any Justice or constable may without any warrant seize 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 are Perishables how to be disposed of.
articles of food, the same shall be immediately forfeited, and 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 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 perishable) claimed within five days they may be sold, &c.
and the said penalty and charges paid within five days next after such removal, the said Justice may order the same to be appraised 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 necessary.
of the last preceding section to remove anything therein mentioned, *Ibid.* s. 73.
and afterwards places, hangs out, or exposes, or causes or permits to 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 erected in front of shops.
person from placing an awning in front of his shop or house:

Provided, however, that such awning is at least seven feet above *Ibid.* s. 74.
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, &c., in street.
lets off any firework in any street or public place shall be liable to a penalty not exceeding five pounds: *Ibid.* s. 75.
Provided

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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.

Proviso—saving persons engaged in military or police duties in Sydney.

Burning shavings, &c., in the streets. *Ibid.* s. 76.

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.

Bathing within certain limits. *Ibid.* s. 77.

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.

Indecent exposure of the person. *Ibid.* s. 78.

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.

Keeping swine within 40 yards of street. *Ibid.* s. 79.

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.

Suffering swine, horse, goat, &c., to wander about the streets. *Ibid.* s. 80.

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.

Notice to remove hog-sties and nuisances. *Ibid.* s. 81.

(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.

Not removing, &c., nuisances after notice.

(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 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 two pounds.

Neglecting to keep private yards, &c., clean. *Ibid.* s. 82.

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83. (1) Any Justice or any constable authorised and deputed by any writing under the hand of any Justice, may, as often as he sees occasion, inspect the butchers' shambles and slaughter-houses, and give such directions concerning the cleansing thereof, both within and without, as to him seems needful.

Inspection and directions to cleanse butchers' shambles and slaughter-houses.

Ibid. s. 83.

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

Obstructing inspecting justice or 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 time,

Not complying with directions to clean e.

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 drawn upon any part of any street or public place, any timber, stone, or other thing otherwise than upon wheeled carriages, or suffers any timber, stone, or other thing carried principally or in part upon 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.

Drawing or trailing timber, &c.

Ibid. s. 84.

85. Whosoever being the owner or occupier of any house, building, or premises within the said towns having any entrance, area, garden, or other open space adjoining the footway of any street or public place beneath the level of the curbstone or exterior edge of 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.

Owner or occupier not enclosing open spaces and steps adjoining the footways in said towns.

Ibid. s. 85.

86. Whosoever, being the owner or occupier of any house, building, or premises having any rails or bars over the areas or openings to any kitchen, cellar, or other part of the said house, building, or premises beneath the surface of the footway of any street or public place or any doorway or entrance into the basement or cellar story thereof,

Not securing covering, &c., entrances to cellars, coal-holes, &c.

Ibid. s. 86.

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

Police Offences.

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 the expense of remedying or removing such cellar, opening, door, or window, such expense to be assessed and allowed by the Justice who hears the case.

Making cellars or openings beneath the surface of footways.

Ibid. s. 87.

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.

Not fencing holes in street.

Ibid. s. 88.

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.

Allowing rain to drop from eaves of houses on footways.

Ibid. s. 89.

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.

Driving carts with night-soil through streets, &c.

Ibid. s. 90.

91.

Police Offences.

- 91.** Whosoever—
empties or begins to empty any privy, or take away night-soil from any house or premises within any street or public place, or comes with any vehicle for that purpose, except between the hours of 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.
- Removing night-soil or casting same in street, &c.
Ibid. s. 91.
- 92.** Whosoever—
is the owner of any vehicle in which any night-soil or other matter is placed by any person contrary to the provisions of section ninety; 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.
- Liability of owner or employer for offence against sec. 90.
Ibid. s. 92.
- 93.** Whosoever—
is the owner of any vehicle or animal employed in and about emptying and removing night-soil contrary to the provisions of section ninety-one, or coming for that purpose (save and except 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.
- Liability of owner or employer for offence against sec. 91.
Ibid. s. 93.
- 94.** Whosoever wantonly or maliciously breaks or injures any lamp or lamp-post, or extinguishes any lamp set up for public or private convenience, shall be liable over and above the necessary expense of repairing the injury committed, to be estimated by the Justice before whom such offender is brought, to a penalty not exceeding five pounds.
- Injuring or extinguishing lamps.
Ibid. s. 94.
- 95.** Whosoever—
throws or causes to be thrown any dead animal into any part of Sydney Cove or Darling Harbour, or into any street or public place, or into any river, creek, or other stream which flows by or through any such street or public place; or,
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.
- Throwing dead animals into Sydney Cove or Darling Harbour, or rivers, &c., in towns.
Ibid. s. 95.
- 96.** (1) Any person who desires to blast any rock within the limits of the said city or towns, shall give notice in writing twenty-four hours previously, in the said city to the City Surveyor, or in 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.
- Notice to be given of intention to blast rock.
Ibid. s. 96.

Police Offences.

(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.

Blasting without
 giving notice, &c.

(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.

Wantonly damaging
 street, or removing
 turf, gravel, &c.,
 without permission.

Ibid. s. 97.

98. 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.

Preventing person
 passing.

Ibid. s. 98.

Riding on shafts.

99. Whosoever rides or drives through any street or public 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 ten pounds.

Riding or driving to
 danger of others.

Ibid. s. 99.

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.

Affixing placards on
 or defacing walls.

Ibid. s. 100.

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
 are of opinion that the ordinary constables or officers appointed for
 preserving

Police Magistrate
 and Justices may
 appoint special
 constables.

Ibid. s. 101.

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.

(2) A Police Magistrate or any two Justices may, at the request of his employer, or of the council of a municipality or shire, and subject to the approval of the Inspector-General of Police, in like 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.

Special constables.
Act No. 12, 1908,
s. 15.

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.

(3) 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 Lord the King in the office of special constable for the [*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.

Form of oath to be taken by special constables.

(4) 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 special constables under this Act when such special constables have been called out shall have power to make such orders and regulations

Police Magistrates or Justices may make regulations respecting special constables, and may remove them for misconduct.

as No. 5, 1901, s. 102

Police Offences.

as may from time to time be necessary and expedient for rendering such 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.

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.

Power of special constables.
Ibid. s. 103.

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.

Penalty for refusing to take the oath of office.
Ibid. s. 104.

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.

Penalty for refusing to serve or for disobeying orders.
Ibid. s. 105.

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.

Police Magistrates and Justices may discontinue the services of special constables called out.
Ibid. s. 106.

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.

Special constables to deliver arms, staves, &c., to successors.
Ibid. s. 107.

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

108.

Police Offences.

108. Whosoever 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.

Assaulting or
resisting special
constables.
Ibid. s. 108.

PART V.

Procedure.

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

Complaints of offences to
be dealt with summarily.
Ibid. s. 109.

110. The whole amount of all penalties recovered under sections six and seven shall be paid into the Consolidated Revenue.

Appropriation of
penalties recovered
under ss. 6 and 7.
Ibid. s. 113.

111. (1) All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be commenced within two months after the act was committed.

Proceedings against
persons acting
under this Act.
Ibid. s. 114.

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

Notice of action.

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

Defendant may
plead the general
issue.

(4) No plaintiff shall recover in any such action if tender 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.

Tender of amends.

(5) In any such action if a verdict is given for the defendant, 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.

Costs.

SCHEDULES.

Police Offences.

SCHEDULES.

FIRST SCHEDULE.

See s. 28.

Repeal of Acts.

Reference to Act.	Title or short title.	Extent of repeal.
No. 5, 1901 ...	The Police Offences Act, 1901 ...	The whole.
No. 12, 1908 ...	The Police Offences (Amendment) Act, 1908	Part III.

SECOND SCHEDULE.

See s. 45.

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 north-west, 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 Rushcutters' 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.

THIRD SCHEDULE.

See ss. 43, 45, 47.

List of Towns in which Part III is in force.

Name of Town.	Date of Proclamation—		Dates of Government Gazette containing Proclamations.
	Bringing Town under the Act.	Defining limits of Town.	
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, 1866	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.
Barrington	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 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., 1870	8 February, 1870.
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	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	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	24 Oct., 1872	25 October, 1872.
Bungonia	14 Oct., 1863	24 Mar., 1900	16 October, 1863, and 27 March, 1900.

*Police Offences.*LIST of Towns in which Part III is in force—*continued.*

Name of Town.	Date of Proclamation—		Dates of Government Gazette containing Proclamations.
	Bringing Town under the Act.	Defining limits of Town.	
Burwood.....	17 May, 1880	17 May, 1880	18 May, 1880.
Byerook	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, 1863, and 10 September, 1869.
Camden Haven.....	22 June, 1901	22 June, 1901	24 June, 1901.
Campbelltown	28 July, 1842	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	18 Sept., 1889	18 Sept., 1889	20 September, 1889.
Canterbury.....	29 Oct., 1880	29 Oct., 1880	2 November, 1880.
Carcoar and West Carcoar.	1 Sept., 1854	12 Sept., 1870	12 September, 1854, and 13 September, 1870.
Cargellico	13 June, 1852	13 June, 1852	13 June, 1882.
Cargo	28 Dec., 1887	28 Dec., 1887	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	14 Oct., 1863	23 June, 1869	16 October, 1863, and 29 June, 1869.
Catherine Hill Bay	6 Mar., 1896	6 Mar., 1896	10 March, 1896.
Clarence Town	24 Dec., 1855	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	13 May, 1884	16 May, 1884.
Condoulin	25 Sept., 1877	25 Sept., 1877	28 September, 1877.
Cook	23 June, 1869	23 June, 1869	29 June, 1869.
Coolah	3 May, 1901	3 May, 1901	7 May, 1901.
Coolamon	12 Oct., 1900	12 Oct., 1900	13 October, 1900.
Cooma.....	14 Mar., 1855	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.
Coopersnook	22 June, 1901	23 June, 1901	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	13 Jan., 1887	13 Jan., 1887	18 January, 1887.
Cowra	14 Dec., 1863	8 July, 1890	18 December, 1863, and 11 July, 1890.
Croki	22 June, 1901	22 June, 1901	24 June, 1901.
Crookwell	25 Aug., 1882	25 Aug., 1882	25 August, 1882.
Cudal	28 Dec., 1887	28 Dec., 1887	29 December, 1887.
Cundletown	13 April, 1893	13 April, 1893	14 July, 1893.
Currathool, West	28 May, 1894	28 May, 1894	29 May, 1894.
Darlington	27 Mar., 1837	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	10 May, 1880	14 May, 1880.
Dubbo	29 May, 1861	18 April, 1891	31 May, 1861, and 21 April, 1891.
Dundas	31 Oct., 1889	31 Oct., 1889	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	18 Aug., 1886	24 August, 1886.
Emu	31 July, 1899	31 July, 1899	2 August, 1899.
Enfield	14 July, 1890	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, 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.

*Police Offences.*LIST of Towns in which Part III is in force—*continued.*

Name of Town.	Date of Proclamation—		Dates of Government Gazette containing Proclamations.
	Bringing Town under the Act	Defining limits of Town.	
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., 1900	18 Dec., 1900	21 December, 1900.
Glebe	5 May, 1862	30 May, 1900	9 May, 1862, and 31 May, 1900.
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	12 October, 1869.
Gosford, West	14 Oct., 1863	8 Oct., 1869	16 October, 1863, and 12 October, 1869.
Goulburn	2 Mar., 1848, & 8 Mar., 1850	30 Jan., 1892	3 March, 1848, 2 February, 1892.
Grafton, N. and S.	4 June, 1858	18 Aug., 1868	4 June, 1858, and 21 August, 1868.
Grafton, South	29 June, 1876	22 Oct., 1889	4 July, 1876, and 25 October, 1889.
Granville	21 Aug., 1885	21 Aug., 1885	25 August, 1885.
Grenfell	11 May, 1868	11 May, 1868	12 May, 1868.
Greta	13 May, 1889	13 May, 1889	14 May, 1889.
Gulgong	27 Jan., 1872	17 April, 1889	30 January, 1872, and 18 April, 1889.
Gundagai, North	18 Nov., 1861	19 April, 1864	22 November, 1861, and 22 April, 1864.
Gundagai, South	19 April, 1864	19 June, 1889	22 April, 1864, and 21 June, 1889.
Gunnedah	30 Mar., 1870	30 Mar., 1870	1 April, 1870.
Gunning	11 Dec., 1855	25 April, 1873	14 December, 1855, and 25 April, 1873.
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.
Hay	27 Feb., 1860	26 Sept., 1890	28 February, 1860, and 30 September, 1890.
Haydonton	24 June, 1850	29 Aug., 1870	25 June, 1850, and 2 September, 1870.
Helensburgh	4 Sept., 1896	4 Sept., 1896	8 September, 1896.
Hill End	3 Aug., 1871	21 Jan., 1899	4 August, 1871, and 27 Jan., 1899.
Hillgrove	12 Aug., 1889	12 Aug., 1889	13 August, 1889.
Hillgrove, West	15 Oct., 1895	15 Oct., 1895	18 October, 1895.
Hillston and Hillston N.	14 Sept., 1880	14 Sept., 1880	17 September, 1880.
Hornsby	18 Feb., 1901	18 Feb., 1901	19 February, 1901.
Hunter's Hill	14 July, 1886	14 July, 1886	16 July, 1886.
Hurstville	4 Jan., 1892	4 Jan., 1892 & 20 Feb., 1901	5 January, 1892, and 22 February, 1901.
Inverell	10 Sept., 1866	28 May, 1896	14 September, 1866, and 2 June, 1896.
Jerilderie	26 Nov., 1870	26 Nov., 1870	29 November, 1870.
Katoomba	3 Jan., 1889	3 Jan., 1889	4 January, 1889.
Kelso	18 July, 1839	18 July, 1839	7 August, 1839.
Kempsey, West	14 Oct., 1863	20 May, 1890	16 October, 1863, and 23 May, 1890.
Kendall	22 June, 1901	22 June, 1901	24 June, 1901.
Kew	22 June, 1901	22 June, 1901	24 June, 1901.
Kiama	14 Oct., 1863	26 June, 1868	16 October, 1863, and 3 July, 1868.
Kiandra	14 Oct., 1863	9 Jan., 1893	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	4 July, 1881	4 July, 1881	8 July, 1881.
Lismore	14 Oct., 1863	22 July, 1892	16 October, 1863, and 26 July, 1892.
Lithgow	5 May, 1882	29 July, 1892	5 May, 1882, and 1 July, 1892.
Liverpool	20 Mar., 1848	15 April, 1890	24 March, 1848, and 18 April, 1890.
Lockhart	30 May, 1900	30 May, 1900 & 31 May, 1901	31 May, 1900, and 7 June, 1901.
Loftus (June Junction)	17 Nov., 1884	15 Feb., 1887	18 November, 1884, and 18 February, 1887.
Macdonald Town	20 Nov., 1874	20 Nov., 1874	20 November, 1874.

*Police Offences.*LIST of Towns in which Part III is in force—*continued.*

Name of Town.	Date of Proclamation—		Dates of Government Gazette containing Proclamations.
	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, 1830.
Manly	16 July, 1880	16 July, 18 0	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.
Milthorpe	18 Jan., 1897	18 Jan., 1897	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, 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, 1870.
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	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	18 Feb., 1892	18 Feb., 1892	19 February, 1892.
Mungindi	22 July, 1896	22 July, 1896	24 July, 1896.
Murrinboola (Murrumburrah)	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 & 14 Dec., 1852	20 May, 1870	1 October, 1852, 14 December, 1852, and 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 & 31 Oct., 1900	10 Aug., 1883 & 31 Oct., 1900	14 August, 1883, and 2 November, 1900.
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	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	14 Oct., 1863	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	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.
Nyngan	11 Mar., 1884	11 Mar., 1884	14 March, 1884.
Oneybygamba	13 Oct., 1885	13 Oct., 1885	16 October, 1885.
Orange	29 May, 1854	21 June, 1869	6 June, 1854, and 25 June, 1869.
Oxley	21 Aug., 1895	21 Aug., 1895	23 August, 1895.
Paddington	19 June, 1862, & 14 Oct., 1863	30 May, 1900	20 June, 1862, 16 October, 1863, and 31 May, 1900.
Panbula	30 Aug., 1891	17 Jan., 1870	13 August, 1861, and 18 January, 1870.

*Police Offences.*LIST of Towns in which Part III is in force—*continued.*

Name of Town.	Date of Proclamation—		Dates of Government Gazette containing Proclamations.
	Bringing Town under the Act.	Defining limits of town.	
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	25 Feb., 1870	16 October, 1863, and 1 March, 1870.
Peterborough.....	(See Shellharbour)		
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.
Queanbeyan	11 July, 1854	17 Sept., 1886	14 July, 1854, and 21 September, 1886.
Quirindi	18 Feb., 1884	9 May, 1891	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, & 12 Mar., 1870	16 October, 1863, 8 February, 1870, and 18 March, 1870.
Robinsonville	14 Oct., 1882	14 Oct., 1882	17 October, 1882.
Rockley	4 Dec., 1863	17 Jan., 1870	8 December, 1863, and 18 January, 1870.
Rookwood	13 Sept., 1892	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.
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	27 May, 1885	27 May, 1885	29 May, 1885.
Singleton	22 July, 1850	29 June, 1868	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	14 Aug., 1869	17 August, 1869.
Swansea	6 Mar., 1896	6 Mar., 1896	10 March, 1896.
St. Mary's	29 Sept., 1870	19 Sept., 1893	30 September, 1870, and 22 Sept., 1893.
Stockton.....	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	28 Feb., 1879	4 March, 1879.
Taralga	21 May, 1885	21 May, 1885	22 May, 1885.
Tarcutta	14 Oct., 1863	5 Feb., 1900	16 October, 1863, and 9 February, 1900.
Taree	16 Mar., 1886	16 Mar., 1886	S.G.G., 18 March, 1886.
Temora	23 Sept., 1880	23 Sept., 1880	24 September, 1880.
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.
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.*

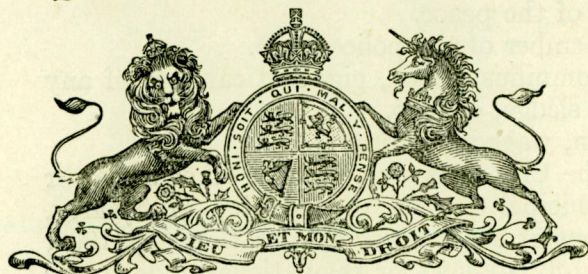
Name of Town.	Date of Proclamation—		Dates of Government Gazette containing Proclamations.
	Bringing Town under the Act.	Defining limits of Town.	
Tuena	10 July, 1888	10 July, 1888	13 July, 1888.
Tumberumba	14 Oct., 1863	24 Jan., 1870	16 October, 1863, and 28 January, 1870.
Tumut	24 Sept., 1855	22 April, 1882	28 September, 1855, and 25 April, 1882.
Tuncurry	22 June, 1901	22 June, 1901	24 June, 1901.
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.
Vaocluse	30 May, 1900	30 May, 1900	31 May, 1900.
Wagga Wagga	14 Oct., 1863	14 July, 1886	16 October, 1863, and 16 July, 1886.
Wahgunyah, North	18 May, 1865	18 May, 1865	30 May, 1865.
Walcha	10 Jan., 1882	10 Jan., 1882	13 January, 1882.
Walgett	14 Oct., 1863	13 July, 1869	16 October, 1863, and 16 July 1869.
Wallabadah	7 Sept., 1869	18 July, 1889	10 September, 1869, and 19 July, 1889.
Wallerawang	11 Sept., 1885	11 Sept., 1885	15 September, 1885.
Wallsend	22 Aug., 1874	22 Aug., 1874	25 August, 1874.
Waratah	28 July, 1874	28 July, 1874	31 July, 1874.
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 & 12 Oct., 1900	4 November, 1881, 2 July, 1897, and 13 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.
Wee Waa	14 Oct., 1863	24 Jan., 1870	16 October, 1863, and 25 January, 1870.
Wellington	23 Dec., 1853	19 Aug., 1891	27 December, 1853, and 21 August, 1891.
Wentworth	24 April, 1861	22 Jan., 1870	26 April, 1861, and 25 January, 1870.
West Maitland	Named in Act.	29 June, 1891	30 June, 1891.
West Narrabri	21 Feb., 1891	21 Feb., 1891	24 February, 1891.
West Wyalong	2 Jan., 1897	2 Jan., 1897	8 January, 1897.
White Cliffs	14 Dec., 1897	14 Dec., 1897	17 December, 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	11 May, 1868	11 May, 1868	12 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	14 December, 1858.
Wollomba	22 June, 1901	22 June, 1901	24 June, 1901.
Wollombi	14 Feb., 1854	12 Feb., 1870	17 February, 1854, and 15 February, 1870.
Wollongong	5 Nov., 1846	9 July, 1856	6 November, 1846, and 11 July, 1856.
Woodburn	18 Dec., 1900	18 Dec., 1900	21 December, 1900.
Woollahra	14 Oct., 1863	30 May, 1900	16 October, 1863, and 31 May, 1900.
Wonona	14 Oct., 1882	14 Oct., 1882	17 October, 1882.
Wyalong	6 Aug., 1894	6 Aug., 1894	10 August, 1894.
Yass	20 June, 1840	24 June, 1869	24 June, 1840, and 29 June, 1869.
Yass and O'Connell Town	10 Aug., 1869	10 Aug., 1869	10 August, 1869.
Young	4 June, 1862	19 Aug., 1869	6 June, 1862, and 20 August, 1869.

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, August, 1909. }*

Clerk of the Parliaments.

New South Wales.



ANNO NONO

EDWARDI VII REGIS.

Act No. , 1909.

An Act to consolidate the Statutes relating to Police Offences.

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:—

PART I.

Preliminary and Interpretation.

1. This Act may be cited as the "Police Offences Act, 1909," 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. 109-111.

c 45—A

Police Offences.

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, 1902, or any other Act and any by-laws or regulations made under their authority.

This Act shall be read with, and subject to the provisions of, the Metropolitan Traffic Act, 1900, the Public Health (Nightsoil Removal) Act, 1902, and the Local Government Act, 1906, and any Acts amending the same, and the regulations or ordinances 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 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.

8. (1) 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,

Repeal.

Persons appointed under repealed Acts.

Interpretation.

No. 5, 1901, s. 3.

Certain Acts with which this Act to be read.

Application of this Part to whole State.
Ibid. s. 5.

Being found drunk in a public place.
Ibid. s. 6.
Act No. 12, 1908, s. 8 (1).

Being found drunk and disorderly in a public place.
Ibid. s. 7.

No. 12, 1908, s. 8 (2).

Certain offences in public places to annoyance, &c., of residents, &c.
No. 5, 1901, s. 8.

Selling gunpowder, &c., by artificial light.

Hoisting or lowering goods without proper tackling.

Police Offences.

- 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, Carrying carcass of newly-slaughtered meat without a cloth covering same.
- 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 places clothes thereon; or, Placing line, cord, or pole across any street to hang clothes on.
- places, hangs up, or affixes any sign-post, board, house-ticket, notice, or other similar thing, otherwise than close and parallel to, or flat upon, the wall of the building to which the same belongs; or, Placing signboard except close to the wall.
- places any flower-pot in any upper window without sufficiently guarding the same from being thrown down; or, Placing any flower-pot, &c., in the upper window without guarding the same.
- casts from the roof, or any part of any building, any slate, brick, wood, rubbish, or other thing unless within a hoard when any building is being erected or repaired; or, Throwing anything from the roof of any house into the street.
- being a blacksmith, whitesmith, anchorsmith, nailmaker, or other person using a forge, and having a door, window, or aperture fronting or opening into or towards any street or passage, does not close and darken such door or window or aperture within one hour after sunset, so as effectually to prevent the light from showing through the same; Blacksmiths, &c., not closing windows opening into any street at night.
- 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 burns any rags, bones, cork, or other offensive substance; or, Burning rags within 100 yards from any dwelling-house, &c.
- while driving any vehicle whatsoever does not keep to the near side of such street or public place (except when overtaking and passing any other vehicle), or meeting any other vehicle does not pass to his near side of such vehicle, or in any manner wilfully prevents any other person from passing him or any vehicle under his care upon such street or public place, or by negligence or misbehaviour prevents, or interrupts the free passage of any carriage or person in or upon the same; or, Not keeping vehicles on the near or left hand side of the street, &c.
- being the driver of any vehicle, is wilfully at such a distance from such vehicle, or in such a situation, whilst it is passing upon such street or public place, that he cannot have the direction of the horse or other animal drawing the same; or, Driver leaving vehicle out of his control.
- having the charge of any cart, drawn by two or more horses or other animals, rides thereon without sufficient reins to guide the animals drawing the same; or, Riding on certain carts without reins.
- while driving or having the charge of any cart, drawn by any horse or other animal, and driven or guided by reins, wilfully allows such horse or other animal to proceed out of a walking pace; or, Driving a cart out of a walking pace.
- races any horse or other animal; or, Racing horses.
- baits any bull or other beast; or, Baiting bulls.
- exposes any horse or other animal for show or sale (except in a market lawfully appointed for that purpose) or, feeds Exposing animals for sale, &c.

Police Offences.

- 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.
- (2) 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 fireworks; 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 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.

Throwing stones.

Playing games.

Causing mob to
collect by
fighting, &c.Carrying goods on
footway.Selling detonators.
Act No. 12, 1908,
s. 9.Riding or driving
furiously in street.
No. 5, 1901, s. 9.Blowing horns, &c.,
for announcing any
sale, &c.Discharging firearms, &c.
Ibid.
No. 12, 1908, s. 10.Ringing bells,
*Ibid.*Keeping dog, &c.,
which attacks, &c.,
persons having
right of way.
No. 5, 1901, s. 10.Constable may seize
goats straying in public
places, and may destroy
such as are not branded
Angoras, &c.
Ibid., s. 11.Riotous, violent, or
indecent behaviour.
Ibid. s. 12.

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13. Whosoever, being a street musician, has been required by any householder or occupier of any premises, personally, or by his servant, or by any police constable, to depart from the neighbourhood 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.

Street musicians
not departing when
desired so to do.
Ibid. s. 13.

14. (1) Whosoever keeps or uses or acts in the management of any house, room, pit, or other place for the purpose of fighting or baiting 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.

Keeping place used
for cock-fighting,
&c.
Ibid. s. 14.

(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 internal communication between any house, shop, room, or place of public resort, not licensed for the sale of any fermented or spirituous liquors, and any house or place licensed for the sale of such liquors 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.

Making internal
communication with
an adjoining public
house.
Ibid. s. 15.

16. Whosoever, not being a licensee within the meaning of the Liquor Act, 1898, keeps or has any house, shop, room, or place of public resort wherein ready-made provisions, liquors, or refreshments of any kind are sold or consumed (whether the same are kept or retailed therein or procured elsewhere), and opens or has open his premises for the reception or entertainment of promiscuous persons or 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:

No person keeping
a house for public
resort to open same
for business before
six o'clock in the
morning or later
than twelve o'clock
at night.
Ibid. s. 16.

Provided that nothing herein contained shall effect the provisions of the Acts No. 38, 1899, and No. 81, 1900, or any Acts amending the same.

Proviso—saving
Early Closing Act.

17. Whosoever rides upon or causes himself to be carried or drawn by any carriage without the consent of the owner or driver thereof

Using carriages
without owner's or
driver's consent.
Ibid. s. 17.

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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.

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 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.

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

Ibid. s. 18.

(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.

Proprietors of vehicles not liable for deviating from the route.

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—

Shooting on Sunday.

Ibid. s. 19.

Provisos.

(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.

Persons receiving ship's stores from seamen, &c.

Ibid. s. 20.

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

Framing a false bill of parcels to escape detection.

Ibid. s. 21.

any

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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, or on board any ship or other vessel, is found having in his possession any instrument for the purpose of unlawfully obtaining, or any material or utensil for the purpose of unlawfully secreting or carrying away, any wine, spirits, or other liquors; or

Possessing instruments for unlawfully procuring and carrying away wine, &c.
Ibid. s. 22.]

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, or on board any ship or other vessel, breaks or otherwise injures any cask or package containing wine, spirits, or other liquors, with intent to steal or otherwise unlawfully obtain any of the contents thereof; or

Piercing casks, opening packages, &c.
Ibid. s. 23.

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 injured any cask, bag, or other package containing or prepared for containing any goods while on board of any lighter, or other craft, or 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.

Breaking packages with intent to spill contents.
Ibid. s. 24.

25. Any superintendent, inspector, or sub-inspector of police, or any constable in charge of a station may enter at all times by night or day, with such constables as he thinks necessary, upon and into every part of every ship or other vessel (not then actually employed in His 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.

Superintendents and inspectors may board vessels.
Ibid. s. 25.

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 take all necessary measures for preventing or detecting such felony, and may take into custody all persons suspected of being concerned in such felony, and may take charge of any property suspected to be stolen.

Superintendent, &c., having just cause to suspect felony may enter on board vessels, and take up suspected persons.
Ibid. s. 26.

27. Whosoever being charged before a Justice with—

(a) having anything in his custody; or

(b)

Persons unlawfully in possession of property.
Act No. 12, 1908, s. 11.

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- (b) knowingly having anything in the custody of another person;
or
(c) knowingly having anything in the 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 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. Search warrant. No. 5, 1901, s. 28. No. 12, 1908, s. 12 (1) and (2).

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 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 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. Person from whom stolen goods are said to have been received to be examined by the Justice. No. 5, 1901, s. 29. No. 12, 1908, s. 12 (3).

(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

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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 obtained are in the custody of any constable by virtue of any warrant of a Justice, or in prosecution of any charge of felony or misdemeanour in regard to the obtaining thereof, and the person charged with stealing or obtaining possession as aforesaid has not been found, or has been summarily convicted or discharged, or has been tried and acquitted, 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.

Order for delivery to owner, &c., of goods charged to have been stolen or fraudulently obtained and in custody of constable.
No. 5, 1901, s. 30.

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 unlawfully obtained, and of which the owner is unknown, are ordered by a Justice to be detained, any Justice may, after the expiration of twelve months, if during that time no owner has appeared to claim the same, sell or dispose of such goods or apply such money for the benefit of the Police Reward Fund.

Unclaimed stolen goods in the custody of the police may be sold after twelve months for the benefit of the Police Reward Fund.
Ibid. s. 31.

32. (1) Upon complaint made to a Justice by any person claiming to be entitled to the property or possession of any goods which are detained by any other person, the value of which is not greater than twenty pounds, and not being deeds, muniments, or papers relating to 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.

Order for the delivery to the owner of goods unlawfully detained.
Ibid. s. 32.

(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,

or

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

(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. (Act No. 12, 1908, s. 13.)

(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. or may be made subsequently 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. Such order no bar to right to sue.

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. Compensation for wilful damage by tenants. No. 5, 1901, s. 33.

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 Oppressive distresses. Ibid. s. 34.

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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 twenty-five pounds, which value such Justice shall determine.

35. Whosoever—

assaults, resists, or interrupts any sheriff's bailiff, bailiff of any court, or any keeper or other officer in the discharge of any public duty, or any bailiff or keeper distraining for rent, or for rates or taxes; or

Assaulting bailiffs, &c., in the execution of their duty.
Ibid. s. 35.

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, or vehicle in or upon which there is reason to suspect that anything stolen or unlawfully obtained may be found, and also any person who may be reasonably suspected of having or conveying in any manner anything stolen or unlawfully obtained.

Constable may detain and search any vessel, vehicle, &c., or person suspected of conveying stolen property.
Ibid. s. 36.

37. (1) Whosoever being the owner of any cart drawn by any horse or other animal, and driven or guided by reins, does not have his name and place of abode painted legibly in full length on the off side, in white letters at least two inches high and proportionately broad on a black ground, shall be liable to a penalty not exceeding two pounds.

Owners of carts not having name painted thereon.
Ibid. s. 37.

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

Person in charge to be detained till satisfactory account given.
Ibid.

38. Any constable may stop and detain until due inquiry can be made, all vehicles which he finds employed in removing the furniture of any house or lodging between the hours of eight in the 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.

Removing furniture to evade rent.
Ibid. s. 38.

39.

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39. (1) Whenever any person having charge of any horse, vehicle, or boat, or any other animal, or thing, is apprehended by any constable 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.

Horses, carriages,
&c., of offenders may
be detained.
Ibid. s. 39.

(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 grave misdemeanour is, without warrant, in the custody of any constable at any station-house during the time when the police court 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.

Constable at police
station may bind
over persons making
charges.
Ibid. s. 40.

(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.

Condition of
recognizance.

(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 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.

Common informers
compounding
information.
Ibid. s. 41.

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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 context or subject matter otherwise indicates or requires, apply and be 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.

Application of this Part.
Ibid. s. 42.

(2) The provisions of this Part shall be read with and subject to the provisions of the Sydney Corporation Act of 1902, and any Act amending the same, and of section ninety-five of the Local Government Act, 1906, and of sections twenty-seven, twenty-eight, and twenty-nine of the Public Roads Act, 1902.

Certain Acts with which this Part is to be read.

(3) In any of the said towns which are not municipalities within the meaning of the Local Government Act, 1906, and any Act amending the same, 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 the provisions of this Act to any town specified in such proclamation.

Governor may extend provisions of this Act to other towns.
Ibid. s. 43.

44. For the purposes of this Act—

- (1) the limits of the said city, and of Sydney Cove, and of Darling Harbour, shall be those set out in the Second Schedule; the limits of the towns mentioned in the Third Schedule shall be such as have been set out and marked, and described by publication in the Gazette under the provisions of any 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 are extended shall be such as are set out and marked, and described by publication in the Gazette in the manner hereinafter provided;
- (3) the carriage and foot ways in the streets and public places within the said city and the towns mentioned in the Third Schedule shall be such as have been set out and marked under the provisions of any Act hereby repealed, or any Act relating to the setting out and marking of such carriage or foot ways;
- (4) the carriage and foot ways of the streets and public places within any town to which the provisions of this Act are extended shall be such as are set out and marked in the manner hereinafter provided.

Limits of the city, &c., and of the towns to which this Part applies.
Ibid. s. 44.

Limits of towns to which this Part is hereafter extended.

Carriage and foot ways of city and towns to which this Part applies.

Carriage and foot ways of towns to which this Part is extended.

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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.

How limits of towns to which this Part shall be extended are to be set out, &c.
Ibid. s. 45.

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.

Entering to erect or maintain marks no trespass.
Ibid. s. 46.

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.

Destroying, &c., marks.
Ibid. s. 47.

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.

How carriage and foot ways of towns to which this Part is extended are to be set out and marked.
Ibid. s. 48.

(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 of the

Procedure where streets already set out and allotments sold in conformity with design of town.

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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 and used as a carriage or foot way within any of the said towns, as well as all land which has been or shall hereafter be formed into a street within any of the said towns at the public expense, shall be deemed and taken to be dedicated to the public, and shall not be fenced in or 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:

All land now open to the street or formed into a street at the public expense to be deemed dedicated to the public.
Ibid. s. 49.

Provided always that the Governor may permit and suffer the owner or possessor of any land adjoining to any footway within any of the said towns which has been heretofore left open and used as a carriage or foot way, to resume the possession of so much of the said 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.

Governor may permit owner of adjoining land to resume footway beyond twelve feet.
Ibid.

50. The Surveyor-General or any person deputed by him may, in the said city, and any person appointed by the Governor may, in any of the said towns, cause any footway, set out and marked under any Act hereby repealed or under this Act, to be levelled and made as 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.

Footways as set out may be levelled, &c.
Ibid. s. 50.

51. (1) Any person who, after the said footways have been set out as aforesaid, desires to flag, pave, gravel, or put a curbstone to the footway in the front of his house shall, twenty-four hours at the least before such work is begun, give notice in writing in the said city to the City Surveyor, or in the said towns to the Police Magistrate, of

SO Notice to be given to surveyor or police magistrate of intention to pave footways.
Ibid. s. 51.

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-eight, 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:

The Governor to fix distance of building line from curbstone. *Ibid.* s. 52.

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,
rebuilt 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.

Building within such distance.

(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 building in any street within any of the said towns without first serving on the Police Magistrate a notice in writing stating such intention and describing the proposed situation of the building. In towns notice to be given to the Police Magistrate of intention to build. *Ibid.* s. 53.

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

(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 having first served such notice and received such paper shall be liable to a penalty not exceeding ten pounds. Building without giving notice.

54. (1) The City Surveyor or other person appointed by him may in the said city, and any person appointed by the Governor may in the said towns, mark upon the walls of any house the name of the street or place in which it is situated, or such other notice as it may be conducive to the public convenience to affix, either by painting the 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. Names of streets may be affixed to any house. *Ibid.* s. 54.

(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 with the powers vested in any surveyor by the provisions of any other Act. Not to interfere with powers vested in surveyors. *Ibid.* s. 55.

56. Whosoever at any time wilfully obstructs or molests any person having the control of the streets or public places, or any surveyor or any person whomsoever authorised to put in execution this Act, in the performance of his duty, shall be liable to a penalty for the first offence of five pounds, and for the second offence of ten pounds, and for the third or any subsequent offence of twenty pounds. Obstructing persons in performance of duty under this Act. *Ibid.* s. 56. First offence. Second offence. Third or subsequent offence.

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

Any constable may apprehend all loose, idle, drunken, or 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 and

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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 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:

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

Ibid. s. 58.

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

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.

In default of appearance recognizance to be forfeited.

Ibid., s. 14 (2).

(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.

Time of hearing may be postponed.

(6)

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(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. Whosoever assaults or resists, or aids, or incites any person to assault or resist, any constable in the execution of his duty, shall be liable to a penalty not exceeding five pounds. Assault on constable. No. 5, 1901, s. 59.

60. Whosoever not being a licensee within the meaning of the Liquor Act, 1898, knowingly harbours or entertains any constable, or permits any constable to abide or remain in his house, shop, or room, or other place during any part of the time appointed for his being on duty elsewhere, shall be liable to a penalty not exceeding five pounds. Penalty on persons harbouring constables during the hours of duty. Ibid. s. 60.

61. Whosoever trades or deals, or keeps open any shop, store, or other place, for the purpose of trading or dealing on Sunday (the shops or houses of butchers, bakers, fishmongers, and greengrocers, until the hour of ten in the forenoon, and of bakers between the hours of one and two in the afternoon, and of apothecaries at any hour, only excepted), shall be liable to a penalty not exceeding three pounds: Trading on Sunday. Ibid. s. 61.

Provided that nothing herein contained shall affect the provisions of the Act No. 50, 1902.

62. Whosoever, being the owner or occupier of any public billiard room or other public place of amusement permits or suffers any one to play in his house or premises any game on Sunday, shall be liable to a penalty not exceeding five pounds. Owner of place of public amusement suffering games to be played on Sunday. Ibid. s. 62.

63. Any Justice may, and he is hereby required to disperse, or cause to be dispersed, all persons gathering together on Sunday in any public or open place within the said city or towns, or within five miles of any part of the said city for the purpose of gambling, or 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 actually gambling or playing as aforesaid shall be prosecuted according to law. Justices to disperse persons gambling in public places on Sunday, &c. Ibid. s. 63.

64. Whosoever damages any public building, wall, parapet, 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 was wilfully done, to a penalty not exceeding twenty pounds. Damaging public buildings. Ibid. s. 64.

65. Whosoever casts any filth or rubbish into any watercourse, sewer, or canal, or obstructs or diverts from its channel any public watercourse, sewer, or canal shall be liable to pay the cost of removing such filth or obstruction, or of restoring such watercourse, sewer, or canal to its proper channel, and to a penalty not exceeding five pounds. Obstructing watercourses, &c. Ibid. s. 65.

66. Whosoever damages any public fountain, pump, cock, or water-pipe, shall be liable to pay the cost of repairing the same, and if the damage was wilfully done shall be liable to a penalty not exceeding twenty pounds. Injuring public fountains. Ibid. s. 66.

67.

Police Offences.

67. Whosoever has in his possession any private key for the purpose 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.

Unlawfully appropriating water.
Ibid. s. 67.

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.

Wasting water of fountain.
Ibid. s. 68.

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

Washing clothes at fountain.
Ibid. s. 69.

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.

Beating carpets, flying kites, breaking horses, &c., in street or public place.
Ibid. s. 70.

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,

Placing filth, &c., in street, riding on footpaths, &c.,
Ibid. s. 71.

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-block, merchandise, cask, or goods of any kind whatsoever upon or over any street or public place; or,

Placing carriages, goods, &c., on footways, &c., and not removing same when required.
Ibid. s. 72.

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,

Placing timber, bricks, &c.

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

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

Things not so removed may be seized.

(3) In case any of the things so seized are perishable or articles of food, the same shall be immediately forfeited, and 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.

Perishables how to be disposed of.

In all other cases such Justice or constable shall cause the 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.

Other seizures.

(4) Unless the thing, animal, or gear so removed is claimed and the said penalty and charges paid within five days next after such removal, the said Justice may order the same to be appraised 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.

Unless things (not perishable) claimed within five days they may be sold, &c.

73. Where any person has been required under the provisions of the last preceding section to remove anything therein mentioned, and afterwards places, hangs out, or exposes, or causes or permits to 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.

No second notice necessary.

Ibid. s. 73.

74. Nothing in this Act contained shall be deemed to prevent any person from placing an awning in front of his shop or house:

Awnings may be erected in front of shops.

Ibid. s. 74.

Provided, however, that such awning is at least seven feet above 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 lets off any firework in any street or public place shall be liable to a penalty not exceeding five pounds:

Discharging firearms, &c., in street.

Ibid. s. 75.

Provided

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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.

Proviso—saving persons engaged in military or police duties in Sydney.

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

Burning shavings, &c., in the streets. *Ibid.* s. 76.

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.

Bathing within certain limits. *Ibid.* s. 77.

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.

Indecent exposure of the person. *Ibid.* s. 78.

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.

Keeping swine within 40 yards of street. *Ibid.* s. 79.

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.

Suffering swine, horse, goat, &c., to wander about the streets. *Ibid.* s. 80.

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.

Notice to remove hog-sties and nuisances. *Ibid.* s. 81.

(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.

Not removing, &c., nuisances after notice.

(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 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 two pounds.

Neglecting to keep private yards, &c., clean. *Ibid.* s. 82.

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83. (1) Any Justice or any constable authorised and deputed by any writing under the hand of any Justice, may, as often as he sees occasion, inspect the butchers' shambles and slaughter-houses, and give such directions concerning the cleansing thereof, both within and without, as to him seems needful.

Inspection and directions to cleanse butchers' shambles and slaughter-houses.

Ibid. s. 83.

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

Obstructing inspecting justice or 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 time,

Not complying with directions to cleanse.

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 drawn upon any part of any street or public place, any timber, stone, or other thing otherwise than upon wheeled carriages, or suffers any timber, stone, or other thing carried principally or in part upon 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.

Drawing or trailing timber, &c.

Ibid. s. 84.

85. Whosoever being the owner or occupier of any house, building, or premises within the said towns having any entrance, area, garden, or other open space adjoining the footway of any street or public place beneath the level of the curbstone or exterior edge of 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.

Owner or occupier not enclosing open spaces and steps adjoining the footways in said towns.

Ibid. s. 85.

86. Whosoever, being the owner or occupier of any house, building, or premises having any rails or bars over the areas or openings to any kitchen, cellar, or other part of the said house, building, or premises beneath the surface of the footway of any street or public place or any doorway or entrance into the basement or cellar story thereof,

Not securing covering, &c., entrances to cellars, coal-holes, &c.

Ibid. s. 86.

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

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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 the expense of remedying or removing such cellar, opening, door, or window, such expense to be assessed and allowed by the Justice who hears the case.

Making cellars or openings beneath the surface of footways.

Ibid. s. 87.

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,

Not fencing holes in street.

Ibid. s. 88.

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.

Allowing rain to drop from eaves of houses on footways.

Ibid. s. 89.

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,

Driving carts with night-soil through streets, &c.

Ibid. s. 90.

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.

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- 91. Whosoever—** Removing night-soil or casting same in street, &c. *Ibid.* s. 91.
empties or begins to empty any privy, or take away night-soil from any house or premises within any street or public place, or comes with any vehicle for that purpose, except between the hours of 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—** Liability of owner or employer for offence against sec. 90. *Ibid.* s. 92.
is the owner of any vehicle in which any night-soil or other matter is placed by any person contrary to the provisions of section ninety; 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 employer for offence against sec. 91. *Ibid.* s. 93.
is the owner of any vehicle or animal employed in and about emptying and removing night-soil contrary to the provisions of section ninety-one, or coming for that purpose (save and except 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. Whosoever** wantonly or maliciously breaks or injures any lamp or lamp-post, or extinguishes any lamp set up for public or private convenience, shall be liable over and above the necessary expense of repairing the injury committed, to be estimated by the Justice before whom such offender is brought, to a penalty not exceeding five pounds. Injuring or extinguishing lamps. *Ibid.* s. 94.
- 95. Whosoever—** Throwing dead animals into Sydney Cove or Darling Harbour, or rivers, &c., in towns. *Ibid.* s. 95.
throws or causes to be thrown any dead animal into any part of Sydney Cove or Darling Harbour, or into any street or public place, or into any river, creek, or other stream which flows by or through any such street or public place; or,
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.
- 96. (1)** Any person who desires to blast any rock within the limits of the said city or towns, shall give notice in writing twenty-four hours previously, in the said city to the City Surveyor, or in 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. Notice to be given of intention to blast rock. *Ibid.* s. 96.

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- (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.** 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 so negligently or furiously as to endanger the safety of any person, or 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.

Blasting without giving notice, &c.

Wantonly damaging street, or removing turf, gravel, &c., without permission.

Ibid. s. 97.

Preventing persons passing.

Ibid. s. 98.

Riding on shafts.

Riding or driving to danger of others.

Ibid. s. 99.

Affixing placards on or defacing walls.

Ibid. s. 100.

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 are of opinion that the ordinary constables or officers appointed for preserving

Police Magistrate and Justices may appoint special constables.

Ibid. s. 101.

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.

(2) A Police Magistrate or any two Justices may, at the request of his employer, or of the council of a municipality or shire, and subject to the approval of the Inspector-General of Police, in like 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.

Special constables.
Act No. 12, 1908,
s. 15.

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.

(3) 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 Lord the King in the office of special constable for the [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.

Form of oath to be
taken by special
constables.

(4) 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 special constables under this Act when such special constables have been called out shall have power to make such orders and regulations

Police Magistrates or
Justices may make
regulations respecting
special constables, and
may remove them for
misconduct.

as No. 5, 1901, s. 102

Police Offences.

as may from time to time be necessary and expedient for rendering such 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.

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.

Power of special constables.
Ibid. s. 103.

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.

Penalty for refusing to take the oath of office.
Ibid. s. 104.

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.

Penalty for refusing to serve or for disobeying orders.
Ibid. s. 105.

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.

Police Magistrates and Justices may discontinue the services of special constables called out.
Ibid. s. 106.

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.

Special constables to deliver arms, staves, &c., to successors.
Ibid. s. 107.

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

108.

Police Offences.

108. Whosoever 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.

Assaulting or
resisting special
constables.
Ibid. s. 108.

PART V.

Procedure.

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

Complaints of offences to
be dealt with summarily.
Ibid. s. 103.

110. The whole amount of all penalties recovered under sections six and seven shall be paid into the Consolidated Revenue.

Appropriation of
penalties recovered
under ss. 6 and 7.
Ibid. s. 113.

111. (1) All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be commenced within two months after the act was committed.

Proceedings against
persons acting
under this Act.
Ibid. s. 114.

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

Notice of action.

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

Defendant may
plead the general
issue.

(4) No plaintiff shall recover in any such action if tender 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.

Tender of amends.

(5) In any such action if a verdict is given for the defendant, 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.

Costs.

SCHEDULES.

Police Offences.

SCHEDULES.

FIRST SCHEDULE.

See s. 28.

Repeal of Acts.

Reference to Act.	Title or short title.	Extent of repeal.
No. 5, 1901 ...	The Police Offences Act, 1901 ...	The whole.
No. 12, 1908 ...	The Police Offences (Amendment) Act, 1908	Part III.

SECOND SCHEDULE.

See s. 45.

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 north-west, 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 Rushcutters' 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.

THIRD SCHEDULE.

See ss. 43, 45, 47.

LIST of Towns in which Part III is in force.

Name of Town.	Date of Proclamation—		Dates of Government Gazette containing Proclamations.
	Bringing Town under the Act.	Defining limits of Town.	
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	25 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, 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.
Barrington	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 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.
Berrina	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., 1870	8 February, 1870.
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	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	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	24 Oct., 1872	25 October, 1872.
Bungonia	14 Oct., 1863	24 Mar., 1900	16 October, 1863, and 27 March, 1900.

*Police Offences.*LIST of Towns in which Part III is in force—*continued.*

Name of Town.	Date of Proclamation—		Dates of Government Gazette containing Proclamations.
	Bringing Town under the Act.	Defining limits of Town.	
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, 1863, and 10 September, 1869.
Camden Haven.....	22 June, 1901	22 June, 1901	24 June, 1901.
Campbelltown.....	28 July, 1842	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.....	18 Sept., 1889	18 Sept., 1889	20 September, 1889.
Canterbury.....	29 Oct., 1889	29 Oct., 1880	2 November, 1880.
Carcoar and West Carcoar.	1 Sept., 1854	12 Sept., 1870	12 September, 1854, and 13 September, 1870.
Cargellico.....	13 June, 1852	13 June, 1882	13 June, 1882.
Cargo.....	28 Dec., 1887	28 Dec., 1887	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.....	14 Oct., 1863	23 June, 1869	16 October, 1863, and 29 June, 1869.
Catherine Hill Bay.....	6 Mar., 1896	6 Mar., 1896	10 March, 1896.
Clarence Town.....	24 Dec., 1855	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	13 May, 1884	16 May, 1884.
Condoulin.....	25 Sept., 1877	25 Sept., 1877	28 September, 1877.
Cook.....	23 June, 1869	23 June, 1869	29 June, 1869.
Coolah.....	3 May, 1901	3 May, 1901	7 May, 1901.
Coolamon.....	12 Oct., 1900	12 Oct., 1900	13 October, 1900.
Cooma.....	14 Mar., 1855	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.....	22 June, 1901	23 June, 1901	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.....	13 Jan., 1887	13 Jan., 1887	18 January, 1887.
Cowra.....	14 Dec., 1863	8 July, 1890	18 December, 1863, and 11 July, 1890.
Croki.....	22 June, 1901	22 June, 1901	24 June, 1901.
Crookwell.....	25 Aug., 1882	25 Aug., 1882	25 August, 1882.
Cudal.....	28 Dec., 1887	28 Dec., 1887	29 December, 1887.
Cundletown.....	13 April, 1893	13 April, 1893	14 July, 1893.
Currathool, West.....	28 May, 1894	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	10 May, 1880	14 May, 1880.
Dubbo.....	29 May, 1861	18 April, 1891	31 May, 1861, and 21 April, 1891.
Dundas.....	31 Oct., 1889	31 Oct., 1889	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	18 Aug., 1886	24 August, 1886.
Emu.....	31 July, 1899	31 July, 1899	2 August, 1899.
Enfield.....	14 July, 1890	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, 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.

*Police Offences.*LIST of Towns in which Part III is in force—*continued.*

Name of Town.	Date of Proclamation—		Dates of Government Gazette containing Proclamations.
	Bringing Town under the Act	Defining limits of Town.	
Frederickton	24 Oct., 1885	24 Oct., 1885	27 October, 1885.
Germanton	27 Mar., 1886	9 May, 1895	30 March, 1886, and 10th May, 1895.
Gerrington	6 Oct., 1880	6 Oct., 1880	12 October, 1880.
Gilgunnia	15 Dec., 1896	15 Dec., 1896	18 December, 1896.
Gladstone	18 Dec., 1900	18 Dec., 1900	21 December, 1900.
Glebe	5 May, 1862	30 May, 1900	9 May, 1862, and 31 May, 1900.
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	12 October, 1869.
Gosford, West	14 Oct., 1863	8 Oct., 1869	16 October, 1863, and 12 October, 1869.
Goulburn	2 Mar., 1848, & 8 Mar., 1850	30 Jan., 1892	3 March, 1848, 2 February, 1892.
Grafton, N. and S.	4 June, 1858	18 Aug., 1868	4 June, 1858, and 21 August, 1868.
Grafton, South	29 June, 1876	22 Oct., 1889	4 July, 1876, and 25 October, 1889.
Granville	21 Aug., 1885	21 Aug., 1885	25 August, 1885.
Grenfell	11 May, 1868	11 May, 1868	12 May, 1868.
Greta	13 May, 1889	13 May, 1889	14 May, 1889.
Gulgong	27 Jan., 1872	17 April, 1889	30 January, 1872, and 18 April, 1889.
Gundagai, North	18 Nov., 1861	19 April, 1864	22 November, 1861, and 22 April, 1864.
Gundagai, South	19 April, 1864	19 June, 1889	22 April, 1864, and 21 June, 1889.
Gunnedah	30 Mar., 1870	30 Mar., 1870	1 April, 1870.
Gunning	11 Dec., 1855	25 April, 1873	14 December, 1855, and 25 April, 1873.
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.
Hay	27 Feb., 1860	26 Sept., 1890	28 February, 1860, and 30 September, 1890.
Haydonton	24 June, 1850	29 Aug., 1870	25 June, 1850, and 2 September, 1870.
Helensburgh	4 Sept., 1896	4 Sept., 1896	8 September, 1896.
Hill End	3 Aug., 1871	21 Jan., 1899	4 August, 1871, and 27 Jan., 1899.
Hillgrove	12 Aug., 1889	12 Aug., 1889	13 August, 1889.
Hillgrove, West	15 Oct., 1895	15 Oct., 1895	18 October, 1895.
Hillston and Hillston N.	14 Sept., 1880	14 Sept., 1880	17 September, 1880.
Hornsby	18 Feb., 1901	18 Feb., 1901	19 February, 1901.
Hunter's Hill	14 July, 1886	14 July, 1886	16 July, 1886.
Hurstville	4 Jan., 1892	4 Jan., 1892 & 20 Feb., 1901	5 January, 1892, and 22 February, 1901.
Inverell	10 Sept., 1866	28 May, 1896	14 September, 1866, and 2 June, 1896.
Jerilderie	26 Nov., 1870	26 Nov., 1870	29 November, 1870.
Katoomba	3 Jan., 1889	3 Jan., 1889	4 January, 1889.
Kelso	18 July, 1839	18 July, 1839	7 August, 1839.
Kempsey, West	14 Oct., 1863	20 May, 1890	16 October, 1863, and 23 May, 1890.
Kendall	22 June, 1901	22 June, 1901	24 June, 1901.
Kew	22 June, 1901	22 June, 1901	24 June, 1901.
Kiama	14 Oct., 1863	26 June, 1868	16 October, 1863, and 3 July, 1868.
Kiandra	14 Oct., 1863	9 Jan., 1893	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	4 July, 1881	4 July, 1881	8 July, 1881.
Lismore	14 Oct., 1863	22 July, 1892	16 October, 1863, and 26 July, 1892.
Lithgow	5 May, 1882	29 July, 1892	5 May, 1882, and 1 July, 1892.
Liverpool	20 Mar., 1848	15 April, 1890	24 March, 1848, and 18 April, 1890.
Lockhart	30 May, 1900	30 May, 1900 & 31 May, 1901	31 May, 1900, and 7 June, 1901.
Loftus (Jonee Junction)	17 Nov., 1884	15 Feb., 1887	18 November, 1884, and 18 February, 1887.
Macdonald Town	20 Nov., 1874	20 Nov., 1874	20 November, 1874.

*Police Offences.*LIST of Towns in which Part III is in force—*continued.*

Name of Town.	Date of Proclamation—		Dates of Government Gazette containing Proclamations.
	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.
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.
Milthorpe	18 Jan., 1897	18 Jan., 1897	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, 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, 1870.
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	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	18 Feb., 1892	18 Feb., 1892	19 February, 1892.
Mungindi	22 July, 1896	22 July, 1896	24 July, 1896.
Murrumboola (Murrumburrah)	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 & 14 Dec., 1852	20 May, 1870	1 October, 1852, 14 December, 1852, and 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 & 31 Oct., 1900	10 Aug., 1883 & 31 Oct., 1900	14 August, 1883, and 2 November, 1900.
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	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	14 Oct., 1863	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	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.
Nyngan	11 Mar., 1884	11 Mar., 1884	14 March, 1884.
Oneybygamba	13 Oct., 1885	13 Oct., 1885	16 October, 1885.
Orange	29 May, 1854	21 June, 1869	6 June, 1854, and 25 June, 1869.
Oxley	21 Aug., 1895	21 Aug., 1895	23 August, 1895.
Paddington	19 June, 1862, & 14 Oct., 1863	30 May, 1900	20 June, 1862, 16 October, 1863, and 31 May, 1900.
Panbula	30 Aug., 1891	17 Jan., 1870	13 August, 1861, and 18 January, 1870.

*Police Offences.*LIST of Towns in which Part III is in force—*continued.*

Name of Town.	Date of Proclamation—		Dates of Government Gazette containing Proclamations.
	Bringing Town under the Act.	Defining limits of town.	
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	25 Feb., 1870	16 October, 1863, and 1 March, 1870.
Peterborough.....	(See Shellharbour)		
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.
Queanbeyan	11 July, 1854	17 Sept., 1886	14 July, 1854, and 21 September, 1886.
Quirindi	18 Feb., 1884	9 May, 1891	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, & 12 Mar., 1870	16 October, 1863, 8 February, 1870, and 18 March, 1870.
Robinsonville	14 Oct., 1882	14 Oct., 1882	17 October, 1882.
Rockley	4 Dec., 1863	17 Jan., 1870	8 December, 1863, and 18 January, 1870.
Rookwood	13 Sept., 1892	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.
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	27 May, 1885	27 May, 1885	29 May, 1885.
Singleton	22 July, 1850	29 June, 1868	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	14 Aug., 1869	17 August, 1869.
Swansea	6 Mar., 1896	6 Mar., 1896	10 March, 1896.
St. Mary's	29 Sept., 1870	19 Sept., 1893	30 September, 1870, and 22 Sept., 1893.
Stockton.....	11 May, 1835	28 Dec., 1892	12 May, 1835, 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	28 Feb., 1879	4 March, 1879.
Taralga	21 May, 1885	21 May, 1885	22 May, 1885.
Tarcutta	14 Oct., 1863	5 Feb., 1900	16 October, 1863, and 9 February, 1900.
Taree	16 Mar., 1886	16 Mar., 1886	S.G.G., 18 March, 1886.
Temora	23 Sept., 1880	23 Sept., 1880	24 September, 1880.
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.
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.*

Name of Town.	Date of Proclamation—		Dates of Government Gazette containing Proclamations.
	Bringing Town under the Act.	Defining limits of Town.	
Tuena	10 July, 1888	10 July, 1888	13 July, 1888.
Tumberumba	14 Oct., 1863	24 Jan., 1870	16 October, 1863, and 23 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.
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.
Walcha	10 Jan., 1882	10 Jan., 1882	13 January, 1882.
Walgett	14 Oct., 1863	13 July, 1869	16 October, 1863, and 16 July 1869.
Wallabadah	7 Sept., 1869	18 July, 1889	10 September, 1869, and 19 July, 1889.
Wallerawang	11 Sept., 1885	11 Sept., 1885	15 September, 1885.
Wallsend	22 Aug., 1874	22 Aug., 1874	25 August, 1874.
Waratah	28 July, 1874	28 July, 1874	31 July, 1874.
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 & 12 Oct., 1900	4 November, 1881, 2 July, 1897, and 13 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.
Wee Waa	14 Oct., 1863	24 Jan., 1870	16 October, 1863, and 25 January, 1870.
Wellington	23 Dec., 1853	19 Aug., 1891	27 December, 1853, and 21 August, 1891.
Wentworth	24 April, 1861	22 Jan., 1870	26 April, 1861, and 25 January, 1870.
West Maitland	Named in Act.	29 June, 1891	30 June, 1891.
West Narrabri	21 Feb., 1891	21 Feb., 1891	24 February, 1891.
West Wyalong	2 Jan., 1897	2 Jan., 1897	8 January, 1897.
White Cliffs	14 Dec., 1897	14 Dec., 1897	17 December, 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	11 May, 1868	11 May, 1868	12 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	14 December, 1858.
Wollomba	22 June, 1901	22 June, 1901	24 June, 1901.
Wollombi	14 Feb., 1854	12 Feb., 1870	17 February, 1854, and 15 February, 1870.
Wollongong	5 Nov., 1846	9 July, 1856	6 November, 1846, and 11 July, 1856.
Woodburn	18 Dec., 1900	18 Dec., 1900	21 December, 1900.
Woolahra	14 Oct., 1863	30 May, 1900	16 October, 1863, and 31 May, 1900.
Wonona	14 Oct., 1882	14 Oct., 1882	17 October, 1882.
Wyalong	6 Aug., 1894	6 Aug., 1894	10 August, 1894.
Yass	20 June, 1840	24 June, 1869	24 June, 1840, and 29 June, 1869.
Yass and O'Connell Town	10 Aug., 1869	10 Aug., 1869	10 August, 1869.
Young	4 June, 1862	19 Aug., 1869	6 June, 1862, and 20 August, 1869.

Legislative Council.

No. , 1909.

A BILL

To consolidate the Statutes relating to Police Offences.

[MR. JOHN HUGHES;—4 August, 1909.]

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:—

PART I.

Preliminary and Interpretation.

1. This Act may be cited as the "Police Offences Act, 1909," and is divided into Parts, as follows:—

Short title and
division into Parts.

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. 109-111.

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.

Persons appointed under repealed Acts.

(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.

Interpretation.
No. 5, 1901, s. 3.

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, 1902, or any other Act and any by-laws or regulations made under their authority.

Certain Acts with which this Act to be read.

4. This Act shall be read with, and subject to the provisions of, the Metropolitan Traffic Act, 1900, the Public Health (Nightsoil Removal) Act, 1902, and the Local Government Act, 1906, and any Acts amending the same, and the regulations or ordinances from time to time in force thereunder.

PART II.

*Offences general to whole State.*Application of this Part to whole State.
Ibid. s. 5.

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

Being found drunk in a public place.
Ibid. s. 6.
Act No. 12, 1908, s. 8 (1).

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

Being found drunk and disorderly in a public place.
Ibid. s. 7.
No. 12, 1908, s. 8 (2).

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., of residents, &c.
No. 5, 1901, s. 8.
Selling gunpowder, &c., by artificial light.

8. (1) 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,

Hoisting or lowering goods without proper tackling.

conveys,

- 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, Carrying carcass of newly-slaughtered meat without a cloth covering same.
- 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 places clothes thereon; or, Placing line, cord, or pole across any street to hang clothes on.
- places, hangs up, or affixes any sign-post, board, house-ticket, notice, or other similar thing, otherwise than close and parallel to, or flat upon, the wall of the building to which the same belongs; or, Placing signboard except close to the wall.
- places any flower-pot in any upper window without sufficiently guarding the same from being thrown down; or, Placing any flower-pot, &c., in the upper window without guarding the same.
- casts from the roof, or any part of any building, any slate, brick, wood, rubbish, or other thing unless within a hoard when any building is being erected or repaired; or, Throwing anything from the roof of any house into the street.
- being a blacksmith, whitesmith, anchorsmith, nailmaker, or other person using a forge, and having a door, window, or aperture fronting or opening into or towards any street or passage, does not close and darken such door or window or aperture within one hour after sunset, so as effectually to prevent the light from showing through the same: Blacksmiths, &c., not closing windows opening into any street at night.
- 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 burns any rags, bones, cork, or other offensive substance; or, Burning rags within 100 yards from any dwelling-house, &c.
- while driving any vehicle whatsoever does not keep to the near side of such street or public place (except when overtaking and passing any other vehicle), or meeting any other vehicle does not pass to his near side of such vehicle, or in any manner wilfully prevents any other person from passing him or any vehicle under his care upon such street or public place, or by negligence or misbehaviour prevents, or interrupts the free passage of any carriage or person in or upon the same; or, Not keeping vehicles on the near or left hand side of the street, &c.
- being the driver of any vehicle, is wilfully at such a distance from such vehicle, or in such a situation, whilst it is passing upon such street or public place, that he cannot have the direction of the horse or other animal drawing the same; or, Driver leaving vehicle out of his control.
- having the charge of any cart, drawn by two or more horses or other animals, rides thereon without sufficient reins to guide the animals drawing the same; or, Riding on certain carts without reins.
- while driving or having the charge of any cart, drawn by any horse or other animal, and driven or guided by reins, wilfully allows such horse or other animal to proceed out of a walking pace; or, Driving a cart out of a walking pace.
- races any horse or other animal; or, Racing horses.
- baits any bull or other beast; or, Baiting bulls.
- exposes any horse or other animal for show or sale (except in a market lawfully appointed for that purpose) or, feeds Exposing animals for sale, &c.

- 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.
- Cleaning, &c., vehicles.
Throwing stones.
Playing games.
Causing mob to collect by fighting, &c.
Carrying goods on footway.
Selling detonators.
Act No. 12, 1908, s. 9.
- (2) 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.
- Riding or driving furiously in street.
No. 5, 1901, s. 9.
- 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 doorbell, or knocking at any door without lawful excuse,
shall be liable to a penalty not exceeding two pounds.
- Blowing horns, &c., for announcing any sale, &c.
- Discharging firearms, &c.
Ibid.
No. 12, 1908, s. 10.
- Ringling bells,
Ibid.
- Keeping dog, &c., which attacks, &c., persons having right of way.
No. 5, 1901, s. 10.
- Constable may seize goats straying in public places, and may destroy such as are not branded Angoras, &c.
Ibid., s. 11.
- 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 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.
- Riotous, violent, or indecent behaviour.
Ibid. s. 12.
- 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.**

13. Whosoever, being a street musician, has been required by any householder or occupier of any premises, personally, or by his servant, or by any police constable, to depart from the neighbourhood 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.

Street musicians
not departing when
desired so to do.
Ibid. s. 13.

14. (1) Whosoever keeps or uses or acts in the management of any house, room, pit, or other place for the purpose of fighting or baiting 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.

Keeping place used
for cock-fighting,
&c.
Ibid. s. 14.

(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 internal communication between any house, shop, room, or place of public resort, not licensed for the sale of any fermented or spirituous liquors, and any house or place licensed for the sale of such liquors 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.

Making internal
communication with
an adjoining public
house.
Ibid. s. 15.

16. Whosoever, not being a licensee within the meaning of the Liquor Act, 1898, keeps or has any house, shop, room, or place of public resort wherein ready-made provisions, liquors, or refreshments of any kind are sold or consumed (whether the same are kept or retailed therein or procured elsewhere), and opens or has open his premises for the reception or entertainment of promiscuous persons or 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:

No person keeping
a house for public
resort to open same
for business before
six o'clock in the
morning or later
than twelve o'clock
at night.
Ibid. s. 16.

Provided that nothing herein contained shall effect the provisions of the Acts No. 38, 1899, and No. 81, 1900, or any Acts amending the same.

Proviso—saving
Early Closing Act.

17. Whosoever rides upon or causes himself to be carried or drawn by any carriage without the consent of the owner or driver thereof

Using carriages
without owner's or
driver's consent.
Ibid. s. 17.

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 Police to make regulations for preventing obstructions in the streets during public processions, &c.
Ibid. s. 18.

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 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.

Proprietors of vehicles not liable for deviating from the route.

(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.

Shooting on Sunday.
Ibid. s. 19.

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:

Provisos.

- 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.

Persons receiving ship's stores from seamen, &c.
Ibid. s. 20.

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.

Framing a false bill of parcels to escape detection.
Ibid. s. 21.

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

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, or on board any ship or other vessel, is found having in his possession any instrument for the purpose of unlawfully obtaining, or any material or utensil for the purpose of unlawfully secreting or carrying away, any wine, spirits, or other liquors; or

Possessing instruments for unlawfully procuring and carrying away wine, &c.
Ibid. s. 22.

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, or on board any ship or other vessel, breaks or otherwise injures any cask or package containing wine, spirits, or other liquors, with intent to steal or otherwise unlawfully obtain any of the contents thereof; or

Piercing casks, opening packages, &c.
Ibid. s. 23.

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 injured any cask, bag, or other package containing or prepared for containing any goods while on board of any lighter, or other craft, or 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.

Breaking packages with intent to spill contents.
Ibid. s. 24.

25. Any superintendent, inspector, or sub-inspector of police, or any constable in charge of a station may enter at all times by night or day, with such constables as he thinks necessary, upon and into every part of every ship or other vessel (not then actually employed in His 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.

Superintendents and inspectors may board vessels.
Ibid. s. 25.

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 take all necessary measures for preventing or detecting such felony, and may take into custody all persons suspected of being concerned in such felony, and may take charge of any property suspected to be stolen.

Superintendent, &c., having just cause to suspect felony may enter on board vessels, and take up suspected persons.
Ibid. s. 26.

27. Whosoever being charged before a Justice with—
(a) having anything in his custody; or

(b) Persons unlawfully in possession of property.
Act No. 12, 1908, s. 11.

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

(c) knowingly having anything in the 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.

Search warrant.

No. 5, 1901, s. 28.

No. 12, 1908, s. 12

(1) and (2).

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 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 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.

Person from whom
stolen goods are said
to have been
received to be
examined by the
Justice.

No. 5, 1901, s. 29.

No. 12, 1908, s. 12

(3).

29. (1) When any person who has been brought before a Justice 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

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 obtained are in the custody of any constable by virtue of any warrant of a Justice, or in prosecution of any charge of felony or misdemeanour in regard to the obtaining thereof, and the person charged with stealing or obtaining possession as aforesaid has not been found, or has been summarily convicted or discharged, or has been tried and acquitted, 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.

Order for delivery to owner, &c., of goods charged to have been stolen or fraudulently obtained and in custody of constable.
No. 5, 1901, s. 30.

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 unlawfully obtained, and of which the owner is unknown, are ordered by a Justice to be detained, any Justice may, after the expiration of twelve months, if during that time no owner has appeared to claim the same, sell or dispose of such goods or apply such money for the benefit of the Police Reward Fund.

Unclaimed stolen goods in the custody of the police may be sold after twelve months for the benefit of the Police Reward Fund.
Ibid. s. 31.

32. (1) Upon complaint made to a Justice by any person claiming to be entitled to the property or possession of any goods which are detained by any other person, the value of which is not greater than twenty pounds, and not being deeds, muniments, or papers relating to 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.

Order for the delivery to the owner of goods unlawfully detained.
Ibid. s. 32.

(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,

or

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).

Or ler for payment of value if goods not delivered up may be included in such order,

(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.

(Act No. 12, 1908, s. 13.)

(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.

or may be made subsequently by any Justice.

(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 right to sue.

(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.

Compensation for wilful damage by tenants.

No. 5, 1901, s. 33.

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.

Oppressive distresses.

Ibid. s. 34.

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

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 twenty-five pounds, which value such Justice shall determine.

35. Whosoever—

assaults, resists, or interrupts any sheriff's bailiff, bailiff of any court, or any keeper or other officer in the discharge of any public duty, or any bailiff or keeper distraining for rent, or for rates or taxes; or,

Assaulting bailiffs, &c., in the execution of their duty. *Ibid.* s. 35.

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, or vehicle in or upon which there is reason to suspect that anything stolen or unlawfully obtained may be found, and also any person who may be reasonably suspected of having or conveying in any manner anything stolen or unlawfully obtained.

Constable may detain and search any vessel, vehicle, &c., or person suspected of conveying stolen property. *Ibid.* s. 36.

37. (1) Whosoever being the owner of any cart drawn by any horse or other animal, and driven or guided by reins, does not have his name and place of abode painted legibly in full length on the off side, in white letters at least two inches high and proportionately broad on a black ground, shall be liable to a penalty not exceeding two pounds.

Owners of carts not having name painted thereon. *Ibid.* s. 37.

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

Person in charge to be detained till satisfactory account given. *Ibid.*

38. Any constable may stop and detain until due inquiry can be made, all vehicles which he finds employed in removing the furniture of any house or lodging between the hours of eight in the 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.

Removing furniture to evade rent. *Ibid.* s. 38.

39.

Horses, carriages,
&c., of offenders may
be detained.

Ibid. s. 39.

39. (1) Whenever any person having charge of any horse, vehicle, or boat, or any other animal, or thing, is apprehended by any constable 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.

Constable at police
station may bind
over persons making
charges.

Ibid. s. 40.

40. (1) Whenever any person charged with any felony or any grave misdemeanour is, without warrant, in the custody of any constable at any station-house during the time when the police court 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.

(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.

Ibid. s. 41.

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 III.

Offences in Sydney and in certain towns only.

42. (1) The provisions contained in this Part shall, unless the context or subject matter otherwise indicates or requires, apply and be 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.

Application of this Part.
Ibid. s. 42.

(2) The provisions of this Part shall be read with and subject to the provisions of the Sydney Corporation Act of 1902, and any Act amending the same, and of section ninety-five of the Local Government Act, 1906, and of sections twenty-seven, twenty-eight, and twenty-nine of the Public Roads Act, 1902.

Certain Acts with which this Part is to be read.

(3) In any of the said towns which are not municipalities within the meaning of the Local Government Act, 1906, and any Act amending the same, 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 the provisions of this Act to any town specified in such proclamation.

Governor may extend provisions of this Act to other towns.
Ibid. s. 43.

44. For the purposes of this Act—

- (1) the limits of the said city, and of Sydney Cove, and of Darling Harbour, shall be those set out in the Second Schedule; the limits of the towns mentioned in the Third Schedule shall be such as have been set out and marked, and described by publication in the Gazette under the provisions of any 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 are extended shall be such as are set out and marked, and described by publication in the Gazette in the manner hereinafter provided;
- (3) the carriage and foot ways in the streets and public places within the said city and the towns mentioned in the Third Schedule shall be such as have been set out and marked under the provisions of any Act hereby repealed, or any Act relating to the setting out and marking of such carriage or foot ways;
- (4) the carriage and foot ways of the streets and public places within any town to which the provisions of this Act are extended shall be such as are set out and marked in the manner hereinafter provided.

Limits of the city, &c., and of the towns to which this Part applies.
Ibid. s. 44.

Limits of towns to which this Part is hereafter extended.

Carriage and foot ways of city and towns to which this Part applies.

Carriage and foot ways of towns to which this Part is extended.

How limits of towns to which this Part shall be extended are to be set out, &c.

Ibid. s. 45.

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.

Entering to erect or maintain marks no trespass.

Ibid. s. 46.

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.

Destroying, &c., marks.

Ibid. s. 47.

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.

How carriage and foot ways of towns to which this Part is extended are to be set out and marked.

Ibid. s. 48.

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.

Procedure where streets already set out and allotments sold in conformity with design of town.

(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 the

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 and used as a carriage or foot way within any of the said towns, as well as all land which has been or shall hereafter be formed into a street within any of the said towns at the public expense, shall be deemed and taken to be dedicated to the public, and shall not be fenced in or 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:

All land now open to the street or formed into a street at the public expense to be deemed dedicated to the public.

Ibid. s. 49.

Provided always that the Governor may permit and suffer the owner or possessor of any land adjoining to any footway within any of the said towns which has been heretofore left open and used as a carriage or foot way, to resume the possession of so much of the said 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.

Governor may permit owner of adjoining land to resume footway beyond twelve feet.

Ibid.

50. The Surveyor-General or any person deputed by him may, in the said city, and any person appointed by the Governor may, in any of the said towns, cause any footway, set out and marked under any Act hereby repealed or under this Act, to be levelled and made as 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.

Footways as set out may be levelled, &c.

Ibid. s. 50.

51. (1) Any person who, after the said footways have been so set out as aforesaid, desires to flag, pave, gravel, or put a curbstone to the footway in the front of his house shall, twenty-four hours at the least before such work is begun, give notice in writing in the said city to the City Surveyor, or in the said towns to the Police Magistrate, of such

Notice to be given to surveyor or police magistrate of intention to pave footways.

Ibid. s. 51.

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.

The Governor to fix
distance of building
line from curbstone.
Ibid. s. 52.

52. (1) Upon receipt of the plan mentioned in section forty-eight, 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.

Building within such
distance.

(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,

rebuilt 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.

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

In towns notice to be given to the Police Magistrate of intention to build.
Ibid. s. 53.

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

Police Magistrate to furnish copy of provisions of this Act.

(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 having first served such notice and received such paper shall be liable to a penalty not exceeding ten pounds.

Building without giving notice.

54. (1) The City Surveyor or other person appointed by him may in the said city, and any person appointed by the Governor may in the said towns, mark upon the walls of any house the name of the street or place in which it is situated, or such other notice as it may be conducive to the public convenience to affix, either by painting the 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.

Names of streets may be affixed to any house.
Ibid. s. 54.

(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 with the powers vested in any surveyor by the provisions of any other Act.

Not to interfere with powers vested in surveyors.
Ibid. s. 55.

56. Whosoever at any time wilfully obstructs or molests any person having the control of the streets or public places, or any surveyor or any person whomsoever authorised to put in execution this Act, in the performance of his duty, shall be liable to a penalty for the first offence of five pounds, and for the second offence of ten pounds, and for the third or any subsequent offence of twenty pounds.

Obstructing persons in performance of duty under this Act.
Ibid. s. 56.
First offence.
Second offence.
Third or subsequent offence.

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

Drunk and disorderly persons.
Ibid. s. 57.

Any constable may apprehend all loose, idle, drunken, or 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 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.

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

Ibid. s. 58.

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

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 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.

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

(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.

Time of hearing may be postponed.

(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)

(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. Whosoever assaults or resists, or aids, or incites any person to assault or resist, any constable in the execution of his duty, shall be liable to a penalty not exceeding five pounds.

Assault on constable.
No. 5, 1901, s. 59.

60. Whosoever not being a licensee within the meaning of the Liquor Act, 1898, knowingly harbours or entertains any constable, or permits any constable to abide or remain in his house, shop, or room, or other place during any part of the time appointed for his being on duty elsewhere, shall be liable to a penalty not exceeding five pounds.

Penalty on persons
harbouring
constables during
the hours of duty.
Ibid. s. 60.

61. Whosoever trades or deals, or keeps open any shop, store, or other place, for the purpose of trading or dealing on Sunday (the shops or houses of butchers, bakers, fishmongers, and greengrocers, until the hour of ten in the forenoon, and of bakers between the hours of one and two in the afternoon, and of apothecaries at any hour, only excepted), shall be liable to a penalty not exceeding three pounds:

Trading on Sunday.
Ibid. s. 61.

Provided that nothing herein contained shall affect the provisions of the Act No. 50, 1902.

62. Whosoever, being the owner or occupier of any public billiard room or other public place of amusement permits or suffers any one to play in his house or premises any game on Sunday, shall be liable to a penalty not exceeding five pounds.

Owner of place of
public amusement
suffering games to be
played on Sunday.
Ibid. s. 62.

63. Any Justice may, and he is hereby required to disperse, or cause to be dispersed, all persons gathering together on Sunday in any public or open place within the said city or towns, or within five miles of any part of the said city for the purpose of gambling, or 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 actually gambling or playing as aforesaid shall be prosecuted according to law.

Justices to disperse
persons gambling in
public places on
Sunday, &c.
Ibid. s. 63.

Such persons to be
prosecuted.

64. Whosoever damages any public building, wall, parapet, 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 was wilfully done, to a penalty not exceeding twenty pounds.

Damaging public
buildings.
Ibid. s. 64.

65. Whosoever casts any filth or rubbish into any watercourse, sewer, or canal, or obstructs or diverts from its channel any public watercourse, sewer, or canal shall be liable to pay the cost of removing such filth or obstruction, or of restoring such watercourse, sewer, or canal to its proper channel, and to a penalty not exceeding five pounds.

Obstructing
watercourses, &c.
Ibid. s. 65.

66. Whosoever damages any public fountain, pump, cock, or water-pipe, shall be liable to pay the cost of repairing the same, and if the damage was wilfully done shall be liable to a penalty not exceeding twenty pounds.

Injuring public
fountains.
Ibid. s. 66.

Unlawfully appropriating water.
Ibid. s. 67.

67. Whosoever has in his possession any private key for the purpose 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.

Wasting water of fountain.
Ibid. s. 68.

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.

Washing clothes at fountain.
Ibid. s. 69.

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

Beating carpets, flying kites, breaking horses, &c., in street or public place.
Ibid. s. 70.

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.

Placing filth, &c., in street, riding on footpaths, &c.,
Ibid. s. 71.

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.

Placing carriages, goods, &c., on footways, &c., and not removing same when required.
Ibid. s. 72.

72. (1) Whosoever—
places, or causes or permits to be placed, any show-board, chopping-block, 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

Placing timber, bricks, &c.

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

Things not so removed may be seized.

(3) In case any of the things so seized are perishable or are articles of food, the same shall be immediately forfeited, and 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.

Perishables how to be disposed of.

In all other cases such Justice or constable shall cause the 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.

Other seizures.

(4) Unless the thing, animal, or gear so removed is claimed and the said penalty and charges paid within five days next after such removal, the said Justice may order the same to be appraised 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.

Unless things (not perishable) claimed within five days they may be sold, &c.

73. Where any person has been required under the provisions of the last preceding section to remove anything therein mentioned, and afterwards places, hangs out, or exposes, or causes or permits to 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.

No second notice necessary.

Ibid. s. 73.

74. Nothing in this Act contained shall be deemed to prevent any person from placing an awning in front of his shop or house:

Awnings may be erected in front of shops.

Ibid. s. 74.

Provided, however, that such awning is at least seven feet above 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 lets off any firework in any street or public place shall be liable to a penalty not exceeding five pounds:

Discharging firearms, &c., in street.

Provided *Ibid.* s. 75.

Proviso—saving persons engaged in military or police duties in Sydney.

Burning shavings, &c., in the streets.
Ibid. s. 76.

Bathing within certain limits.
Ibid. s. 77.

Indecent exposure of the person.
Ibid. s. 78.

Keeping swine within 40 yards of street.
Ibid. s. 79.

Suffering swine, horse, goat, &c., to wander about the streets.
Ibid. s. 80.

Notice to remove hog-sties and nuisances.
Ibid. s. 81.

Not removing, &c., nuisances after notice.

Neglecting to keep private yards, &c., clean.
Ibid. s. 82.

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 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-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 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 two pounds.

83. (1) Any Justice or any constable authorised and deputed by any writing under the hand of any Justice, may, as often as he sees occasion, inspect the butchers' shambles and slaughter-houses, and give such directions concerning the cleansing thereof, both within and without, as to him seems needful.

Inspection and directions to cleanse butchers' shambles and slaughter-houses.

Ibid. s. 83.

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

Obstructing inspecting justice or 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 time,

Not complying with directions to cleanse.

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 drawn upon any part of any street or public place, any timber, stone, or other thing otherwise than upon wheeled carriages, or suffers any timber, stone, or other thing carried principally or in part upon 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.

Drawing or trailing timber, &c.

Ibid. s. 84.

85. Whosoever being the owner or occupier of any house, building, or premises within the said towns having any entrance, area, garden, or other open space adjoining the footway of any street or public place beneath the level of the curbstone or exterior edge of 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.

Owner or occupier not enclosing open spaces and steps adjoining the footways in said towns.

Ibid. s. 85.

86. Whosoever, being the owner or occupier of any house, building, or premises having any rails or bars over the areas or openings to any kitchen, cellar, or other part of the said house, building, or premises beneath the surface of the footway of any street or public place or any doorway or entrance into the basement or cellar story thereof,

Not securing covering, &c., entrances to cellars, coal-holes, &c.

Ibid. s. 86.

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.

Making cellars or openings beneath the surface of footways.

Ibid. s. 87.

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 the expense of remedying or removing such cellar, opening, door, or window, such expense to be assessed and allowed by the Justice who hears the case.

Not fencing holes in street.

Ibid. s. 88.

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.

Allowing rain to drop from eaves of houses on footways.

Ibid. s. 89.

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.

Driving carts with night-soil through streets, &c.

Ibid. s. 90.

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.

91. Whosoever—
empties or begins to empty any privy, or take away night-soil from any house or premises within any street or public place, or comes with any vehicle for that purpose, except between the hours of 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.

Removing night-soil
or casting same in
street, &c.

Ibid. s. 91.

92. Whosoever—
is the owner of any vehicle in which any night-soil or other matter is placed by any person contrary to the provisions of section ninety; 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.

Liability of owner or
employer for offence
against sec. 90.

Ibid. s. 92.

93. Whosoever—
is the owner of any vehicle or animal employed in and about emptying and removing night-soil contrary to the provisions of section ninety-one, or coming for that purpose (save and except 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.

Liability of owner or
employer for offence
against sec. 91.

Ibid. s. 93.

94. Whosoever wantonly or maliciously breaks or injures any lamp or lamp-post, or extinguishes any lamp set up for public or private convenience, shall be liable over and above the necessary expense of repairing the injury committed, to be estimated by the Justice before whom such offender is brought, to a penalty not exceeding five pounds.

Injuring or
extinguishing lamps.

Ibid. s. 94.

95. Whosoever—
throws or causes to be thrown any dead animal into any part of Sydney Cove or Darling Harbour, or into any street or public place, or into any river, creek, or other stream which flows by or through any such street or public place; or,
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.

Throwing dead
animals into Sydney
Cove or Darling
Harbour, or rivers,
&c., in towns.

Ibid. s. 95.

96. (1) Any person who desires to blast any rock within the limits of the said city or towns, shall give notice in writing twenty-four hours previously, in the said city to the City Surveyor, or in 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.

Notice to be given
of intention to
blast rock.

Ibid. s. 96.

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.

Wantonly damaging street, or removing turf, gravel, &c., without permission.

Ibid. s. 97.

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.

Preventing persons passing.

Ibid. s. 98.

Riding on shafts.

98. 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.

Riding or driving to danger of others.

Ibid. s. 99.

99. Whosoever rides or drives through any street or public 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 ten pounds.

Affixing placards on or defacing walls.

Ibid. s. 100.

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.

Police Magistrate and Justices may appoint special constables.

Ibid. s. 101.

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 are of opinion that the ordinary constables or officers appointed for preserving

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) A Police Magistrate or any two Justices may, at the request of his employer, or of the council of a municipality or shire, and subject to the approval of the Inspector-General of Police, in like 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.

Special constables.
Act No. 12, 1908,
s. 15.

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.

(3) 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 Lord the King in the office of special constable for the [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.

Form of oath to be taken by special constables.

(4) 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 special constables under this Act when such special constables have been called out shall have power to make such orders and regulations

Police Magistrates or Justices may make regulations respecting special constables, and may remove them for misconduct.

as No. 5, 1901, s. 102

as may from time to time be necessary and expedient for rendering such 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.

Ibid. s. 103.

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.

Penalty for refusing to take the oath of office.

Ibid. s. 104.

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.

Penalty for refusing to serve or for disobeying orders.

Ibid. s. 105.

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.

Police Magistrates and Justices may discontinue the services of special constables called out.

Ibid. s. 106.

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.

Special constables to deliver arms, staves, &c., to successors.

Ibid. s. 107.

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.

108. Whosoever 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.

Assaulting or resisting special constables.
Ibid. s. 108.

PART V.

Procedure.

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

Complaints of offences to be dealt with summarily.
Ibid. s. 109.

110. The whole amount of all penalties recovered under sections six and seven shall be paid into the Consolidated Revenue.

Appropriation of penalties recovered under ss. 6 and 7.
Ibid. s. 113.

111. (1) All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be commenced within two months after the act was committed.

Proceedings against persons acting under this Act.
Ibid. s. 114.

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

Notice of action.

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

Defendant may plead the general issue.

(4) No plaintiff shall recover in any such action if tender 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.

Tender of amends.

(5) In any such action if a verdict is given for the defendant, 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.

Costs.

Police Offences.

SCHEDULES.

See s. 28.

FIRST SCHEDULE.

Repeal of Acts.

Reference to Act.	Title or short title.	Extent of repeal.
No. 5, 1901 ...	The Police Offences Act, 1901 ...	The whole.
No. 12, 1908 ...	The Police Offences (Amendment) Act, 1908	Part III.

See s. 45.

SECOND SCHEDULE.

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 north-west, 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 Rushcutters' 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. 43, 45, 47,

THIRD SCHEDULE.

LIST of Towns in which Part III is in force.

Name of Town.	Date of Proclamation—		Dates of Government Gazette containing Proclamations.
	Bringing Town under the Act.	Defining limits of Town.	
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, 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, 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.
Barrington	2 Mar., 1866	2 Mar., 1866	5 March, 1866.
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 28 June, 1901.
Bendemeer	14 Oct., 1863	26 June, 1901	16 October, 1863, and 2 July, 1869.
Berrigan	16 April, 1895	30 June, 1869	17 April, 1895.
Berrima	14 Oct., 1863	16 April, 1895	16 October, 1863, and 12 July, 1870.
Berry	15 Mar., 1898	9 July, 1870	22 March, 1898.
Bexley	23 July, 1901	15 Mar., 1898	23 July, 1901.
Binalong	14 Oct., 1863	23 July, 1901	16 October, 1863, and 31 May, 1870.
Bingera	1 May, 1877	23 May, 1870	4 May, 1877, and 12 June, 1894.
Blackheath	29 Aug., 1895	11 June, 1894	S.G.G., 3 September, 1895.
Blayney	4 Feb., 1870	29 Aug., 1895	8 February, 1870.
Boggabilla	21 Jan., 1899	4 Feb., 18 0	27 January, 1899.
Boggabri	10 Jan., 1877	21 Jan., 1899	12 January, 1877.
Bokhara	7 Sept., 1883	10 Jan., 1877	11 September, 1883.
Bomaderry	15 Mar., 1898	7 Sept., 1883	22 March, 1898.
Bombala	14 Oct., 1863	15 Mar., 1898	16 October, 1863, and 5 July, 1892.
Booligal	5 June, 1897	2 July, 1892	8 June, 1897.
Boorowa	17 July, 1861	5 June, 1897	19 July, 1861, and 10 September, 1869.
Botany	21 Feb., 1885	7 Sept., 1869	24 February, 1885.
Botany, West	13 April, 1880	21 Feb., 1885	13 April, 1880.
Bourke	18 July, 1864	13 April, 1880	19 July, 1864, and 17 October, 1893.
Bowning	18 Sept., 1895	14 Oct., 1893	20 September, 1895.
Bowral	5 Nov., 1883	18 Sept., 1895	6 November, 1883, and 25 September, 1891.
Braidwood	27 Sept., 1852	24 Sept., 1891	1 October, 1852.
Branxton	4 June, 1877	27 Sept., 1852	5 June, 1877, and 6 September, 1889.
Brewarrina	24 Nov., 1877	3 Sept., 1889	27 November, 1877.
Broken Hill	8 June, 1889	24 Nov., 1877	11 June, 1889.
Bulli	14 Oct., 1882	8 June, 1889	17 October, 1882.
Bulli South	14 Oct., 1882	14 Oct., 1882	17 October, 1882.
Bundarra	28 Sept., 1868	14 Oct., 1882	29 September, 1868.
Bungendore	24 Oct., 1872	28 Sept., 1868	25 October, 1872.
Bungonia	14 Oct., 1863	24 Oct., 1872	16 October, 1863, and 27 March, 1900.

Police Offences.

LIST of Towns in which Part III is in force—*continued.*

Name of Town.	Date of Proclamation—		Dates of Government Gazette containing Proclamations.
	Bringing Town under the Act.	Defining limits of Town.	
Burwood.....	17 May, 1880	17 May, 1880	18 May, 1880.
Byerock.....	25 Feb., 1883	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, 1863, and 10 September, 1869.
Camden Haven.....	22 June, 1901	22 June, 1901	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.....	18 Sept., 1889	18 Sept., 1889	20 September, 1889.
Canterbury.....	29 Oct., 1880	29 Oct., 1880	2 November, 1880.
Carcoar and West Carcoar.	1 Sept., 1854	12 Sept., 1870	12 September, 1854, and 13 September, 1870.
Cargellico.....	13 June, 1852	13 June, 1852	13 June, 1882.
Cargo.....	28 Dec., 1887	28 Dec., 1887	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.....	14 Oct., 1863	23 June, 1869	16 October, 1863, and 29 June, 1869.
Catherine Hill Bay.....	6 Mar., 1896	6 Mar., 1896	10 March, 1896.
Clarence Town.....	24 Dec., 1855	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	13 May, 1884	16 May, 1884.
Condoulin.....	25 Sept., 1877	25 Sept., 1877	28 September, 1877.
Cook.....	23 June, 1869	23 June, 1869	29 June, 1869.
Coolah.....	3 May, 1901	3 May, 1901	7 May, 1901.
Coolamon.....	12 Oct., 1900	12 Oct., 1900	13 October, 1900.
Cooma.....	14 Mar., 1855	16 Feb., 1891	16 March, 1855, and 20 February, 1891.
Coonabarrabran.....	14 Oct., 1863	2 Mar., 1875	16 October, 1863, and 5 March, 1875.
Coomamble.....	20 Oct., 1865	20 Oct., 1865	24 October, 1865.
Cooperbrook.....	22 June, 1901	23 June, 1901	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.....	13 Jan., 1887	13 Jan., 1887	18 January, 1887.
Cowra.....	14 Dec., 1863	8 July, 1890	18 December, 1863, and 11 July, 1890.
Croki.....	22 June, 1901	22 June, 1901	24 June, 1901.
Crookwell.....	25 Aug., 1882	25 Aug., 1882	25 August, 1882.
Cudal.....	28 Dec., 1887	28 Dec., 1887	29 December, 1887.
Cundletown.....	13 April, 1893	13 April, 1893	14 July, 1893.
Currathool, West.....	28 May, 1894	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	10 May, 1880	14 May, 1880.
Dubbo.....	29 May, 1861	18 April, 1891	31 May, 1861, and 21 April, 1891.
Dundas.....	31 Oct., 1889	31 Oct., 1889	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	18 Aug., 1886	24 August, 1886.
Emu.....	31 July, 1899	31 July, 1899	2 August, 1899.
Enfield.....	14 July, 1890	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, 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.

LIST of Towns in which Part III is in force—*continued.*

Name of Town.	Date of Proclamation—		Dates of Government Gazette containing Proclamations.
	Bringing Town under the Act	Defining limits of Town.	
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., 1900	18 Dec., 1900	21 December, 1900.
Glebe	5 May, 1862	30 May, 1900	9 May, 1862, and 31 May, 1900.
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	12 October, 1869.
Gosford, West	14 Oct., 1863	8 Oct., 1869	16 October, 1863, and 12 October, 1869.
Goulburn	2 Mar., 1848, & 8 Mar., 1850	30 Jan., 1892	3 March, 1848, 2 February, 1892.
Grafton, N. and S.	4 June, 1858	18 Aug., 1868	4 June, 1858, and 21 August, 1868.
Grafton, South	29 June, 1876	22 Oct., 1889	4 July, 1876, and 25 October, 1889.
Granville	21 Aug., 1885	21 Aug., 1885	25 August, 1885.
Grenfell	11 May, 1868	11 May, 1868	12 May, 1868.
Greta	13 May, 1889	13 May, 1889	14 May, 1889.
Gulgong	27 Jan., 1872	17 April, 1889	30 January, 1872, and 18 April, 1889.
Gundagai, North	18 Nov., 1861	19 April, 1864	22 November, 1861, and 22 April, 1864.
Gundagai, South	19 April, 1864	19 June, 1889	22 April, 1864, and 21 June, 1889.
Gunnedah	30 Mar., 1870	30 Mar., 1870	1 April, 1870.
Gunning	11 Dec., 1855	25 April, 1873	14 December, 1855, and 25 April, 1873.
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.
Hay	27 Feb., 1860	26 Sept., 1890	28 February, 1860, and 30 September, 1890.
Haydonton	24 June, 1850	29 Aug., 1870	25 June, 1850, and 2 September, 1870.
Helensburgh	4 Sept., 1896	4 Sept., 1896	8 September, 1896.
Hill End	3 Aug., 1871	21 Jan., 1899	4 August, 1871, and 27 Jan., 1899.
Hillgrove	12 Aug., 1889	12 Aug., 1889	13 August, 1889.
Hillgrove, West	15 Oct., 1895	15 Oct., 1895	18 October, 1895.
Hillston and Hillston N.	14 Sept., 1880	14 Sept., 1880	17 September, 1880.
Hornsby	18 Feb., 1901	18 Feb., 1901	19 February, 1901.
Hunter's Hill	14 July, 1886	14 July, 1886	16 July, 1886.
Hurstville	4 Jan., 1892	4 Jan., 1892 & 20 Feb., 1901	5 January, 1892, and 22 February, 1901.
Inverell	10 Sept., 1866	28 May, 1896	14 September, 1866, and 2 June, 1896.
Jerilderie	26 Nov., 1870	26 Nov., 1870	29 November, 1870.
Katoomba	3 Jan., 1889	3 Jan., 1889	4 January, 1889.
Kelso	18 July, 1839	18 July, 1839	7 August, 1839.
Kempsey, West	14 Oct., 1863	20 May, 1890	16 October, 1863, and 23 May, 1890.
Kendall	22 June, 1901	22 June, 1901	24 June, 1901.
Kew	22 June, 1901	22 June, 1901	24 June, 1901.
Kiama	14 Oct., 1863	26 June, 1868	16 October, 1863, and 3 July, 1868.
Kiandra	14 Oct., 1863	9 Jan., 1893	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	4 July, 1881	4 July, 1881	8 July, 1881.
Lismore	14 Oct., 1863	22 July, 1892	16 October, 1863, and 26 July, 1892.
Lithgow	5 May, 1882	29 July, 1892	5 May, 1882, and 1 July, 1892.
Liverpool	20 Mar., 1848	15 April, 1890	24 March, 1848, and 18 April, 1890.
Lockhart	30 May, 1900	30 May, 1900 & 31 May, 1901	31 May, 1900, and 7 June, 1901.
Loftus (June Junction)	17 Nov., 1884	15 Feb., 1887	18 November, 1884, and 18 February, 1887.
Macdonald Town	20 Nov., 1874	20 Nov., 1874	20 November, 1874.

Police Offences.

LIST of Towns in which Part III is in force—*continued.*

Name of Town.	Date of Proclamation—		Dates of Government Gazette containing Proclamations.
	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., 1889	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.
Milthorpe	18 Jan., 1897	18 Jan., 1897	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, 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, 1870.
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	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	18 Feb., 1892	18 Feb., 1892	19 February, 1892.
Mungindi	22 July, 1896	22 July, 1896	24 July, 1896.
Murrumboola (Murrumburrah)	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 & 14 Dec., 1852	20 May, 1870	1 October, 1852, 14 December, 1852, and 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 & 31 Oct., 1900	10 Aug., 1883 & 31 Oct., 1900	14 August, 1883, and 2 November, 1900.
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	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	14 Oct., 1863	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	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.
Nyngan	11 Mar., 1884	11 Mar., 1884	14 March, 1884.
Oneybygamba	13 Oct., 1885	13 Oct., 1885	16 October, 1885.
Orange	29 May, 1854	21 June, 1869	6 June, 1854, and 25 June, 1869.
Oxley	21 Aug., 1895	21 Aug., 1895	23 August, 1895.
Paddington	19 June, 1862, & 14 Oct., 1863	30 May, 1900	20 June, 1862, 16 October, 1863, and 31 May, 1900.
Panbula	30 Aug., 1891	17 Jan., 1870	13 August, 1861, and 18 January, 1870.

LIST of Towns in which Part III is in force—*continued.*

Name of Town.	Date of Proclamation—		Dates of Government Gazette containing Proclamations.
	Bringing Town under the Act.	Defining limits of Town.	
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	25 Feb., 1870	16 October, 1863, and 1 March, 1870.
Peterborough.....	(See Shellharbour)		
Petersham	8 Aug., 1865	8 Aug., 1865	15 August, 1865.
Pictou	14 Oct., 1863	12 Feb., 1870	16 October, 1863, and 15 February, 1870.
Prospect	14 Aug., 1890	14 Aug., 1890	15 August, 1890.
Queanbeyan	11 July, 1854	17 Sept., 1886	14 July, 1854, and 21 September, 1886.
Quirindi	18 Feb., 1884	9 May, 1891	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, & 12 Mar., 1870	16 October, 1863, 8 February, 1870, and 18 March, 1870.
Robinsonville	14 Oct., 1882	14 Oct., 1882	17 October, 1882.
Rockley	4 Dec., 1863	17 Jan., 1870	8 December, 1863, and 18 January, 1870.
Rookwood	13 Sept., 1892	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.
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	27 May, 1885	27 May, 1885	29 May, 1885.
Singleton	22 July, 1850	29 June, 1868	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	14 Aug., 1869	17 August, 1869.
Swansea	6 Mar., 1896	6 Mar., 1896	10 March, 1896.
St. Mary's	29 Sept., 1870	19 Sept., 1893	30 September, 1870, and 22 Sept., 1893.
Stockton	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	10 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	28 Feb., 1879	4 March, 1879.
Taralga	21 May, 1885	21 May, 1885	22 May, 1885.
Tarcutta	14 Oct., 1863	5 Feb., 1900	16 October, 1863, and 9 February, 1900.
Taree	16 Mar., 1886	16 Mar., 1886	S.G.G., 18 March, 1886.
Temora	23 Sept., 1880	23 Sept., 1880	24 September, 1880.
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.
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.*

Name of Town.	Date of Proclamation—		Dates of Government Gazette containing Proclamations.
	Bringing Town under the Act.	Defining limits of Town.	
Tuena	10 July, 1888	10 July, 1888	13 July, 1888.
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.
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, 1863, and 16 July, 1886.
Wahgunyah, North	18 May, 1865	18 May, 1865	30 May, 1865.
Walcha	10 Jan., 1882	10 Jan., 1882	13 January, 1882.
Walgett	14 Oct., 1863	13 July, 1869	16 October, 1863, and 16 July 1869.
Wallabadah	7 Sept., 1869	18 July, 1889	10 September, 1869, and 19 July, 1889.
Wallerawang	11 Sept., 1885	11 Sept., 1885	15 September, 1885.
Wallsend	22 Aug., 1874	22 Aug., 1874	25 August, 1874.
Waratah	28 July, 1874	28 July, 1874	31 July, 1874.
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 & 12 Oct., 1900	4 November, 1881, 2 July, 1897, and 13 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.
Wee Waa	14 Oct., 1863	24 Jan., 1870	16 October, 1863, and 25 January, 1870.
Wellington	23 Dec., 1853	19 Aug., 1891	27 December, 1853, and 21 August, 1891.
Wentworth	24 April, 1861	22 Jan., 1870	26 April, 1861, and 25 January, 1870.
West Maitland	Named in Act.	29 June, 1891	30 June, 1891.
West Narrabri	21 Feb., 1891	21 Feb., 1891	24 February, 1891.
West Wyalong	2 Jan., 1897	2 Jan., 1897	8 January, 1897.
White Cliffs	14 Dec., 1897	14 Dec., 1897	17 December, 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	11 May, 1868	11 May, 1868	12 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	14 December, 1858.
Wollomba	22 June, 1901	22 June, 1901	24 June, 1901.
Woolmbi	14 Feb., 1854	12 Feb., 1870	17 February, 1854, and 15 February, 1870.
Wollongong	5 Nov., 1846	9 July, 1856	6 November, 1846, and 11 July, 1856.
Woodburn	18 Dec., 1900	18 Dec., 1900	21 December, 1900.
Woollahra	14 Oct., 1863	30 May, 1900	16 October, 1863, and 31 May, 1900.
Wonona	14 Oct., 1882	14 Oct., 1882	17 October, 1882.
Wyalong	6 Aug., 1894	6 Aug., 1894	10 August, 1894.
Yass	20 June, 1840	24 June, 1869	24 June, 1840, and 29 June, 1869.
Yass and O'Connell Town	10 Aug., 1869	10 Aug., 1869	10 August, 1869.
Young	4 June, 1862	19 Aug., 1869	6 June, 1862, and 20 August, 1869.

Sydney : William Applegate Gullick, Government Printer.—1908.

[1s. 6d.]