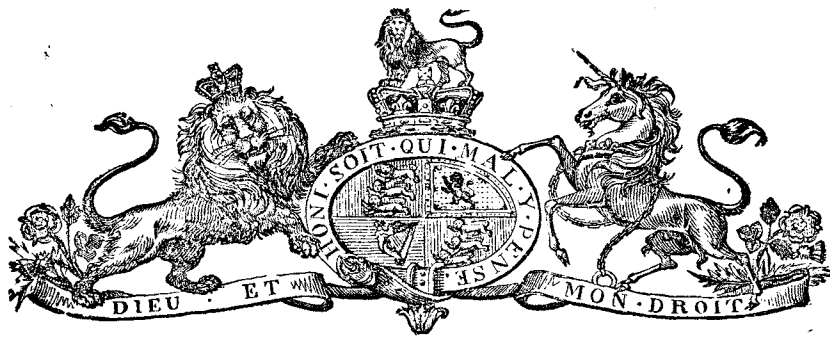


T A S M A N I A.



1865.

ANNO VICESIMO-NONO

VICTORIÆ REGINÆ,

No. 10.



AN ACT to consolidate and amend the Laws relating to the Police Government of Municipalities and Municipal Districts, and for other Purposes relating thereto.

[29 September, 1865.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

PRELIMINARY.

Short Title.

1 In referring to this Act it shall be sufficient to use the expression *Short title.*
The Police Act, 1865.

Repeal of Acts.

2 On and after the day on which this Act commences and takes effect, the Acts and parts of Acts set forth in the Schedule (1) shall be hereby repealed: Provided that such repeal shall not affect—

1. Anything duly done before this Act commences and takes effect:
2. Any liability accruing before this Act commences and takes effect.

Commencement of Act.

3 This Act shall commence and take effect on the Second day of *Commencement of Act.*
October, 1865.

*Police Government.**Construction.*

Interpretation.

4 In the construction and for the purposes of this Act, and of all proceedings under this Act, the following words shall have the meanings hereunder assigned to them, unless there is something in the context of the Act repugnant to such construction :—

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|-----------------------|--|
| “ Animal.” | “ Animal” shall mean and include any horse, bull, bullock, cow, steer, heifer, calf, ram, ewe, wedder, lamb, goat, boar, sow, or barrow pig. |
| “ Vehicle.” | “ Vehicle” shall mean every carriage, omnibus, gig, dog-cart, waggon, cart, dray, or other vehicle except stage-coaches. |
| “ Carcass.” | “ Carcass” shall extend to and include a part of the carcass of any animal. |
| “ Property.” | “ Property” shall mean Land or Buildings and Lands and Buildings. |
| “ Street.” | “ Street” shall extend to and include any public and common highway, road, square, court, passage, alley, thoroughfare public way or place, and the footways within any Town. |
| “ Owner.” | “ Owner” used with reference to any property shall mean the person for the time being in the actual receipt of or entitled to receive, or who, if such property were let to a tenant, would be entitled to receive the rents and profits thereof, whether as beneficial owner, trustee, executor, mortgagee in possession, or otherwise, but shall not mean or include any mesne tenant. |
| “ Assessment Roll.” | “ Assessment Roll” shall mean and include every Valuation Roll in force for the time being made under the authority of <i>The Property Valuation Act</i> , in which any property situate within any District is comprised, and also the Assessment Rolls for every Municipality. |
| “ Municipality.” | “ Municipality” shall mean and include the City of <i>Hobart Town</i> and Town of <i>Launceston</i> , and every Municipality now created, or which may hereafter be created in accordance with <i>The Rural Municipalities Act</i> , 1865. |
| “ District.” | “ District” shall mean Municipal District not being a Municipality under <i>The Rural Municipalities Act</i> , 1865. |
| “ Town.” | “ Town” shall mean and include the City of <i>Hobart Town</i> and the Town of <i>Launceston</i> , and every Town duly proclaimed by the Governor. |
| “ Suburbs.” | “ Suburbs” shall mean and include the distance of one mile outside and around the boundaries of any Town, but such distance shall not in respect of any Town in any Municipality extend beyond the boundaries of the Municipality. |
| “ Mayor.” | “ Mayor” shall mean and include the Mayor of the City of <i>Hobart Town</i> and the Mayor of the Town of <i>Launceston</i> , and also the Warden of every Municipality. |
| “ Town Clerk.” | “ Town Clerk” shall, so far as relates to all Municipalities except <i>Hobart Town</i> and <i>Launceston</i> , mean the Council Clerk. |
| “ Municipal Council.” | “ Municipal Council” shall mean and include the Municipal Councils of the City of <i>Hobart Town</i> and Town of <i>Launceston</i> , and of every Municipality. |

Police Districts.

Police Districts.

5 The Governor may, by Proclamation published in the *Gazette*, appoint such Districts as he sees fit as and to be Police Districts.

*Police Government.**Towns.*

6 The Governor, may, by Proclamation published in the *Gazette*, constitute and appoint such portions of any District as to him seems meet as and to be Towns, and shall by any such Proclamation define and proclaim the extent, limits, and boundaries of any Town so proclaimed, and may at any time re-define and alter the extent, limits, and boundaries of any Town.

Proclamation of Towns in Districts.

7 The Municipal Council of any Municipality may, from time to time, set out with sufficient marks the limits of any intended Town within such Municipality; and the Governor in Council may, by Proclamation, declare such intended Town to be a Town for the purposes of this Act; and the limits of any such Town may from time to time in like manner be enlarged.

Proclamation of Towns in Municipalities.

8 The Municipal Council, its servants and agents, may, for the purpose of setting out the limits of any intended Town as aforesaid, enter upon private property, and may erect sufficient marks thereon for the purposes aforesaid, and may from time to time repair or renew such marks; and if any person wilfully removes, injures, or defaces any such mark, such person shall forfeit and pay a penalty not exceeding Five Pounds.

Municipal Council may erect boundary marks.

PART I.

9 Part One of this Act shall extend and apply to every Municipality and to every District.

Application of Part I.

Drunkenness.

10 It shall be lawful for any Constable to apprehend any person whom he finds drunk and disorderly, or drunk and disturbing the public peace, or drunk and incapable of taking care of himself, in any highway, road, street, public-house, theatre, or other public place, and to convey him before any Justice of the Peace to be dealt with according to law; and, if it is necessary so to do, to confine such person in some watch-house, in order that he may be held secure until he can be conveniently brought before a Justice so to be dealt with as aforesaid.

Drunken persons may be apprehended.

11 Any person who is drunk and disorderly, or drunk and disturbing the public peace, or drunk and incapable of taking care of himself, in any such place as aforesaid, on complaint and information thereof made by any person within Twenty-four hours after the fact committed, and on conviction thereof before a Justice in a summary way, but without a formal information, shall for such offence forfeit a penalty not exceeding Ten Shillings; and upon a Second conviction of any such offence within the period of Ninety days from the First conviction, shall forfeit a penalty not exceeding One Pound; and upon a Third or any subsequent conviction of any such offence within the period of Ninety days from the First conviction, or within the period of Thirty days from the last preceding conviction, shall forfeit a penalty not exceeding Three Pounds, or, at the discretion of the convicting Justice, may be committed to some House of Correction, there to be kept in solitary confinement for any period not exceeding One week, or there to be imprisoned and kept to hard labour for any period not exceeding One month; and in default of immediate payment of any such penalty and the costs, if any, the

Penalty for drunkenness.

First offence.

Second offence.

Third or subsequent offence.

Proceeding in default of payment of penalty.

Police Government.

offender may be forthwith committed to some House of Correction, in the case of a First conviction, there to be kept in solitary confinement for any period not exceeding Forty-eight hours,—in the case of a Second conviction within the period of Ninety days from the First conviction, there to be kept in solitary confinement for any period not exceeding Five days,—and in the case of a Third or any subsequent conviction within the period of Ninety days from the First conviction, or within the period of Thirty days from the last preceding conviction, there to be kept in solitary confinement for any period not exceeding Fourteen days, or there to be imprisoned and kept to hard labour for any period not exceeding One month.

Index to be kept of names of persons convicted of drunkenness.

Entries in Police Office Record Book evidence.

12 For the purpose of ascertaining more readily the persons who have been convicted of Drunkenness under this Act, a book shall be kept at every Police Office or usual place of holding Petty Sessions, containing an alphabetical index, according to the Surname, of all persons convicted of Drunkenness under this Act at such Office; and the entry of the conviction of any such person in the Record Book of such Police Office or place of holding Petty Sessions, or a copy thereof signed by the Police Clerk or person acting as such at such Police Office or place of holding Petty Sessions, shall be sufficient evidence of such conviction without drawing up a formal conviction.

Constables may detain animals, &c. in charge of drunken persons.

13 It shall be lawful for any Constable who finds any person drunk and incapable of taking care of any animal, or any vehicle of any description drawn by any animal in his charge, upon any highway, road, or street, to seize and detain in some place of security any animal or vehicle in charge of such person, the owner whereof shall be liable for all costs, charges, and expenses incurred thereby, or in providing food for any animal so seized and detained, and the same may be recovered in a summary way; and such owner, if master of the person found committing any such offence, may in like manner recover from such person all sums of money paid by such owner as aforesaid.

Suppression of Vagrants, &c.

Vagrants, beggars, prostitutes, &c., to be deemed idle and disorderly persons.

14 Every person wandering abroad and lodging in any barn, out-house, or shed, or in any deserted or unoccupied building, or in the open air, not having any visible means of subsistence, and not giving a good account of himself or herself:

Every person wilfully exposing to view in any street, road, or public place, or in view thereof, any obscene print, picture, or other indecent exhibition:

Every person found begging, or exposing wounds or deformities, or exposing children of tender age to the inclemency of the weather, or placing themselves or otherwise acting so as to induce or for the purpose of inducing the giving of alms:

Every person who is found wandering abroad having no fixed place of residence, and no lawful means of gaining his livelihood:

Every common prostitute wandering in the streets or roads, or in any place of public resort and behaving in a riotous or indecent manner:

Every person wilfully and obscenely exposing his person:

Every person gambling, or playing at any game of chance, in any public or open place within any Town, or within Five miles of any part thereof:

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Every person having in his custody or possession any key, pick-lock, crow, jack, bit, or other implement or instrument, with intent feloniously to break into any dwelling-house, warehouse, coach-house, stable, or out-building, or having upon him any instrument with intent to commit any felonious act :

Every person being found in or upon any dwelling-house, warehouse, coach-house, stable, or out-house, or in any enclosed yard, garden, or area, for any unlawful purpose :

Every person found lodging in the open air, or in any hut or other temporary dwelling upon any Waste Lands of the Crown and not giving a good account of himself :

Every suspected person or reputed thief frequenting any street, road, or public place, or any quay, wharf, river, or navigable stream, or any avenue leading thereto, with intent to commit felony :

Every man found in any street or public place, by night, dressed in female apparel :

Every suspected person in possession of any article without being able to give a satisfactory account of his possession thereof :

shall be deemed an idle and disorderly person within the meaning of this Act ; and every such person shall, upon conviction before a Justice, be liable to be imprisoned in any Gaol or House of Correction, there to be kept to hard labour for any term not exceeding Six calendar months ; and every such key, pick-lock, crow, jack, bit, or other implement or instrument found in the custody or possession of any person with intent feloniously to break into any dwelling-house or other building as aforesaid, and every instrument or implement of gambling used or intended to be used by any person as aforesaid, and all money exposed to view for the purpose of being gambled for may be seized by the apprehending constable, and shall, by the conviction of the offender, become forfeited to Her Majesty ; and every such offender shall and may be apprehended by any constable, with or without a warrant, or by any person who sees any such offence committed, and may be lodged in safe custody until he or she can be taken before a Justice to be dealt with according to law ; and if any person is charged on oath with any such offence before a Justice, such Justice may issue a warrant for the apprehension of the offender.

15 All chain-droppers, thimblers, loaded dice-players, and other swindlers of that or any similar description, who are found in possession of implements or articles for practising games of hazard, or who shall exhibit such implements or articles in any public place in order to induce or entice, or who shall induce or entice any person to play at any game of hazard, or who, by any fraudulent art or device, shall cozen and cheat, or attempt to cozen and cheat any person, may be convicted before any Justice of the Peace as an idle and disorderly person, and shall also at the same time be sentenced to repay any money or restore any property which they may have obtained by means of any such offence ; and failing such payment or restoration may be imprisoned and kept to hard labour in any Gaol or House of Correction, for any further period not exceeding Twelve months.

Punishment of chain-droppers, swindlers, &c.

16 It shall be lawful for any constable to apprehend and bring before a Justice all young persons found begging, or sent or suffered to go out for that purpose within any Town, and also the parents of such young persons, or other relations to whose control they are subject, by

Punishment of persons sending children out to beg.

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whom they have been so sent or suffered to go out, and also any other persons by whom such young persons have been so sent out; and on the complaint being established that such young persons have been sent out or suffered to go out for that purpose by their parents, or either of them, or by any other relation to whose control they are subject, or have been sent out for that purpose by any other person, it shall be lawful for such Justice to punish such parent, relation, or other person as an idle and disorderly person.

Observance of the Lord's Day.

No shops, &c., to be opened for trade, &c. on the Lord's Day.

17 No person shall open any house, shop, or store, or other place in any Town on the Lord's Day for the purpose of trade or dealing (the shops or houses of bakers, pastrycooks, or confectioners until the hour of Ten o'clock in the forenoon and between the hours of One and Three o'clock in the afternoon, and of apothecaries and chemists at any hour, only excepted); and if any person in any Town trades or deals, or keeps open any house, shop, store, or other place (except as aforesaid) for the purpose of trade or dealing on the Lord's Day, he shall, on conviction thereof, forfeit and pay a sum not exceeding Five Pounds.

Persons discharging firearms on Sundays within Three miles of limits of Towns liable to penalty.

18 Every person who without lawful cause discharges any firearms on the Lord's Day within Three miles of the limits of any Town shall, on conviction thereof, forfeit and pay a sum not exceeding Five Pounds; and any Constable who sees such offence committed may seize any fire-arm discharged as aforesaid, and may apprehend every such offender, without warrant, and detain him in a watch-house until he can be brought before a Justice.

Owners of billiard rooms permitting play on Sundays liable to penalty.

19 If the owner or occupier of any public billiard-room or other public place of amusement in any Town permits or suffers any one to play in his house or premises at any game on a *Sunday*, he shall on conviction forfeit and pay a penalty not exceeding Ten Pounds.

Constables may disperse persons gathering together on *Sunday* for gambling or playing at games. Persons gambling or playing liable to penalty.

20 It shall be lawful for any constable to disperse all persons gathering together on *Sunday* in any public or open place in any Town, or within Five miles of any part thereof, for the purpose of gambling or playing at any game, and to take and seize any implements, instruments, or animals used or intended to be used therein, and to destroy or carry away the same; and all persons gambling or playing as aforesaid shall, on conviction thereof, forfeit and pay a penalty not exceeding Ten Pounds.

Bathing.

Persons bathing in certain places liable to penalty.

21 It shall not be lawful for any person to bathe within the limits of *Sullivan's Cove* at *Hobart Town*, or in any part of the *North Esk* or *South Esk* Rivers or the River *Tamar* within the limits of the Town of *Launceston*, or in any public place within the limits of any Town; and if any person offends as aforesaid he shall, on conviction before any Justice, forfeit and pay a penalty not exceeding Twenty Shillings; and it shall be lawful for any constable, without any warrant, to arrest any person so offending, and to convey him before any Justice to be dealt with according to law.

Drowning of Animals.

Animals not to be drowned in Rivers

22 It shall not be lawful for any person to throw or cause to be thrown into any part of the River *Derwent*, or the Rivers *North Esk* or

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South Esk or the River *Tamar* within the distance of Five miles of *Hobart Town* and *Launceston* respectively, or into any stream of water within any Municipality, any dead animal, or any live animal for the purpose of drowning the same, or to leave or cause the same to be left upon the shores thereof, within the distance aforesaid; and if any person offends as aforesaid, he shall, on conviction thereof, forfeit and pay a penalty not exceeding Twenty Shillings; and it shall be lawful for any constable to apprehend any person so offending, without warrant, and to convey him before some Justice to be dealt with according to law.

Derwent or *Tamar* or in any stream of water within a Municipality.

Dogs.

23 If any person keeps any Dog within the boundaries of any District or of any Municipality for a period of Fourteen days without causing a description of such Dog to be registered, and such registration to be renewed from year to year, in manner hereinafter mentioned, such person shall forfeit and pay for every such Dog a penalty of not more than Forty Shillings: Provided always, that nothing herein contained shall be deemed to require the registration of any Dog under the age of Four months, or which has not been kept as aforesaid for a period of Fourteen days; but the proof that such Dog is so under age, or has not been so kept, shall in all cases lie upon the owner or keeper of such Dog.

All dogs to be annually registered.

Proviso as to Dogs under Four months old.

24 Every such registration shall be made by the owner or keeper of any Dog intended to be registered, or some person on his or her behalf, delivering at the Office of the Town Clerk of the Municipality or at the Police Office of the District within which such Dog is intended to be kept a description of such Dog, embracing the several particulars contained in the form in the Schedule (2), with a declaration thereunder written to the truth thereof, under the hand of such owner or keeper, or of some person in that behalf duly authorised, and every such registration shall be deemed to be in force from the day upon which the same is so made until the Thirtieth day of *April* then next ensuing and no longer; and every such registration shall by every such owner or keeper, or some person on his behalf, be in like manner renewed from year to year: Provided always, that every such registration which is made in the month of *April* in any year shall be deemed to be, and shall be, in force until the Thirtieth day of *April* of the year next ensuing and no longer.

Mode of registration.

25 If any person wilfully inserts or omits, or wilfully causes or permits to be inserted or omitted in any such description any matter or thing whatsoever contrary to the truth, or for the purpose of concealing the same, he shall forfeit and pay a penalty not exceeding Two Pounds.

Penalty for false description.

26 At the time of making every such registration there shall be paid into the hands of the Town Clerk of the Municipality or Clerk of Petty Sessions of the District where such registration is made, by the party making the same, the sum of Five Shillings in respect of every Dog mentioned in such registration, and until such amount is so paid no such registration shall be deemed to be duly made: Provided, that where such registration happens to be made after the month of *October* and before the month of *April* in any year one-half the said sum shall be payable or paid.

Fees payable on registration.

27 The person to whom payment for the registration of any Dog is made shall, on demand thereof and without fee, give a copy of such registration certified under his hand and a receipt for the sum paid in the

Person with whom registration made to give copy, and receipt for sum paid.

Police Government.

form in the Schedule (3); and any such person who, on being so required, refuses or neglects to give such copy or receipt shall forfeit and pay a penalty or sum not exceeding Five Pounds.

Registered Dogs may be removed from one Municipality or District to another.

28 If any person takes a Dog which has been registered in one Municipality or District into any other Municipality or District, such person shall be entitled to have such Dog registered in such last-mentioned Municipality or District without any further payment till the Thirtieth day of *April* then next, upon the production of such certified copy of registration as aforesaid, and upon such reasonable proof as the Mayor of such last-mentioned Municipality, or any Two Justices in Petty Sessions in the District, may require of the identity of the Dog.

Proof of registration.

29 In any proceedings in that behalf it shall not be necessary for the informant to establish the fact of non-registration, but the proof of due registration shall lie on the defendant, and for that purpose such certified copy of registration as last aforesaid shall be equivalent to the production of the original.

List of persons registering Dogs to be exhibited at the Town Clerk's or Police Office.

30 In the Town Clerk's Office of every Municipality, and in the Police Office of every District, there shall be kept in some convenient part of such office, during office hours, for public inspection, a correct list arranged in alphabetical order of the names of all persons who have registered any Dog during the current year, and showing the numbers registered by each; and any person applying for the particulars of any Dog so registered and of the name of the owner or keeper thereof shall be entitled to receive the same on payment of a fee of Sixpence.

Appropriation of registration fees, &c.

31 All sums and fees received by the Town Clerk as aforesaid shall be applied in aid of the Municipal Fund of the Municipality, and all sums and fees received by the Clerk of Petty Sessions in any District shall be paid into the Colonial Treasury and form part of the General Revenue.

Dogs at large without collars out of Towns, may be killed.

32 If any Dog, whether registered or not, is found at large within any Municipality or District, such Dog not being under the immediate custody, protection, or control of some competent person, and not having a collar round its neck, with the name and address of its owner or keeper legibly engraven thereon, every such Dog so found at large may be immediately killed or destroyed, and all persons are hereby authorised and empowered to seize and kill every such Dog so found at large: Provided always, that this Section shall not apply to any Dog so found in any Town, or within the distance of two miles therefrom.

Dogs at large may be seized and a penalty inflicted upon the owner.

33 If any person, being the owner or keeper of any Dog, permits or suffers such Dog to be at large without being under the immediate custody, protection, or control of some competent person, such owner or keeper shall forfeit and pay a sum of not more than Five Pounds, and it shall be lawful for any Constable or other person to seize and secure such Dog as aforesaid; and in default of payment by the owner or keeper of such Dog as aforesaid, or in the event of such Dog being unclaimed for the space of Twenty-four hours, it shall be lawful for any Justice to order that such Dog as aforesaid shall be, at such time as to him seems fit, shot or otherwise destroyed: Provided always, that no Dog on which there is a collar with the name of some known person thereon shall be destroyed, until notice has been left at the residence of the person whose name appears on such collar of the seizure of such

If penalty unpaid, or Dog unclaimed, same may be destroyed.

Owners of Dogs with collars having name

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Dog and also of the place where such Dog is detained ; and no Justice shall direct such Dog to be destroyed until proof has been made before him that the notice hereinbefore referred to has been so left, and that at the period of making such order Twenty-four hours have elapsed since such notice was given.

thereon to have notice of seizure. Dogs not to be killed until 24 hours after notice served.

34 If any Dog in any street of any Town or in the suburbs thereof, or upon any road or highway, rushes at or attacks any person, or any horse, ass, or bullock, or other animal, whereby the life or limbs of any person is in anywise endangered, or his or her property injured, the owner or keeper of every such Dog shall, for every such offence, forfeit and pay a penalty or sum of not less than Twenty Shillings nor more than Five Pounds, together with the amount of any damage which such Dog may have occasioned, such amount to be assessed and determined by the Justices before whom such offence is heard.

Penalty on owners of Dogs attacking persons or frightening horses, &c.

35 In any prosecution under this Act every Dog shall be deemed and taken to be kept by the person who is in the actual occupation of the house or premises upon which such Dog is found, unless reasonable proof to the contrary thereof is adduced by the Defendant ; and the person by whom any Dog is ordinarily kept shall be liable to the several provisions of this Act as the keeper of such Dog, whether kept for his own use or that of another : Provided that with respect to any Dog kept or used by any Servant, the same shall be deemed to be kept by his Master or Employer for the time being.

Proof of ownership.

36 If, after this Act comes into operation, any person whatsoever knowingly imports or brings, or is concerned in importing or bringing, or attempts to import or bring, into this Colony any Fox, Wolf, Wild Dog, or Dingo, every such person shall for every such animal forfeit and pay a penalty not exceeding Fifty Pounds.

Penalty on persons importing into Colony any Fox, Wolf, &c.

37 If any person wilfully or maliciously kills or destroys any Dog which is not at large contrary to the provisions of this Act, such person shall forfeit and pay a penalty or sum of not less than Twenty Shillings nor more than Five Pounds, and such person shall moreover pay to the owner of such Dog the full value thereof, to be assessed and determined according to the discretion and judgment of the Justices before whom the matter is heard ; and the payment of such value when so assessed and determined shall and may be enforced and recovered in the same manner as any penalty imposed by this Act ; and a conviction under this Section shall be a bar to all proceedings, civil or criminal, in respect of the killing of such Dog.

Penalty on persons killing Dogs not improperly at large.

Regulation of Stage Coaches.

38 If any person keeps, uses, or employs, or is concerned as proprietor or part proprietor in keeping, using, or employing, any Stage Coach not being licensed in the manner hereinafter provided, such person shall forfeit and pay a penalty not exceeding Fifty Pounds.

Stage Coaches to be licensed.

39 Every Coach, Carriage, or Vehicle whatsoever used, let out, or employed for the purpose of carrying Passengers for hire, each of whom in fact pays or is charged a separate fare for his seat or conveyance, shall be deemed a Stage Coach within the meaning of this Act, without regard to the number of wheels or passengers, or to the number of horses, or to its being an open or close Carriage.

What is to be deemed a Stage Coach.

Police Government.

Mode of obtaining Licence.

40 Every Licence under this Act shall be granted by Two or more Justices of the Peace sitting in Petty Sessions in any District or Municipality, and in which such Justices reside, from or to which the Coach to be licensed is intended to travel, and if in any Municipality the Mayor of such Municipality shall be one of such Justices; and every such Licence shall be in the form and shall contain the several particulars mentioned in the Schedule (4), and shall be issued upon the application in writing of any Proprietor of such Coach, setting forth the name and place of abode of every Proprietor of, or person concerned in, the keeping of such Coach, and upon payment of the sum of Twenty Shillings.

Number of Passengers to be carried.

41 Provided that, before any such Licence is granted, the Vehicle in respect of which the Licence is applied for shall be exhibited to such Mayor and Justices, who shall, upon examination thereof, determine the number of Passengers which may with safety and convenience be carried by such Vehicle in the inside and on the outside thereof respectively, which numbers shall be specified in the Licence accordingly.

Number of Passengers Coach to be deemed to be constructed to carry.

42 No Stage Coach shall be deemed to be constructed to carry a greater number of Passengers than the same will contain at one time, exclusive of the Driver but including any Conductor or Guard, upon fit and proper seats provided therein or thereupon for that purpose, allowing for every Passenger, on an average, upon each and every separate seat, a space convenient for sitting thereon of Sixteen inches, measuring in a straight line lengthwise on the front of each seat: Provided always, in the case of children under seven years of age, two of them shall be accounted as equal only to one adult person, and so on in the same proportion; but any one such child only, or any child or children in the lap, shall not be reckoned at all.

Omitting to disclose names of Proprietors, &c.

43 If any Proprietor or person applying for a Licence under this Act neglects or omits to set forth in his application the name of any Proprietor of the Stage Coach for which such Licence is applied for, or untruly sets forth therein the name of any person as a Proprietor thereof, he shall forfeit and pay a penalty not exceeding Fifty Pounds.

Duration of Licence.

44 Every such Licence shall be in force until the Thirty-first day of *December* then next, and no longer: Provided, that every such Licence shall be renewed, not only from year to year, but also whenever any change takes place in the proprietorship of the Stage Coach licensed.

Certain particulars to be painted on Coaches.

45 Upon some conspicuous place upon the back of every Stage Coach licensed under this Act there shall be painted and kept painted, in words at length in conspicuous letters so as to be distinctly legible, the name of the Proprietor or of one of the Proprietors of such Coach, and the number of such Coach, which number shall be the number of such Coach while the same is used as a Stage Coach, and also the greatest number of Passengers which the same is licensed to carry inside and outside respectively, and also the Number of such Coach as stated in the Licence, under a penalty (to be awarded against such Proprietor or Proprietors) not exceeding Twenty Pounds; and all such letters shall be one inch at the least in height and of a proportionate breadth, and of a colour distinct from that of the ground on which the same are so painted.

Carrying more passengers or luggage, &c., than allowed.

46 If at any one time the number of Passengers conveyed in, upon, or about any Stage Coach is greater than the number of inside or outside Passengers respectively specified in and allowed by the Licence

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for such Coach, or if any Passenger is at any time allowed to sit or be carried upon any luggage placed on the roof of any such Stage Coach, or to sit or be carried upon that part of the roof which is usually set apart for luggage, or if any luggage carried on the roof of any Stage Coach is at any time so placed as in any part thereof to exceed ten feet and nine inches from the ground, the Driver of such Coach shall forfeit and pay a penalty not exceeding Twenty Pounds.

47 If any person acts as Driver of any Stage Coach without being duly licensed in manner hereinafter provided to drive such Coach, such person shall, for every such offence, forfeit and pay a penalty not exceeding Ten Pounds; and in any proceeding for any offence against this Section it shall not be necessary to prove that such Licence has not been obtained or is not in force, but the *onus* of proof that such Licence has been obtained, and is in force, shall lie upon the Defendant.

Drivers to be licensed.

48 It shall be lawful for any two Justices in Petty Session assembled in any District or Municipality, from or to which the Coach for driving which a Licence is sought is intended to travel, and if in any Municipality the Mayor of such Municipality shall be one of such Justices, upon payment to the Clerk of such Petty Sessions of the fee of Five Shillings for the same, to grant to any person a Licence to drive such Coach; and every such Driver's Licence shall be in the form and contain the several particulars mentioned in the Schedule (5), and shall be signed by such Justices in Petty Session as aforesaid, and shall be in force until the Thirty-first day of *December* then next and no longer, except during any suspension thereof, and unless forfeited as hereinafter provided; and such Licence shall be entered by such Clerk in a book to be provided for that purpose, in which book shall be contained columns of places for entries to be made of offences committed by licensed Drivers; and any person may, at any reasonable time, inspect such book without fee or reward.

Driver's Licences may be granted by Justices in Petty Session;

and to be entered in a book.

49 Before any such Driver's Licence is granted, a requisition for the same, endorsed by the Proprietor or one of the Proprietors of the Coach which such person is intended to drive, and accompanied with such a certificate of his ability to drive, and of his good character, as shall be satisfactory to the Justices, shall be made and signed by the person applying for such Licence; and in every such requisition there shall be truly specified and set forth the proper name and surname, and place of abode, of such person; and if any person applying for a Driver's Licence makes or causes to be made any false representation in regard to his name or abode, or if he does not truly answer all questions which may be demanded of him in relation to such application for a Licence, or if any person to whom reference is made in regard to such application wilfully or knowingly makes any misrepresentation with the intention of deceiving such Justices, every person so offending shall, for any such offence, forfeit and pay a penalty not exceeding Five Pounds; and it shall be lawful for any Justice of the Peace, upon proof of such offence, to revoke any Driver's Licence which shall have been granted under such false representation.

Mode of obtaining Driver's Licence.

50 Any Justice of the Peace before whom the Driver of any Stage Coach is convicted of any offence may, if he sees fit, suspend for any period not exceeding Two months the Licence granted to such Driver; and any two Justices of the Peace may, if they think

Driver's Licence may be suspended or forfeited.

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proper, upon proof that the Driver of any Stage Coach has been convicted of felony, or upon the conviction before them of any such Driver for a second offence against this Act, revoke the Licence granted to such Driver.

Coaches may be inspected from time to time, and if found unfit for use, Licence suspended or revoked.

51 It shall be lawful for any two or more Justices in Petty Session assembled in any District or Municipality, of whom one shall be the Mayor, through which any Stage Coach passes to cause an inspection to be made as often as they deem necessary of any such Coach, and of the horses used in drawing the same; and if any such Stage Coach, or any horse used in drawing the same, are at any time in a condition unfit for public use, the Justices shall give notice in writing accordingly to the proprietor or one of the proprietors of such Stage Coach, which notice shall be personally served or delivered at his place of residence; and if, after notice as aforesaid, any proprietor uses, employs, or drives such Stage Coach, or uses or employs such horse whilst in a condition unfit for public use, or if any proprietor refuses to allow such inspection as aforesaid, it shall be lawful, upon complaint in that behalf made, in a summary way, for any Justice to suspend the Licence granted for such Coach for any period not exceeding Two months, or any two Justices to revoke the Licence granted to such Coach.

Penalty for using Coaches or Horses unfit for use.

52 Every Proprietor or Driver who uses, employs, or drives any Stage Coach, or any such horse, after notice given to him as aforesaid by such Justices that such Coach or horse was no longer in a fit and proper condition for public use, shall be liable to a penalty not exceeding Three Pounds for every day that he so uses, employs, or drives such Coach or such horse, and in default of payment may be imprisoned for any period not exceeding One month.

Notice of suspension or revocation to be given.

53 Whenever any Justice or Justices of the Peace suspends or revokes any Licence granted under the authority of this Act, he or they shall forthwith cause a notice of such suspension or revocation, in such form as he or they thinks fit, signed by him or them, to be given to the person named in such Licence as such Driver, or to be left for him at his usual or last known place of abode.

On suspension or revocation of Licence Driver to be deemed unlicensed.

54 Every Driver shall, during any such suspension, or after any such revocation as hereinbefore provided, of the Licence granted to such Driver under this Act, be deemed and taken to be a person not licensed to drive a Coach.

Punishment of certain offences committed by Drivers.

55 If the Driver of any Stage Coach is intoxicated whilst acting as such Driver, or by wanton or furious driving injures or damages any person in his life, limb, or property, or drives furiously, or refuses or neglects to drive such Coach with all reasonable and proper expedition, or by loitering, or by any wilful misbehaviour, causes any obstruction in any public road, street, or place, or quits the box of such Coach without delivering the reins into the hands of some competent person, or before some competent person has been placed at the horses' heads, or permits any passenger to drive such Coach, or quits his Coach without reasonable occasion, or for a longer time than such occasion requires, or suffers any person in a state of intoxication to be carried by such Coach, or having become intoxicated to remain in or on such Coach, or if any such Driver, or any Conductor or Guard of any such Coach, neglects to take reasonable care of any luggage carried or to be carried by such Coach, or by language or otherwise abuses or insults any person travelling or having

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travelled as a passenger in or on such Coach, such Driver, Conductor, or Guard in any case so offending shall forfeit and pay a penalty not exceeding Twenty Pounds.

56 Every Stage Coach driven after sunset shall, except on clear moonlight nights, be provided with proper lamps, which shall be lighted and kept lighted, and be carried on the front of such Coach while such Coach is so driven; and if any such Coach is driven through any street, road, or place after sunset or before sunrise, except as aforesaid, without having such lamps properly lighted as aforesaid, the Proprietor or Driver of such Coach shall incur a penalty not exceeding Forty Shillings.

Coaches to have lamps after sunset.

57 If the Driver or Conductor or Guard of any Stage Coach is in any case unknown, or does not satisfy within one week the amount of any fine imposed upon him, the Proprietor or Proprietors of such Coach shall be liable to the payment of every such fine or penalty as aforesaid the same in all respects as if such Proprietor or Proprietors had personally been convicted of the offence.

Proprietor liable for fines if Driver or Guard do not pay.

58 A Return of all Licences issued under the foregoing provisions relating to Stage Coaches shall be furnished to the Inspector of Police on the last day of each month by the Town Clerk or Clerk of Petty Sessions of the District or Municipality where the same are granted.

Return of Licences issued to be sent to Inspector of Police.

59 All Stage Coach and Drivers' Licences in force at the time of the passing of this Act shall be deemed to be Licences granted in pursuance of the provisions hereof.

As to Licences in force at passing of Act.

60 All sums received for Stage Coach and Drivers' Licences under this Act shall be paid into the Colonial Treasury and form part of the General Revenue.

Appropriation of Licence Fees.

Regulation of Carts.

61 The owner of every waggon, cart, dray, or other such carriage shall cause to be painted on some conspicuous part of the off-side of every such waggon, cart, dray, or other such carriage, before the same is used on any road or public way, the initial letters of his Christian name and his surname and the place of his trade or abode, at full length in large legible letters in white upon black, or black upon white, not less than one inch in height and of a proportionate breadth, and shall continue the same thereupon so long as such waggon, cart, dray, or other such carriage is used upon any road or public way; and if any owner of any waggon, cart, dray, or other such carriage uses or allows the same to be used on any road or public way without the name or description painted thereon as aforesaid, or suffers the same to become illegible, every such owner shall, for every such offence, forfeit and pay a penalty of not more than Forty Shillings; and if any person on any road or public way drives or acts as the driver of any such waggon, cart, dray, or other such carriage not having the owner's name as hereby required painted and remaining legible thereon, and refuses to tell or discover the true Christian and surname and place of trade or abode of the owner of such waggon, cart, dray, or other such carriage, every such driver may be apprehended by any person who sees such offence committed, and taken before any Justice, who, on proof of the offence, shall commit such driver to any Gaol or House of Correction, there to be kept to hard labour for any period not exceeding One month.

Owners of carts, &c., to have their names painted on the off side under fine of Forty Shillings.

Driver refusing to give owner's name punishable by imprisonment and hard labour.

*Police Government.**Certain Vehicles to carry Lights at Night.*

Vehicles to carry Lamps after sunset.

Lamp to be carried on off side.

62 Every waggon, cart, carriage, and other vehicle which is driven after sunset and before sunrise along the Main Road between the City of *Hobart Town* and Town of *Launceston*, or any Cross Road, shall, except on clear moonlight nights, be provided with at least One proper Lamp, which shall be carried on the off or right side of such vehicle, and shall be lighted and kept lighted while such vehicle is so driven; and if any such vehicle is driven through or along such Road or Cross Road after sunset and before sunrise, except as aforesaid, without having such Lamp properly lighted as aforesaid, the Proprietor or Driver of such vehicle shall incur a penalty not exceeding Forty Shillings.

Vehicles left on Roads between sunset and sunrise to have a Lamp.

63 Every vehicle which is left or placed upon such Road or Cross Road after sunset and before sunrise shall, except on clear moonlight nights, be provided with a Lamp lighted and fixed upon that part of the vehicle which is nearest the centre of the Road; and if any such vehicle is left or placed upon such Road or Cross Road after sunset and before sunrise, except as aforesaid, without having such Lamp properly lighted and kept lighted till sunrise, then the person who so leaves or places such vehicle upon such Road or Cross Road, or the Proprietor thereof, shall forfeit and pay a penalty not exceeding Forty Shillings.

Common Lodging Houses.

Provisions to apply to suburbs of Towns.

64 The provisions of this Act relating to Common Lodging-houses shall extend and apply as well to the suburbs of the Towns affected by this Act, as to such Towns themselves.

Definition of "Common Lodging-house."

65 The expression "Common Lodging-house" shall include, in any case in which only a part of a house is used as a Common Lodging-house, the part so used of such house.

Common Lodging-houses to be approved and registered, and keepers licensed.

66 No person shall keep a Common Lodging-house in any Town, or receive a lodger therein, until the same has been inspected and approved by the Municipal Council, or by some person appointed for that purpose by such Council, and has been registered as hereinafter provided; and no person shall keep a Common Lodging-house unless he is the holder of an annual Licence in the form in the Schedule (6) to be issued by the Mayor, to keep a Common Lodging-house under this Act, which Licence shall continue in force until the Thirty-first day of *December* then next and no longer, and for which Licence a fee of Ten Shillings shall be paid, nor unless his name as the keeper thereof is entered in the Register kept under this Act, and for every such entry a fee of Forty Shillings shall be paid by such keeper to such Municipal Council: Provided always, that should the person so licensed and registered die, his widow or any member of his family may keep the house as a Common Lodging-house, for not more than Four weeks after his death, without being licensed and registered as the keeper thereof.

Registers of Common Lodging-houses to be kept.

67 The Municipal Council shall keep a register in which shall be entered the names and residences of the keepers of all Common Lodging-houses within the jurisdiction of the Municipal Council, and the situation of every such house, and the number of Lodgers authorised according to this Act to be received therein.

Refusal to register

68 The Municipal Council may refuse to register as the keeper of

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a Common Lodging-house any person who does not produce to such Council a certificate of character in such form as the Council directs, signed by Three inhabitant householders of the Town or the suburbs thereof within which the Lodging-house is situate, respectively occupying houses of the annual value of not less than Forty Pounds.

Common Lodging-houses.

69 A copy of an entry made in a register kept under this Act, certified by the person having the charge of the register to be a true copy, shall be received in all Courts and before all Justices and on all occasions whatever as evidence, and be sufficient proof of all things therein registered, without production of the register, or of any document, act, or thing on which the entry is founded; and every person applying at a reasonable time shall, on payment of One Shilling, be furnished by the person having such charge with a certified copy of any such entry.

Copy of Register made evidence.

70 The Municipal Council may from time to time make regulations respecting common Lodging-houses within its jurisdiction, for fixing the number of lodgers who may be received into each such house, for the separation of the sexes therein, for promoting cleanliness and ventilation therein, with respect to the inspection thereof and the conditions and restrictions under which such inspection may be made, and otherwise for the well ordering of such houses: Provided always, that the regulations for common Lodging-houses made under this Act by the Municipal Council shall not be in force until they have been confirmed by the Governor.

Regulations.

71 A copy of any such regulations, certified by the Colonial Secretary to have been confirmed by the Governor, shall be receivable in evidence of such regulations, and of the duly making and confirming thereof.

Copy of regulations evidence.

72 Where it appears to the Municipal Council that a common Lodging-house is without a proper supply of water for the use of the Lodgers, and that such supply can be furnished thereto at a reasonable rate, the Municipal Council may by notice in writing require the owner or keeper of the common Lodging-house, within a time specified therein, to obtain such supply, and to do all works necessary for that purpose; and if the notice be not complied with accordingly, the Municipal Council may remove the common Lodging-house from the register until it be complied with.

Supply of water to Common Lodging-houses.

73 The keeper of a common Lodging-house in which beggars or vagrants are received to lodge, or the person having the care or management thereof, shall, from time to time, if required by any order of the Municipal Council, served on such keeper or person, report to the Council, or to such person as the Council directs, every person who resorted to such house during the preceding day or night; and for that purpose Schedules shall be furnished by the Council to the person so ordered to report, which Schedules he shall fill up with the information required and transmit to such Council.

Keepers of Common Lodging-houses to report beggars and vagrant lodgers.

74 The keeper of a common Lodging-house shall, when a person dies or is ill of fever or any infectious or contagious disease, give immediate notice thereof to the Municipal Council and to the Superintendent or other superior officer of Police.

Keeper of house to give notice of fever, &c.

75 The keeper of a common Lodging-house, and every other person having or acting in the care and management thereof, shall at all times

Inspection of premises.

Police Government.

give free access to such House and any part thereof to all officers of Police above the rank of petty Constable, as well as to all persons authorised in writing in that behalf by the Mayor.

Cleansing, &c.

76 The keeper of a common Lodging-house shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, cesspools, and drains thereof, to the satisfaction of, and so often as shall be required by, or in accordance with, any regulation of the Municipal Council, and shall well and sufficiently, and to the like satisfaction, limewash the walls and ceilings thereof in the first week of each of the months of *October* and *April* in every year.

Offences by
Keepers of
Common Lodg-
ing-houses.

77 If the keeper of a common Lodging-house, or any other person having or acting in the care or management thereof, either by commission or omission, offends against any of the provisions of this Act, or any of the regulations made and confirmed in pursuance of this Act, or if the keeper of any common Lodging-house in which any person is confined to his bed for Forty-eight hours by fever or by any infectious or contagious disease, shall not give notice thereof as required by this Act, every person so offending shall, for every such offence, be liable to a penalty not exceeding Ten Pounds, and to a further penalty not exceeding Forty Shillings for every day during which the offence continues: Provided always, that a conviction under this Act shall not exempt any person from any penalty or other liability to which he may be subject irrespective of this Act.

Conviction for
third Offence to
disqualify persons
from keeping
Common Lodg-
ing-houses.

78 Where the keeper of a common Lodging-house, or a person having or acting in the care or management of a common Lodging-house, is convicted of a third offence against this Act, the Justices before whom the conviction for such third offence takes place may, if they think fit, adjudge that he shall not at any time within Five years of the conviction, or within such shorter period after the conviction as the Justices think fit, keep or have, or act in the care or management of, a common Lodging-house, without the previous Licence in writing of the Municipal Council, which Licence the said Council may withhold or grant on such terms and conditions as they think proper.

Execution of fore-
going provisions
in Municipalities
and Districts.

79 In every Municipality the foregoing provisions relating to common Lodging-houses shall be executed by the Municipal Council, and in every District the same shall where there is a Stipendiary Magistrate be executed by such Magistrate, and where there is no such Magistrate by Two Justices in Petty Sessions assembled, and in all proceedings thereunder the words "Stipendiary Magistrate" and "Two Justices in Petty Sessions assembled" shall be read instead of Municipal Council or Mayor.

This Act not to
affect existing
Common Lodg-
ing-houses or
Regulations.

80 All common Lodging-houses duly registered at the time of the passing of this Act in accordance with the provisions of *The Common Lodging-houses Act, 1854*, shall be deemed to be duly registered under this Act; and all regulations for common Lodging-houses made in pursuance of the said Act, and in force at the time of the passing of this Act, shall be deemed to be regulations duly made under the provisions hereof.

Places of public Resort and disorderly Houses.

Penalty for
harbouring dis-
orderly persons.

81 Every person occupying or keeping any house, shop, room, place of public resort, or other premises in any Town, who permits any

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breach of the peace or riotous or disorderly conduct within any shop, cellar, room, place of public resort, house, office, or other premises occupied or rented by him, or knowingly harbours prostitutes, or permits or suffers men or women of notoriously bad fame or dissolute boys and girls to meet or assemble therein, or knowingly lodges, entertains, or harbours to the annoyance of the inhabitants any prostitute or idle rogue or vagabond, such person so offending shall for every such offence be liable in a penalty not exceeding Ten Pounds, and so from time to time; and the Justices may further order such offenders to find security for their good behaviour for Twelve months under a penalty not exceeding Twenty Pounds, and in the event of such security not being found to adjudge the person offending to imprisonment for any term not exceeding Sixty days: Provided always, that if any person is found guilty of any such offence a second time, it shall be lawful for any Two Justices of the Peace, on the application of Three householders, to eject and remove such person summarily from the premises possessed, occupied, or kept by him, and to impose such further penalty on such offender not exceeding Twenty Pounds, with costs, as to the Justices may seem fit.

82 The Superintendent of Police or any District Constable shall have power by virtue of his office at any time to enter any building or part of a building, or other place of the following description, on hearing any disorderly noise therein, or having reason to believe or suspect that persons accused or reasonably suspected of having committed any offence in respect of which imprisonment may be awarded, or that any articles known or suspected to have been stolen or fraudulently obtained, are to be found therein; viz.—

Police Officers may enter certain places on hearing disorderly noises.

Any place used for the purpose of any public entertainment, or for any public show or exhibition :

Any singing or dancing saloon, oyster store, fish-shop, eating-house, coffee-house, or other such place :

Any victualling house, public-house, or house in which wine, spirits, beer, cider, or other fermented or distilled liquors are sold, whether licensed or not :

Any common brothel or house for the reception of prostitutes, or any house usually frequented by thieves or loose and disorderly persons :

Any building or part of a building which is kept or used for a purpose in respect of which a licence is required by the provisions of this Act :

Any ship or other vessel not being employed in Her Majesty's service :

And if the keeper of any such building or other place, or any servant or other person having the charge thereof, or the master or other person having charge of such vessel, shall not admit such Superintendent or District Constable when required, such person shall for every such offence forfeit and pay a sum not exceeding Five Pounds.

83 Every person who keeps or uses or acts in the management of any house, room, pit, or other place for the purpose of fighting, baiting, or worrying any animals, shall be liable to a penalty of not more than Five Pounds, or, in the discretion of the Justice before whom he is convicted, to imprisonment, with or without hard labour, for a time not exceeding

Penalty on persons keeping places for baiting animals, and persons found therein.

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One month without any penalty being imposed ; and any Justice may, by order in writing, authorise the Superintendent of Police or any Chief or District Constable, 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, and every person so found shall be liable to a penalty not exceeding Five Shillings ; and a conviction for this offence shall not exempt the owner, keeper, or manager of any such house, room, pit, or place from any penal consequences to which he is liable for the nuisance thereby occasioned.

Places of Public Entertainment.

“ Public Entertainment.”

84 The expression “ Public Entertainment ” shall mean and include any interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any part or parts therein, or any stage-dancing, ballet, tumbling, horsemanship, conjuring, legerdemain, or other performance, entertainment, or exhibition of the like kind.

Public entertainments prohibited in unlicensed places.

85 If any person acts, represents, or performs, or causes or procures any public entertainment to be acted, represented, or performed, whether such acting, representation, or performance is gratuitous or for hire, gain, or reward, in any house, room, building, garden, or other place whatsoever not licensed under this Act, to which admission is procurable or procured by payment of money or by tickets either transferable or not transferable, or by any other means, promise, token, or consideration as the price, hire, or rent of admission, or of places, seats, or boxes therein for the day, week, month, or year, or for any less or longer time ; and if the owner or occupier of any house, room, building, garden, or other place whatsoever not licensed under this Act takes or receives, or causes or procures to be taken or received, any money, goods, or valuable thing whatsoever by way of rent, fee, or reward for the use or hire thereof for the purposes of any public entertainment, or permits or suffers the same to be so used and applied, every person so offending shall forfeit and pay for every such offence any sum not exceeding Fifty Pounds.

Issue of licences for places of public entertainment.

86 All licences for keeping places of public entertainment shall in each Municipality, upon application to and approval by the Municipal Council, be granted by the Mayor ; and in each District be granted by Two Justices of the Peace sitting in Petty Sessions, One of whom shall be a Stipendiary Magistrate if there be one in such District ; but no such licence shall be in force for any period exceeding One year from the date thereof, and every such licence shall be in the form in the Schedule (7).

Fee for Licence.

87 There shall be paid to the Town Clerk of any Municipality, or to the Clerk of Petty Sessions of any District, in respect of any Licence for keeping a place of public entertainment granted in any Municipality such sum not exceeding Two Pounds as for the time being is in that behalf fixed by the Municipal Council of the Municipality, and in respect of any Licence granted in any District the sum of Two Pounds ; and all Fees paid as aforesaid in each Municipality shall form part of the Municipal Fund, and all Fees paid as aforesaid in each District shall form part of the General Revenue.

Licensee to enter into a recognizance with sureties.

88 Before any Licence for keeping a place of public entertainment is delivered to the person obtaining the same, a Recognizance in the Form in the Schedule (8.) shall be entered into before any Two Justices of the Peace by the Licensee, in the sum of Fifty Pounds, with Two sufficient sureties in the sum of Twenty-five Pounds each ; and any Two

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Justices of the Peace may enquire into any default made in any of the conditions of such Recognizance, and may either order such person to forfeit and pay a penalty not exceeding Fifty Pounds, or declare that the sum in which such Recognizance is acknowledged shall be forfeited, and that such Licence shall be void, and the same shall be forfeited and void accordingly.

89 If any person in any Town or within Twenty miles thereof keeps any house, room, building, garden, or other place whatsoever for public dancing, music, or other amusement of the like kind unless the same is licensed under this Act, such person shall forfeit and pay a penalty not exceeding Fifty Pounds.

No person to keep any place for dancing, music, &c. unless licensed.

90 All Licences for keeping any house, room, building, garden, or other place whatsoever for public dancing, music, or other amusement of the like kind shall, in each Municipality, upon application to and approval by the Municipal Council, be granted by the Mayor, and in each District be granted by any Two Justices of the Peace sitting in Petty Sessions in such District, One of whom shall be a Stipendiary Magistrate if there be one in such District; and no such Licence shall be in force for any period exceeding One year from the issue thereof; and every such Licence shall be in the Form in the Schedule (9).

Issue of Licences for places for dancing, music, &c.

91 There shall be paid to the Town Clerk of any Municipality, or to the Clerk of Petty Sessions of any District, in respect of any Licence granted under the last preceding Section in any Municipality such sum not exceeding One Pound as for the time being is in that behalf fixed by the Municipal Council, and in respect of any Licence granted in any District the sum of One Pound; and all Fees paid as aforesaid in each Municipality shall form part of the Municipal Fund, and all Fees paid as aforesaid in each District shall form part of the General Revenue.

Fee for Licence.

92 In order to give public notice what places are licensed pursuant to this Act, there shall be affixed and kept up in some conspicuous place over the outer door or entrance of every such house, room, building, garden, or other place kept for the purpose of any public entertainment, or for the purpose of public dancing, music, or other amusement of the like kind and licensed under this Act, an inscription in large capital letters, not less than Two inches in length and of a proportionate breadth, in the words following—"Licensed pursuant to The Police Act, 1865."

Inscription to be made on licensed houses.

93 Every unlicensed house, room, building, garden, or other place whatsoever wherein any public entertainment is acted, represented, performed, or done, or any exhibition is exhibited, or which is kept or used for any public dancing, music, or other amusement of the like kind, shall be deemed to be a disorderly house, room, building, garden, or other place, and it shall be lawful for any Superintendent of Police or other superior Officer of Police, by warrant under the hand of the Mayor in any Municipality, or any Justice in any District, to enter any such house, room, building, garden, or place, and to turn out all persons found therein.

Police empowered to clear out unlicensed places.

94 Any person who appears, acts, or behaves himself as master, or as the person having the care, government, or management of any such disorderly house, room, building, garden, or other place whatsoever, shall be deemed and taken to be the keeper thereof, and shall be liable to punishment as such notwithstanding that he is not the legal owner or keeper thereof.

Definition of keeper of unlicensed house, &c.

*Police Government.***PART II.**

Application of
Part Two.

95 Part Two of this Act shall extend and apply to every District and every Municipality except *Hobart Town* and *Launceston*.

Slaughter of Animals.

Appointment of
Inspector of
Stock.

96 The Governor is hereby empowered to appoint during pleasure an Inspector of Stock in and for every District ; and in every Municipality the Municipal Council is hereby empowered from time to time to nominate and appoint, during pleasure, an Inspector of Stock in and for such Municipality.

No person to
slaughter animals
or sell meat unless
licensed.

97 It shall not be lawful for any person to slaughter or cause to be slaughtered for sale any animal, or to sell or cause to be sold any meat, unless he is the holder of a Slaughtering Licence under this Act.

Issue of Slaugh-
tering Licences.

98 Every Slaughtering Licence to be granted under this Act in any District shall be granted by any Two Justices of the Peace sitting in Petty Sessions in such District, of whom One shall be the Stipendiary Magistrate if there be one in such District, who shall charge and receive for the same the sum of Five Shillings ; and in every Municipality such Licence shall be granted by the Mayor, who shall charge and receive for the same such sum not exceeding Five Pounds as for the time being is in that behalf fixed by the Municipal Council of such Municipality.

Appropriation of
Licence Fees.

99 All Fees received for Slaughtering Licences in every District shall be paid into the Colonial Treasury and form part of the General Revenue ; and all such Fees received by the Mayor of any Municipality shall be applied in aid of the Municipal Fund of the Municipality.

Form and dura-
tion of Licence.

100 Every Slaughtering Licence shall be in the Form in the Schedule (10.), and shall, without reference to the time when granted, expire on the Thirty-first day of *December* next ensuing the date thereof.

Continues existing
Licences.

101 Every Licence to slaughter, or to sell meat, by Law granted and in force when this Act comes into force shall be deemed to be a Licence granted under this Act, and shall expire on the 31st day of *December* then next following.

Penalty for
slaughtering for
sale, or selling
meat without a
Licence.

102 Every person who slaughters or causes to be slaughtered for sale any animal, or sells or causes to be sold the carcass of any animal, without having obtained a Slaughtering Licence in manner hereinbefore directed, shall forfeit a penalty not exceeding Fifty Pounds.

Animals not to be
slaughtered for
sale without
notice to
Inspector.

103 If any person slaughters, or causes to be slaughtered, any animal for sale without giving sufficient notice of his intention so to do to the Inspector of Stock, to enable such Inspector to inspect such animal and affording opportunity and permission to such Inspector to inspect such animal before the same is slaughtered, or refuses or neglects to state to such Inspector, upon being by him requested so to do, the name and residence as well of the owner of any such animal as of the person from whom he received the same, he shall forfeit a penalty not exceeding Twenty Pounds.

Name of owner,
&c., of animals to
be stated on de-
mand.

Animals not to be

104 If any person ships or causes to be shipped on board any vessel

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any animal without giving sufficient notice of his intention so to do to the Inspector of Stock to enable such Inspector to inspect such animal, and affording opportunity and permission to such Inspector to inspect such animal before the embarkation thereof, or refuses or neglects to state to such Inspector, upon being by him requested so do, the name and residence as well of the owner of any such animal as of the person from whom he received the same, he shall forfeit a penalty not exceeding Fifty Pounds.

exported without notice to Inspector.

Name of owner, &c. of animals to be stated on demand.

105 Every person who gives any notice to the Inspector of Stock for the purpose of enabling such Inspector to inspect any animal shall yard such animal, so as to enable such Inspector properly and effectually to inspect the same; and it shall be lawful for such Inspector upon his inspecting any animal to brand or otherwise mark such animal so as to enable him to recognise the same; and if any person does not so yard any animal so as to enable the Inspector of Stock properly and effectually to inspect the same, or obstructs or refuses to permit the branding or otherwise marking any such animal by such Inspector, he shall forfeit a penalty not exceeding Twenty Pounds.

Animals to be yarded to enable Inspector to inspect.

Inspector may brand animals on inspection.

106 The Inspector of Stock may demand and receive for inspecting each head of cattle the sum of Sixpence and no more, and for inspecting each score of sheep the sum of Ten-pence and no more, and so in proportion for a less number; and if the person giving notice to the Inspector shall not immediately upon demand pay the amount of such charges, he shall, over and above the amount of such charges, forfeit a penalty of not more than Five Pounds; and any Inspector of Stock demanding or receiving any higher fees than as aforesaid shall forfeit and pay a penalty not exceeding Fifty Pounds.

Fees to be taken by Inspector.

Penalty.

107 If any person sells or causes to be sold, or offers or exposes for sale, as the food of man, the carcass of any sickly or diseased animal, or any putrid or unwholesome meat whatsoever, he shall, for every such offence, forfeit a penalty not exceeding Fifty Pounds.

Penalty for selling unwholesome meat as human food.

108 It shall be lawful for the Mayor or any Inspector of Stock, or for any Justice of the Peace, or the Superintendent or other Superior Officer of Police, either alone or attended by any Constable or other person, to enter into any house, shop, or other place where the carcass of any sickly or diseased animal, or any putrid or unwholesome meat, is offered or exposed for sale as the food of man, and to seize, take away, and destroy such carcass or meat; and if any person resists or obstructs any such person in entering into any such house, shop, or other place as aforesaid, or in seizing, taking away, or destroying any such carcass or meat, he shall forfeit a penalty not exceeding Twenty Pounds.

Unwholesome meat exposed for sale as human food may be seized and destroyed.

109 If any person holding a Slaughtering Licence under this Act puts, places, or throws, or causes or suffers to be put, placed, or thrown, or wrongfully permits or suffers to remain any skin, offal, horn, or blood, or other part whatsoever of any animal in or on any public street or place, or in or on his premises, or any other place whatsoever where the same occasions or is likely to occasion public annoyance, he shall forfeit a penalty not exceeding Twenty Pounds.

Penalty for allowing offal, &c. to remain on premises or public places.

110 If upon the inspection of the carcass of any animal by the Inspector of Stock the same appears to such Inspector to be unfit for the food of man, it shall be lawful for such Inspector to seize, take away, and destroy such carcass; and if any person resists or obstructs

Inspector may seize and destroy animals or carcasses unfit for human food.

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Proceedings in case owner objects to seizure.

such Inspector in seizing, taking away, or destroying any such carcass of any animal, he shall forfeit and pay a penalty not exceeding Twenty Pounds: Provided, that if the owner of any such carcass of any animal, or any person on behalf of such owner, objects to such carcass so being seized and destroyed, the Inspector of Stock shall forthwith convey the same before the Mayor or some Justice of the Peace; and if the Mayor or such Justice determines that such carcass is unfit for the food of man, it shall be lawful for the Mayor or such Justice to order the same to be immediately destroyed or otherwise disposed of by the Inspector of Stock, in such a way as to prevent the same being exposed for sale or used for the food of man: Provided also, that it shall in any case be lawful for the Inspector of Stock to permit the tallow or fat to be separated from any such carcass under his own immediate inspection, and subject to such restrictions as are for that purpose prescribed by the Municipal Council of the Municipality, or by any Two Justices of the Peace in any District.

Inspector may seize animals suspected to be stolen.

111 If the Inspector of Stock has reasonable cause of suspicion that any animal he is inspecting has been stolen, it shall be lawful for such Inspector to seize and detain such animal; and he is hereby directed forthwith to report any such seizure, and the grounds thereof, to the Mayor or some Justice of the Peace residing in the District or Municipality, who shall thereupon make such order in the matter as the justice of the case may require.

Act not to affect persons slaughtering animals for their own use, or any case where humanity demands the death of any animal.

112 Nothing in this Act contained shall extend to or affect any person who slaughters or causes to be slaughtered any animal for the consumption of his family, servants, or workmen, or shall extend to or affect any person in respect of any animal slaughtered in any case where humanity enjoins its immediate death: Provided that in every such case as last aforesaid the person slaughtering such animal shall, as soon as possible afterwards, give notice thereof to the Inspector of Stock, and shall, if required so to do, produce the ears and entire skin of such animal to such Inspector.

Meat to be deemed to be sold for human food unless otherwise marked.

113 All meat sold or offered or exposed for sale shall be deemed to be sold or offered or exposed for sale as the food of man unless the same is marked or otherwise sold or offered or exposed for sale, in conformity with any Law or Bye-law in force for the time being regulating the conditions upon which meat unfit for the food of man may be sold for other purposes than for the food of man.

Bye laws.

114 It shall be lawful for the Municipal Council of every Municipality from time to time to make, publish, alter, modify, amend, or repeal such Bye-laws as to the said Council seems meet—

For the erection, proper ordering, conduct, management, and cleansing of public Slaughter-house, and of the shops and premises of persons holding Slaughtering Licences under this Act:

For better preventing the sale of unwholesome meat as the food of man, and for regulating the conditions upon which meat unfit for the food of man may be sold for other purposes than for the food of man:

For regulating the time, place, and manner of landing live animals from vessels arriving in the Municipality:

For regulating the time, place, and manner in which the carcasses

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of animals may be landed from vessels arriving in the Municipality, and the disposal of such carcasses :

For regulating the time, place, and manner of shipping animals on board of vessels departing from the Municipality :

For fixing the hours when, and streets or other public places within the Municipality where, and other restrictions under which, animals imported into this Colony or brought within the Municipality may be driven :

For fixing the place within the Municipality where, and the restrictions under which, animals may be sold by public auction:

And for any of the purposes of this Act which the Municipal Council may think it expedient to carry out or effectuate by Bye-laws :

And it shall be lawful for the Municipal Council to appoint by such Bye-laws such penalties, not exceeding in any case the sum of Twenty Pounds, as the said Council deems necessary for enforcing such Bye-laws.

115 The provisions of any Bye-law made as aforesaid, regulating the driving of animals within the limits of any Municipality, shall not apply or extend to working bullocks in yoke, or tame milch cows being driven to or from pasture.

Bye-laws regulating the driving of animals not to apply to tame cows, &c.

PART III.

116 Part Three of this Act shall extend and apply to every Municipality only, but it shall be lawful for the Governor, by Proclamation published in the *Gazette*, to extend any portion or portions of Part Three to any Town in any District; and thereupon in such Town all acts, matters, and things to be done, performed, and executed by the Mayor of any Municipality shall be done, performed, and executed by the Stipendiary Magistrate if there be one, or by any Two Justices of the Peace sitting in Petty Session in such District; and all acts, matters, and things to be done, performed, and executed by the Municipal Council of any Municipality shall be done, performed, and executed in such Town by the Court of General Sessions of the District in which such Town is situated, but such Court shall not incur or cause to be incurred any expense whatsoever in respect of anything done or to be done by them in pursuance of this Act; and all acts, matters, and things to be done, performed, and executed by the Surveyor of any Municipality, or by any other person duly appointed for that purpose by the Municipal Council, shall be done, performed, and executed in such Town by the Town Surveyor; and all moneys received under the following provisions in any Municipality shall form part of the Municipal Fund of such Municipality, and all moneys so received in any District shall form part of the General Revenue.

Application of Part Three.

Execution of this Part in Towns in Districts.

Impounding.

117 The Municipal Council of every Municipality shall have and exercise, within the Municipality, all the powers and authorities which, by the Act of Council of the 11th *George* the 4th, No. 3, are conferred upon and to be exercised by the Governor, so far as such powers and authorities relate to the appointment and removal of Pounds and

Municipal Councils to exercise powers of Governor under 11 G. 4, No. 3.

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Poundkeepers; and all sums of money which, by virtue of such lastly recited Act, would go and be paid to the Colonial Treasurer, shall, from and after the Election of a Municipal Council for the Municipality wherein the same arise, go and be paid to such Municipal Council in aid of the Municipal Fund of such Municipality.

Regulation of Cabs.

Application of these provisions.

118 The provisions of this Act relating to Cabs shall extend and apply to a distance of five miles from the principal Post Office of the City of *Hobart Town* and the Town of *Launceston*, and of every Town in each Municipality.

Interpretation.

119 In the construction and for the purposes of the provisions of this Act relating to Cabs, the words and expressions hereinafter mentioned shall be interpreted as follows:—

“Limits of this Act.”

The expression “Limits of this Act” shall mean and include the City of *Hobart Town*, the Town of *Launceston*, and every Town to which the provisions of this Act relating to Cabs may apply, and also the area within the distance of five miles from the principal Post Office for the time being of the said City and Town, and such other Towns respectively.

“Cab.”

The word “Cab” shall include every carriage (except a stage-coach or a carriage drawn or impelled otherwise than by animal power) with two or more wheels which is used for the purpose of standing or plying for passengers for hire within the limits of this Act, whatever may be the form or construction of such carriage, or the number of persons which the same is calculated to convey, or the number of animals by which the same is drawn.

“Proprietor.”

The word “Proprietor” shall include every person who is solely or in partnership with any other person concerned otherwise than merely as a driver in keeping, using, or employing any Cab.

Cabs to be licensed.

120 If any person keeps, uses, employs, lets to hire, or drives a Cab within the limits of this Act unless a Licence has been obtained for such Cab as hereinafter mentioned and is then in force, every such person shall for any such offence forfeit and pay a penalty not exceeding Twenty Pounds; and in any proceeding for any offence against this Section it shall not be necessary to prove that such Licence has not been obtained or is not in force, but the *onus* of proof that such Licence has been obtained and is in force shall lie upon the Defendant.

Licences to be granted by the Mayor.

121 It shall be lawful for the Mayor, upon payment of the fee payable for the same, to grant any such Cab Licence; and every such Cab Licence shall be in the form and contain the several particulars mentioned in the Schedule (11), and shall be signed by the Mayor, and shall not include more than one Cab, and shall be in force until the Thirty-first day of *December* then next, except during any suspension thereof and unless forfeited as hereinbefore provided, and shall be entered by the Town Clerk in a book to be provided for that purpose, in which book shall be contained columns of places for entries to be made of any offence committed by the Proprietor of such Cab; and any person may at any reasonable time inspect such book without fee or reward.

Duration of Licence.

To be inserted in a book.

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122 The Municipal Council shall from time to time, as occasion requires, fix the amount, not exceeding Ten Pounds, which shall be paid as the fee for granting any such Cab Licence, and such fee so for the time being fixed shall be payable and paid for every such Licence to the Town Clerk : Provided that, in case any such Licence is granted at any other time than within One month after the First day of *February*, a reduction shall be made in the fee for the same proportionate to the period of the year which has then elapsed.

Fee for Cab Licence to be fixed by Municipal Council.

123 Before any such Cab Licence is granted a requisition for the same, in such form as the Mayor from time to time provides for that purpose, shall be made and signed by the Proprietor of the Cab in respect of which such Licence is applied for, in which requisition shall be truly stated the proper name and surname and place of abode of every Proprietor of such Cab ; and if any person applying for any such Cab Licence states in any such requisition the name of any person who is not the Proprietor of such Cab, or wilfully omits to specify truly in any such requisition the name or abode of every person who is a Proprietor of such Cab, every such person shall for any such offence forfeit and pay a penalty not exceeding Five Pounds.

Mode of obtaining Licence.

124 As often as any change takes place in the proprietorship of any licensed Cab, the new Proprietor shall, within Seven days next after such change has taken place, give notice in writing signed by him to the Mayor specifying therein his proper name and surname and place of abode, and produce the Licence of such Cab to the Mayor, who shall thereupon endorse upon such Licence the particulars of such change, and shall sign such endorsement, inserting the date upon which the same is made, and such endorsement shall from the date thereof be considered as part of such Licence so far as it affects the proprietorship of the Cab therein mentioned ; and any person who appears by any such Licence or endorsement, if any, to be the Proprietor of the Cab mentioned in such Licence shall be deemed and taken to be the Proprietor for the purposes of this Act ; and if the new Proprietor of any licensed Cab refuses or neglects so to give notice of such change, or so to produce the Licence of such Cab, or wilfully omits to specify truly in any such notice his proper name or place of abode, every such person shall for any such offence forfeit and pay a penalty not exceeding Five Pounds.

Alteration in the proprietorship of a Cab.

125 As often as the Proprietor of any Licensed Cab changes his place of abode he shall, within Seven days after such change, give notice thereof in writing signed by him to the Mayor, specifying in such notice his new place of abode, and shall produce the Licence of such Cab to the Mayor, who shall thereupon endorse thereon and sign a memorandum specifying the particulars of such change ; and if any Proprietor of any licensed Cab changes his place of abode, and refuses or neglects so to give notice of any such change, or so to produce the Licence of such Cab, or wilfully omits to specify truly in any such notice his new place of abode, every such person shall for any such offence forfeit and pay a penalty not exceeding Five Pounds.

Notice of change of abode of Proprietor.

126 The Mayor, before granting any such Cab Licence, shall cause an inspection to be made of the Cab ; and such Licence shall not be granted unless such Cab upon such inspection is found to be in a fit and proper condition for public use.

Cab to be inspected before Licence granted.

127 If any person acts as Driver of any licensed Cab, unless such person has obtained a Licence so to do as hereinafter mentioned, and

Drivers to be licensed.

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such Licence is then in force, every such person shall for any such offence forfeit and pay a penalty not exceeding Ten Pounds; and in any proceeding for any offence against this Section it shall not be necessary to prove that such Licence has not been obtained or is not in force, but the *onus* of proof that such Licence has been obtained and is in force shall lie upon the Defendant.

Driver's Licence.

128 It shall be lawful for the Mayor, upon payment to the Town Clerk of the fee of Ten Shillings for the same, to grant any such Driver's Licence; and every such Driver's Licence shall be in the form and contain the several particulars mentioned in Schedule (12.), and shall be signed by the Mayor, and shall be in force until the Thirty-first day of *December* then next, except during any suspension thereof and unless forfeited as hereinafter provided, and shall be entered by the Town Clerk in a book to be provided for that purpose, in which book shall be contained columns of places for entries to be made of offences committed by licensed Drivers; and any person may at any reasonable time inspect such book without fee or reward.

Mode of obtaining Driver's Licence.

129 Before any such Driver's Licence is granted a requisition for the same, in such form as the Mayor from time to time provides for that purpose, endorsed by the Proprietor of the Cab which such person is intended to drive, and accompanied with such a Certificate of his ability to drive and of his good character as shall be satisfactory to the Mayor, shall be made and signed by the person to whom such Licence is requested to be granted; and in every such requisition there shall be truly specified and set forth the proper name and surname and place of abode of such person; and if any person applying for a Driver's Licence makes or causes to be made any false representation in regard to his name or abode, or if he does not truly answer all questions which are demanded of him in relation to such application for a Licence, or if any person to whom reference is made in regard to such application wilfully or knowingly makes any misrepresentation with the intention of deceiving the Mayor, every person so offending shall for any such offence forfeit and pay a penalty not exceeding Five Pounds; and it shall be lawful for any Justice of the Peace, upon proof of any such offence, to revoke any Driver's Licence which has been granted under any such false representation.

Driver to give notice of change of abode.

130 As often as any licensed Driver changes his place of abode, he shall within two days next after such change give notice thereof in writing signed by him to the Mayor, specifying in such notice his new place of abode, and shall produce his Licence to the Mayor, who shall thereupon endorse thereon and sign a memorandum specifying the particulars of such change; and if any licensed Driver changes his place of abode, and refuses or neglects so to give notice of such change, or so to produce his Licence, or wilfully omits to specify truly in any such notice his new place of abode, every such licensed Driver shall for any such offence forfeit and pay a penalty not exceeding Twenty Shillings.

Mode in which Driver of licensed Cab may be changed.

131 In case any licensed Driver is desirous to drive any other Cab than that mentioned in his Licence, he shall give notice thereof in writing, endorsed by the Proprietor of such other Cab, to the Mayor, specifying therein the number of such other Cab, and produce his Licence to the Mayor, who shall endorse thereon the number of the Cab which is thereafter to be driven by such Driver; and if the Proprietor of any licensed Cab suffers or permits any person to drive such Cab who is not

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licensed to drive as herein-before directed, or if any licensed Driver drives any other licensed Cab than he is authorised to do by his Licence or the endorsement thereon, if any, every such person shall for any such offence forfeit and pay a penalty not exceeding Five Pounds: Provided always, that nothing herein contained shall prevent any licensed Driver from driving any licensed Cab belonging to the same Proprietor.

132 It shall be lawful for any Justice of the Peace before whom the Proprietor of any licensed Cab is convicted of any offence, if such Justice in his discretion thinks proper, to suspend for any period not exceeding Two months the Licence granted for such Cab; and it shall also be lawful for any two Justices of the Peace, upon proof that the Proprietor of any licensed Cab has been convicted of felony, or upon the conviction before them of any such Proprietor for a second offence against this Act, if such Justices in their discretion think proper, to revoke the Licence granted for such Cab.

Cab Licences may be suspended or forfeited.

133 It shall be lawful for any Justice of the Peace before whom the Driver of any licensed Cab is convicted of any offence, if such Justice in his discretion thinks proper, to suspend for any period not exceeding Two months the Licence granted to such Driver; and it shall also be lawful for any two Justices of the Peace, upon proof that the Driver of any licensed Cab has been convicted of felony, or upon the conviction before them of any such Driver for a second offence against this Act, if such Justices in their discretion think proper, to revoke the Licence granted to such Driver.

Driver's Licences may be suspended or forfeited.

134 If the Proprietor of any licensed Cab or any licensed Driver, when required so to do by any Justice of the Peace, or by the Town Clerk or the City Inspector, or Superintendent of Police, refuses or neglects to produce the Licence of such Cab, or his Licence as such Driver, as the case may be, for the purpose of such Licence being examined by such Justice, Town Clerk, City Inspector, or Superintendent of Police, every such person shall for any such offence forfeit and pay a penalty not exceeding Forty Shillings.

Production of Licences to Justice, Town Clerk, or City Inspector, &c.

135 In case of any complaint or dispute between the Proprietor of any licensed Cab and the Driver thereof in respect of the amount of earnings, or such sums of money as such Driver has engaged to pay day by day to such Proprietor, or in respect of injury, damage, or loss which has arisen through the neglect or default of such Driver to the property of such Proprietor entrusted to his care, or of penalties, forfeitures, or expenses which have been incurred by such Proprietor through the misconduct of such Driver, or respecting wages or reward alleged to be due to such Driver and to be improperly withheld by such Proprietor, or in respect of any sum of money deposited by such Driver in the hands of such Proprietor, or in any other case of dispute or complaint between the Proprietor of any such Cab and the Driver thereof, upon complaint made in a summary way to any Justice of the Peace by such Proprietor against such Driver, or by such Driver against such Proprietor, the said Justice shall inquire into and determine the same, and order such compensation to be made to either party as to such Justice seems proper.

Disputes between Proprietors and Drivers.

136 It shall be lawful for the Mayor to cause an inspection to be made as often as he deems necessary of all licensed Cabs within

Cabs may be inspected, and if

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unfit for use
Licences may be
suspended or
revoked.

the limits of this Act, and of horses used in drawing the same; and if any such licensed Cab, or any horse used in drawing the same, is at any time in a condition unfit for public use, the Mayor shall give notice in writing accordingly to the Proprietor of such licensed Cab, which notice shall be personally served on such Proprietor, or delivered at his place of residence mentioned in or upon the Licence of such Cab; and if, after notice as aforesaid, any Proprietor uses, employs, lets to hire, or drives such licensed Cab, or uses or employs such horse whilst in a condition unfit for public use, it shall be lawful, upon complaint in that behalf made in a summary way, for any Justice of the Peace to suspend the Licence granted for such Cab for any period not exceeding Two months, or for any two Justices of the Peace to revoke the Licence granted for such Cab.

Penalty for using
Cabs or horses
unfit for use.

137 Every Proprietor or licensed Driver who uses, employs, lets to hire, or drives any licensed Cab, or employs any such horse, after notice given to him as aforesaid by the Mayor that such Cab or horse was no longer in a fit and proper condition for public use, shall be liable to a penalty not exceeding Three Pounds for each day that he so uses, employs, lets to hire, or drives such Cab, or uses or employs such horse; and in default of payment may be imprisoned for any time not exceeding One month.

Notice of suspen-
sion or revocation
of Licence to be
given.

138 Whenever any Justice or Justices of the Peace suspend or revoke any Licence granted under the authority of this Act, he or they shall forthwith cause a notice of such suspension or revocation, in such form as he or they think fit, signed by him or them, to be given to the person named in such Licence as the Proprietor of such Cab or as such Driver, as the case may be, or to be left for him at the place mentioned in or upon such Licence as the place of his abode; and in case such Proprietor or Driver has quitted such place, or the same is a false or fictitious place of abode, then the said Justice or Justices shall cause such notice to be posted up in some public place at the Office of the Town Clerk, which shall be deemed good and sufficient notice of such a suspension or revocation to all intents and purposes.

During suspen-
sion or after
revocation of
Licence, Cab or
Driver to be
deemed un-
licensed.

139 Every Cab and Driver shall, during any such suspension or after any such revocation as hereinbefore provided of the Licence granted for such Cab or to such Driver under this Act, be deemed and taken to be an unlicensed Cab, or to be a person not licensed to drive a Cab under this Act, as the case may be.

Stands to be
appointed.

140 It shall be lawful for the Municipal Council from time to time, by notice under the hand of the Mayor to be published in the *Gazette*, to appoint proper stands or places where licensed Cabs may stand and ply for hire, and by such notice to regulate the number of such Cabs which shall be permitted to stand at any one time upon such stands or places respectively, and the manner in which such Cabs shall stand thereupon; and if the Driver of any licensed Cab, after the publication of such notice, plies for hire elsewhere than upon some stand or place appointed for such purpose by the notice then in force, or upon any such stand or place after the number of Cabs authorised by such notice is already upon such stand or place, or stands upon any such stand or place in manner otherwise than directed by such notice, every such Driver shall for any such offence forfeit and pay a penalty not exceeding Forty Shillings.

Cabs standing or

141 Every licensed Cab which is found standing or loitering in any

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public road, street, or place within the limits of this Act shall, unless actually hired, be deemed to be plying for hire, although such Cab is not on any stand or place usually appropriated for the purpose of licensed Cabs standing or plying for hire thereon.

loitering in street to be deemed plying for hire.

142 It shall be lawful for the Municipal Council, and they are hereby required in the month of *November* in every year, to fix by a Table, to be by them for that purpose made, the respective Fares to be charged to passengers by licensed Cabs within the limits of this Act, and the said Fares to vary and alter from time to time, and to fix other Fares in lieu thereof; and such Fares as often as they are so fixed as aforesaid shall be published in the *Gazette*, and in some newspaper published in *Hobart Town* or *Launceston*, and shall be deemed to be the Fares which from and after such publication may be lawfully taken and demanded by the Proprietor or Driver of any licensed Cab; and if any such Proprietor or Driver asks or demands any higher fare than is for the time being so fixed and published as aforesaid, he shall for any such offence forfeit and pay a penalty not exceeding Forty Shillings: Provided always, that the Proprietor or Driver of any such Cab is authorised to demand and receive one half more than the Fares so for the time being fixed and published as aforesaid for any period during which such Cab is employed between the hours of Ten o'clock at night and Six o'clock in the morning.

Fares to be fixed and published.

143 No agreement whatever made with the Proprietor or Driver of any licensed Cab for the payment of more than the fare which such Proprietor or Driver is for the time being authorised to demand and take by virtue of this Act shall be binding on the person making the same, but any such person notwithstanding any such agreement may refuse on discharging such Cab to pay any sum beyond the proper fare for the time being; and in case any person actually pays to the Proprietor or Driver of any licensed Cab, whether in pursuance of any such agreement or not, any sum, exceeding his said proper fare, which has been demanded or required by such Proprietor or Driver, the person paying the same shall be entitled, on complaint made against such Proprietor or Driver in a summary way before any Justice of the Peace, to recover back the sum paid beyond the proper fare; and moreover such Proprietor or Driver shall forfeit and pay as a penalty for such exaction any sum not exceeding Forty Shillings, and in default of immediate repayment by such Proprietor or Driver of such excess of fare, or of immediate payment of the said penalty, such Justice shall forthwith commit such Proprietor or Driver to prison there to remain for any time not exceeding One month unless the said excess of fare and the said penalty is sooner paid.

Agreement to pay more than legal fare not binding.

Recovery of excess of fare paid.

144 It shall be lawful for the Driver of any licensed Cab to demand and receive, over and above his authorised fare, the amount he may be required to pay and pays for any toll or ferry through or over which such Driver passes whilst conveying any person having hired such Cab.

Passengers to pay tolls and ferryage.

145 It shall not be lawful for the Driver of any licensed Cab to demand any payment for or on account of such Cab returning empty to the place from whence such Driver may have been hired, but should any person hiring any licensed Cab require to return in the same, one-half only of the fare by this Act payable by such person for going in such Cab shall be demanded for returning in the same to the place from whence the same was so hired.

No return fare except person returns, when half fare to be paid.

Fare to be charged either by time or distance at option of hirer. If person return in same Cab five minutes allowed to wait for every mile such person was conveyed.

146 The payment of fare shall in no case be made partly by time and partly by distance, but the hirer of any licensed Cab may elect to pay such fare either by time or by distance; and the Driver of any such Cab shall not be compellable to wait at any place to which he may have conveyed any person having hired the same beyond the period of five minutes unless such person intends to return in such Cab; and if any person is desirous of returning in the same licensed Cab from the place to which he was thereby conveyed, such person may, before so returning, remain thereat for any period not exceeding five minutes for every mile such person may have been so conveyed to such place, and no such Driver shall be entitled to charge or shall charge for the time during which such person so remains at such place as last aforesaid; and any licensed Driver neglecting or refusing to remain with his Cab so as to enable such person to return as last aforesaid shall forfeit and pay a penalty not exceeding Five Pounds.

Drivers not compelled to go beyond the limits of this Act: if they do, and no agreement made, fares to be in proportion.

147 No Driver of any licensed Cab shall be compelled to go beyond the limits of this Act; but in the event of any such Driver going beyond such limits, and not having made any specific agreement as to the sum to be charged for such extra distance, then and in such case the fare shall be regulated in proportion to distance or time according to the Table of Fares for the time being fixed and published as aforesaid.

Disputes as to distance to be determined by Justices, and expense thereof paid as costs.

148 If any question arises touching the distance for which the Driver of any licensed Cab is entitled to charge, the same shall and may be heard by complaint in that behalf preferred before any Justice or Justices of the Peace, and such Justice or Justices is or are hereby authorised to determine the matter of such complaint; and any expense not exceeding Forty Shillings which may be necessarily incurred in ascertaining such distance shall be deemed to be costs, and be paid as such by the party against whom a decision is given by such Justice or Justices.

Provides for persons hiring Cabs refusing to pay fare.

149 If any person refuses or omits to pay the Proprietor or Driver of any licensed Cab the sum justly due to him for the hire of such Cab, or any such toll or ferryage so paid by such Driver as aforesaid, or if any person defaces or in any manner injures any such Cab, it shall be lawful for any Justice of the Peace, upon complaint thereof made to him, to grant a Summons, or, if it appears to him necessary, a Warrant, for bringing before him or any other Justice such defaulter or offender, and, upon proof of the facts made upon oath before any such Justice, to award reasonable satisfaction to the person so complaining for his fare, toll, ferryage, or for his damages and costs, and also a reasonable compensation for his loss of time and for the time of his witnesses, if any, in attending such Justice touching or concerning such complaint; and in default of immediate payment of such satisfaction, costs, and compensation, it shall be lawful for such Justice to commit such defaulter or offender to prison there to remain for any time not exceeding One month, unless the amount of such satisfaction, costs, and compensation is sooner paid: Provided always, that if any such complaint is withdrawn or dismissed, or if the defendant is acquitted of the offence charged against him, it shall be lawful for such Justice, if he thinks fit, to order and award that the person making such complaint shall pay to defendant such costs of making or preparing for his defence, and also such compensation for his loss of time and for the time of his witnesses, if any, in attending such Justice touching or concerning such complaint, as to such Justice seems reasonable; and in default of immediate payment of the sum so awarded it shall be lawful for such Justice, at his

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discretion, to commit the person so making such complaint to prison, there to remain for any time not exceeding One month unless the same is sooner paid, or to cause the same to be levied by distress and sale of the goods and chattels of the person ordered to pay the same, together with the costs of such distress and sale; and if goods and chattels of such person sufficient to answer the sum so awarded, with costs as aforesaid, cannot be found, then it shall be lawful for such Justice to commit such person to prison, there to remain for any time not exceeding One month, unless the sum so awarded, together with all costs and expenses, is sooner paid and satisfied.

150 The Driver of every licensed Cab shall have, and shall on demand produce, a card or paper on which shall be legibly written or printed the Fares for the time being authorised to be taken by such Driver; and if any such Driver fails to have, or upon demand to produce, such card or paper as aforesaid, every such Driver shall for any such offence forfeit and pay a penalty not exceeding Forty Shillings.

Driver to carry and produce when required Table of Fares.

151 The Driver of every licensed Cab wherein any property whatever is left by any person shall, within Four days next after the same has been so left, carry such property, if not sooner claimed by the owner thereof, in the state in which he finds the same, to the Police Office of the District or Municipality, and there deposit and leave the same with the Police Officer in charge, upon pain that every such Driver making any default herein shall forfeit and pay for any such offence a penalty not exceeding Twenty Pounds; and such Police Officer shall forthwith enter into a book, to be kept at the said Office for that purpose, the description of such property, and the name and address of the Driver who brings the same, and on the day which it is brought; and the property so entered shall be returned to the person who proves, to the satisfaction of the Mayor, that the same belongs to him, such person previously paying all expenses incurred, together with such reasonable sum to the Driver who brought and deposited the same, as with reference to the value of the property in question the Mayor awards: Provided always, that if such property is not claimed by and proved to belong to some person within one year after the same has been deposited (the same having been advertised in such manner as the Mayor may direct), such property shall be delivered up to the Driver who brought and deposited the same, provided he applies for the same within One month next after the expiration of the said One year; and in default of such application by the said Driver within the time limited aforesaid, the Mayor shall cause such property to be sold or otherwise disposed of, and the proceeds thereof shall be applied in aid of the Municipal Fund.

Property left in Cabs to be deposited at Police Office.

If not claimed within a year to be returned to Driver if applied for.

If not applied for to be sold.

152 If the Driver of any licensed Cab is intoxicated whilst acting as Driver, or by wanton and furious driving injures or endangers any person in his life, limb, or property, or refuses or neglects to drive such Cab with all reasonable and proper expedition, or by loitering, or by any wilful misbehaviour causes any obstruction in any public road, street, or place, or for the purpose of taking up or setting down a passenger, or except in case of accident or other unavoidable necessity, stops such Cab opposite to the end of any street, or upon any place where foot-passengers usually cross the carriage-way, or whilst acting as such Driver behaves in a riotous or unseemly manner, or makes use of any obscene, threatening, indecent, insulting, or abusive language, or in any other manner misconducts himself, he shall for any such offence forfeit and pay a penalty not exceeding Five Pounds, and in default of payment

Provides for certain offences committed by Drivers.

thereof may be imprisoned, with or without hard labour, for any time not exceeding Two months.

Penalty for carrying more than authorised number of passengers.

153 If the Proprietor or licensed Driver of any licensed Cab carries or conveys in or by such Cab a greater number of persons than are authorised to be carried and conveyed in and by such Cab by the Licence granted for the same, every such Proprietor or Driver shall forfeit and pay a penalty not exceeding Five Pounds for every person he so carries or conveys over and above such authorised number.

Penalty for permitting persons to ride in Cabs without consent of hirer.

154 If the Proprietor or Driver of any licensed Cab which is hired permits or suffers any person to ride or be carried in, upon, or about such Cab without the consent of the person hiring the same, such Proprietor or Driver shall for any such offence forfeit and pay a penalty not exceeding Five Pounds.

Penalty for opposing person taking number of Cab.

155 If the Proprietor or Driver of any licensed Cab molests or opposes, or by any means endeavours to prevent any person in or from taking or noting the number of such Cab, or by word of mouth gives or declares to any person a wrong number as or for the number of such Cab, every such Proprietor or Driver shall for any such offence forfeit and pay a penalty not exceeding Five Pounds.

Penalty for Driver refusing to give way, &c.

156 If the Proprietor or Driver of any licensed Cab, within the limits of this Act, stands or plies for hire with such Cab, or suffers the same to stand or ply for hire, across any street, or alongside of any other licensed Cab or two in a breadth, or refuses to give way if he conveniently can to any other licensed Cab or other carriage, or obstructs or hinders the Driver of any other licensed Cab in taking up or setting down any person into or from such other Cab, or wrongfully in a forcible manner prevents or endeavours to prevent the Driver of any other licensed Cab from being hired, every such person so offending shall for any such offence forfeit and pay a penalty not exceeding Forty Shillings.

Drivers refusing to take passengers (unless engaged) or breaking engagements liable to a penalty.

157 If the Driver of any licensed Cab whilst plying for hire, without lawful excuse to be determined by the Justice or Justices before whom the matter is heard, refuses or neglects to convey any person desirous of hiring such Cab (unless such Cab has been hired by some other person), or if any such Driver, having agreed with any person to take such person as a fare at any specified time, or from any specified place, without lawful excuse, delays, neglects, or refuses so to do, every Driver so offending shall, for any such offence, forfeit and pay a penalty not exceeding Five Pounds.

Cabs to have lamps after sunset except on moonlight nights.

158 Every licensed Cab which plies for hire after sunset shall, except on clear moonlight nights, be provided with proper lamps fixed on the front of such Cab, which shall be lighted and kept lighted whilst such Cab so plies as aforesaid; and if any such Cab is driven through any street, road, or place after sunset and before sunrise (except as aforesaid) without having such lamps properly lighted and fixed as aforesaid, the Proprietor or Driver of such Cab shall forfeit and pay a penalty of Forty Shillings.

Drivers to be in attendance on their Cabs and horses whilst plying for hire.

159 If the Driver of any licensed Cab which is in any public road, street, or place, or at any place of public resort or entertainment, is not, whether such Cab be then hired or not, either by himself or by some other competent person acting for him, attendant upon the horses and

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Cab of which he is such Driver, every such Driver shall forfeit and pay a penalty not exceeding Forty Shillings.

160 The number of the Licence of every licensed Cab painted white on a black ground or *vice versâ*, in figures of not less than two inches in length and of a proportionate breadth, shall be kept affixed to open view upon the back of such Cab, and shall also be legibly written or printed on a card and be placed open to view on some part of the inside of such Cab; and if the Proprietor or Driver of any licensed Cab plies for hire with such Cab, not having the number of the Licence so painted, affixed, written, and placed as aforesaid, he shall for any such offence forfeit and pay a penalty not exceeding Five Pounds.

Number of Licence to be placed on back of Cab and also inside.

161 The Driver of every licensed Cab shall be obliged and compellable, if required by any person hiring such Cab (unless such Driver has a reasonable excuse to be allowed by the Justice before whom any such matter is brought), to drive such Cab to any place to which he is so required to drive the same within the limits of this Act; and in case any such Driver refuses to drive any such Cab to any such place as aforesaid, he shall for any such offence forfeit and pay a penalty not exceeding Forty Shillings.

Cabs to be driven anywhere within limits of Act.

162 When any complaint is made before any Justice of the Peace against the Driver of any licensed Cab for any offence committed by him against the provisions of this Act relating to Cabs, it shall be lawful for such Justice, if he thinks proper, forthwith to summon the Proprietor of such Cab personally to appear or to produce the Driver thereof to answer such complaint; and if any such Proprietor, being duly summoned, neglects or refuses personally to appear or produce such Driver according to such summons, without a reasonable excuse for such neglect or refusal to be allowed by the Justice before whom he ought to appear according to such summons, such Proprietor shall for such offence forfeit and pay a penalty not exceeding Forty Shillings, and so from time to time as often as he is so summoned until he appears, or such Driver has been produced by him; and every Proprietor so summoned to appear, or to produce the Driver of any licensed Cab, shall cause a verbal or written notice to be given to such Driver of the time and place at which he is so required to attend; and if after any such verbal or written notice has been given or served as aforesaid, any Driver, without reasonable excuse to be allowed by the Justice, neglects or refuses to attend at the time and place at which he is so required to attend, he shall for any such offence forfeit and pay a penalty not exceeding Forty Shillings: Provided always, that if such Proprietor neglects or refuses to appear or to produce such Driver when so summoned, it shall not be necessary to issue a second summons unless such Justice thinks proper so to do; but it shall be lawful for such Justice to proceed to hear and determine the said complaint in the absence of the said Proprietor and of the Driver, or either of them, and upon proof of such offence by the oath of any credible witness to give judgment against such Proprietor or Driver, as the case may be, for the penalty incurred by reason of such offence.

Proprietors to produce Drivers when required.

163 Whenever it happens that the Driver of any licensed Cab has committed any offence against the provisions of this Act relating to Cabs, for the commission whereof any penalty is imposed upon such Driver, and such Driver does not appear or be produced by the Proprietor of such Cab, then, but not otherwise, the Proprietor of

If Driver not produced Proprietor liable to fine, which may be recovered from Driver.

Police Government.

such Cab shall be liable to every such penalty as if he had been the Driver of such Cab at the time when such offence was committed; and every Proprietor who pays any penalty or costs incurred by reason of any such offence shall be entitled to recover the same from such Driver in a summary manner; and upon complaint made in the premises before any Justice of the Peace by such Proprietor against such Driver, such Justice shall inquire into the same, and shall cause the sum which appears to have been so paid to be repaid by such Driver to such Proprietor, together with such further expenses as the said Justice thinks fit.

If Driver not known summons served on Proprietor good service on Driver.

164 In case of any person complaining of the Driver of any licensed Cab not being able to ascertain such Driver's name, or being unable to identify such Driver, it shall be sufficient for any such complainant in his information or complaint to state the number of the Cab which the person he so complains of was driving at the time the offence complained of was committed; and any summons issued by any Justice upon any such information or complaint may be directed "To the Driver of Cab No. ,," as the case may be, and the service of any such summons upon any Proprietor of such Cab shall be deemed and taken a good and sufficient service upon the Driver thereof.

If a complaint against a Proprietor or Driver dismissed complainant to pay costs.

165 If the Proprietor or Driver of any licensed Cab is brought before any Justice of the Peace to answer any complaint made against him by any person other than a Constable, touching or concerning any offence committed or alleged to have been committed by such Proprietor or Driver against the provisions of this Act or against any Bye-law to be made by the Municipal Council as hereinafter provided, and such complaint is afterwards withdrawn or dismissed, or if the defendant is acquitted of the offence charged against him, it shall be lawful for any Justice, if he thinks fit, to order and award that the Informer or person making such complaint shall pay to the Defendant such costs of making or preparing for his defence, and also such compensation for his loss of time and for the time of his witnesses, if any, in attending such Justice touching and concerning such complaint, as to such Justice seems reasonable; and in default of immediate payment of the sum so awarded it shall be lawful for such Justice at his discretion to commit such person to prison, there to remain for any time not exceeding One month, unless the same is sooner paid, or to cause the same to be levied by distress and sale of the goods and chattels of the person ordered to pay the same, together with the costs of such distress and sale; and if goods and chattels of such person sufficient to answer the sum so awarded, with such costs as aforesaid, cannot be found, then it shall be lawful for such Justice to commit such person to prison, there so remain for any time not exceeding One month, unless the sum so awarded, together with all costs and expenses, is sooner paid and satisfied.

Municipal Council may make Bye-laws to regulate Cabs.

166 It shall be lawful for the Municipal Council from time to time to make such Bye-laws, not inconsistent with the provisions of this Act, for the better ordering and regulation of licensed Cabs and the Proprietors thereof, and of licensed Drivers, as to them seems proper, and from time to time to alter, amend, or repeal any such Bye-laws and to make others in the room thereof; and if the Proprietor or Driver of any licensed Cab in any manner offends against any such Bye-law so to be made by the Municipal Council by virtue of this Act, he shall for every such offence forfeit and pay a penalty not exceeding Five Pounds as is by such Bye-law in that behalf directed.

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167 It shall be lawful for the Driver of any licensed Cab to stand and ply for hire with such Cab and to drive the same on the Lord's day, any law to the contrary notwithstanding; and any such Driver who so stands and plies for hire as aforesaid shall be liable and compellable to do the like work on the Lord's day as such Driver is by this Act liable or compellable to do on any other day of the week.

Cabs may ply on Sundays.

168 In any proceeding against the Proprietor or Driver of any licensed Cab for any offence against this Act, the *onus* of proof that such Cab was at any particular time actually hired shall lie upon such Proprietor or Driver.

Proof of being hired to lie upon Defendant.

169 Any Licence granted under and by virtue of *The Cab Act* shall continue in full force until the Thirty-first day of *December* next unless suspended or forfeited, and the vehicle or person mentioned in such Licence shall for all purposes whatsoever until the expiration thereof be deemed to be licensed under this Act; and until the Fares to be charged to passengers by licensed Cabs shall be so fixed and published as by this Act provided, and until Stands or places where licensed Cabs may stand and ply for hire shall be appointed as by this Act provided, the Fares at the time of the commencement of this Act regulated and fixed, and the Stands or places appointed by virtue of *The Cab Act*, shall be the Fares lawfully chargeable, and the Stands or places whereupon licensed Cabs may stand and ply for hire under this Act.

Provides for Licences, Fares, and Stands issued, fixed, and appointed before passing of Act.

Regulation of Licensed Carters.

170 Every Carter who plies with a Cart or Dray for hire within any Town shall, on being approved of by the Mayor, register his name and place of abode with the Town Clerk, and shall thereupon receive an Annual Licence, signed by the said Mayor, on which shall be written his name and place of abode and the number of the Licence, and every such Licence shall be in force until the Thirty-first day of *December* ensuing the date thereof, unless previously cancelled, as hereinafter provided; and for such Licence he shall pay such sum not exceeding One Pound as for the time being is fixed by the Municipal Council; and if any person plies with a Cart or Dray for hire within any Town without being so licensed he shall forfeit and pay for every such offence a sum of not more than Five Pounds.

Carts plying for hire to be licensed.

171 The name and place of abode of every licensed Carter, together with the number of his Licence, and the words "Licensed Cart or Dray," as the case may be, shall be legibly painted in letters not less than one inch in length and of a proportionate breadth, upon the right or off-side of the Cart or Dray with which he plies for hire; and if any licensed Carter fails herein he shall, on conviction, forfeit and pay for every such offence a sum of not more than Forty Shillings; and if any person not being licensed as aforesaid plies with a Cart or Dray upon which are painted the words "Licensed Cart or Dray," whereby it appears that such Cart or Dray belongs to a person duly licensed as last aforesaid, he shall, on conviction, forfeit and pay for every such offence the sum of One Pound.

The fact of Cart or Dray being licensed to be painted thereon under fine of One Pound.

172 The Mayor may, by notice published in the *Gazette*, appoint proper places within any Town to be used as stands upon which the licensed Carters may ply with their Carts and Drays for hire, and may from time to time annul, alter, vary, and amend such notice as he sees fit; and every Carter who after such notice draws up or stations his Cart

Appointment of Stands for Carts.

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or Dray at any other place than is included in any such notice in force at the time of any alleged offence, in order to ply for hire, shall, upon conviction, forfeit and pay for every such offence a sum of not more than Forty Shillings.

Municipal Council to determine the rates and fares of Carters.

173 It shall be lawful for the Municipal Council, in the month of *January* in every year, to regulate and fix, by a table or tables to be for such purpose made, the several and respective rates and fares to be charged by any licensed Carter for the conveying of goods or other articles, and to fix and regulate the distance at which such licensed Carters respectively shall be liable to go, and the said rates to vary and alter from time to time, and other rates to fix and establish in lieu thereof, and such rates, when so regulated and fixed, or altered, shall be published in the *Gazette*, and shall be deemed to be the rates which from and after such publication may be lawfully taken and demanded by such licensed Carter as aforesaid; and any such licensed Carter who takes or demands any higher rates than are so regulated and fixed as aforesaid, or who refuses or neglects between the hours of sunrise and sunset to carry a good and sufficient load, or to employ his Horse, Cart, or Dray when thereunto required, (unless he be then actually hired by some other person) shall, on conviction, forfeit and pay for every such offence a sum of not more than Forty Shillings; and if any complaint is brought before any Justice touching the distance for which any licensed Carter is entitled to charge, such distance may be determined by such Justice as incident to the cause, and any necessary expense, not exceeding Forty Shillings, which such Justice thinks fit to incur for ascertaining the same shall be paid as costs by the party against whom a decision is given by such Justice.

Punishment of Carters found guilty of dishonest and improper conduct.

174 It shall be lawful for any two Justices, of whom the Mayor or any Stipendiary Magistrate shall be one, to deprive of his Licence any Carter who upon complaint made before them upon oath is found guilty of dishonest or improper conduct, or in lieu thereof to inflict a penalty not exceeding Five Pounds.

Articles found in Towns.

Persons finding property to take it to nearest Police Station.

175 If any person finds and takes into his possession any money, goods, or chattels within any Town, and for which at the time they are found no owner is known, or in case the owner is known unless such person delivers the same to such owner, such person shall within Forty-eight hours after he takes possession of such money, goods, or chattels convey the same to the nearest Police Station, and there deliver them to the Police Officer in charge; and if any person who finds and takes possession of any such money, goods, or chattels fails to deliver the same as aforesaid within Forty-eight hours after such possession he shall be guilty of an offence against this Act, and on conviction shall be liable to a penalty not exceeding Five Pounds; and if any person who finds and takes into his possession any such money, goods, or chattels applies the same to his own use, or disposes of the same, he shall be guilty of an offence against this Act, and on conviction shall forfeit and pay a penalty not exceeding Ten Pounds, and in case he has disposed of the said money, goods, or chattels, the Justice before whom he is convicted may order such person, in addition to the penalty, to pay such further sum not exceeding Ten Pounds as the Justices may deem to be the fair value of the goods disposed of, and such further sum shall be recoverable as part of the penalty.

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176 When any such goods, articles, or money are brought to the Police Station, the Superintendent or other Officer of Police in charge shall forthwith receive the same, and enter a description thereof in a Book to be kept in the Police Station for that purpose, together with the name of the person by whom the same is brought to the Station; and property so entered shall be delivered to the person who proves to the satisfaction of a Justice that the same belongs to him, such person previously paying all such reasonable expenses incurred by the finder, or by reason of any advertisements or otherwise, as such Justice may award: Provided, that if such property is not claimed and proved to belong to some person within One year after the same has been so delivered, such property shall be returned to the person who deposited the same, if he applies for the same within One month after the expiration of the said One year; and in default the same shall be sold and disposed of as the Mayor or a Justice may direct, and the proceeds shall be paid into the Municipal Fund in case of a Municipality, or otherwise into the General Revenue.

How unclaimed goods to be kept.

How claimed.

Nuisances and Obstructions in Streets of Towns.

177 If the owner or usual keeper of any animal wilfully permits or suffers the same to graze or to be tethered in any street or public place within any Town, he shall forfeit and pay a penalty of not more than Ten Shillings.

Penalty on owners of animals found grazing in streets of Towns.

178 It shall be lawful for any person to seize and impound, in the Pound nearest to where it is found, any animal found wandering, straying, or lying on, or by the side of, any street in any Town, except on such part of any street as passes through unenclosed ground; and every such animal so impounded shall be there detained till the costs and charges of impounding and keeping the same are paid by the owner; and in case such costs and charges are not paid within the time allowed by Law in other cases of impounding animals, the Poundkeeper may sell the animal so impounded, after giving such notice as by such Law is in that behalf required; and after deducting the costs and charges of impounding, keeping, and selling such animal out of the proceeds of sale, shall pay the overplus, if any, to the owner on demand; and if not demanded within Sixty days after sale, such overplus shall be paid to the Municipal Fund of the Municipality, or to the Trustees of the Road District within which the animal impounded was seized.

Animals straying on streets of Towns may be impounded.

179 Every person who, in any street in any Town, to the obstruction, annoyance, or danger of the residents or passengers, commits any of the following offences shall be liable to a penalty not exceeding Five Pounds for each offence, or in the discretion of the Justice before whom he is convicted, may be committed to any House of Correction for a period not exceeding Fourteen days; and any Constable or Police Officer may take into custody, without Warrant, and forthwith convey before a Justice any person who within his view commits any such offence; (that is to say,)

Penalty on persons committing any of the offences herein named.

Every person who curses or swears, or who sings any profane or obscene song, or uses any obscene, abusive, or indecent language to or to the annoyance of any person, or insults any person in going or passing along any such street:

Every person who uses any threatening, abusive, or insulting words or behaviour with intent or calculated to provoke a

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breach of the peace, or whereby a breach of the peace may be occasioned :

Every person who jostles or annoys any person passing thereon :

Every person who disturbs the Public Peace :

Every person who commits any nuisance :

Every person who sets on or urges any dog or other animal to attack, worry, or put in fear any person or animal :

Every person who rides or drives furiously any horse or carriage, or drives furiously any cattle.

Penalty on persons committing any of the offences herein named.

Constables may detain animals, &c. in charge of persons committing offences.

180 Every person who, in any street in any Town, to the obstruction, annoyance, or danger of the residents or passengers, commits any of the following offences shall be liable to a penalty not exceeding Five Pounds for each offence, or in the discretion of the Justice before whom he is convicted, may be committed to any House of Correction for a period not exceeding Fourteen days; and any Constable or Police Officer may seize and detain in some place of safety any animal or vehicle in charge of any person who within his view commits any offence hereinafter enumerated, and the owner of such animal or vehicle shall be liable for all costs, charges, and expenses incurred thereby or in providing food for any animal so seized and detained, and the same may be recovered in a summary way; and such owner, if master of the person found committing any such offence, may, in like manner, recover from such person all sums of money paid by such owner as aforesaid; (that is to say,)

Every person who exposes for show, hire, or sale (except in a Market or Market Place lawfully appointed for that purpose) any horse or other animal; or exhibits in a caravan or otherwise any 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 or turns loose any horse or animal; or makes or repairs any part of any cart or carriage (except in cases of accident where repair on the spot is necessary):

Every person who suffers to be at large any unmuzzled ferocious dog:

Every person who slaughters or dresses any cattle, or any part thereof, except in the case of any cattle over-driven which may have met with any accident, and which for the public safety or other reasonable cause ought to be killed on the spot:

Every person having the care of any waggon, cart, carriage, or other vehicle who rides on the shafts thereof, or who, without having reins with a bit attached thereto and in the mouth of the animal drawing the same, and holding such reins, rides upon such waggon, cart, carriage, or other vehicle, or any animal drawing the same; or who is at such a distance from such waggon, cart, carriage, or other vehicle, or in such a position therein, as not to have due control over every animal drawing the same; or who does not, in meeting any other carriage, keep his waggon, cart, carriage, or other vehicle to the left or near side, or who in passing any other carriage does not keep his waggon, cart, carriage, or other vehicle on the right or off side of the road (except in cases of actual necessity, or some sufficient reason for deviation); or who, by obstructing any such street, wilfully prevents any person or carriage from passing him, or any waggon, cart, carriage, or other vehicle under his care:

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Every person having the care of any carriage or vehicle who wilfully causes any hurt or damage to any person or property being in or upon any street :

Every person who at one time drives more than one waggon or two carts; and every person driving two carts who has not the halter of the horse in the last cart securely fastened to the back of the first cart, or has such halter of a greater length from such fastening to the horse's head than Four feet :

Every person who causes any public carriage, truck, or barrow, with or without horses or any beast of draught or burden, to stand longer than is necessary for loading or unloading goods, or for taking up or setting down passengers (except cabs, and horses and other beasts of draught or burden, standing for hire in any place appointed for that purpose by the Municipal Council or other lawful authority); and every person who, by means of any cart, carriage, truck, or barrow, or any animal or other means, wilfully interrupts any public crossing, or wilfully causes any obstruction in any public footpath or other public thoroughfare :

Every person who causes any tree or timber, iron beam, stone, or other thing to be drawn or hauled otherwise than upon a wheeled carriage, or suffers any matter or thing as aforesaid which is carried principally or in part upon a wheeled vehicle, to drag or trail upon any road or street to the injury thereof, or to hang over any part of any such vehicle so as to occupy or obstruct the road or street beyond the breadth of such vehicle, or who causes any tree or timber, iron beam, stone, or other thing to be drawn in or upon any carriage without having sufficient means of safely guiding the same :

Every person who leads or rides any horse or other animal, or draws or drives any cart or carriage, truck, or barrow, upon any footway of any such street, or fastens any horse or other animal so that it stands across or upon any footway :

Every person who places or leaves any furniture, goods, wares, or merchandise, or any cask, tub, basket, pail, or bucket, or places or uses any standing place, stool, bench, stall, or show-board on any carriage or footway, or who places any blind, shade, covering, awning, or other projection over or along any such carriage or footway, unless such blind, shade, covering, awning, or other projection is Seven feet in height at least in every part thereof from the ground, and the posts supporting the same are placed close up to the curbstone or outer edge of such footway :

Every person who places, hangs up, or exposes to sale any goods, wares, merchandise, matter, or thing whatsoever, outside any shop, door, or window, or so that the same projects into or over any footway, or beyond the line of any house, shop, or building at which the same are so exposed, so as to obstruct or incommode the passage of any person over or along such footway :

Every person who writes upon, soils, defaces, or marks any wall, fence, hoarding, or building with chalk or paint or in any other way, or who without authority affixes or causes to be affixed to any church, chapel, or school-house, or without the consent of the owner and occupier to any other building, or to any wall,

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fence, or hoarding, any bill or other notice, or who wilfully breaks, destroys, or damages any part of such wall, fence, hoarding, or building, or any tree, shrub, seat, or other thing :

Every person who rolls or carries any cask, tub, hoop, or wheel, or any ladder, plank, pole, timber, log of wood, basket, board, or tray, upon any footway, except for the purpose of loading or unloading any cart or carriage, or of crossing the footway :

Every person who places any line, cord, or pole across, upon, or over any part of any such street, or hangs or places any clothes thereon, or on the outside of any window fronting any such street :

Every person who publicly offers for sale or distribution, or exhibits to public view, any profane, indecent, or obscene book, paper, print, drawing, painting, or representation :

Every person who wantonly discharges any firearm, or throws or discharges any stone or other missile, or makes any fire or bonfire, or throws, lets off, or sets fire to any firework :

Every person who flies any kite, or uses any bow or arrow, or trundles any hoop :

Every person who hews, saws, bores, or cuts any timber or stone, or slacks, sifts, or screens any lime :

Every person who throws or lays down any stones, coals, slate, shells, lime, bricks, timber, iron, or other materials, (except building materials so enclosed as to prevent mischief to passengers) :

Every person who beats or shakes any carpet, rug, or mat (except rugs or mats beaten or shaken before the hour of Eight in the morning) :

Every person who throws from the roof or any part of any house or other building any slate, brick, wood, rubbish, or other thing :

Every person who leaves open any well, vault, or cellar, or the entrance from any street to any cellar or room underground, without a sufficient covering, fence, or handrail, or leaves defective the door, window, or other covering, or any fence of any well, vault, or cellar, or who does not sufficiently fence any excavation, area, pit, or sewer left open, or who leaves open such area, well, excavation, pit, or sewer without a sufficient light after sunset to warn and prevent persons from falling thereinto :

Every person who throws or lays any dirt, litter, or ashes or night-soil, or any carrion, fish, offal, or rubbish, slops, or any other such matter or thing, or dirty water, on any street, back area, court, or place within any Town, or causes or allows any matter, solid or liquid, to fall or run on any such street : Provided always, that it shall not be deemed an offence to lay litter or other suitable materials to prevent noise in case of sickness, if the party laying any such things causes them to be removed as soon as the occasion for them ceases :

Every person who keeps any pigstye to the front of any such street, or who keeps any swine in or within Twenty-five feet of any such street :

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Provided always, that if any rubbish, lead, iron, wood, goods, commodities, or other article, matter, or thing whatever, is placed or allowed to remain in any such street, to the obstruction, annoyance, or danger of the residents or passengers, it shall be lawful for and in the power of the Superintendent or other Constable of Police to remove or cause the same to be immediately removed and carried to any place of safety, there to remain, at the risk of the owner and person offending, and to detain the same until the expense of removal and detention are paid; and if such expense shall not be paid within Seven days, to sell or dispose of the same, and apply the proceeds as the Mayor directs.

181 Every person found driving or leading or having any dog or any goat harnessed or attached to any cart or carriage of any description for the purpose of drawing the same shall, for every such offence, forfeit and pay a penalty of not more than Five Pounds, and any person so offending may be apprehended by any person and conveyed before a Justice to be dealt with according to law.

Dogs or goats not to draw carts, &c.

182 The owner of any waggon, cart, or carriage who causes or permits such waggon, cart, or carriage to be driven in any street, public or private, by any person who is not of the full age of Twelve years, and every person who in any such street puts a waggon, cart, or carriage, and the animal drawing the same, temporarily under the charge or care of a person who is not of the full age of Twelve years, shall be liable to a penalty not exceeding Forty Shillings.

Persons under 12 years of age not to drive carts, &c.

183 Every person guilty of any riotous or indecent behaviour in any street, public or private, and also every person guilty of any violent or indecent behaviour in any Police Office or any Police Station-house within any Town, shall be liable to a penalty not exceeding Forty Shillings for every such offence, or, in the discretion of the Justices before whom he is convicted, may, without a penalty being inflicted, be imprisoned for a period not exceeding Fourteen days.

Penalty on persons guilty of riotous or indecent behaviour.

Health and Improvement of Towns.

184 The paving, draining, cleansing, lighting, and all other matters contained in the following Sections relating to the good order of any Town in any Municipality, and the health and comfort of its inhabitants, shall be under the order, control, and management of the Municipal Council; and such Council shall have power and authority, and is hereby empowered, authorised, and required, to make such regulations, to take such measures, to execute such works, to make such contracts, and to do and perform, and to cause to be done and performed, all such acts, matters, and things as may be necessary for effectuating the several purposes of this Act lastly hereinbefore mentioned.

General power to Municipal Council to do all things necessary for effectuating the health and improvement of Towns.

185 The Governor may, by notice in the *Gazette*, appoint such fit and proper persons as and to be the Town Surveyors of such Towns in such District as he sees fit, and may remove any such Town Surveyor and appoint another in his place.

Governor may appoint Town Surveyors in Districts.

186 The Municipal Council of each Municipality is hereby empowered to appoint a person, duly qualified, to act as Surveyor of the paving, drainage, and other works duly authorised by this or any other Act relating to the health and improvement of any Town comprised

Municipal Council to appoint Surveyors.

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within the Municipality who shall be called the Surveyor of such Town, and to fix the salary to be paid to such Surveyor, and to pay such salary out of the Municipal Fund ; and as often as the office of Surveyor becomes vacant by death, resignation, removal, or otherwise, to appoint another person so duly qualified to supply such vacancy ; and every such Surveyor shall be removable by the Municipal Council.

Officer of Health. **187** The Municipal Council may, if it thinks fit, appoint, subject to the approval of the Governor, a legally qualified Medical Practitioner of competent skill and experience who shall be styled "The Officer of Health," whose duty it shall be to ascertain the existence of diseases within any Town, especially epidemics and contagious diseases ; and to point out any nuisances or other local causes likely to cause and continue such diseases or otherwise injure the health of the inhabitants, and to point out the best means for checking or preventing the spread of such diseases within such Town ; and also the best means for the ventilation of churches, chapels, schools, registered lodging-houses, and other public buildings within the Town ; and from time to time, as required by the Council, to report to the Council upon the matters aforesaid, and to perform any other duties of a like nature which may be required of him by the Council ; and the Council shall fix the salary to be paid to such officer, and shall pay such salary out of the Municipal Fund, and the Council may discontinue such office or remove any such Officer of Health : Provided that this and the last preceding Section shall not be applied to or be applicable in any District.

Formation of streets to be under the control of the Municipal Council. **188** The construction, formation, repair, maintenance, and ordering of all streets, pavements, and other public places within any Town shall be wholly under the management and direction of the Municipal Council, and the same shall be performed and carried on under the superintendence of the Surveyor.

Streets may be opened. **189** When and as often as it may be necessary for any of the purposes in this Act contained, it shall be lawful for the Municipal Council to cause to be dug up, opened, and excavated any street or public place within any Town, and to stop the thoroughfare thereof.

Streets to be kept in repair. **190** It shall be lawful for the Municipal Council from time to time when and as often and in such manner as such Council thinks proper and necessary, to order and cause the several streets and public places within any Town to be altered, widened, diverted, turned, or extended, paved, flagged, macadamised, or otherwise constructed, improved, repaired or amended, supported, and kept in good order and condition, with such materials as the Municipal Council thinks proper, and also from time to time to cause the pavements, flagging, or other materials of such streets to be taken up and relaid or renewed, and the ground and soil thereof to be raised, lowered, or altered in such manner and with such materials as the Municipal Council deems proper or directs, and also from time to time to cause proper and convenient sewers, gutters, drains, and water-courses to be made along or under such streets for carrying off water, mud, or other filth from the same, and to cause grates to be placed over any such sewer, gutter, drain, or water-course, and to remove, renew, alter or vary the situation of any such grate now placed, or hereafter to be placed, in such manner as the Municipal Council thinks proper.

Setting up posts to guard footways. **191** It shall be lawful for the Municipal Council from time to time to erect and set up in any street within any Town such posts, stones, or

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fences as the Council may deem necessary for the purpose of preserving any footway clear from accident or annoyance by vehicles or animals; and also from time to time to cause the removal of all or any posts, stones, or fences in any such street which the Municipal Council may deem to be obstructions to the free passage along the same.

192 If any street not being a public highway at the time of the commencement of this Act shall then or thereafter be paved, flagged, or otherwise made good to the satisfaction of the Municipal Council, then, on the application of the greater part in value of the occupiers of the lands and buildings in such street, the said Council shall by writing under the Common Seal declare the same to be a public highway, and thereupon the said street shall become a public highway, and shall thereafter be repaired by the said Council out of the Rates levied under this Act; and such Declaration shall be entered among the Proceedings of the said Council, and Notice of such Declaration shall be published in the *Gazette*, and shall be put up in some conspicuous place in or near such street

Future streets may be declared highways.

193 If any street, whether the same is or is not a public highway at the time when this Act takes effect, has not theretofore been well and sufficiently made, formed, paved or flagged, or otherwise made good, the Municipal Council may, on the application of Two-thirds in number of the owners of the lands abutting on such street, cause such street, or the parts thereof not so made, formed, paved or flagged, or otherwise made good, to be made, formed, paved and flagged, and otherwise made good, in such manner as the said Council thinks fit; and the expenses incurred by the Council in respect thereof shall be repaid to the Council by the owners of the lands abutting on such street, by contributions from such owners proportionate to the annual value, as shown by the Assessment Roll in force for the time being, of their respective lands; and in default of payment of his contribution by any owner of such lands on demand, the same may be levied by distress and sale of his goods and chattels, in the same manner as any Municipal Rate may be recovered; and thereafter such street shall be repaired by the Council out of the Rates levied under this Act; and if such street is not a public highway, the same shall thereupon be declared by the Municipal Council to be a public highway in the manner hereinbefore provided.

Streets may be repaired at expense of owners of adjoining lands on application of the majority.

194 Where any such expenses payable to the Municipal Council by any owner of any such lands amount to more than half the amount of the annual value of such lands, as shown by the Assessment Roll, the Municipal Council may, if it thinks fit, at the request of any such owner, allow time for the repayment of such expenses, and receive the same by such instalments, and upon such terms as to interest or otherwise, as the Council, under the circumstances of the case, considers reasonable; but all such sums remaining due, and the interest, if any, shall, notwithstanding the Council has agreed to allow any time for the repayment of such sums as aforesaid, from time to time, at the expiration of the several times so allowed for repayment thereof, be recoverable in like manner as such respective amounts would have been recoverable if no such time had been allowed for repayment thereof.

Municipal Council may allow time for repayment of expenses by owners.

195 If any person wilfully or maliciously, or by negligence, breaks up, injures, destroys, or otherwise damages the flagging or pavement or the footway or carriage-way of any street within any Town, or wilfully or negligently breaks, injures, destroys, chokes up, or otherwise damages

Wilful injuries to streets.

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Taking up pavement, &c., without permission.

any sewer or drain, or any grating, or any post, stone, or fence for preserving any footway from annoyance as aforesaid, or any building, wall, or other work of the Municipal Council, or any materials used or provided by the Council for any work, or without the permission in writing of the Mayor or Town Surveyor takes or breaks up or lays down the soil of, or any pavement, curbstone, or other material in or upon, any such street, or without such permission makes any drain leading into any such street, or puts or places, or causes to be put or placed, any pipe, or makes any drain, leading into any such sewer or drain or other work of the Council, or without such permission erects any hoard or scaffolding for building or otherwise in or upon, or makes any excavation, vault, or cellar in or beneath, any such street, such person in any case so offending shall for any such offence forfeit and pay a penalty not exceeding Ten Pounds, and shall also make full satisfaction, to be ascertained by the convicting Justice, for the injury done thereby.

Mayor or Surveyor to grant permission to take up pavements, &c.

196 It shall be lawful for the Mayor or Surveyor to grant permission in writing to any person to take or break up or lay down the soil of, or any pavement, curbstone, or other material in or upon, any such street, or to make any drain leading into any such street, or to put or place any pipe, or make any drain, leading into any such sewer or drain or other work of the Municipal Council, or to erect any hoard or scaffolding for building or otherwise in or upon, or to make any excavation, vault, or cellar in or beneath, any such street, under such regulations and subject to such rights and restrictions, and for such consideration, pecuniary or otherwise, as to the Municipal Council seems fit; and all sums received for any such purpose as aforesaid shall be applied in aid of the Municipal Fund: Provided that no such permission shall give or confer, or be deemed and taken to give or confer, any right, title, or interest to the soil or freehold of any part of any such street, and every such permission shall be revocable by the Municipal Council as and when it sees occasion.

Intention to lay out new streets to be notified to Council.

197 Every person who intends to make or lay out any new street in any Town shall give notice thereof to the Municipal Council, in order that the level of such street may be fixed by the Council.

Levels of new streets to be fixed by Council.

198 The level of every new street shall be fixed under the direction of the Municipal Council, and the level so fixed shall be kept thereafter by every person erecting any house or other building in such street.

If Council fail to fix level, parties may proceed without.

199 If the Municipal Council does not fix the level within Six weeks from the time of the delivery of such Notice as aforesaid, the person giving such Notice may proceed to lay out the street at any level as if such level had been fixed by the Council, and in such case every change of the level which the Council afterwards deem requisite, and the works consequent thereon, shall be made by the Council, and the expense thereof, and any damage which any person sustains in consequence of such alteration, shall be defrayed by the Council.

Persons laying out streets without notice liable to expense of alterations.

200 Every person who makes or lays out any such new street as aforesaid without causing such Notice to be given to the Municipal Council as aforesaid, shall be liable to defray all the expenses consequent upon any change of the level of the said street deemed requisite by the Council; and every person who in building any house or other building

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in any such street does not keep the level fixed by the Council, shall be liable to defray all the expenses consequent upon any change of the level of that part of the street on which such house or building abuts which the said Council deems requisite.

201 It shall not be lawful to make or lay out any new street in any Town unless the same, being a carriage-road, is at least Fifty feet wide, or not being a carriage-road is at least Twenty feet wide.

Width of new streets.

202 The Municipal Council is hereby authorised and empowered to purchase and take any lands which may be required for the purpose of widening, enlarging, diverting, or otherwise altering or improving any of the streets within the City; and, for the purpose of facilitating the purchase and taking of such lands, *The Lands Clauses Act* shall be incorporated with and form part of this Act; and the Municipal Council shall be deemed to be the promoters of the undertaking within the meaning of the said Act for the purposes of such incorporation.

Council may take lands for improving streets under *The Lands Clauses Act*.

203 The Municipal Council may allow, upon such terms as it thinks fit, any building within any Town to be set forward for improving the line of the street in which such building or any building adjacent thereto is situate.

Houses may be set forward to improve street.

204 When in any Town any house or building, or the fence thereof, any part of which projects beyond the regular line of the street, or beyond the front of the house or building or of the fence of the house or building, on either side thereof, has been taken down in order to be rebuilt, altered, or renewed, the Municipal Council may require the same to be set backwards to or towards the line of the street, or to the line of the adjoining houses or buildings, or of the fences thereof, in such manner as the Council directs for the improvement of such street: Provided always, that, the Council shall make full compensation to the owner of any such house or building for any such damage he may thereby sustain.

Projecting houses, &c., when taken down to be set back.

205 The Municipal Council may give notice to the occupier of any house or building in any Town to remove or alter any porch, shed, projecting window, step-cellar, cellar door, or window, sign, sign-post, sign-iron, show-board, window-shutter, wall, gate, or fence, or any other obstruction or projection erected or placed after the commencement of this Act against or in front of any house or building within such Town, and which is an obstruction to the safe and convenient passage along any street, and such occupier shall within Fourteen days after the service of such notice upon him remove such obstruction or alter the same in such manner as may be directed by the Council, and in default thereof shall be liable to a penalty not exceeding Ten Pounds; and the Council in such case may remove such obstruction or projection, and the expense of such removal shall be paid by the occupier so making default: Provided always that, except in the case in which such obstructions or projections were made or put up by the occupier, such occupier shall be entitled to deduct the expense of removing the same from the rent payable by him to the owner of the house or building.

Future projection of houses may be removed.

206 If any such obstructions or projections were erected or placed against or in front of any house or building in any such street before the commencement of this Act, the Municipal Council may cause the same to be removed or altered as the Council thinks fit: Provided that notice of such intended removal or alteration be given to the occupier

Existing projections may be removed on making compensation.

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of the house or building against or in front of which such obstruction or projection may be Thirty days before such alteration or removal is begun; and if such obstructions or projections have been lawfully made, the Council shall make reasonable compensation to every person who suffers damage by such removal or alteration.

Doors, &c., to
open inwards.

207 All doors, gates, and bars put up after the commencement of this Act, and which open upon any street in any Town shall be hung or placed so as not to open outwards, except when the Municipal Council allows such doors, gates, or bars to be otherwise hung or placed; and if, except as aforesaid, any such door, gate, or bar is hung or placed so as to open outwards on any street, the occupier of such house, building, yard, or land shall within Eight days after notice from the Council to that effect cause the same to be so altered so as not to open outwards; and in case he neglects so to do, the Council may make such alteration, and the expenses of such alteration shall be paid to the Council by such occupier, and such occupier shall in addition be liable to a penalty not exceeding Ten Pounds.

Existing doors
may be altered.

208 If any such door, gate, or bar was before the commencement of this Act hung so as to open outwards upon any street, the Municipal Council may alter the same so as no part thereof when open shall project over any public way.

Coverings for
cellar doors to be
made by occupier.

209 When any opening is made in any pavement or foot-path within any Town, as an entrance into any vault or cellar, a door or covering shall be made by the occupier of such vault or cellar, of iron or such other materials, and in such manner as the Municipal Council directs, and such door or covering shall from time to time be kept in good repair by the occupier of such vault or cellar; and if such occupier does not within a reasonable time make such door or covering, or if he makes any such door or covering contrary to the directions of the Council, or if he does not keep the same when properly made in good repair, he shall for every such offence be liable to a penalty not exceeding Five Pounds.

Waterspouts to be
affixed to houses,
&c

210 The occupier of every house or building in, adjoining, or near to any street in any Town, shall, within Seven days next after service of an order of the Municipal Council for that purpose, signed by the Town Clerk, put up, and keep in good condition a shoot or trough of the whole length of such house or building, and shall connect the same either with a similar shoot or trough on the adjoining house or building, or with a pipe or trunk to be fixed to the front or side of such house or building from the roof to the ground, to carry the water from the roof thereof in such manner that the water from such house or building, or any portico or projection therefrom, shall not fall upon the persons passing along the street, or drip or flow upon or over the foot-path; and in default of compliance with any such order within the period aforesaid, such occupier shall be liable to a penalty not exceeding Five Pounds for every day that he so makes default.

Water not to be
allowed to drain
over footways.

211 If the occupier of any land, yard, house, or building permits or suffers any water to flow therefrom, or any drainage therefrom, upon or over the footway in any street, he shall for every day he permits or suffers such water so to flow, or such drainage, forfeit a penalty not exceeding Five Pounds.

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212 It shall be lawful for the Municipal Council from time to time to cause the houses and buildings within any Town to be marked with numbers in such manner as the Council thinks fit, and to cause to be put up or painted on some conspicuous part of some house, building, or place at or near any end, corner, or entrance of any street the name by which such street is to be known; and if any person obstructs the marking any such number, or the putting up or painting any such name, or destroys, pulls down, or defaces any such number or name, or puts up or paints any number or name different from the number or name put up or painted by the Municipal Council, every such person so offending shall for every such offence forfeit and pay a penalty not exceeding Forty Shillings.

Houses to be numbered and streets named.

213 The owner or occupier of every house or building within any Town shall from time to time mark such house or building with such number and in such place as the Municipal Council approves of, and shall renew such number as often as the same becomes obliterated or defaced; and if any such owner or occupier fails within One week after Notice, signed by the Town Clerk, for that purpose given by the Municipal Council, to mark such house or building with such number and in such place as is approved of by the Council, or to renew such number when obliterated or defaced as aforesaid, he shall for every such offence forfeit and pay a penalty not exceeding Forty Shillings.

Numbers of houses to be renewed by occupiers.

214 The Municipal Council shall, during the construction or repair of any of the streets of any Town, and during the construction or repair of any sewers or drains, take proper precaution for guarding against accident, by shoring-up and protecting the adjoining houses, and shall cause such bars or chains to be fixed across or in any of the streets, to prevent the passage of carriages and horses while such works are carried on, as to the Council may seem proper; and the Council shall cause any sewer or drain or other works, during the construction or repair thereof by the Council, to be lighted and guarded during the night, so as to prevent accidents; and every person who takes down, alters, or removes any of the said bars or chains, or extinguishes any light, without the authority or consent of the Council, shall for every such offence be liable to a penalty not exceeding Five Pounds.

Bars to be erected across streets while repairs or alterations are making, and lights placed at night.

215 Every person intending to build or take down any building within any Town, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be so done, where any street or footway will be obstructed or rendered inconvenient by means of such work, shall before beginning the same cause sufficient hoards or fences to be put up, in order to separate the building where such works are being carried on from the street, with a convenient platform and handrail, if there is room enough, to serve as a footway for passengers, outside of such hoard or fence, and shall continue such hoard or fence, with such platform and handrail as aforesaid, standing and in good condition, to the satisfaction of the Municipal Council, during such time as the public safety or convenience requires, and shall in all cases in which it is necessary, in order to prevent accidents, cause the same to be sufficiently lighted during the night; and every such person who fails to put up such fence or hoard, or platform with such handrail as aforesaid, or to continue the same respectively standing and in good condition as aforesaid during the time aforesaid, or who does not, while the said hoard or fence is standing, keep the same sufficiently lighted in the night, or who does not remove the same when directed by the Council within a reasonable time afterwards, shall for every such

Hoards to be set up during repairs.

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offence be liable to a penalty not exceeding Five Pounds, and a further penalty not exceeding Forty Shillings for every day while such default is continued.

Penalty for not lighting deposits of building materials or excavations.

216 When any building materials, rubbish, or other things are laid, or any hole made, in any streets of any Town, whether the same is done by order of the Municipal Council or not, the person causing such materials or other things to be so laid, or such hole to be made, shall at his own expense cause a sufficient light to be fixed in a proper place upon or near the same, and continue such light every night from sun-setting to sun-rising while such materials or hole remain; and such person shall, at his own expense, cause such materials or other things and such hole to be sufficiently fenced and enclosed until such materials or other things are removed, or the hole filled up or otherwise made secure; and every such person who fails so to light, fence, or enclose such materials or other things, or such hole, shall for every such offence be liable to a penalty not exceeding Five Pounds, and a further penalty not exceeding Forty Shillings for every day while such default is continued.

Penalty for continuing deposits of building materials or excavations an unreasonable time.

217 In no case shall any such building materials or other things or such hole be allowed to remain for an unnecessary time, under a penalty not exceeding Five Pounds to be paid for every such offence by the person who causes such materials or other things to be laid or such hole to be made, and a further penalty not exceeding Forty Shillings for every day during which such offence is continued after the conviction for such offence; and in any such case the proof that the time has not exceeded the necessary time shall be upon the person so causing such materials or other things to be laid, or causing such hole to be made.

Dangerous places to be repaired or enclosed.

218 If any building or hole or any other place near any street, in any Town, be, for want of sufficient repair, protection, or enclosure, dangerous to the passengers along such street, the Municipal Council shall cause the same to be repaired, protected, or enclosed, so as to prevent danger therefrom; and the expenses of such repair, protection, or enclosure shall be repaid to the Council by the owner of the premises so repaired, protected, or enclosed.

Ruinous or dangerous buildings to be taken down or secured by owners, &c.

219 If any building or wall, or any thing affixed thereon, within any Town, is deemed by the Surveyor of such Town to be in a ruinous state, and dangerous to passengers or to the occupiers of the neighbouring buildings, he shall immediately cause a proper hoard or fence to be put up for the protection of passengers, and shall also cause notice in writing to be given to the owner of such building or wall, if he is known and resident in the Colony, and shall also cause such notice to be put on the door or other conspicuous part of the said premises, or otherwise to be given to the occupier thereof, if any, requiring such owner or occupier forthwith to take down, repair, or secure such building, wall, or other thing as the case requires; and if such owner or occupier does not begin to take down, repair, or secure such building, wall, or other thing within the space of Three days after any such notice has been so given or put up as aforesaid, and complete such taking down or repairs or securing, as speedily as the nature of the case will admit, such Surveyor may make complaint thereof before any Two Justices, and it shall be lawful for such Justices to order the owner, or in his default the occupier, if any, of such building, wall, or other thing, to take down, rebuild, repair, or otherwise secure the same, to the satisfaction of such Surveyor, or such part thereof as appears to him to be in a dangerous state, within a time to be fixed by such Justices; and in case the same

If owners, &c. neglect to repair, Council may cause the same to be done, charging owner with expenses.

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is not taken down, rebuilt, repaired, or otherwise secured within the time so limited, or if no owner or occupier can be found on whom to serve such order, the Municipal Council shall with all convenient speed cause all or so much of such building, wall, or other thing as is in a ruinous condition, and dangerous as aforesaid, to be taken down, rebuilt, repaired, or otherwise secured in such manner as is requisite; and all the expenses of putting up every such fence, and of taking down, rebuilding, repairing, or securing such building, wall, or other thing, shall be paid by the owner of such building, wall, or other thing.

220 If any such house or building as aforesaid, or any part of the same is pulled down by virtue of the powers aforesaid, the Municipal Council may sell the materials thereof, or so much of the same as may be pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such house or building; and the Council shall restore any overplus arising from such sale to the owner of such house or building, on demand; nevertheless, the Council, although it sells such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as are hereinbefore given for compelling the payment of the whole of the said expenses.

Council may sell the materials restoring to the owner overplus arising from the sale.

221 The Municipal Council shall, as often as it sees occasion so to do, cause the streets of any Town to be watered, and shall appoint and employ a sufficient number of scavengers, or shall contract with any company or person for sweeping, cleansing, and watering the streets, and for removing all dust, ashes, and filth therefrom, and from the houses and buildings within such Town; and such scavengers and contractors shall, on such days and at such hours and in such manner as the Council from time to time appoints, sufficiently execute all such duties and works as they have respectively been employed or contracted to perform; and every such contractor who fails to sweep and properly cleanse or water any street which he has contracted to sweep, cleanse, or water, or to collect or remove any dust, ashes, rubbish, or filth which he has contracted to collect or remove at the time and in the manner prescribed by the Council for that purpose, or who deposits any of such dust, ashes, rubbish, or filth in any other place than such as is appointed by the Council for that purpose, shall for every such offence be liable to a penalty not exceeding Five Pounds.

Council to cause streets to be watered and to appoint scavengers.

222 Every person other than the person employed by the Municipal Council, or by some person contracting with the said Council for that purpose, who collects or carries away any dust, ashes, rubbish, or filth from any street or public place within any Town, shall be liable to a penalty of Forty Shillings for every such offence.

Penalty on persons other than scavengers removing dirt.

223 The Municipal Council may, if it sees fit so to do, cause any number of moveable or fixed dust-boxes, or other conveniences wherein dust and ashes may be deposited until removed and carried away, to be provided and placed in such of the streets of any Town as the Council may judge necessary, and may require the occupiers of houses or buildings within such streets to cause all their dust and ashes to be deposited daily in the said dust-boxes or other conveniences; and every person who, after such dust-boxes or other conveniences have been so provided, deposits, or causes or permits to be deposited, any ashes or dust in any part of any street except in some of the said dust-boxes or other conveniences, and every person who lays or causes to be laid any dirt,

Council may cause dust-boxes to be provided.

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dung, or other filth on any part of any street, shall for every such offence forfeit and pay a penalty not exceeding One Pound.

Council may cause public conveniences to be erected.

224 The Municipal Council may erect such public urinals within any Town, and in such situations as the Council thinks fit, and may defray the expense thereof, and of keeping the same in good order, and may make compensation for any injury occasioned to any person by the erection thereof out of the moneys to be levied under this Act.

Council may provide lands, &c. for deposit of soil and materials.

225 The Municipal Council of any Town may, from time to time, provide places convenient for the deposit of the night soil, dung, ashes, and other filth and rubbish to be collected under the authority of this Act, and for stabling and keeping all horses, carts, implements, and other things required for the purposes of this Act; and for any of such purposes the Council may purchase or hire any lands or buildings by the said Council considered necessary, or may cause any new building to be erected upon any land which is purchased or hired by the said Council under the provisions of this Act.

Penalty for conveying offensive matter at improper times.

226 The Municipal Council may, from time to time, fix the hours within which only it shall be lawful to empty privies or remove offensive matter within any Town; and until such hours are so fixed and publicly notified the same shall be between Twelve at Night and Five in the Morning; and every person who within such Town empties or begins to empty any privy, or removes along any street thereof any offensive matter, at any time except within the hours aforesaid or the hours so fixed, and also every person who at any time, whether such hours have been fixed by the Council or not, uses for any such purpose any cart or carriage not having a covering proper for preventing the escape of the contents of such cart, or of the stench thereof, or who wilfully slops or spills any such offensive matter in the removal thereof, or who does not carefully sweep and clean every place in which any such offensive matter has been placed, or unavoidably sloped or spilled, shall be liable to a penalty not exceeding Forty Shillings; and in default of the apprehension of the actual offender the driver or person having the care of the cart or carriage employed for any such purpose shall be deemed to be the offender.

Power to require owners of houses to provide privies and ashpits for the same.

227 The Municipal Council of every Town shall, by notice signed by the Town Clerk, require the owner of every building therein to which no sufficient privy and ashpit with proper door and coverings is attached to provide, where it appears to the Council that there is room enough for the purpose, such privy and ashpit in such situation, not disturbing any building then already erected, as the Municipal Council may deem necessary for the use of the inmates and occupiers of such building; and every such privy and ashpit shall be constructed to the satisfaction of the Municipal Council so as to effectually prevent the escape of the contents thereof: Provided always that, where a privy and ashpit are used in common by the inmates and occupiers of Two or more such buildings, the Municipal Council may, if it thinks fit, dispense with the provision of the privy and ashpit for each such building.

Penalty for neglecting to provide privy, &c.

228 The owner of any such building shall provide the same with a privy with such door and covering to the same, and with such ashpit as aforesaid, to the satisfaction of the Municipal Council, within One month next after notice in writing signed by the Town Clerk for that purpose given by the Council to such owner or to the occupier of such building, and in default thereof the Council shall cause such privy and ashpit

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to be provided, so nevertheless that the cost of executing such work shall not without the written consent of the owner of such building exceed One year's value of such building as ascertained and determined by the Assessment or Valuation Roll, as the case may be, for the time being in force for the Town; and the expense incurred by the Council in providing any building with any such privy or ashpit shall be recoverable from the owner of such building.

229 All branch drains as well within as without the lands or buildings to which they belong, and all privies, ashpits, and cesspools within any Town, shall be under the survey and control of the Municipal Council, and shall be altered, repaired, and kept in proper order at the costs and charges of the owners of the lands and buildings to which the same belong, or for the use of which they are constructed or continued; and if the owner or occupier of any land or buildings to which any such drain, privy, ashpit, or cesspool belongs neglects, during Fourteen days after notice in writing for that purpose signed by the Town Clerk, to alter, repair, and to put the same into good order in the manner required by the Municipal Council, the Council may cause such drain, privy, ashpit, or cesspool to be altered, repaired, covered, and put in good order; and the expense incurred by the Council in respect thereof shall be repaid by the owners by whom the same ought to have been done.

Drains, privies, and cesspools to be kept in good order by owners.

If owners neglect, Council may cause the same to be done and charge the owner with expense.

230 No person shall suffer any waste or stagnant water to remain in any cellar or other place within any building belonging to or occupied by him within any Town so as to be a nuisance; and every person who so suffers any such water to remain for Forty-eight hours after receiving notice from the Town Clerk to remove the same, and every person who allows the contents of any privy or cesspool to overflow or soak therefrom to the annoyance of the occupier of any adjoining property, shall for every such offence be liable to a penalty not exceeding Ten Pounds, and to a further penalty not exceeding One Pound for every day during which such nuisance continues; and the Council of any Town may drain and cleanse out any stagnant pools, ditches, or ponds of water within such Town, and abate any such nuisance as aforesaid, and for that purpose may enter by their officers and workmen into and upon any building or land within such Town at all reasonable times, and do all necessary acts for any of the purposes aforesaid; and the expenses incurred thereby shall be paid by the person committing such offence or occupying the building or land whence such annoyance proceeds, and if there is no occupier by the owner of such building or land.

Removal of stagnant water and other annoyances.

231 If the dung or soil of any stable, cow-house, or pigsty, or any other collection of refuse matter elsewhere than in any farm-yard, is at any time allowed to accumulate within any Town for more than Thirty days, or for more than Seven days after a quantity exceeding One ton has been collected in any place not allowed by the Municipal Council, such dung, soil, or refuse, if not removed within Forty-eight hours after notice from the Inspector or Surveyor of such Town for that purpose, shall become the property of the Corporation, and the Council, or any person with whom the Council may have at that time any subsisting contract for the removal of refuse, may remove and sell and dispose of the same, and the expenses of removal shall be paid by the occupier of such place, or if there is no occupier then by the owner.

Regulations to prevent accumulations of manure, &c.

232 If at any time the Officer of Health or any legally qualified Medical Practitioner residing within any Town certifies under his hand

On certificate of the Officer of

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Health, &c., filth to be removed.

to the Municipal Council that any accumulation of dung, soil, or filth, or other noxious or offensive matter, within such Town ought to be removed as being injurious to the health of the inhabitants, the Town Clerk shall forthwith give notice to the owner or reputed owner of such dung, soil, or filth, or to the occupier of the land where the same are, to remove the same within Twenty-four hours after such notice; and in case of failure to comply with such notice, the said dung, soil, or filth shall thereupon become the property of the Corporation; and the said Council, or any person with whom the said Council may have at that time any subsisting contract for the removal of refuse, may remove and sell and dispose of the same, and the expense of such removal shall be paid by such occupier.

Houses to be whitewashed and purified on certificate of the Officer of Health, &c.

233 If at any time the Officer of Health, or any legally qualified Medical Practitioner residing with any Town, certifies under his hand to the Municipal Council that any house or building or any part thereof within such Town is in such a filthy or unwholesome condition that the health of the inmates or of the neighbours is thereby affected or endangered, or that the whitewashing, cleansing, or purifying of any house or building or any part thereof would tend to prevent or check infectious or contagious disease therein, or that any drain, privy, or cesspool is in such a defective state that the health of the neighbours is thereby affected or endangered, the Council shall, by written notice signed by the Town Clerk, order the occupier of such house or building or part thereof to whitewash, cleanse, and purify the same, and the occupier of the premises on which such drain, privy, or cesspool is situated to amend the condition thereof, in such manner and within such time as the Council deems reasonable; and if any such occupier does not comply with such order, he shall be liable to a penalty not exceeding Five Pounds for every day's neglect thereof, and in such case the Council may cause such house or building or part thereof; to be whitewashed, cleansed, and purified, or the condition of such drain, privy, or cesspool to be amended, and may recover the expense thereof from such occupier.

Power to enter premises for the purpose of inspecting same.

234 It shall be lawful for the Surveyor or Inspector, or the Officer of Health, to enter into and upon any lands or buildings within any Town, in the day-time, for the purpose of inspecting the drainage and cleansing of the said lands and buildings; and upon any such inspection as aforesaid being had, it shall be lawful for the Municipal Council, by notice in writing to be given by the Town Clerk to the occupier, or if there is no occupier to the owner of such lands or buildings, to require such occupier or owner to cause all cesspools, sinks, privies, drains, ash-pits, or other receptacles of filth or dirt to be emptied, and all filth, dirt, and offensive matters to be removed from such lands or buildings; and in case such occupier or owner does not within Forty-eight hours after such notice as aforesaid, at his expense, cause all such cesspools, sinks, privies, drains, ash-pits, or other receptacles of filth or dirt to be emptied, and all filth, dirt, and offensive matters to be removed from such lands or buildings, such occupier or owner shall forfeit and pay a penalty of Five Pounds for every day that such cesspools, sinks, privies, drains, ash-pits, or other receptacles of filth or dirt remain unemptied, or such filth, dirt, or offensive matters remain in or upon such lands or buildings after such notice as aforesaid; and also in case of failure to comply with any such notice the said Council may cause all such cesspools, sinks, privies, drains, ash-pits, or other receptacles of filth or dirt to be emptied, and all filth, dirt, and offensive matters to be removed from such lands or buildings, and the soil or other offensive matter so emptied out or removed shall thereupon become the property of the Corporation, and

Occupiers and owners to cleanse premises upon notice given to that effect.

In case of neglect Council may cause the same to be done and charge expenses.

Police Government.

the said Council may sell and dispose of the same; and the expense of emptying out or removing such soil or other offensive matter shall be paid by such occupier or owner as the case may be; and service of any such notice under this Section may be made by delivering the same to the occupier or owner, as the case may be, of such lands or buildings, or to any servant of such occupier or owner, or by affixing the same upon some conspicuous part of such lands or buildings.

235 In case any privy, hogstye, slaughter-house, or place for melting tallow or fat, or for boiling blood or bones, or any other matter or thing, becomes a nuisance within any Town, it shall be lawful for the Mayor or any Justice upon complaint thereof, and after investigation of such complaint, by notice in writing to order that every or any such privy, hogstye, or place for melting tallow or fat, or for boiling blood or bones, or any other matter or thing as aforesaid, being a nuisance, shall be remedied and removed by the owner or occupier of the premises or place wherein such nuisance exists at his expense within Forty-eight hours after such notice has been given to such owner or occupier, or left at his last or usual place of abode, or on the said premises; and in case such person does not comply with such order to the satisfaction of the Mayor or Justice making such order, he shall forfeit and pay a penalty not exceeding Ten Pounds.

Removal of
places of nuisance.

236 The business of a blood-boiler, bone-boiler, tanner, slaughterer of cattle, horses, or animals of any description, soap-boiler, tallow-melter, tripe-boiler, or other noxious or offensive business, trade, or manufacture, shall not be newly established in any building or place in any Town without the consent of the Municipal Council; and any person contravening this enactment shall be liable for each offence to a penalty of Fifty Pounds, and a further penalty of Forty Shillings for each day during which the offence is continued.

Offensive trades
not to be newly
established
without consent
of Municipal
Council.

237 The Surveyor or Inspector of any Town may inspect any drain, privy, ash-pit, or cesspool therein, and for that purpose, at all reasonable times in the daytime, after Twenty-four hours notice in writing to the occupier of the premises to which such drain, privy, ashpit, or cesspool is attached, may enter upon any lands and buildings, with such assistants and workmen as are necessary, and cause the ground to be opened where he thinks fit, doing as little damage as may be; and if such drain, privy, ashpit, or cesspool be found to be in proper order and condition, he shall cause the ground to be closed and made good as soon as may be; and the expenses of opening, closing, and making good such drain, privy, ashpit, or cesspool shall in that case be defrayed by the Municipal Council.

Inspection of
drains, privies and
cesspools.

238 Nothing in this Act contained shall be construed to render lawful any act or omission on the part of any person which is, or but for this Act would be, deemed to be a nuisance at common law, nor to exempt any person guilty of a nuisance at common law from prosecution or action in respect thereof, according to the forms of proceeding at common law, nor from the consequences upon being convicted thereof.

Act not to affect
nuisances at
common law.

239 It shall be lawful for the Municipal Council of any Town to cause such and so many public sewers and drains as the Council may think fit and necessary to be made in any street therein; and also to adopt any common sewer or drain which now is or hereafter may be

Power to make
common sewers.

Police Government.

within the Town; and also to cause any such sewer or drain to be enlarged, repaired, cleansed, or altered, as the Council may deem proper.

Council may make sewers through private property.

240 It shall be lawful for the Municipal Council or for the Surveyor of any Town, with all necessary labourers and assistants, and implements, when and so often as it may be deemed necessary, to enter upon and to make, alter, or continue upon any private lands within such Town all or any such sewers and drains as may be deemed necessary: Provided that Fourteen days' notice in writing signed by the Mayor of the intention so to enter upon any such lands shall be first given to the owner or occupier thereof.

All sewers, &c., to be covered with traps.

241 All sewers and drains within any Town shall be provided with proper traps or other coverings or means of ventilation so as to prevent stench; the public sewers and drains by the Municipal Council, and those belonging to other persons by those persons.

Municipal Council may compel owners to construct drains into common sewers

242 In all cases wherever any Allotment of Land within any Town abutting on any street through which a common sewer runs is, at any time, found not to be drained by a sufficient drain communicating with such common sewer and emptying itself into the same to the satisfaction of the Surveyor, it shall be lawful for the Municipal Council, by Notice in writing under the hand of the Town Clerk, to require the Owner of such Allotment of Land forthwith, or within such reasonable time as shall be appointed by the Municipal Council, to construct and make, from such Allotment of Land into such common sewer, a covered drain of such materials, of such size, at such level, and with such fall, as shall, in the opinion of the Surveyor, be adequate for the drainage of such Land, and to carry and convey such drainage and the wash therefrom into the said sewer; and such Owner shall thereupon make and construct such covered drain accordingly, and provide a fit and proper trap to be affixed to the mouth thereof; and if the Owner of such Land neglects or refuses during Thirty days after the said Notice has been delivered to such Owner, or left at his usual or last known place of abode, to begin to construct such drain, or thereafter fails to carry it on and complete it with all reasonable despatch, it shall be lawful for the Municipal Council, and such Council is hereby empowered, to cause the same to be constructed and made, with such trap as aforesaid, and to recover the expenses to be incurred thereby from the Owner in the manner hereinafter provided.

Penalty on Owner for neglect.

Moneys expended by Municipal Council to be recovered in a summary way.

243 The expenses to be incurred by the Municipal Council in executing and completing any such work as hereinbefore is mentioned, or in causing the same to be done, shall be determined and recovered from the Owner of any such Allotment of Land as aforesaid in a summary way by and before any One or more Justice or Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*, and any person aggrieved thereby may appeal therefrom in the mode prescribed by *The Appeals Regulation Act*.

19 Vict. No. 8.

19 Vict. No. 10.

Interpretation.
"Owner."

244 The Agent or Attorney of an Owner who may be absent from the Colony shall be deemed to be the Owner for the purposes of the five foregoing Sections relating to Sewers.

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245 The Municipal Council of any Town is hereby empowered, from time to time, to purchase and provide so many lamps, lamp-irons, and lamp-posts as may be judged necessary for lighting such Town; and to cause the same to be put or fixed upon or against the wall, rail, or palisade of any building, or upon or against any wall or place, or to be put up or erected in such other manner in any street within such Town as the Municipal Council thinks proper, and to cause the same to be taken down, altered, or renewed when and as often as the said Council thinks fit, and to cause the said lamps to be kept lighted with gas, oil, or otherwise for such number of hours in every Twenty-four hours, and during such times and seasons of the year, as the Council deems necessary and proper.

Lamps to be set up and lighted.

246 Whoever wilfully takes away, breaks, throws down, or otherwise destroys or damages any lamp which is erected by or by order of the Municipal Council, or by any person at his own expense, for the purpose of lighting any street within any Town, or any post, iron, cover, or other furniture of any such lamp, or wilfully extinguishes the light of any such lamp, shall for every such offence forfeit a penalty not exceeding Five Pounds, and shall besides make full satisfaction, to be ascertained by the convicting Justice, for the damage done; and it shall be lawful for any person who sees any such offence committed to apprehend, and also for any person to assist in apprehending, the offender without any Warrant, and to deliver him into the custody of some Constable, in order that such offender may be secured and taken before some Justice.

Penalty for wilfully breaking lamps.

247 Whoever carelessly or negligently breaks, throws down, destroys or damages any such lamp, or any post, iron, cover, or other furniture of any such lamp, and does not upon demand make satisfaction for the damage so done, shall pay such sum of money by way of satisfaction as to the Justice before whom the complaint is heard appears just and reasonable.

Satisfaction to be made for negligently breaking lamps.

248 It shall be lawful for the Municipal Council of any Town from time to time to contract with any Gas-light Company now or hereafter established, or with any person or with any Corporation for lighting such Town with gas, oil, or otherwise from year to year, or for any number of years, upon such terms and conditions in all respects as the said Council thinks proper, and for providing and fitting up lamps, lamp posts, lamp irons, and all other works necessary for such purpose.

Power to contract for lighting Towns.

249 Whensoever any chimney within any Town takes fire, the occupier of the building to which such chimney belongs shall be deemed to be an offender against this Act, and shall for any such offence forfeit and pay a penalty not exceeding Five Pounds, unless it shall be proved to the satisfaction of the Justice hearing the complaint that such chimney had been swept within Three mouths immediately preceding such fire taking place.

Penalty for chimney being on fire.

250 The Municipal Council may purchase or provide such engines for extinguishing Fires, and such water-buckets, pipes, and other appurtenances for such engines, and such fire-escapes and other implements for safety or use in case of Fire as they think fit; and may build, provide, or hire places for keeping such engines with their appurte-

Fire engines and firemen may be provided by Municipal Council.

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nances, and may employ a number of persons to act as Firemen, and may make such rules for their regulation as they think proper, and give such Firemen and other persons such salaries and such rewards for their exertions in cases of Fire as they think fit.

Gunpowder not to be sold by candle-light, nor more than 25 lbs. kept without a licence.

251 No gunpowder shall be sold within any Town by candle or other artificial light under a penalty not exceeding One Pound for each offence; and if any person shall have at any time on any premises within any Town more than Twenty-five Pounds weight of gunpowder, without the permission of the Municipal Council as hereinafter mentioned, he shall for every such offence forfeit and pay a penalty of not less than Five Pounds nor more than Twenty Pounds.

Mode of obtaining such Licence and fee for same.

252 Any person desirous of obtaining permission under this Act to have more than Twenty-five Pounds weight of gunpowder on any premises within any Town shall make application in writing for that purpose to the Municipal Council; and if the Council approves thereof, the Mayor shall, upon payment of such sum not exceeding Two Pounds, as the Council sees fit, forthwith issue to such person a Licence authorising such person to have on the premises mentioned in such Licence such a quantity of gunpowder not exceeding Five hundred Pounds weight as may be specified in such Licence, for any period not exceeding One year from the date of such Licence.

Magazines to be erected on the premises of licensed persons.

253 The person applying for any such Licence shall before the issuing thereof have or cause to be built on such premises a magazine constructed of such material and in such manner as the Municipal Council may approve of; and if any such person having obtained such Licence shall have upon such premises more than Twenty-five Pounds weight of gunpowder otherwise than in such magazine, he shall forfeit and pay a penalty of Five Pounds for every pound weight of gunpowder over Twenty-five Pounds weight so found on such premises otherwise than in such magazine.

Penalty for having more than allowed quantity of gunpowder in Magazine.

254 If any person shall have in any such magazine a greater quantity of gunpowder than is specified in his Licence, he shall for every such offence forfeit and pay a penalty not exceeding Twenty Pounds.

Power to enter premises to search for gunpowder.

255 It shall be lawful for the Inspector or Surveyor of any Town, or for any Constable having reasonable grounds to suspect any person of having gunpowder on any premises within such Town contrary to the provisions of this Act, under the written direction of the Mayor, to enter in and upon and search such premises, and to seize and detain any gunpowder found on such premises for the purpose of being produced on the hearing of any information or complaint against any person under this Act; and if admittance to such Inspector, Surveyor, or such Constable is in any case refused, or wilfully delayed, the person so offending shall forfeit and pay a penalty of not less than Five Pounds nor more than Fifty Pounds.

Excepts gunpowder provided for the Military.

256 Nothing hereinbefore contained shall apply to any quantity of gunpowder provided for military or constabulary purposes.

Rocks or stones not to be blasted without permission of Surveyor.

257 Any person who is desirous of blasting any rock or stone within the limits of any Town shall give notice in writing Twenty-four hours previously to the Surveyor of the said Town, who shall, if he sees

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fit, appoint in writing a time when the same may take place, and give such other directions in writing as he may deem necessary for the public safety; and if any person blasts or causes to be blasted any rock or stone within the limits aforesaid without giving such notice, or does not conform to the directions in writing given to him by the said Surveyor, he shall, on conviction, forfeit and pay for every such offence any sum not exceeding Ten Pounds.

258 All lamps, lamp-posts, and other works for lighting any Town; drains, sewers, cesspools, and other works for draining and cleansing any Town; and all pavement, stone, metal, or other material for paving any Town; and all tools and implements of what nature and kind soever; books, stationery, office furniture, houses, offices, land, and rights appertaining to land, purchased or acquired or used by the Municipal Council under and for the purposes of this Act, shall be deemed and taken to be, and shall be, the property of the Municipality.

Lamps, &c., the property of the Municipality.

259 It shall be lawful for the Municipal Council at yearly, half-yearly, or such other periods as to the said Council may seem necessary, to make and levy Rates to be paid for paving, draining, and lighting any Town, and the several other purposes in the foregoing provisions contained; and such Rates when received shall form part of the Municipal Fund: Provided that it shall be lawful for the Municipal Council to make and levy separate Rates for paving, draining, cleansing, or lighting any Town, or for any such other purpose as aforesaid, or one general Rate for all or any of such purposes: Provided also that such Rates so to be made and levied shall not in any case collectively or separately exceed the sum of One Shilling and Sixpence in the Pound in any One year upon the assessed annual value of the lands and buildings within any Town.

Municipal Council to rate property at yearly or other periods.

Annual rate not to exceed 1s. 6d. in the £1.

260 It shall be lawful for the Municipal Council to make, publish, alter, modify, amend, or repeal such Bye-laws as to the Council shall seem meet for compelling the owners or occupiers of cellars, tallow-chandler's shops, soap factories, and tanneries, and the owners of privies, sewers, slaughter-houses, and other houses and places which may be in an unwholesome or offensive state, or be likely to become so, to cleanse the same from time to time and in such manner as the Council may think necessary and proper with the view to promote the health and comfort of the inhabitants of any Town,—for suppressing and restraining noisome and offensive trades and occupations,—regulating the safe custody and sale of gunpowder within any Town,—for preventing obstructions and incumbrances in and upon the streets of and waters adjoining any Town,—and for regulating the flagging, paving, and repairing the streets, and keeping the same clean from dirt; and also to appoint by such Bye-laws such penalties, not exceeding Ten Pounds in any case, as the said Council shall deem necessary for the prevention and suppression of offences, nuisances, and annoyances, and for enforcing such Bye-laws, but no such Bye-laws shall be of any force or effect until the same have been certified by the Attorney-General or Solicitor-General not to be repugnant to this Act, or to the general spirit and intendment of the laws in force in this Colony.

Bye-laws.

*Police Government.***PART IV.**

Application of
Part Four.

261 Part Four of this Act shall extend and apply to all offences against, and all matters and things done and performed or to be done and performed under, this Act.

Recovery and Appropriation of Penalties, &c.

Offences to be
dealt with summarily.

262 All offences against this Act, and all penalties and sums of money, costs, charges, and expenses imposed or made payable by this Act, shall, except where otherwise specially directed, be heard, determined, and recovered in a summary way by and before any Two or more Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*.

19 Vict. No. 8.

Conviction, &c.,
not unlawful for
want of form.

263 No conviction, order, warrant, or other matter made or purporting to be made under the authority of this Act shall be deemed unlawful or quashed for any defect or want of form therein or in any other proceeding relating thereto, provided that it be therein alleged that the party has been convicted and that there be a good and valid conviction to sustain the same, and that such conviction be therein referred to; and no distress made under the authority of this Act shall be deemed unlawful, or the person making the same be deemed a trespasser, on account of any defect or want of form in the Warrant of Distress, or in any other proceeding relating to such distress, nor shall the person distraining be deemed a trespasser *ab initio* on account of any irregularity which he may afterwards commit, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case.

Distress not un-
lawful for want
of form.

Offences to be
prosecuted within
One month.

264 No person shall be liable to be proceeded against for any offence against this Act unless an information is laid, or a complaint is made in respect thereof, within One month after the offence committed.

No person to be
imprisoned for
more than Three
months.

265 No person shall, unless otherwise expressly provided, be imprisoned for non-payment of any penalty under this Act, or for want of sufficient distress, for a longer period than Three months, to be computed from the day, if such offender has been arrested, on which he was actually arrested.

One conviction
only for same
offence.

266 No person shall be liable to be punished under this Act and under any other Act for the same offence.

Penalties how to
be paid.

267 All penalties received by virtue of this Act for any offences committed within any Municipality shall be paid to the Treasurer of such Municipality and form part of the Municipal Fund, and in case of offences committed within any District the penalties shall be paid to the Colonial Treasurer on account of the General Revenue.

Appeal from Penalties.

Appeal from
penalties.

19 Vict. No. 10.

268 Any person who thinks himself aggrieved by any conviction, order, or judgment under the authority of this Act may appeal against the same in the mode prescribed by *The Appeals Regulation Act*.

Bail.

Persons charged
with misdemeanors
of which

269 Whenever any person charged with any misdemeanor of which he is liable to be summarily convicted is without the warrant of a

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Justice in the custody of any Constable, it shall be lawful for any superior officer of Police on duty, who is above the rank of a Sergeant, if he deems it prudent so to do, but in such cases only in which the offender cannot be conveniently taken before a Justice, to take bail by recognizance, without any fee or reward, from such person, conditioned that such person shall appear for examination before a Justice at a certain place and on a certain day, not later than Seven days from the date of such recognizance, and the time and place of such appearance shall be specified in such recognizance.

they may be summarily convicted may be bailed by a Police Officer.

270 The officer taking any such recognizance shall enter in a book to be kept for that purpose the name, residence, and occupation of the party and his 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 at the time and place when and where the party is bound to appear; and every such recognizance shall have the like force and effect as if the same had been taken before a Justice, and may be estreated and proceeded upon in like manner.

Particulars of recognizance to be entered in a book, and recognizance returned to Justice where party bound to appear.

Enforcement of Recognizances.

271 In all cases where the conditions mentioned in any Recognizance taken under this Act, or any of them, have not been complied with, the Officer of Police or the Justice or Justices who have taken the same, or any other Justice or Justices, shall certify upon the back of the Recognizance in what respect the conditions thereof have not been observed, and transmit the same to the Clerk or Deputy Clerk of the Peace for the District within which such Recognizance has been taken if any Court of General Sessions of the Peace is holden therein, or if there is none such, to the Clerk or Deputy Clerk of the Peace for the nearest District within which any such Court is holden, to be proceeded on as a forfeited Recognizance under the provisions of the Act of Council of the 12th *Victoria*, No. 13, in like manner as any forfeited Recognizance to be of good behaviour is thereby directed to be proceeded upon; and the Certificate endorsed on any such Recognizance shall be deemed sufficient *prima facie* evidence of the said Recognizance having been forfeited.

Recognizances how to be enforced.

Obstructing Persons executing Act.

272 If any person wilfully obstructs, hinders, or interrupts, or causes or procures to be obstructed, hindered, or interrupted, the Municipal Council, or any Surveyor, Officer, Servant, or Workman of the Council, or any other person thereto authorised in doing or performing any work by this Act authorised to be done or performed by or in the exercise of any power or authority vested in the Municipal Council or any of the persons aforesaid by this Act, or threatens, or assaults, or uses improper or abusive language to any of the persons aforesaid whilst in the performance or execution of his duty under this Act, every such person shall for any such offence, if not otherwise specially provided for, incur a penalty not exceeding Twenty Pounds: Provided, that no proceeding for the recovery of any such penalty, nor the payment thereof, shall be a bar to any action at Law by any of the persons aforesaid for or in respect of any such assault as aforesaid, but every such action may be commenced and proceeded with as if this Act had not been passed, any Law or usage to the contrary notwithstanding.

Obstructing persons, &c., executing Act.

*Police Government.**Protection of Persons executing this Act.*

Persons acting
under this Act
entitled to notice
of Action, &c.

273 Unless otherwise expressly provided, no action shall lie against any person for anything done in pursuance of this Act, unless notice in writing of such action, and of the cause thereof, is given to the Defendant One month at least before the commencement of the action, and such action is commenced within Three months after the cause of action has accrued; and in any such action the Defendant may plead the general issue, and give this Act and the special matter in evidence; and no Plaintiff shall recover in any such action if tender of sufficient amends has been made before such action brought, or if a sufficient sum of money has been paid into Court by or on behalf of the Defendant after such action brought, together with the costs incurred up to that time; and if a verdict passes for the Defendant, or the Plaintiff become nonsuit or discontinues such action, 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 recovering the same as any Defendant has by Law in other cases; and though a verdict is given for the Plaintiff in any such action, such Plaintiff shall not have costs against the Defendant unless the Judge before whom the case is tried certifies his approbation of the action, and the verdict obtained thereupon.

Crown Rights saved.

Act not to affect
rights of the
Crown.

274 Nothing in this Act contained shall affect or apply to any right, title, or interest of Her Majesty, Her Heirs and Successors, or in any way limit the Royal Prerogative.

Police Government.

SCHEDULE.

(1.)

Sect. 2.

ACTS TO BE REPEALED.

| <i>Reference to Act.</i> | <i>Title of Act.</i> | <i>Extent of Repeal.</i> |
|--------------------------|---|--|
| 10 George 4, No. 4. | An Act to regulate the Slaughtering of Sheep and Cattle. | The whole Act. |
| 6 William 4, No. 12. | An Act for the Regulation of Stage Coaches. | The whole Act. |
| 2 Victoria, No. 22. | An Act to regulate the Police in certain Towns and Ports within the Island of <i>Van Diemen's Land</i> and to make more effectual provision for the Preservation of the Peace and Good Order throughout the said Island and its Dependencies generally. | The whole Act. |
| 6 Victoria, No. 5. | An Act for regulating Places of Public Entertainment and for punishing Persons keeping disorderly Houses. | The whole Act. |
| 7 Victoria, No. 14. | An Act to authorise the Seizure and Destruction if unclaimed of Dogs running at large in this Island. | The whole Act. |
| 7 Victoria, No. 15. | An Act to regulate the Slaughtering of Sheep and Cattle imported into this Colony and the Sale thereof and to prevent the Sale of unwholesome Meat. | The whole Act. |
| 11 Victoria, No. 7. | An Act to repeal the Act of Council of this Island, intituled <i>An Act to restrain the Increase of Dogs</i> , and to substitute other Provisions in lieu thereof. | The whole Act. |
| 18 Victoria, No. 3. | An Act for the well ordering of Common Lodging-houses in this Colony. | The whole Act. |
| 19 Victoria, No. 13. | An Act for the Regulation of Cabs plying for Hire in <i>Hobart Town</i> and <i>Launceston</i> . | The whole Act. |
| 20 Victoria, No. 26. | An Act to abolish the exclusive Jurisdiction of Stipendiary Magistrates, and to extend the Power of taking Bail in certain cases of Petty Misdemeanors. | Section 2. |
| 21 Victoria, No. 5. | An Act to enable the Municipal Council of the City of <i>Hobart Town</i> and Town of <i>Launceston</i> to execute <i>The Common Lodging-houses Act, 1854</i> , within such City and Town. | The whole Act. |
| 21 Victoria, No. 15. | An Act to provide for paving, draining, cleansing, lighting and improving the City of <i>Hobart Town</i> , and for promoting the Health, Safety, and Comfort of the Inhabitants thereof. | The whole Act. |
| 21 Victoria, No. 22. | An Act to confer certain Powers upon the Municipal Councils of the City of <i>Hobart Town</i> and Town of <i>Launceston</i> . | Sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29. |

Police Government.

| <i>Reference to Act.</i> | <i>Title of Act.</i> | <i>Extent of Repeal.</i> |
|------------------------------|--|--|
| 21 Victoria, No. 36. | An Act to amend the Law relating to the Registration of Dogs in Country Districts. | The whole Act. |
| 21 Victoria, No. 40. | An Act to restrain Drunkenness. | The whole Act. |
| 22 Victoria, No. 13. | An Act to provide for paving, draining, cleansing, lighting, and improving the Town of <i>Launceston</i> , and for promoting the Health, Safety, and Comfort of the Inhabitants thereof. | The whole Act, except Sections 66, & 67. |
| 22 Victoria, No. 25. | An Act to make further provision for the Improvement of the City of <i>Hobart Town</i> . | The whole Act. |
| 24 Victoria, No. 25. | An Act to amend the Act for the Regulation of Stage Coaches. | The whole Act. |
| 26 Victoria, No. 9. | An Act to compel Vehicles travelling between Sunset and Sunrise to carry Lights. | The whole Act. |
| 26 Victoria, Sess. 2, No. 5. | An Act to confer certain Powers hitherto exercised by Police Magistrates upon Justices of the Peace in certain Cases. | The whole Act. |
| 27 Victoria, No. 29. | An Act to compel the Owners of Land in the Town of <i>Launceston</i> to construct Drains into the nearest Common Sewer. | The whole Act. |
| 27 Victoria, No. 33. | An Act to amend <i>The Launceston Improvement Act</i> . | The whole Act. |

(2.)

NOTICE OF REGISTERING DOGS.

A DESCRIPTION of _____ Dogs intended to be kept by *A.B.* of _____
in the Municipality [or District] of _____ during the Year ending _____
on the 30th April, 18 _____

| Number of Dogs. | Premises on which each Dog is intended to be kept. | Sex. | Age. | Colour or peculiar Marks. | Description, or kind of Dog. |
|-----------------|--|------|------|---------------------------|------------------------------|
| | | | | | |

I *A.B.* do declare the above List and Description to be true in every particular to the best of my knowledge and belief.

*Date.**A. B.*

Police Government.

Sect. 66.

(6.)

LICENCE TO KEEP A COMMON LODGING-HOUSE.

I, *A.B.*, Mayor of the Municipality of _____ [or as the case may be] do hereby license *C.D.* to keep a Common Lodging-house situate in _____ in the District of _____, the said *C.D.* having been duly registered as the Keeper thereof.

Dated this _____ day of _____ 186 .

*A.B.**Mayor of the Municipality of*

Sect. 86.

(7.)

By virtue of *The Police Act, 1865*, I *A.B.*, Mayor of the Municipality of _____ [or, we, two Justices of the Peace, sitting in Petty Sessions in the District of _____] do hereby grant unto *C.D.*, the owner [or occupier] of the house [or garden, &c., as the case may be] situate in [name the Town and street] full licence and authority in and upon the said house [or as the case may be] to act, represent, perform, exhibit, conduct, give, or do any of the Public Entertainments following; that is to say—[name the exhibition or entertainment.]

This is to remain in force for [name the time not exceeding Twelve months from the date hereof, or the particular occasion for which it is granted.]

Given under my [or our] hands this _____ day of _____ 18 .

A.B.

Sect. 88.

(8.)

BE it remembered that on this _____ day of _____ 18 *A.B.* *C.D.* and *E.F.* [here insert their residences and trades or callings respectively] came personally before us *G.H.* and *I.J.*, Esquires, two of Her Majesty's Justices of the Peace in and for *Tasmania*, and acknowledged themselves to owe to our Sovereign Lady the Queen as follows; that is to say, the said *A.B.* the sum of Fifty Pounds, and the said *C.D.* and *E.F.* the sum of Twenty-five Pounds each of lawful money of *Great Britain*, to be made and levied of their several goods and chattels, lands and tenements, to the use of our said Lady the Queen, Her Heirs and Successors, by way of Recognizance in case default is made in any or either of the conditions of such Recognizance; the conditions of which Recognizance are, that if the said *A.B.* shall receive a Licence to act, represent, perform, exhibit, or do certain Public Entertainments, to be in such Licence named, upon certain premises to be therein also named, and do and shall not, during the continuance of such Licence, permit any drunken person to remain on the said premises; and if the said *A.B.* do not permit any fighting, tumult, or impropriety of behaviour to take place thereon or therein, but, on the contrary, do and shall manage and conduct such premises, and the Public Entertainments to be therein acted, represented, performed, exhibited, or done peaceably and quietly, and with propriety and decency on all occasions, then this Recognizance shall be void; otherwise the same shall remain in full force and effect.

Taken and acknowledged before us,

G.H. (L.S.)
I.J. (L.S.)

Police Government.

(9.)

By virtue of *The Police Act 1865*, I, *A.B.*, Mayor of the Municipality of Sect. 90.
 [or we, two Justices of the Peace, sitting in Petty Sessions in the
 District of] do grant unto *C.D.* the owner or occupier of the
 house [or garden, &c.] situate in [name the Town and street] full licence and
 authority in and upon the said premises to allow public dancing and music [or if
 any other amusement of the like kind name it] to be carried on and performed.

This Licence to remain in force for [name the time not exceeding Twelve
 months from the date hereof, or the particular occasion for which it is granted.]

Dated this day of 18
A. B.

(10.)

SLAUGHTERING LICENCE.

Sect. 100.

WHEREAS *A.B.* of has applied to me, *C.D.*, Mayor
 of the Municipality of [or us *C.D.* and *E.F.*, Two
 Justices of the Peace sitting in Petty Sessions in the District of],
 for a Licence to slaughter animals for sale, and also to sell meat at his house
 situate in and the said *A.B.* has also paid to me [or us]
 the sum of , being the sum payable in respect of such Licence, I,
 the said Mayor [or, we the said Justices] do therefore hereby grant to the said
A.B. this Licence to slaughter sheep, cattle, and pigs, under the provisions of
The Police Act, 1865, and to sell meat at his house situate in
 and not elsewhere; and this Licence shall continue in force from the date
 hereof until the 31st day of *December* next and no longer.

Dated at this day of 18

(11.)

LICENCE FOR A CAB.

Sect. 121.

No.

WHEREAS *A.B.*, proprietor of a certain Cab, has applied to me to grant him a
 Licence to keep, use, and employ such Cab in conveying Passengers for hire,
 within [state name of Town], and within the distance of Five miles from
 the principal Post Office thereof, and has paid into the hand of the [Town Clerk]
 the sum of [], being the Fee now fixed for the same; I do hereby license
 the said *A. B.* to carry and convey for hire, in and by such Cab, the number of
 Passengers and no more at any one time, subject to the provisions of *The*
Police Act, 1865.

Given under my hand, this day of 186

C. D.,
 [Mayor of].

(12.)

Sect. 128.

LICENCE FOR DRIVER OF CAB.

WHEREAS *A. B.* has applied to me to grant him a Licence to act as the Driver of the Licensed Cab, No. [*here insert the number of the Cab*], and has paid into the hand of the [*Town Clerk*] the sum of Ten Shillings, being the Fee payable for the same: And whereas *C. D.*, the proprietor of the said Cab, has signified his wish that the said *A. B.* should become Driver of the said Licensed Cab, by endorsing the application of the said *A. B.*: And whereas I have received a satisfactory certificate of the ability of the said *A. B.* to act as Driver of the said Cab, No. [], within the [*name of City or Town*], and within the distance of Five miles from the principal Post Office thereof, subject to the provisions of *The Police Act, 1865.*

Given under my hand, this day of 186

E. F., [*Mayor.*]