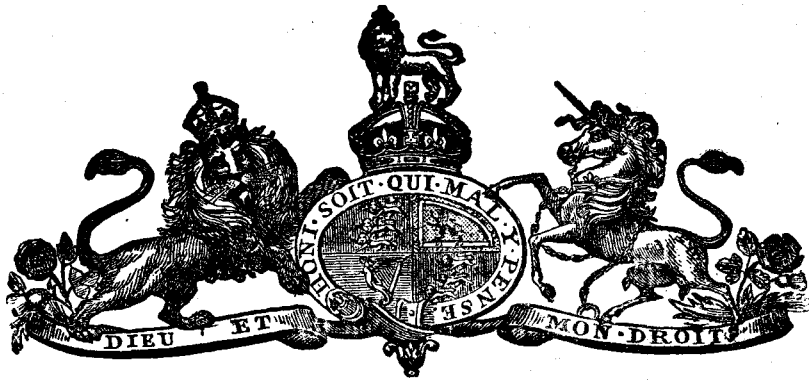


T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 30.

AN ACT to consolidate and amend the A.D. 1905.
Laws relating to Police Government, and
for other purposes. [20 November, 1905.]

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:—

PART I.

PRELIMINARY.

- 1 This Act may be cited as “The Police Act, 1905.” Short title.
- 2 The Acts set forth in the Schedule (1.) hereto, to the extent Repeal of Acts.
therein mentioned, are hereby repealed.
- 3 This Act shall come into operation on the First day of *January*, Commencement
of Act.
One thousand nine hundred and six.
5s. 10d.]

Police.

A.D. 1905.

Interpretation.
29 Vict. No 10,
s. 4.

"Animal."

"Assessment
Roll."

64 Vict. No. 4.

"Carcase."

"Constable."

"District."
29 Vict. No. 8.

"Gazette."

"Justice."

"Mayor."

"Municipality."

60 Vict. No. 31.

"Municipal
Council."*Ibid.*, s. 129.

"Owner."

"Property."

"Public place."

4 In this Act, unless the context otherwise determines—

"Animal" means and includes any horse, ass, mule, bull, bullock, cow, steer, heifer, calf, ram, ewe, wether, lamb, goat, boar, sow, or pig :

"Assessment Roll" means and includes every Assessment Roll in force for the time being made under the authority of "The Assessment Act, 1900," in which any property situate within any District or Municipality is comprised :

"Carcase" extends to and includes a part of the carcase of any animal :

"Constable" means and includes any Member of the Police Force :

"District" means a Municipal District not being a Municipality under *The Rural Municipalities Act, 1865* :

"Gazette" means the *Hobart Gazette* :

"Justice" means a Justice of the Peace :

"Mayor" means and includes the Mayor of a City, the Warden of a Rural Municipality, and the Chairman of a Town Board :

"Municipality" means and includes a City, a Rural Municipality, and a Town proclaimed under "The Town Boards Act, 1896," or any Amendment thereof :

"Municipal Council" means and includes the Municipal Council of a City or Municipality, and the Board of a Town :

"Owner," used with reference to any property, means 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 :

"Property" means land or buildings and land and buildings :

"Public place," in Parts II., III., and X. of this Act, includes—
Any park, garden, reserve, or other place of public recreation or resort :

Any railway station platform or carriage :

Any public wharf pier or jetty :

Any passenger ship or boat plying for hire :

Any licensed public vehicle plying for hire :

Any church, chapel, or other building where Divine service is being publicly held :

Any public hall, theatre, or room in which any public concert, theatrical representation, or other public entertainment is being held or performed, or is taking place :

Any market :

Any auction room, or mart, or place, while a sale by auction is there proceeding :

Any booth or other structure in respect of which a Booth Licence is issued under the provisions of "The Licensing Act, 1902" :

Police.

- Any licensed billiard-room : A.D. 1905.
- Any racecourse, cricket ground, football, show, or regatta ground, or other such place to which the public have access free or on payment of any gate-money :
- Any shop open for the purpose of trade :
- Any open yard, place, or allotment in any Town to which the public have access :
- Any public and common highway, road, street, footway, court, alley, or thoroughfare, notwithstanding that such public and common highway, road, street, footway, court, alley, or thoroughfare may be formed on private property :
- Any bar-room of any licensed hotel or public-house, and any approach to any such bar-room, and any part of such licensed house and premises to which the public have access :
- Any school building :
- Any public cemetery :
- Any banking house, warehouse, office, or similar place, while open for the transaction of ordinary business :
- “Street” extends to and includes any public and common highway, road, square, court, passage, alley, thoroughfare, or public way, and the footways within any Town, any place of public resort, and any avenue leading thereto : “Street.”
42 Vict. No. 25,
s. 2.
- “Suburbs” means and includes 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 : “Suburbs.”
- “Town” means and includes a City, a Town proclaimed under the provisions of “The Town Boards Act, 1896,” or any amendment thereof, a Town proclaimed by the Governor under the provisions of any Act hereby repealed, and a Town proclaimed by the Governor under the provisions of this Act : “Town.”
60 Vict. No. 31,
s. 6.
- “Town Clerk” includes the Council Clerk of a Rural Municipality and the Secretary of a Town Board : “Town Clerk.”
- “Town Surveyor” means any officer appointed to perform the duties of Surveyor :
- “Vehicle” means every carriage, omnibus, gig, dog-cart, waggon, cart, dray, bicycle, tricycle, motor-cycle, motor-car, or other vehicle. “Vehicle.”
- 5** The penalty, pecuniary or other, set out—
- i. At the foot of any Section of this Act : or
 - ii. At the foot of any Sub-section of any Section of this Act, but not at the foot of the Section—
- indicates that any contravention of the Section or of the Sub-section respectively, whether by act or omission is an offence against the Act,
- Penalties at foot of Sections or Sub-sections.
Commonwealth :
No. 1 of 1904, s. 3,

Police.

- A.D. 19 5.** punishable upon conviction by a penalty not exceeding the penalty mentioned.
 Provided, that where the penalty is expressed to apply to a part only of the Section or Sub-section, it shall apply to that part only.
- Reference to former Acts.** **6** Where in any existing Act any Act hereby repealed may be referred to, such reference shall, for the purposes of any such existing Act, be deemed to be to this Act.
- Existing officers and offices continued.** **7** Any officer appointed and any office established under the provisions of any Act hereby repealed shall continue and be deemed to have been appointed or established, as the case may be, under this Act.
- Existing By-laws continued.** **8** All By-laws at any time heretofore passed by any Municipal Council in accordance with the provisions of any Act hereby repealed, and which are of any force and effect on the day preceding the date on which this Act comes into operation, shall be deemed to have been made and passed under and by virtue of this Act; and all such By-laws, so far as they are not inconsistent with this Act, shall continue, until superseded by a By-law made under the authority of this Act, to be of the same force and effect as if they had been made and passed under the authority of this Act.
- Proclamation of Towns in Districts.** **29 Vict. No. 10, s. 6.** **9—(1.)** 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 Municipalities.** *Ibid.*, s. 7. **(2.)** 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 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.
- Assignment of name of Town.** **52 Vict. No. 41, s. 8.** **(3.)** The Governor shall, by the Proclamation constituting and appointing any Town, assign a name to such Town, and may in like manner assign to any Town a new name in the place of the name theretofore assigned to such Town.
- 60 Vict. No. 31. 1 Ed. VII. No. 16, s. 3.** **(4.)** If any Town is situated in a Rural Municipality, or is a Town proclaimed under "The Town Boards Act, 1896," the Governor shall not assign a new name to such Town unless the Council of such Municipality or Board of such Town shall first have approved of the new name for the Town.
- Municipal Council may erect boundary marks.** **29 Vict. No. 10, s. 8.** **10—(1.)** 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.

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(2.) No person shall wilfully remove, injure, or deface any such mark. A.D. 1905.

Penalty : Five Pounds.

11 The Governor may, by Proclamation published in the *Gazette*, revoke the original Proclamation of any Town, and thereupon such Town shall cease to be a Town for the purposes of this Act. Revocation of Proclamation of Town.

12 This Act is divided into Thirteen Parts, as follows :— Division of Act.

- Part I.—Preliminary. Sects. 1 to 12.
- Part II.—Restraint of Drunkenness. Sects. 13 to 15.
- Part III.—Vagrancy and similar Offences. Sects. 16 to 20.
- Part IV.—Disorderly Houses. Sects. 21 to 23.
- Part V.—Registration of Dogs. Sects. 24 to 42.
- Part VI.—Regulation of Vehicles. Sects. 43 to 90.
- Part VII.—Common Lodging-houses. Sects. 91 to 104.
- Part VIII.—Places of Public Entertainment. Sects. 105 to 120.
- Part IX.—Slaughter of Animals. Sects. 121 to 133.
- Part X.—Nuisances and Obstructions. Sects. 134 to 151.
- Part XI.—Improvement of Towns. Sects. 152 to 193.
- Part XII.—By-laws. Sect. 194.
- Part XIII.—Miscellaneous. Sects. 195 to 221.

PART II.

RESTRAINT OF DRUNKENNESS.

13 Any person found— Penalty for drunkenness.
 I. Drunk and disorderly : or
 II. Drunk and incapable of taking care of himself—
 in any public place shall be deemed guilty of an offence against this Act. N.S.W., No. 5 of 1901, s.s. 6 & 7.

Penalty : One Pound.

14 Any constable may apprehend, with or without warrant, any person committing either of the offences specified in the last preceding Section, and convey him before any Justice to be dealt with according to law ; and, if it is necessary so to do, may 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. Drunken persons may be apprehended. 29 Vict. No. 10, s. 10.

15 Any constable who finds any person drunk and incapable of taking care of any animal, or of any vehicle of any description drawn by any animal in his charge, upon any highway, road, or street, may 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 Constable may detain animals in charge of drunken persons. *Ibid.*, s. 13.

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19 Vict. No. 8.

way before any Justice in the mode prescribed by *The Magistrates Summary Procedure Act*: 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.

PART III.**VAGRANCY AND SIMILAR OFFENCES.**

Penalty for
certain idle and
disorderly
persons.
42 Vict. No. 25,
s. 3.

N.Z., 48 Vict. No.
24, s. 26.

N.S.W. No. 5 of
1901, s. 27.

16—(1.) Every person—

- i. Wandering abroad and lodging in any barn, outhouse, 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
- ii. Wandering abroad having no fixed place of residence and no lawful means of gaining his livelihood: or
- iii. Who, having no visible lawful means or insufficient lawful means of support, on being thereto required by the Court, or who having been duly summoned for such purpose, or brought before the Court in pursuance of the provisions of this Act, does not give a good account of his means of support to the satisfaction of the Court: or
- iv. Found lodging in the open air, or in any hut or other temporary dwelling upon Crown land, and not giving a good account of himself: or
- v. Offering for sale any obscene print, picture, or other indecent exhibition: or
- vi. Wilfully and obscenely exposing his person: or
- vii. Found in or upon any dwelling-house or other building whatsoever, or in any enclosed yard, garden, or area, for any unlawful purpose: or
- viii. Being a suspected person or reputed thief frequenting any street, road, or public place, or any quay, wharf, river, or navigable stream, or any place of public resort or any avenue leading thereto, with intent to commit a felony: or
- ix. Found in possession of any article reasonably supposed to have been stolen or unlawfully obtained, without being able to give a satisfactory account of his possession thereof—

shall be deemed guilty of an offence against this Act, and every such offender may be apprehended with or without warrant by any constable.

Penalty: Six months imprisonment.

(2.) 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 or other building whatsoever, or having upon him any instrument with intent to commit a felony, shall be deemed guilty of an offence against this Act.

Police.

And every such key, pick-lock, crow, jack, bit, or other implement or instrument found in the custody or possession of any such person with intent feloniously to break into any dwelling-house or other building as aforesaid may be seized by the apprehending constable, and shall, by the conviction of the offender, become forfeited to His Majesty. A.D. 1905.

Every such offender may be apprehended, with or without a warrant, by any constable, or by any person who sees any such offence committed.

Penalty : Six months imprisonment.

17—(1.) Every person—

- i. Found begging, or exposing wounds or deformities, or exposing children of tender age to the inclemency of the weather, or placing himself or otherwise acting so as to induce or for the purpose of inducing the giving of alms: or
- ii. Being a common prostitute found wandering in any street or road, or in any place of public resort, and behaving in a riotous or indecent manner: or
- iii. Being a male person found in any street or public place at any time between sunset and sunrise, dressed in female apparel—

Penalty for certain vagrancy offences.
42 Vict. No. 25, s. 3.

shall be deemed guilty of an offence against this Act.

Penalty : Ten Pounds or Three months imprisonment.

(2.) Every such offender may be apprehended, with or without a warrant, by any constable who sees any such offence committed.

18—(1.) Every male person who—

- i. Knowingly lives wholly or in part on the earnings of prostitution: or
- ii. In any public place solicits or importunes for immoral purposes—

Persons trading in prostitution.
Eng. 61 & 62 Vict., c. 39.
W.A., 2 Ed. VII. No. 31.

shall be deemed guilty of an offence against this Act.

Penalty : Six months imprisonment.

(2.) If it is made to appear to a Justice by information on oath that there is reason to suspect that any house or part of a house is used by a female for purposes of prostitution, and that any male person residing in or frequenting the house is living wholly or in part on the earnings of the prostitute, such Justice may issue a warrant authorising any constable to enter and search the house and to arrest that male person.

(3.) Where a male person is proved to live with or to be habitually in the company of a prostitute, and has no visible means of subsistence, he shall, unless he can satisfy the Court to the contrary, be deemed to be knowingly living on the earnings of prostitution.

19—(1.) Every person playing or betting by way of wagering or gaming in any street, road, highway, or other open and public place, or in any open place to which the public have or are permitted to have Persons wagering or gaming with any table or instrument of

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gaming to be deemed idle and disorderly persons.

42 Vict. No. 25, s. 4.

access, at or with any table or instrument of gaming, or any coin, card, token, or other article used as an instrument or means of such wagering or gaming at any game or pretended game of chance, shall be deemed guilty of an offence against this Act.

Penalty: For a First offence, Two Pounds; for a Second or subsequent offence, Five Pounds, or to imprisonment for a term not exceeding Six months.

(2.) Any constable who sees such offence committed may apprehend the person committing such offence, with or without a warrant.

(3.) Every table or other instrument of gaming, and every coin, card, token, or other article used as an instrument or means of such wagering or gaming at any game or pretended game of chance as aforesaid, and all money exposed to view for the purpose of being gambled for, may be seized by any constable, and upon conviction of the offender shall become forfeited to His Majesty.

Punishment of chain-droppers, and other swindlers.

29 Vict. No. 10, s. 15.

20—(1.) All chain-droppers, thimblers, loaded-dice players, and other swindlers of that or any similar description, who—

I. Are found in possession of implements or articles for practising games of hazard: or

II. 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

III. Shall by any fraudulent art or device cozen and cheat, or attempt to cozen and cheat, any person—

shall be deemed guilty of an offence against this Act.

Penalty: Six months imprisonment.

(2.) Any such person may also at the same time be sentenced to repay any money or restore any property which he may have obtained by means of any such offence; and failing such payment or restitution, may be imprisoned for any further period not exceeding Twelve months.

PART IV.

DISORDERLY HOUSES.

Penalty for harbouring disorderly persons.

29 Vict. No. 10, s. 81.

21—(1.) No person occupying or keeping any house, shop, room, place of public resort, or other premises in any Town shall—

I. Permit any 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

II. Knowingly harbour prostitutes: or

III. Permit or suffer men or women of notoriously bad fame or dissolute boys and girls to meet or assemble therein: or

IV. Knowingly lodge, entertain, or harbour, to the annoyance of the inhabitants, any prostitute or idle rogue or vagabond.

Penalty: Ten Pounds.

Police.

(2.) The Police Magistrate or Justices before whom any such offender is convicted may further order him to find security, in a sum to be fixed by such Magistrate or Justices, for his good behaviour for Twelve months, under a penalty not exceeding Twenty Pounds, and in the event of such security not being found, may sentence the person offending to imprisonment for any term not exceeding Two months. A.D. 1905.

(3.) If any person is found guilty of any such offence a second time, it shall be lawful for a Police Magistrate or any Two Justices, on the application of Three householders, summarily to order such person to be removed from the premises possessed, occupied, or kept by him, and to impose such further penalty on such offender, not exceeding Twenty Pounds, as to the Magistrate or Justices may seem fit.

22 Any person who—

- i. Lets any house to a tenant, knowing that the same is intended to be kept and used by such tenant as a disorderly house or house of ill-fame and repute : or
- ii. Knowing, after any house has been let, that the same is being kept and used by a tenant as a disorderly house or house of ill-fame and repute, does not, on receiving notice from the Mayor of the Municipality or Superintendent of Police of the District, forthwith determine such tenancy—

Penalty for letting house for immoral purposes.

shall be deemed guilty of an offence against this Act.

Penalty : Ten Pounds.

23—(1.) Any Superintendent or Sub-Inspector of Police or any Constable authorised either generally or specially by the Commissioner or a Superintendent of Police, shall have power at any time to enter any building or part of a building, or other place, of the following description ; viz.—

Police Officers may enter certain places.

Ibid., s. 82.

- i. Any place used for the purpose of any public entertainment, or for any public show or exhibition :
- ii. Any singing or dancing saloon, oyster-store, fish-shop, eating-house, coffee-house, or other such place :
- iii. Any house or building in which any alcoholic liquor is sold, whether such house or building is licensed or not :
- iv. Any common brothel or house for the reception of prostitutes, or any house usually frequented by thieves or loose and disorderly persons :
- v. 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 :
- vi. Any ship or other vessel not being employed in His Majesty's service.

(2.) 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 admit such Superintendent or Sub-Inspector or Constable when required.

Penalty : Five Pounds.

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A.D. 1905.

PART V.**REGISTRATION OF DOGS.**

All dogs to be annually registered.
29 Vict. No. 10, s. 23.

24—(1.) No person shall keep any dog within the boundaries of any District or of any Municipality for a period of Seven 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.

Penalty : Two Pounds.

Proviso as to dogs under Four months old.

(2.) 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 Seven 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.

Labels to be supplied for dog-collars.
N.Z., No. 16, of 1880.

25—(1.) There shall be kept at the office of the Town Clerk of each Municipality, and at each Police Office in each District, a sufficient quantity of labels of metal or other suitable material, capable of being affixed to a dog-collar, which labels shall be numbered consecutively from One upwards, and shall be marked with a sign to denote the name of the Municipality or District or part of the District, and the year for which the same are issued.

(2.) Any person shall be entitled to receive from the Town Clerk or Clerk of Petty Sessions a label in respect of each dog that he registers.

(3.) Duplicate labels shall be issued on payment of a fee of One Shilling on a statutory declaration that the original label has been lost or stolen.

Register-book to be kept.
Schedule (2.).

(4.) The name and residence of all persons who shall procure such labels shall be entered in a register-book, in the form in the Schedule (2.), to be kept at the office of the Town Clerk of the Municipality or Police Office of the District for that purpose, and opposite the name shall be registered the number on the collars respectively purchased by such persons, and a description of any dogs to which such labels are to be affixed ; 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.

Mode of registration.

26—(1.) Every registration of a dog shall be made by the owner thereof, or some person on his behalf, delivering at the office of the Town Clerk in a Municipality, or at a Police Office in a District, a description of such dog, together with the other particulars hereinbefore required to be entered in the register-book, and paying the registration fee. Such description shall be entered in the register-book, and the owner or other person shall receive a receipt, in the form in the Schedule (3.), and a label to be worn on the collar of the dog so registered.

Schedule (3.).

(2.) 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*

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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.

A.D. 1905.

27 Any person who shall wilfully—

- i. Insert, or cause or permit to be inserted, in any such description any matter or thing whatsoever contrary to the truth: or
- ii. Omit or cause to be omitted from any such description any matter or thing whatsoever for the purpose of concealing the truth—

Penalty for false description.

Ibid., s. 25.

shall be deemed guilty of an offence against this Act.

Penalty : Two Pounds.

28 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 in 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.

29 Vict. No. 10, s. 26.

29 Every registration of a dog made under this Act shall be in force throughout the State, and any person being the owner of a registered dog may remove such dog to any other Municipality or District than the one wherein such dog is registered without payment of any fee.

Registration to have effect throughout State.

30 When the ownership of a dog is changed the registration of such dog shall continue good, and the registration label shall, upon the application of the new owner, remain with the dog ; but the name of the new owner of such dog shall, upon application by him, be entered in the register-book in substitution for the name of the previous owner thereof without payment of any fee, and thereupon for the purpose of this Act such new owner shall take the place of the previous owner.

Name of new owner may be registered without fee.

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

Appropriation of fees.

29 Vict. No. 10, s. 31.

32 Any dog without a collar having the proper registration label thereon shall *prima facie* be deemed to be unregistered, and the occupier of any property upon which such dog is found, or the agent of such occupier, may destroy any such dog.

Unregistered dog found on property may be destroyed.

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A.D. 1905.

Dogs at large may be seized and a penalty inflicted upon the owner. 29 Vict. No. 10, s. 33.

If dog unclaimed, same may be sold or destroyed.

Owners of dogs with label on collars to have notice of seizure.

Appropriation of moneys.

Proof of ownership.

Ibid., s. 35.

Dangerous dog may be ordered to be kept under control or destroyed.

33—(1.) No person, being the owner or keeper of any dog, shall permit or suffer such dog to be at large without being under the immediate custody, protection, or control of some competent person.

Penalty : Five Pounds.

(2.) It shall be lawful for any person authorised by the Mayor in any Municipality, or any constable in any District, to seize and secure such dog; and if the owner of such dog do not, within Forty-eight hours after the seizure of such dog, reclaim the same, and pay a sum of Two Shillings and Sixpence for the cost of keeping such dog, it shall be lawful for any Justice to order that such dog shall be, at such time as to him seems fit, sold by auction, or shot, or otherwise destroyed.

(3.) No dog on which there is a collar with a registration label affixed thereto shall be sold or destroyed under the provisions of this Section until notice has been left or served by post at the registered address of the owner of the seizure of such dog, and of the place where such dog is detained, and no Justice shall direct such dog to be sold or destroyed until proof has been made to the satisfaction of such Justice—

- i. That the notice hereinbefore referred to has been so left : and
- ii. That Forty-eight hours have elapsed since such notice was given or served : and
- iii. That the owner of such dog has not reclaimed it and paid the said sum of Two Shillings and Sixpence for the cost of keeping such dog.

(4.) All fees made payable, and the net proceeds of the sale of all dogs sold, under the provisions of this Section—

- i. In any Municipality, shall form part of the funds of the Municipality :
- ii. In any District, shall be paid into the Treasury, and form part of the Consolidated Revenue Fund.

34 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.

35 A Police Magistrate or Two Justices sitting in Petty Sessions may take cognizance of a complaint that a dog, whether at large or not, is dangerous, and not kept under proper control; and if it appears to such Police Magistrate or Justices that such dog is dangerous, he or they may make an order directing such dog to be kept by the owner under proper control or destroyed; and any person failing to comply with such order shall be deemed guilty of an offence against this Act.

Penalty : Five Pounds.

Police.

36 Any person who shall permit any dog which shall be known to be dangerous, or to have bitten or injured any person, or any animal, or other property, to go at large, whether with a registration label affixed to its collar or not, without being muzzled in such a manner as will admit of the dog breathing and drinking without obstruction, shall be deemed guilty of an offence against this Act.

Penalty : Two Pounds.

A.D.1905.

Dangerous dogs to be muzzled.

37 Any person who shall see a dog being at large biting or attacking any person or any animal, or who shall himself be bitten or attacked by such dog, may destroy the same without being answerable for damage occasioned thereby.

Dogs biting or attacking persons or animals may be destroyed.

38 The owner or the agent of the owner of any cattle or sheep, or any servant or person employed by such owner or agent, may destroy any dog running at large among such cattle or sheep, without being answerable for any damage occasioned thereby.

Dog running at large among cattle or sheep may be destroyed.

39 The owner of every dog shall be liable in damages for injury done by his dog, and it shall not be necessary for the party seeking damages to show a previous mischievous propensity in such dog, or the owner's knowledge of such mischievous propensity, or that the injury was attributable to neglect on the part of the owner of the dog.

Owner of dog liable for damages.

40 No person shall—

- i. Falsely make or counterfeit : or
- ii. Knowing the same to be false or counterfeit, purchase, use, or have in his possession—

any label resembling, or apparently intended to resemble or pass for, a label supplied under the provisions of this Act.

Penalty : Twenty Pounds.

Counterfeiting labels.

41—(1.) It shall not be lawful for any person after the Thirtieth day of *April* to have in his following or keep any dog wearing a label issued in any previous year, which dog shall not have been registered for the then current year.

Penalty : Five Pounds.

(2.) It shall not be lawful for any person to have in his following or keep any dog wearing a label issued in respect of another dog.

Penalty : Ten Pounds.

Penalty for having dogs wearing wrong labels.

42—(1.) No person shall wilfully or maliciously remove from any dog the label of registration affixed to any collar worn by such dog, or the collar to which the said label is affixed.

Penalty : Ten Pounds.

(2.) Any person who shall so remove any such collar or label shall also forfeit and pay to the owner of any dog that may have been destroyed under the provisions of this Act, and in consequence of the removal of such collar or label, the full value of the dog so destroyed.

Penalty for removing label.

Police.

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PART VI.

REGULATION OF VEHICLES.

Execution of this Part of Act in Towns in Districts.
29 Vict. No. 10, s. 116.

43 The provisions of this Part of this Act shall extend and apply to every Municipality only, but the Governor may, by Proclamation published in the *Gazette*, extend the whole or any part of this Part of this Act to any Town in any District; and thereupon in such Town--

- i. All acts, matters, and things to be done, performed, and executed by the Mayor of any Municipality shall be done and performed by the Police Magistrate of the District, or by Two Justices sitting in Petty Sessions in such District: and
- ii. 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:

Provided that the provisions of this Part of this Act relating to coaches and coach-drivers shall apply to all Districts as well as to all Municipalities.

Division of Part VI. of Act.

44 This Part of this Act is divided into Six Portions or Divisions, as follows:—

- Division I.—Provisions applying to all Vehicles.
 II.—Vehicles for carrying Passengers.
 III.—Drivers' Licences.
 IV.—Fees, Cab-stands, and Fares.
 V.—Various Obligations of Proprietors and Drivers of Vehicles carrying Passengers.
 VI.—Vehicles for carrying Goods.

DIVISION I.—*Provisions applying to all Vehicles.*

Existing licences, &c., continued.

45—(1.) Every existing licence of a vehicle or driver shall, subject to the provisions for suspension or revocation of licences herein contained, be subject to this Act. All Regulations or notices as to stands and fares shall continue until others are respectively prescribed.

Licence does not exonerate proprietor if vehicle defective.

(2.) The fact that a vehicle is duly licensed is not to be a defence in any action or proceeding against the proprietor thereof if such vehicle be defective in any respect, or does not comply with the provisions of this Act, notwithstanding such defect or want of compliance may have existed at the time the licence was issued.

Record of licences to be kept.

Ibid., s. 48.

46—(1.) Particulars of the facts stated in every licence, and of every endorsement made on a licence as hereinafter provided, shall be entered by the Town Clerk of the Municipality or Clerk of Petty Sessions of the District where the same was issued 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 or driver of any licensed vehicle, and any person may at any reasonable time inspect such book without payment of any fee.

To be open to inspection.

Police.

(2.) A return of all licences issued under the provisions of this Act relating to vehicles shall be furnished to the Commissioner of Police on the last day of each month by the Town Clerk of the Municipality or Clerk of Petty Sessions of the District where the same are granted.

Penalty : Five Pounds.

47 If the proprietor or driver of any licensed vehicle is brought to answer any information or complaint made against him by any person other than a constable, touching any offence alleged to have been committed by such proprietor or driver against this Part of this Act, and such information or complaint is afterwards withdrawn or dismissed, or if the defendant is acquitted, the Justices may, if they think fit, order and award that the person laying or making such information or 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 the Court, as to such Justices seems reasonable.

Division II.—*Vehicles for carrying Passengers.*

48—(1.) The proprietor, or owner, or driver of every vehicle for carrying passengers which plies for hire, or is driven, at any time from half an hour after sunset until half an hour before sunrise, shall, except on clear moonlight nights, cause the same to be provided with proper lamps, which shall be lighted and kept lighted, and be carried on the front of such vehicle while plying for hire or being so driven. This Sub-section extends to private as well as public vehicles.

Penalty : Two Pounds.

(2.) Every vehicle shall be fitted with brakes specially adapted to the conditions of the traffic in the locality in which it is intended to be used, and sufficient to secure the safety of persons travelling thereby.

Penalty : Two Pounds.

(3.) Every licensed vehicle is to be kept in a sound, serviceable, and clean state, and safe and fit for public use, with all brakes and other appliances thereto thoroughly efficient.

Penalty : Two Pounds.

49 Every vehicle whatsoever (except a tram-car or railway-carriage) used or let for the purpose of carrying (between extreme points, to be specified in the Licence) passengers for hire, each of whom in fact pays or is charged a separate fare for his seat, shall be deemed a coach within the meaning of this Act, and shall be licensed in the Municipality or District from or to which it is intended to travel.

A Coach Licence shall be in the form in the Schedule (4.).

50 Every other vehicle whatsoever (except a tram-car or railway-carriage) used or let for the purpose of carrying passengers for hire, each of whom in fact pays or is charged a separate fare for his seat, shall be deemed an omnibus within the meaning of this Act, and shall be licensed in the Municipality or District in, from, or to which it is intended it shall ply.

An Omnibus Licence shall be in the form in the Schedule (5.).

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Return of Licences to be made to Commissioner of Police. 29 Vict. No. 10, s. 58.

If a complaint against a proprietor or driver dismissed complainant to pay costs.

Ibid., s. 162.

Vehicle carrying passengers to have lamps after sunset.

1 Ed. VII. No. 42, s. 5. 29 Vict. No. 10, s. 158.

Private vehicles included.

Special brakes required if vehicles to be used in hilly districts.

Vehicles to be kept in fit state for use.

All vehicles used as coaches to be licensed.

Definition of coach.

Ibid., s. 39.

Schedule (4.).

Vehicles used as omnibuses.

52 Vict. No. 41, s. 1.

Schedule (5.).

Police.

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Cabs to be licensed.

Definition of limits of this Act. 29 Vict. No. 10, s. 119.

Schedule (6.).

Cabs already licensed in a town may be licensed in another for half fee.

Driver need not be twice licensed.

Vehicles to be separately licensed.

Definition of "proprietor." Application to be made by proprietor. *Ibid.*, ss. 40, 121, 123.Vehicles to be exhibited to licensing authority. Licence to state number of passengers to be carried. *Ibid.*, s. 41.

Licence fee to be paid.

Justices may order inspection of vehicle. *Ibid.*, s. 126.Duration of Licences. *Ibid.*, s. 44.

51 Every vehicle (except a tramcar, coach, or omnibus) used for the purpose of standing or plying for passengers for hire within the limits of this Act (which term in this Act includes any Town and an area any point in which is within Five miles of the principal post office for the time being of any such Town) shall be deemed a Cab within the meaning of this Act, and shall be licensed in the Town in which it is so used.

A Cab Licence shall be in the form in the Schedule (6.).

52 Whenever a cab has been licensed in one Municipality and the proprietor thereof desires to have the right of plying for hire in another Municipality, he may be permitted to do so upon producing the Cab Licence to the Mayor of such other Municipality, and paying a fee equal to One-half the fee that may be payable in such other Municipality for a Cab Licence therein. Thereupon the Mayor shall cause an endorsement to be made on the Licence of the payment of the said half-fee, and that the cab mentioned in the original Licence is permitted to ply for hire in such other Municipality until the Thirty-first day of *December* next ensuing.

It shall not be necessary in such case for the driver to be again licensed.

53—(1.) Every Coach Licence may be issued by a Police Magistrate or Two or more Justices sitting in Petty Sessions.

(2.) Every Omnibus or Cab Licence may be issued—

i. In any Municipality by the Mayor:

ii. In any District by a Police Magistrate or Two or more Justices sitting in Petty Sessions.

(3.) Every such licence shall, except as hereinafter provided, apply to one vehicle only, and may be granted—

i. Upon the written application of any proprietor (which term in this Act includes every person who is solely or in partnership with any other person concerned otherwise than merely as a driver in keeping, using, or letting to hire any coach, omnibus, or cab) setting forth the name and surname and place of abode of every such proprietor or of person concerned in keeping the vehicle:

ii. After the vehicle, which shall bear a distinguishing number, has been exhibited to the Mayor, Police Magistrate, or the Justices granting the Licence, who shall state in the Licence the said number and the number of passengers which may with safety and convenience be carried by such vehicle: and

iii. Upon the payment of the respective fee fixed by this Act to be paid in every such case.

(4.) The Mayor, Police Magistrate, or Justices granting any licence as aforesaid may cause any inspection of the vehicle they consider necessary to be made to satisfy them that it is in a fit and proper condition for public use, and with efficient brake power to secure the safety of its passengers when descending inclines.

(5.) A licence shall be in force (except during the suspension thereof, and unless the same is forfeited) until the Thirty-first day of *December* then next, but may be renewed from year to year.

Police.

54 No coach or omnibus 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 proper seats provided for that purpose, allowing for every passenger on an average 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 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.

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Number of passengers coach or omnibus to be deemed to be constructed to carry.

29 Vict. No. 10, s. 42.

55—(1.) Every cab licensed to carry not less than Six persons (without being licensed as an omnibus) may at any stand exhibit a card or board in some conspicuous place on the outside of the cab, whereon shall be printed or painted in letters not less than Two inches high and of a proportionate breadth the words "running as an omnibus to _____," (*naming the place to which such cab is to go*), and also the fares for each passenger for the whole distance; and thereupon any person may require such cab so running as an omnibus to start within Five minutes of his entering it for the place so named in the notice, but the driver may take as many passengers as he pleases at the same separate fare not exceeding the number his cab is licensed to carry.

Certain cabs may run as omnibuses.

63 Vict. No. 33, s. 8.

(2.) Notwithstanding such cab may be so running as an omnibus it may (unless some person is seated in it or has engaged a seat therein as an omnibus) be hired as any other cab may be, and thereupon the aforesaid card or board shall be removed, and shall not be exhibited during such hiring.

Cab running as an omnibus may be engaged as an ordinary cab.

56—(1.) Upon payment of such fee therefor as the Municipal Council of a City may from time to time fix, the Mayor of such City may grant to the proprietor of any licensed cab a special licence, setting forth that such cab may be engaged by the secretary of any tourists' association approved of by such Mayor to convey passengers for hire along any routes selected by such association for tourists' drives, and that a separate fare may be charged for each passenger so carried, in accordance with a table of charges to be fixed by the association.

Cabs may be specially licensed for tourists' drives.

Ibid., s. 6.

(2.) Every such special licence shall be in force until the Thirty-first day of *December* following its date, provided the ordinary licence for such cab so long continues.

(3.) In engaging cabs under this Section the said secretary shall engage in rotation according to the date upon which the special licences have been taken out, all cabs so licensed, and shall distribute the work among all such cabs so far as is reasonably practicable.

(4.) If any question or complaint arise in respect to any such engagement as aforesaid, it shall be decided by a Police Magistrate, or Two Justices of the Peace, whose decision shall be final.

Police.

A.D. 1905.

DIVISION III.—*Drivers' Licences.*

Drivers not to be under Seventeen years of age.

42 Vict. No. 25, s. 6.

To be licensed by the respective authorities licensing their vehicles.

29 Vict. No. 10, ss. 40, 47, 48.

Schedule (8.).

Form of Cab Licence.

Ibid., ss. 128, 48.

Schedule (9.).

Application for licences.

Ibid., s. 49.

42 Vict. No. 25, s. 7.

Penalty for misrepresentation.

29 Vict. No. 10, s. 49.

Driver may change his vehicle.

Ibid., s. 131.

57—(1.) Every driver of a coach, or omnibus, or cab shall not be less than Seventeen years of age, and shall be licensed as herein provided by the same authorities as are by this Act respectively authorised to license their said respective vehicles.

(2.) A coach or omnibus driver's licence shall be in the form in the Schedule (7.), but it shall not be necessary for the same driver to hold both a coach and omnibus driver's licence.

(3.) A cab driver's licence shall be in the form in the Schedule (8.), and shall entitle the holder to drive any cab belonging to the same proprietor.

(4.) Every such licence (except as aforesaid) shall apply to One vehicle only, and may be granted upon a requisition signed by the applicant for the same, setting forth the proper name and surname, age, and place of abode, and endorsed by the proprietor of the vehicle such person is intended to drive, and accompanied with such certificates of his age and ability to drive, and of his good character, as shall be satisfactory to the Justices.

(5.) Any person applying for a Driver's Licence who makes or causes to be made any false representation in regard to his name, age, or abode, or who does not truly answer all questions asked of him in relation to his application, and any person to whom reference is made in regard to such application who wilfully makes any representation with the intention of deceiving the Justices, is guilty of an offence against this Act; and any Justice may, upon proof of any such offence, revoke any Driver's Licence which has been granted under any such false representation.

Penalty: Five Pounds.

(6.) Every Driver's Licence shall be in force, except during the suspension thereof, or unless forfeited, as hereinafter provided, until the Thirty-first day of *December* then next, and no longer.

(7.) When any licensed driver desires to drive any other cab, coach, or omnibus, than that mentioned in his licence, he shall produce his licence, with a written request specifying the number of such other vehicle, and endorsed by the proprietor thereof, to the Mayor, who shall endorse on the licence the number of the vehicle which is thereafter to be driven by such driver; but it shall not be necessary to comply with this Section for an occasional or temporary alteration in the driver of a licensed vehicle.

DIVISION IV.—*Fees, Cab-stands, and Fares.*

Licence fees.

Ibid., s. 40.

52 Vict. No. 41, s. 3.

58 There shall be payable to the Town Clerk of the Municipality, or Clerk of Petty Sessions of the District, where any of the aforesaid licences are issued, upon the issue thereof, the fees following:—

- i. For every Coach Licence, the sum of One Pound:
- ii. For every Omnibus Licence, the sum of One Pound Ten Shillings:

Police.

- iii. For every Cab Licence, such sum not exceeding Ten Pounds, as may from time to time be fixed by the Municipal Council:

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29 Vict. No. 10,
s. 122.

Provided, that a proportionate reduction shall be made in every such fee if the licence is issued later than the First day of *March* for the proportionate part of the year which has then elapsed:

- iv. For every Driver's Licence, the sum of Five Shillings.

59 All fees for Licences issued under this Part of this Act—

Appropriation

of fees.

29 Vict. No. 10,
s. 116.

- i. In any Municipality, shall form part of the funds of such Municipality:
- ii. In any District, shall be paid into the Treasury and form part of the Consolidated Revenue Fund.

60—(1.) The Municipal Council of every Municipality in which cabs ply for hire shall, in the month of *November* in every year, by a Regulation to be by them made, and advertised in a public newspaper generally circulating in the Municipality, prescribe the respective fares (by time or distance) to be charged to passengers by such cabs, within the limits of this Act, after the First day of *January* then next following.

Fares to be fixed
and published
every year.*Ibid.*, s. 142.

(2.) Such fares may be varied by the Municipal Council from time to time before the expiration of the year succeeding the publication of the Regulation, but, from the date fixed by any such Regulation until a fresh one is made, shall be deemed to be the cab fares that may be lawfully taken and demanded in such Municipality.

May be varied
during the year.

(3.) One-half more than the fares so fixed shall be paid for any period during which a cab is employed between the hours of Ten o'clock at night and Six o'clock in the morning.

One-half more
fare after Ten
o'clock.

(4.) The hirer may elect to pay his fare either by time or distance, but in no case shall it be payable partly by time and partly by distance.

Fare either by
time or distance.

(5.) The driver shall not be compelled to wait at any place to which he may have conveyed the passenger unless such passenger expresses his desire to return in the cab, and the driver shall then wait without charge a period not exceeding Five minutes for every mile of the distance traversed thereto.

Driver not to wait
unless ordered.*Ibid.*, s. 143.

(6.) No return fare shall be demanded unless the hirer returns in the cab, when he shall pay for such return journey One-half of the fare chargeable in the first instance.

No return fare
unless passenger
returns, when
half-fare to be
paid.*Ibid.*, s. 145.

(7.) The driver shall not be compelled to go beyond the limits of this Act, but when he does so, unless any specific agreement has been made, the fare shall be regulated in proportion to distance or time, according to the regulation as to fares then in force.

Driver not
compelled to go
beyond limits of
this Act.*Ibid.*, s. 147.

(8.) The hirer shall refund to the driver all tolls or ferry dues which the driver may pay while conveying him.

Ferries, &c., to be
paid by hirer.
Ibid., s. 144,

Police.

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Cab-stands to be appointed.

Ibid., s. 140.63 Vict. No. 33,
s. 7.

61 The Mayor may from time to time, by a notice published in the *Gazette*—

- i. Appoint stands or places therein where cabs may stand and ply for hire. And may appoint special stands for holidays and other special occasions for use by cabs and omnibuses; also stands for occasional use by vehicles licensed for tourist drives or other purposes mentioned in this Act:
- ii. Regulate the number of cabs or omnibuses permitted to stand upon any such place at one time, and the manner in which such cabs shall stand thereupon, and the time to be allowed between the departure of omnibuses for the same place.

DIVISION V.—Various Obligations of Proprietors and Drivers of Vehicles carrying Passengers.

- (a) Obligations of Proprietors.
- (b) Obligations of Drivers.
- (c) Joint Obligations of Proprietors and Drivers.
- (a) Disputes between Hirers and Drivers of Cabs.

(a) *Obligations of Proprietors.*

For keeping an unlicensed vehicle.

29 Vict. No. 10,
ss. 38, 120.

Or incorrectly naming proprietors;

liable to a penalty.

Onus of proof on defendant.

To be painted on coach and omnibus, proprietor's name and passenger accommodation.

Ibid., s. 45.

62—i. Every proprietor who keeps, uses, or lets to hire a cab within the limits of this Act, or keeps or uses any coach or omnibus, unless there is a licence then in force for every such vehicle:

- ii. And every proprietor who, when applying for a Coach Licence, omits to state the name of any proprietor of the coach for which the licence is applied, or untruly sets forth therein the name of any person as a proprietor thereof—

is guilty of an offence against this Act.

In any proceeding under the first part of this Section it shall not be necessary to prove that the 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.

Penalty: Twenty Pounds.

63—i. Every proprietor of any coach or omnibus who fails to keep painted in some conspicuous place upon the back thereof in words at length in conspicuous letters not less than 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, so as to be distinctly legible—

- (a) The name of the proprietor or one of the proprietors thereof; and
- (b) The number of passengers which the same is licensed to carry inside and outside respectively:

Police.

11. And the proprietor of any coach, omnibus, or cab, who fails to keep the number stated in the licence thereof painted white on a black ground, or *vice versa*, in figures of not less than Two inches in length and of a proportionate breadth, affixed to open view upon the back thereof, and also painted so as to be distinct and legible on the front glass of each lamp of every cab, the said number in figures One inch at least in length—
is guilty of an offence against this Act.
Penalty: Five Pounds.

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On coach and omnibus and cab, the number thereof.

Ibid., s. 160.

And on cab lamp glasses.

64—(1.) Every proprietor shall, within Seven days—
i. After he has become newly possessed of a licensed cab: or
ii. After change in his place of abode—
give notice in writing of the change of proprietorship or change of abode, as the case may be, to the Mayor of the Municipality, stating therein his proper name and surname and his place of abode, and produce the cab licence to the said Mayor, who shall thereupon endorse, date, and sign a memorandum specifying the particulars of the change.
Penalty: Five Pounds.

Changes of proprietorship and place of abode of proprietor of cab to be notified within Seven days.

29 Vict. No. 10, ss. 124, 125.

(2.) Every such endorsement shall, from the date thereof, be considered as part of the licence, and any person who appears by any such endorsement to be the proprietor of the cab mentioned in such licence shall be deemed to be the proprietor for the purposes of this Act.

Who is to be deemed proprietor for purposes of this Act.

Liabilities of Proprietors for Faults of Drivers.

65—(1.) When an information is laid before a Justice against the driver of a licensed cab for any offence committed by him against the provisions of this Act, it shall be lawful for such Justice, if he thinks proper, forthwith to summon the proprietor of the cab personally to appear or to produce the driver thereof to answer the complaint.

Proprietors to attend or produce drivers when required.

Ibid., s. 162.

(2.) If any such proprietor neglects or refuses personally to appear or produce such driver according to such summons without a reasonable excuse for his neglect or refusal to be allowed by the Justice before whom he ought to appear according to the summons, he shall be deemed guilty of an offence against this Act as often as he is so summoned until he appears, or such driver has been produced by him.

Penalty for non-compliance.

Penalty: Two Pounds.

(3.) Every proprietor so summoned to appear, or to produce the driver of any licensed cab, shall cause a notice to be given to the driver of the time and place at which he is so required to attend; and if after any such notice 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 be deemed guilty of an offence against this Act.

Proprietor to give notice to the driver.

Penalty upon driver for non-compliance.

Ibid., s. 163.

Penalty: Two Pounds.

Police.

A.D. 1905.

Not necessary to issue a second summons if first disregarded.

If driver not produced proprietor liable to fines.

Proprietor of coach, livery carriage, &c., liable for fines if driver or guard does not pay.

29 Vict. No. 10, s. 57.

Proprietor, without notice of proceedings, may apply for re-hearing.

Which may be recovered from driver with further expenses.

Ibid., s. 163.

If driver not known, summons served on proprietor good service on driver.

Ibid., s. 164.

Licences of vehicles may be suspended or forfeited.

Ibid., s. 132.

Notice to be given.

(4.) 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 the Justice thinks proper so to do; but it shall be lawful for him to proceed to hear and determine the 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.

(5.) Whenever in any of the aforesaid cases the driver does not appear or is not produced by the proprietor of the cab, then the said proprietor is liable to every penalty as if he were the driver of the cab at the time the offence is committed.

(6.) If the driver or conductor or guard of any coach, or omnibus, is in any case unknown, or does not satisfy within One week the amount of any penalty imposed upon him, any proprietor of such vehicle shall be liable to the payment of every such penalty in all respects as if he had personally been convicted of the offence, but may (unless he had notice of the proceedings) upon depositing the amount of such penalty and costs, and also the fees for a second hearing, apply to any Justice for a re-hearing of the case, and a Justice may thereupon, upon being satisfied as to the facts, appoint a day for that purpose, and cause notice to be given thereof to the complainant; and upon such re-hearing the Justice may make such order in the premises and also as to the cost of the proceedings as to him seems just.

(7.) Any proprietor who pays any penalty or costs under such circumstances shall be entitled upon complaint made before any Justice to recover the same from the driver or conductor or guard, together with such further expenses as the said Justice thinks fit.

(8.) When a complainant is unable to ascertain the name or identify the driver, it shall be sufficient 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 was committed; and any summons issued by any Justice thereupon may be directed "To the Driver of Cab No. _____," as the case may be, and the service of the summons upon any proprietor of such cab shall be deemed and taken a good and sufficient service upon the driver thereof.

66—(1.) Any Justice before whom the proprietor of any licensed vehicle is convicted of any offence may, if such Justice in his discretion thinks proper, suspend for any period not exceeding Two months the licence granted for such vehicle.

(2.) Any Two Justices may if they think proper, upon proof that the proprietor of any licensed vehicle has been convicted of felony, or upon conviction before them of any such proprietor for a Second offence against this Act, if such Justices in their discretion think proper, revoke the licence granted for such vehicle.

(3.) Notice of every such suspension or revocation shall be given as hereinafter provided,

*Police.**(b) Obligations of Drivers.*

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67—(1.) No person shall act as driver of any coach, omnibus, or cab, unless he has obtained a licence so to do, and such licence is then in force; 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 it has been obtained and is in force shall lie upon the defendant.

Penalty : Five Pounds.

(2.) The driver of any licensed cab may stand and ply for hire with such cab and drive the same on *Sunday*, any law to the contrary notwithstanding. Any driver who so stands and plies for hire shall be liable and compellable to do the like work on *Sunday* as such driver is by this Act liable or compellable to do on any other day of the week.

(3.) Every driver of a cab who changes his place of abode shall within Two days next after such change give notice thereof in writing, specifying truly in such notice his new place of abode, to and produce his licence to the Mayor of the Municipality, who shall endorse thereon and sign a memorandum of the particulars of such change.

Penalty : One Pound.

68—(1.) The driver of a cab shall not—

- I. Whilst plying for hire, without lawful excuse to be determined by the Magistrate or Justices before whom the matter is heard, refuse or neglect to convey any person desirous of hiring such cab (unless it has been hired by some other person): or
- II. When his cab is running as an omnibus as aforesaid neglect or refuse to start within Five minutes of a passenger entering such cab: or
- III. Having agreed with any person to take him as a fare at any specified time, or from any specified place, without lawful excuse delay, neglect, or refuse so to do: or
- IV. Neglect or refuse to wait with his cab for a passenger who, having been conveyed therein, has expressed his desire to return in the same.

Penalty : Five Pounds.

(2.) Unless actually hired, a cab in any public place within the limits of this Act is deemed to be plying for hire.

69 Every driver of a cab who is convicted of any of the offences next mentioned shall be deemed guilty of an offence against this Act; that is to say—

- I. Failing to comply with any particular prescribed in any *Gazette* notice as to stands: or
- II. Not having and not producing on demand a card or paper on which shall be legibly written or printed the fares for the time being prescribed: or
- III. Refusing, if required by any person hiring his cab, to drive it to any place to which he is so required to drive the same

Penalty for driving without a Licence.

Ibid., ss. 41, 120, 127.Cabs may ply on *Sundays*.
29 Vict. No. 10, s. 167.Cab driver to give notice of change of abode.
Ibid., s. 130.

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

Ibid., s. 157.

Not waiting for fare when so ordered.

Ibid., s. 146.

What is deemed plying for hire.

Ibid., s. 141.

Penalty for driver disobeying stand regulations.

Ibid., ss. 140, 150.

Not keeping card of fares.

Refusing a fare.

Police.

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within the limits of this Act, unless he has a reasonable excuse, to be allowed by the Justice before whom any such matter is brought.

Penalty: Two Pounds.

Property left in cabs to be deposited at Police Office.

Ibid., s. 151.

70—(1.) The driver of a 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 it, to the nearest Police Office, and there deposit and leave the same with the Constable in charge.

Penalty: Twenty Pounds.

And particulars entered in a book.

(2.) The Constable shall forthwith enter in a book, to be kept at the said office for that purpose, the description of the property, and the name and address of the driver who brings the same, and the date when it is brought.

Owner may claim within a year.

(3.) The property shall be delivered to the person who proves to the satisfaction of the Mayor that he is the owner, and pays all expenses incurred, together with such reasonable sum to the driver who deposited the same, as with reference to the value of the property in question the Mayor awards.

If not so claimed to be returned to driver if applied for.

(4.) If the property is not claimed by and proved to belong to some person within One year after the same has been deposited (having been advertised in such manner as the Mayor may direct), it shall be delivered up to the driver who deposited the same, provided he applies for it within One month next after the expiration of the said One year.

If not applied for to be sold.

(5.) In default of such application by the driver within the time limited aforesaid, the Mayor shall cause such property to be sold or otherwise disposed of, and the proceeds thereof paid into the Municipal Fund.

Provision against overloading coaches and omnibuses.

Driver liable.

29 Viet. No. 10, s. 46.

71 Every driver of a coach or omnibus—

- i. Who allows any passenger to be carried upon any luggage placed on the roof thereof: or
- ii. Upon which the number of passengers being carried is greater than the total number of passengers or than the number of inside or outside passengers respectively specified in and allowed by the licence for such vehicle: or
- iii. Who drives such vehicle while any luggage carried on the roof thereof is at any time so placed as in any part thereof to exceed Ten feet Nine inches from the ground—

shall be deemed guilty of an offence against this Act.

Penalty: Five Pounds.

Drivers to be in attendance on their vehicles and horses.

Ibid., s. 159.

72 Every driver of any licensed vehicle which is in any public place or at any place of public resort or entertainment, whether such vehicle be then hired or not, shall either by himself or by some other competent person acting for him, be attendant upon the horses and vehicle of which he is the driver.

Penalty: Two Pounds.

*Police.***73** If the driver of any licensed vehicle—

- I. Is intoxicated whilst acting as such driver : or
- II. By wanton or furious driving injures or damages any person in his life, limb, or property : or
- III. Drives furiously : or
- IV. Refuses or neglects to drive such vehicle with all reasonable and proper expedition : or
- V. By loitering, or by any wilful misbehaviour, causes any obstruction in any public road, street, or place : or
- VI. Quits the box of such vehicle without delivering the reins into the hands of some competent person, or before some competent person has been placed at the horses' heads : or
- VII. Permits any passenger to drive a coach or omnibus : or
- VIII. Quits his vehicle without reasonable occasion, or for a longer time than such occasion requires : or
- IX. Suffers any person in a state of intoxication to be carried by any coach or omnibus, or having become intoxicated to remain thereon or therein : or
- X. Neglects to take reasonable care of any luggage carried or to be carried by a coach : or
- XI. Abuses or insults any person travelling or having travelled as a passenger in or on such vehicle—

he shall be deemed guilty of an offence against this Act.

The provisions of Paragraphs x. and xi. of this Section shall apply to any conductor or guard of a coach or omnibus as well as to the driver.

Penalty : Twenty Pounds.

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Punishment of certain offences committed by drivers.

Ibid., ss. 55, 152.

74—(1.) Any Justice before whom the driver of any licensed vehicle is convicted of any offence, may, if such Justice in his discretion thinks proper, suspend for any period not exceeding Two months the licence of such driver.

Drivers' licences may be suspended or forfeited.

29 Vict. No. 10, ss. 50, 133.

(2.) Any Two Justices may, if they think proper, upon proof that any driver has been convicted of felony, or upon the conviction before them of any such driver for a second offence against this Part of this Act, revoke his licence.

(3.) Every driver shall, during any such suspension or revocation, of which notice shall be given as hereinafter provided, be deemed to be a person not licensed to drive a licensed vehicle.

Effect of suspension or revocation.

(c) *Joint Obligations of Proprietors and Drivers.*

75—(1.) No proprietor or driver of a cab shall—

- I. While it is hired as a cab, permit or suffer any person to ride or to be carried in or by such cab without the consent of the hirer : or
- II. Molest or oppose, or by any means endeavour to prevent any person in or from taking or noting the number of such cab, or by word of mouth give or declare to any person a wrong number as for the number thereof.

Penalty : Five Pounds.

Allowing any person but hirer to ride in a cab ;
Ibid., s. 151.

Prevents number of cab being taken ;

Ibid., s. 155.

is liable to a penalty.

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Penalty for carrying more than authorised number of persons in a cab.

Ibid., s. 153.

Penalty for refusing to give way, &c.

Ibid., s. 156.

For over-charging.

Excess fare received to be refunded.

Proprietor liable if driver unlicensed.

Driver also who drives another cab.

Exceptions.

Proof of being hired to lie upon defendant.
29 Vict. No. 10, s. 168.

Vehicles and horses may be inspected from time to time, and if found not complying with Act or unfit for use licence may be suspended or revoked.

Ibid., ss. 51, 136.

(2.) Every proprietor or driver of a cab who carries in or by such cab a greater number of persons than authorised by the licence for the same, is liable to a penalty not exceeding Five Pounds for every person he so carries over such authorised number.

(3.) Every proprietor or driver of a cab who—

i. Unless actually hired is found with his cab standing or loitering in a public place other than at an appointed stand : or

ii. Who stands or plies for hire with such cab, or suffers the same to stand or ply for hire, across any road, or alongside of any other cab or two in a breadth, or refuses to give way if he conveniently can to any other cab or other vehicle or obstructs or hinders the driver of any other 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 cab from being hired : or

iii. Demands a higher fare than is for the time being prescribed : or

iv. Receives such higher fare—

shall be deemed guilty of an offence against this Act, and in the last case shall also repay the excess fare.

Penalty : Two Pounds.

(4.) No proprietor of a cab shall permit or suffer any person to drive it, unless such person has obtained a Licence so to do, which is then in force ; and no driver shall drive any cab other than that mentioned in his Licence or in any such endorsement as aforesaid, except it be another cab belonging to the same proprietor, or except it be for a proprietor (who is also driver) of One cab only and who is incapacitated by illness.

Penalty : Five Pounds.

76 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.

77 Any Justices authorised by this Act to license vehicles, or the Mayor of any Municipality in which a cab plies for hire, or in which livery carriages are let out for hire, or through which a coach or omnibus passes, may cause an inspection to be made as often as deemed necessary of any such vehicle, or of any horses used in drawing the same ; and if any such vehicle, or any horse used in drawing the same, or harness attached thereto, does not comply with the requirements of this Act, or is at any time in a condition unfit for public use, the Justices or Mayor shall give notice in writing accordingly to the proprietor or one of the proprietors of such vehicle, which notice shall be personally served or delivered at his place of residence, and if, after notice as aforesaid, any proprietor uses,

Police.

employs, or drives such vehicle, or uses or employs such horse or harness while so out of compliance with this Act, or whilst in a condition unfit for public use, or if any proprietor refuses to allow such inspection as aforesaid, any Justice may, upon complaint in that behalf made, in a summary way, suspend the Licence granted for such vehicle for any period not exceeding Two months, or any Two Justices or a Police Magistrate may revoke the said Licence.

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78 Every proprietor or driver who after such notice uses, employs, lets to hire, or drives any such vehicle or horse, shall be liable to a penalty not exceeding Three Pounds for every day that he so uses, employs, or drives such vehicle or such horse, and in default of payment may be imprisoned for any period not exceeding One month.

Penalty for using vehicles or horses unfit for use.

Ibid., ss. 52, 137.

79 Whenever under the powers herein contained any Police Magistrate, Justice, or Justices, suspend or revoke any licence, notice of suspension, or revocation, signed by the said Magistrate, Justice, or Justices, and in such form as he or they think fit, shall be given to the person named in the licence as the proprietor of the vehicle, or to the driver, as the case may be, or 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 Magistrate, Justice, or Justices shall cause such notice to be posted up in some public place at the office of the Municipal Council, which shall be deemed good and sufficient notice of such a suspension or revocation to all intents and purposes.

Notice of suspension or revocation of Licence to be given.

29 Vict. No. 10, ss. 53, 138.

80 If the proprietor or driver of any licensed cab shall at any time be convicted of any offence against this Part of this Act, having been twice previously convicted, the licence held by such proprietor or driver at the time of such third conviction shall thereupon become and be absolutely void.

Cab Licence forfeited after Three convictions.

42 Vict. No. 25, s. 8.

Every person whose licence shall have become void as aforesaid shall for One year thereafter be incapable of receiving or holding a similar licence under this Act.

81 Any Justice or Superintendent of Police, or Mayor or Town Clerk of the Municipality, may, for the purpose of examining the same, require the proprietor of any licensed vehicle to produce the licence for the same, or may require any licensed driver to produce his licence, and such proprietor or driver shall forthwith comply with any such requirement.

Licences to be produced when required.

29 Vict. No. 10, s. 134.

Penalty : Two Pounds.

82 In case of any complaint or dispute between the proprietor of any licensed vehicle and the driver thereof in respect to the amount of earnings, or the sums of money the 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

Disputes between proprietors and drivers.

Ibid., s. 135.

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expenses which have been incurred by the proprietor through the misconduct of the 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 the driver in the hands of the proprietor, or in any other case of dispute or complaint between the proprietor of any such vehicle and the driver thereof, upon complaint made in a summary way to any Justice by the proprietor against the driver, or by the driver against the 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.

(d) Disputes between Hirers and Drivers of Cabs.

Agreement to pay more than legal fare not binding.
Ibid., s. 143.

83—(1.) No agreement to pay more than the prescribed fare shall be binding on the hirer of a cab, and he may, notwithstanding any such agreement, refuse on discharging the cab to pay any sum beyond such prescribed fare.

Recovery of excess fare paid.

(2.) If the hirer pays to any proprietor or driver, whether in pursuance of such agreement or not, a sum exceeding the prescribed fare, he shall be entitled on complaint made against such proprietor or driver in a summary way before any Justice to recover the excess so paid.

Disputes as to distance to be determined by Justices, and expense thereof paid as costs.
29 Vict. No. 10, s. 148.

84 Any question touching the distance the driver of a cab is entitled to charge may be determined on a complaint in that behalf preferred before any Justice: and any expense, not exceeding Two Pounds, 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.

Provides for persons hiring cabs refusing to pay fare.
Ibid., s. 149.

85 If any person does not pay the proprietor or driver of any cab the sum due to him for the hire thereof, or any toll or ferryage paid by such driver, or if any person defaces or in any manner injures any cab, such proprietor or driver may recover in a summary way before any Justice any sum so due to him for his fare, or for any toll or ferryage paid by him, or for any damage sustained to his cab.

Division VI.—Vehicles carrying Goods.

Interpretation of "cart."

86 The provisions of the Five following Sections apply to vehicles used for the carriage of goods, all and every kind of which vehicles are in the same Sections included in the term "Cart."

Vehicles carrying goods which ply for hire in towns to be licensed.
Ibid., s. 170.

87—(1.) Every carter who plies for hire within any Town in a Municipality with a cart shall obtain the approval of the Mayor, and register his name and place of abode with the Town Clerk, and pay as licence fee such sum not exceeding One Pound (to form part of the Municipal Fund), as for the time being is fixed by the Municipal Council.

Penalty: Five Pounds.

Police.

(2.) The licence to be issued to such carter shall be in force until the Thirty-first day of *December* following the date thereof.

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(3.) Every licensed carter shall keep legibly painted in letters not less than One inch in length and of a proportionate breadth upon the right or off-side of his cart his name and place of abode, the number of his licence, and the words "Licensed Carter."

Licence.
Carter to paint particulars upon vehicle under penalty.

Penalty : Two Pounds.

(4.) No person not being licensed as aforesaid, shall ply with a cart having thereon the words "Licensed Carter," whereby it appears that such vehicle belongs to a person duly licensed as last aforesaid.

Fine of One Pound for personating a licensed carter.

Penalty : One Pound.

Ibid., s. 171.

88 The Mayor may from time to time, by a notice published in a newspaper generally circulating in the Municipality, appoint proper places within any town to be used as stands upon which the licensed carters may ply with their carts for hire, and may from time to time annul or alter any such notice as he sees fit; and every carter who draws up or stations his cart at any other place than one of such appointed stands, in order to ply for hire, shall be deemed guilty of an offence against this Act.

Appointment of stands.

Ibid., s. 172.

Penalty : Two Pounds.

89—(1.) The Municipal Council may, in the month of *January* in every year, by Regulations to be by them made, fix the several and respective rates to be charged by any licensed carter for the conveying of goods or other articles, distinguishing (if the Municipal Council think it expedient so to do) the rates to be charged by parcel delivery carters from those of other licensed carters, and fix and regulate the distance to which such licensed carters respectively shall be liable to go; and the local authority may from time to time vary and alter the said rates, and fix other rates in lieu thereof.

Municipal Council to determine the rates and distances of carters and parcel delivery carts.

Ibid., s. 173.

(2.) Such rates shall be deemed to be the rates which from and after such publication may be lawfully taken and demanded by licensed carters.

(3.) Any carter who takes or demands any higher rates than those prescribed, or who refuses or neglects between the hours of sunrise and sunset to carry a good and sufficient load, or to employ his horse and cart when thereunto required (unless he be then actually hired by some other person), shall be deemed guilty of an offence against this Act.

Penalty : Two Pounds.

Penalty.

(4.) 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 Two Pounds, 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.

Disputes as to distance.

Police.

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Punishment of
carters found
guilty of dishonest
and improper
conduct.

Ibid., s. 174.

90 Any Two Justices may deprive of his licence any carter who upon complaint made before them is found guilty of dishonest or improper conduct, or in lieu thereof inflict a penalty not exceeding Five Pounds.

PART VII.**COMMON LODGING-HOUSES.**

Provisions to
apply to suburbs
of Towns.

Ibid., s. 64.

91 The provisions of this Part of this Act shall extend to and apply as well to the suburbs of the Towns affected by this Act as to such Towns themselves.

"Common
Lodging-house."
Booth v. Ferrett,
1890, 25 Q.B.D.,
87.

92 "Common Lodging-house" shall include a house, or part of a house, where persons of the poorer classes are received for gain, and in which they use one or more rooms in common with the rest of the inmates, who are not members of one family, whether for eating or sleeping.

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

Ibid., s. 66.
Schedule (9.).

93 No person shall keep a Common Lodging-house in any Town, or receive a lodger therein—

- i. 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 : nor
- ii. Unless he is the holder of an annual Licence in the form in the Schedule (9.), 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 Five Shillings shall be paid : nor
- iii. Unless his name as the keeper thereof is entered in the register kept under this Act ; and for every such entry a fee of Five 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 adult member of his family, or his executor or administrator, 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.

Appropriation
of fees.

94 All fees received for Licences for Common Lodging-houses, and for registration of Common Lodging-houses—

- i. In any Municipality, shall be applied in aid of the Municipal Fund of the Municipality :
- ii. In any District, shall be paid into the Treasury and form part of the Consolidated Revenue Fund.

Police.

95—(1.) Any person desiring to become the holder of a Licence to keep a Common Lodging-house under the provisions of this Act, shall produce to the Municipal Council a certificate signed by some competent person to the satisfaction of such Municipal Council, showing the number of cubic feet of air space contained in each room of the house proposed to be licensed. The said Council may have such certificate verified in such manner as they may think fit.

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Accommodation
in Common
Lodging-houses.
3 Ed. VII. No.
24, s. 3.

(2.) The Municipal Council shall estimate the number of lodgers, inmates, or other persons that may be accommodated in each room in such house, and in making such estimate provision shall be made that not less than Three hundred cubic feet of air space shall be allowed for each lodger, inmate, or other person.

(3.) Every Licence to keep a Common Lodging-house issued under the provisions of this Act shall have endorsed thereon or annexed thereto a statement in accordance with such estimate, specifying the number of lodgers, inmates, and other persons that may be accommodated at any one time in each room of such house. Such statement shall be deemed to form part of the Licence.

(4.) The holder of a Licence to keep a Common Lodging-house shall post up and keep posted up, in some conspicuous place in each room of such house, a copy, in a legible condition, of the statement endorsed on or annexed to his Licence showing the number of lodgers, inmates, and other persons that may be accommodated in each room of such house.

(5.) If at any time more persons are found in any room in any Common Lodging-house than may be lawfully accommodated therein under the Licence, the holder of the Licence of such house shall be deemed guilty of an offence against this Part of this Act.

96 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.

Registers of
Common Lodg-
ing-houses to be
kept.
29 Vict. No. 10,
s. 67.

97 The Municipal Council may refuse to register as the keeper of 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 at least Three resident householders of the Town or the suburbs thereof within which the Lodging-house is situate, respectively occupying premises of the annual value as shown by the Assessment Roll of not less than Forty Pounds.

Refusal to register
Common Lodg-
ing-houses.
Ibid., s. 68.

98 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.
Ibid., s. 69.

Police.

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Supply of water
to Common
Lodging-houses.*Ibid.*, s. 72.

99 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.

Keepers of
Common Lodg-
ing-houses to
report beggars and
vagrant lodgers.*Ibid.*, s. 73.

100 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, or of any Police Officer of or above the rank of Sergeant, served on such keeper or person, report to the Council, or to such person as the Council directs, or to such Police Officer, every person who resorted to such house during the preceding day or night.

Inspection of
premises.*Ibid.*, s. 75.

101 The keeper of a Common Lodging-house, and every other person having or acting in the care and management thereof, shall at all times give free access to such house and any part thereof to all officers of Police of or above the rank of Sergeant, as well as to all persons authorised in writing in that behalf by the Mayor or any Justice.

Offences by
keepers of
Common Lodg-
ing-houses.*Ibid.*, s. 77.

102 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 Part of 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 Two Pounds for every day during which the offence continues.

Conviction for
third offence to
disqualify persons
from keeping
Common Lodg-
ing-houses.*Ibid.*, s. 78.

103 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 Part of 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.*Ibid.*, s. 79.

104 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 be executed by a Police Magistrate or by Two Justices in Petty Sessions assembled, and in all proceedings thereunder the words " Police Magistrate," or " Two Justices in Petty Sessions assembled," shall be read instead of Municipal Council or Mayor.

Police.

A.D. 1905.

PART VIII.

PLACES OF PUBLIC ENTERTAINMENT.

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

"Public Entertainment."

Ibid., s. 84.

106—(1.) No person shall act, represent, or perform, or cause or procure 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.

Public entertainments prohibited in unlicensed places.

Ibid., s. 85.

Penalty : Fifty Pounds.

(2.) The owner or occupier of any house, room, building, garden, or other place whatsoever not licensed under this Act shall not take or receive, or cause or procure 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 permit or suffer the same to be so used and applied.

Penalty : Fifty Pounds.

107 This part of this Act shall not apply to any public entertainment held in any State school building, *Sunday* school building, church, chapel, or other place for Divine worship (which is Two miles or more from any licensed place of public entertainment).

Saving of school buildings and places of worship.

108 If a licence for a place of public entertainment is granted in any Municipality or District in respect of any tent, booth, or other moveable structure, such licence shall, until the expiration thereof, be deemed to be in full force and effect throughout such Municipality or District.

Provision for travelling shows

109—(1.) All Licences for keeping places of public entertainment shall—

Issue of licences for places of public entertainment.

Ibid., s. 86.

- i. In each Municipality, upon application to and approval by the Municipal Council, be granted by the Mayor :
- ii. In each District, be granted by Two Justices sitting in Petty Sessions.

(2.) Every such Licence shall continue in force until the Thirty-first day of *December* then next and no longer.

(3.) Every such Licence shall be in the form in the Schedule (10.).

Schedule (10.).

Police.

A.D. 1905.

Fee for Licence.
Ibidi., s. 87.

110—(1.) There shall be paid to the Town Clerk of any Municipality in respect of any Licence for keeping a place of public entertainment granted in such 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 all such fees shall form part of the Municipal Fund.

(2.) There shall be paid to the Clerk of Petty Sessions in respect of any Licence for keeping a place of public entertainment in any District the sum of Two Pounds; and all such fees shall be paid into the Treasury and form part of the Consolidated Revenue Fund.

(3.) Where any Licence for keeping a place of public entertainment is granted after the Thirtieth day of *June* in any year, the fee for such Licence shall be One-half of the fee mentioned in this Section.

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

Ibidi., s. 89.

111 No person in any Town or within Twenty miles thereof shall keep 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.

Penalty : Fifty Pounds.

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

Ibidi., s. 90.

112—(1.) 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—

- i. In each Municipality, upon application to and approval by the Municipal Council, be granted by the Mayor: and
- ii. In each District, be granted by Two Justices sitting in Petty Sessions in such District.

(2.) Every such Licence shall continue in force until the Thirty-first day of *December* then next and no longer.

Schedule (11.).

(3.) Every such Licence shall be in the form in the Schedule (11.).

Fee for Licence.
Ibidi., s. 91.

113—(1.) There shall be paid to the Town Clerk of any Municipality, 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 all such fees shall form part of the Municipal Fund.

(2.) There shall be paid to the Clerk of Petty Sessions, in respect of any Licence granted under the last preceding Section in any District, the sum of One Pound, and all such fees shall be paid into the Treasury and form part of the Consolidated Revenue Fund.

(3.) Where any Licence is granted under the last preceding Section after the Thirtieth day of *June* in any year, the fee for such Licence shall be One-half of the fee mentioned in this Section.

Accommodation in places of public entertainment, &c.
3 Ed. VII. No. 24, s. 4.

114—(1.) Any person desiring to become the holder of a Licence for keeping a place of public entertainment, or a place for public dancing, music, or other amusement of the like kind under the provisions of the said Act, shall produce to the authority empowered to issue the Licence a certificate signed by some competent person to the satisfaction of such

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authority, showing the number of cubic feet of air space contained in such part of the premises proposed to be licensed as is occupied or intended to be occupied by the audience or public, and the amount of seating accommodation provided in each part of such premises to which the audience or public is admitted. The said authority may have such certificate verified in such manner as such authority thinks fit. AD. 1905.

(2.) The said authority shall estimate the number of persons that may be admitted to each part of such premises, and in making such estimate provision shall be made that not less than One hundred and fifty cubic feet of air space shall be allowed for each person allowed to be present in the part or parts of such premises to which the audience or public is admitted, and that not more persons may be admitted to any part of such premises than the number for whom seating accommodation is provided.

(3.) Every Licence for keeping a place for public entertainments, or a place for public dancing, music, or other amusement of the like kind, shall have endorsed thereon or annexed thereto a statement in accordance with such estimate, specifying the number of persons that may be admitted to or allowed to remain in each part of the premises at any one time.

(4.) The holder of a Licence to keep a place of public entertainment, or a place for public dancing, music, or other amusement of the like kind, shall post up and keep posted up, in each part of such place to which the audience or public is admitted, a copy in a legible condition of the statement endorsed on or annexed to his Licence, showing the number of persons that may be admitted to or allowed to remain in each part of the premises at any one time.

Penalty: Ten Pounds.

(5.) If at any time more persons are found in such premises or in any part thereof than may be lawfully admitted or allowed to remain therein under the Licence granted in respect of such premises, the occupier or tenant for the time being of such premises shall be guilty of an offence against this Act.

Penalty: Ten Pounds.

115 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, 1905.'"

Inscription to be made on licensed houses.

29 Vict. No. 10, s. 92.

116—(1.) 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,

Police empowered to clear out unlicensed places.

Ibid., s. 93.

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shall be deemed to be a disorderly house, room, building, garden, or other place.

(2.) It shall be lawful for any Superintendent or Sub-Inspector of Police, by warrant under the hand of any Justice, to enter any such house, room, building, garden, or place, and to turn out all persons found therein.

Definition of
keeper of un-
licensed house,
&c.

29 Vict. No. 10,
s. 94.

117 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.

Penalty for
holders of certain
Licences per-
mitting disorderly
conduct on
premises.

1 Ed. VII. No
42, s. 13.

118—(1.) The holder of a Licence for keeping a place of public entertainment or a place for public dancing, music, or other amusement of the like kind granted under the provisions of this Act, shall not, during the continuance of such Licence, permit any drunken person to remain on the said premises, or permit any fighting, tumult, or impropriety of behaviour to take place thereon or therein.

Penalty : Twenty Pounds.

(2.) The occupier or lessee for the time being of such premises shall not, during the continuance of his occupation or lease, permit any drunken person to remain on the said premises, or permit any fighting, tumult, or impropriety of behaviour to take place thereon or therein.

Penalty : Twenty Pounds.

Smoking
prohibited by
notice in licensed
places.

119—(1.) No person shall smoke tobacco or any like substance in any part of any place of public entertainment, or of any place for public dancing, music, or other amusement of the like kind, where, by a notice or notices affixed or set up in some conspicuous position, the holder of the licence may prohibit smoking in such place or any part thereof.

Penalty : Five Pounds.

(2.) The holder of the licence for such place, or his servants, or any Constable, may eject from such place any person offending against the provisions of this Section.

Sunday entertain-
ments prohibited.
W.A. 2 Ed. VII.
No. 31, s. 9.

120—(1.) Any person who—

- i. Keeps, opens, or uses any premises for public entertainment or for public dancing, or other amusement of the like kind on any *Sunday*, or during any part of any *Sunday* : or
- ii. Being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, for any such purpose—

shall be deemed guilty of an offence against this Act.

Penalty : Fifty Pounds.

(2.) Any lecture, address, or discussion on science, ethics, social duties, religion, literature, or art, or on any matter of public interest,

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shall not be deemed a public entertainment or amusement within the meaning of this Section. A.D. 1905.

(3.) Any musical entertainment for which a charge for admission is made shall be deemed to be a public entertainment or amusement within the meaning of this Section.

PART IX.**SLAUGHTER OF ANIMALS.**

121 This part of this Act shall extend and apply to every District and to every Municipality not being a City.

Application of this Part of Act.
29 Vict. No. 10,
s. 95.

122 The Governor is hereby empowered to appoint during pleasure an Inspector of Stock in and for any District or part of a District; and in every Municipality the Municipal Council is hereby empowered to nominate and appoint, during pleasure, an Inspector of Stock in and for such Municipality or any part thereof.

Appointment of Inspector of Stock.
Ibid., s. 96.

123 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 the carcase of any animal or any meat, unless he is the holder of a Slaughtering Licence under this Act.

No person to slaughter animals or sell meat unless licensed.

Penalty: Fifty Pounds.

29 Vict. No. 10,
s. 97, 102.

124 No person, not being the holder of a Slaughtering Licence issued by the Board of a Town proclaimed under "The Town Boards Act, 1896," may sell in such Town any meat as the food of man unless such meat be the carcase of an animal slaughtered at the abattoirs of the said Board, or be the carcase of an animal which has been inspected by an Inspector of the said Board, and in respect of which the prescribed fee has been paid, and unless he otherwise complies with the provisions of any By-laws made by such Board.

All meat sold in a Town to be subject to the Town Laws.
60 Vict. No. 31.
64 Vict. No. 58,
s. 2.

Provided, that when the Board of such a Town shall have provided a public abattoir, it may cease to issue Slaughtering Licences.

Penalty: Twenty Pounds.

125 Every Slaughtering Licence to be granted under this Act in—

Issue of Slaughtering Licences.
29 Vict. No. 10,
s. 98.

- i. Any District, shall be granted by any Two Justices sitting in Petty Sessions in such District, who shall charge and receive for the same the sum of Five Shillings:
- ii. Any Municipality 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.

126 All fees received for Slaughtering Licences—

Appropriation of Licence Fees.
Ibid., s. 99.

- i. In any District, shall be paid into the Treasury and form part of the Consolidated Revenue Fund:

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ii. In any Municipality, shall be applied in aid of the Municipal Fund of the Municipality.

Form and duration of Licence. Schedule (12.).
Ibid., s. 100.

127 Every Slaughtering Licence shall be in the form in the Schedule (12.), and shall, without reference to the time when granted, expire on the Thirty-first day of *December* next ensuing the date thereof.

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

128 No person being the holder of a Slaughtering Licence shall—

i. Slaughter, or cause 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

ii. Refuse or neglect 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.

Penalty : Twenty Pounds.

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

Ibid., s. 103.

129 No person shall—

i. Ship or cause to be shipped on board any vessel 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

ii. Refuse or neglect 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.

Penalty : Fifty Pounds.

Animals not to be exported without notice to Inspector.

29 Vict. No. 10,
s. 104.

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

Animals to be yarded to enable Inspector to inspect.

Inspector may brand animals on inspection.

Ibid., s. 105.

130 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.

Penalty : Twenty Pounds.

Fees to be taken by Inspector.

Ibid., s. 106.

131—(1.) The Inspector of Stock may demand and receive for inspecting each head of cattle the sum of Sixpence, and for inspecting each score of sheep the sum of Tenpence, and so in proportion for a less number; and no Inspector of Stock shall demand or receive any higher fees over and above the amount of such charges.

Penalty : Fifty Pounds.

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(2.) The person giving notice to the Inspector shall, immediately upon demand, pay the amount of such charges. A. D. 1905.

Penalty : Five Pounds.

132 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 of the Municipality or some Justice residing in the District in which such animal is seized, who shall thereupon make such order in the matter as the justice of the case may require.

Inspector may seize animals suspected to be stolen.

Ibid., s. 111.

133 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.

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

Ibid., s. 112

PART X.

NUISANCES AND OBSTRUCTIONS.

134 The owner or usual keeper of any bull, ram, or stallion found in any public place without being under the immediate custody or control of some competent person, shall be deemed guilty of an offence against this Act, unless he shall prove to the satisfaction of the Court that the presence of such animal in such public place was not due to the negligence of himself, his servants, or agents.

Penalty for certain animals being at large.
63 Vict. No. 33,
s. 5.

Penalty : Twenty Pounds.

135 The owner or usual keeper of any animal, other than a bull, ram, or stallion, found grazing or straying in any public place, within any Town, except in such part of any public place as passes through unenclosed ground, shall be deemed guilty of an offence against this Act, unless—

Penalty on owner of other straying animals.

Ibid., s. 4.

64 Vict. No. 57,
s. 4.

- i. He shall prove to the satisfaction of the Court that the presence of such animal in such public place was not due to the negligence of himself, his servants, or agents: or
- ii. Such animal, being a milch cow or heifer, is in such public place in accordance with any By-laws or Rules made by the Municipal Council or the Trustees of a Road District under the provisions of this or any other Act.

Penalty : One Pound.

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Animals straying
on streets of
Towns may be
impounded.

29 Vict. No. 10,
s. 178.

136—(1.) 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.

(2.) If 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 Two months after sale, such overplus shall be paid to the Municipal Fund of the Municipality, or if such animal was not seized within a Municipality, then to the Trustees of the Road District within which the animal impounded was seized.

(3.) Any milch cow or heifer grazing or running in any street in a Town, in accordance with the provisions of any By-laws or Rules made by the Municipal Council or the Trustees of a Road District under the provisions of this or any other Act, shall not be liable to be impounded under this Section.

Profane, obscene,
threatening, or
abusive language
in public place.

29 Vict. No. 10,
s. 179.

31 Vict. No. 18,
s. 1.

52 Vict. No. 41,
s. 6.

137 No person shall, in any public place, or within the hearing of any person passing therein—

- I. Curse or swear: or
- II. Sing any profane or obscene song: or
- III. Use any profane, indecent, obscene, or blasphemous language: or
- IV. Use any threatening, abusive, or insulting words or behaviour with intent or calculated to provoke a breach of the peace, or whereby a breach of the peace may be occasioned.

Penalty: Five Pounds, or Fourteen days imprisonment.

Breach of peace,
setting a dog to
attack, furious
riding in public
places.

29 Vict. No. 10,
s. 179.

138 No person shall, in any public place, to the obstruction, annoyance, or danger of the residents or passengers—

- I. Disturb the public peace: or
- II. Set on or urge any dog or other animal to attack, worry, or put in fear any person or animal: or
- III. Ride or drive furiously any horse or vehicle, or drive furiously any cattle: or
- IV. Wantonly discharge any firearm or throw any stone or other missile.

Penalty: Five Pounds, or Fourteen days imprisonment.

Ibid., s. 180.

Insulting
behaviour or
committing
nuisance in public
place.

Ibid., s. 179.

139 No person shall in any public place—

- I. Jostle, insult, or annoy any person passing thereon: or
- II. Commit any nuisance.

Penalty: Five Pounds, or Fourteen days imprisonment.

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- 140** Any constable may arrest, with or without warrant, and forthwith convey before a Justice, any person who within his view commits in a public place any of the offences specified in the preceding Three Sections. A.D. 1905.
Power for constable to arrest.
Ibid., s. 179.
- 141**—(1.) It shall not be lawful for any person, in any street in any Town, to—
- i. Expose for show, hire, or sale (except in a market or market-place lawfully appointed for that purpose) any animal, or exhibit in a caravan or otherwise any show or public entertainment, or shoe, bleed, or doctor any animal (except in cases of accident), or clean, dress, exercise, train, or break or turn loose any animal, or make or repair any part of any vehicle (except in cases of accident where repair on the spot is necessary) : or
Penalty on persons committing any of the offences herein named.
Ibid., s. 180.
 - ii. Slaughter or dress any animal, or any part thereof, except in the case of any animal 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 : or
Slaughtering animals in streets.
 - iii. Having the care of any carriage or vehicle wilfully cause any hurt or damage to any person or property being in or upon any street : or
Injuring persons or property with vehicles.
 - iv. Cause 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 other licensed vehicles standing for hire in any place appointed for that purpose under the provisions of this Act), or by means of any vehicle, truck, or barrow, or any animal or other means, wilfully interrupt any public crossing, or wilfully cause any obstruction in any public footpath or other public thoroughfare : or
Causing vehicles to stand in or obstruct streets.
 - v. Cause any tree or timber, iron beam, stone, or other thing to be drawn or hauled otherwise than upon a wheeled vehicle, or suffer any such matter or thing 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 cause such thing to be drawn in or upon any vehicle without having sufficient means of safely guiding the same : or
Causing goods carried on vehicles to trail on streets or project beyond breadth of vehicles.
 - vi. Lead or ride any animal, or draw or drive any vehicle, truck, or barrow, upon any footway of any such street, or fasten any animal so that it stands across or upon any footway : or
Animals and vehicles on footways.
 - vii. Place or leave any furniture, goods, wares, or merchandise, or any box, cask, tub, basket, pail, or bucket, or places or uses any standing-place, stool, bench, stall, or show-board
Goods on streets and projections over streets.

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- Goods exposed over streets so as to obstruct footway.
- Writing on or defacing buildings, fences, or footpaths.
- Certain things not to be carried on footways.
- Clothes line over streets.
- Fires or fireworks in streets.
- Flying kites.
- Building materials in streets.
- Beating carpets after Eight A.M.
- Materials thrown from buildings.
- Cellars and other excavations to be covered.
- on any carriage-way or footway, or place any blind, shade, covering, awning, or other projection over or along any such carriage-way 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 : or
- VIII. Place, hang up, or expose 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 : or
- IX. Write upon, soil, deface, or mark any wall, fence, hoarding, footpath, or building with chalk or paint, or in any other way, or without authority, affix or cause to be affixed to any church, chapel, or school-house, or without the consent of the owner or occupier to any other building, or to any wall, fence, or hoarding, any bill or other notice, or wilfully break, destroy, or damage any part of such wall, fence, hoarding, or building, or any tree, shrub, seat, or other thing : or
- X. Roll or carry 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 vehicle, or of crossing the footway : or
- XI. Place any line, cord, or pole across, upon, or over any part of any such street, or hang or place any clothes thereon, or on the outside of any window fronting any such street : or
- XII. Wantonly make any fire or bonfire, or throw, let off, or set fire to any firework : or
- XIII. Fly any kite, or use any bow or arrow, or trundle any hoop : or
- XIV. Hew, saw, bore, or cut any timber or stone, or slack, sift, or screen any lime, or throw or lay down any stones, coals, slate, shells, lime, bricks, timber, iron, or other materials (except building materials so enclosed as to prevent mischief to passengers) ; or
- XV. Beat or shake any carpet, rug, or mat, except between midnight and Eight o'clock in the morning : or
- XVI. Throw from the roof or any part of any building any slate, brick, wood, rubbish, or other thing : or
- XVII. Leave 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 leave defective the door, window, or other covering, or any fence of any well, vault, or cellar, or not sufficiently fence any excavation, area, pit, or sewer left open, or leave open such area, well, excavation, pit, or sewer without a sufficient

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light after sunset to warn and prevent persons from falling therein : or

xviii. Place or throw upon any footpath any orange-peel, fruit skin, or other thing likely to cause danger to passengers : or

xix. Throw or lay any dirt, litter, or ashes or nightsoil, or any carrion, fish, offal, or rubbish, slops, or any other such matter or thing, or dirty water, on any street, or cause or allow 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 : or

xx. Keep any swine or pigsty within Fifty feet of any such street. Penalty : Five Pounds.

(2.) Any Constable may seize and detain in some place of safety any animal or vehicle in charge of any person who within his view commits any such offence, 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.

(3.) 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 any Constable to remove or cause the same to be immediately removed and carried to any place of safety, 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 of the Municipality or two Justices in a District direct.

142 No person shall spit on the floor, side, or wall of any public conveyance, or of any public hall, Court of Justice, public waiting-room, or place of public entertainment, whether admission be obtained from payment or not.

Penalty : Two Pounds.

143 If any person having the care of any waggon, cart, carriage, or other vehicle in or upon any public place, shall—

I. Without having reins with a bit attached thereto and in the mouth of the animal drawing the same, and holding such reins, ride upon such vehicle, or any animal drawing the same : or

II. Be at such a distance from such vehicle, or in such a position therein, as not to have due control over every animal drawing the same : or

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Orange-peel on footpaths.

Eng., 55 & 56 Vict. c. 55, s. 380.

Rubbish not to be thrown in street.

Pigs not to be kept within 50 feet of streets.

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

Penalty for spitting in certain places.

L.C.C. By-laws, 10 July, 1903.

Penalty on persons committing any of the offences herein named.

45 Vict. No. 22, s. 2.

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- iii. In meeting any other vehicle not keep his vehicle to the left or near side, or in passing any other vehicle not keep his vehicle on the right or off side of the road (except in cases of actual necessity, or some sufficient reason for deviation): or
- iv. By obstructing any such public place wilfully prevent any person or vehicle from passing him, or any vehicle under his care: or
- v. At one time drive more than one waggon or two carts: or
- vi. When driving two carts have the halter of the horse in the last cart not securely fastened to the back of the first cart, or have such halter of a greater length from such fastening to the horse's head than Four feet—

he shall be deemed guilty of an offence against this Act.

Penalty: Two Pounds.

Penalty on persons committing certain offences.

1 Ed. VII. No. 42, s. 4.

144 Every person who, to the obstruction, annoyance, or danger of the residents or passengers, wantonly throws or propels any stone or other missile, or throws, lets off, or sets fire to any firework in, from, on to, across, or over any public place shall be liable on conviction to a penalty not exceeding Five Pounds.

Temporary diversion of traffic.

1 Ed. VII. No. 42, s. 10.

145—(1.) Whenever and so often as, in the opinion of the Commissioner of Police, it is expedient so to do, he may, with the consent of the Mayor, if any, temporarily prohibit or divert, or cause to be temporarily prohibited or diverted, all or any part of the traffic upon or from any street in any Town.

(2.) Provided that he shall, whenever it is practicable, give public notice in some newspaper or newspapers generally circulating in such Town of his intention so to do.

(3.) Any person who disobeys or fails to comply with any direction given in pursuance of this Section, shall be deemed guilty of an offence against this Act.

Penalty: Five Pounds.

Street may be closed temporarily to traffic.

Ibid., s. 11.

146—(1.) Any Constable in the execution of his duty may close any street in any Town to traffic during any temporary obstruction with danger to traffic, or for any temporary purpose, and may prevent the traffic or any particular kind of traffic of any vehicles or horses in any street closed to traffic under the authority of this or any other Act; and no person shall disobey or neglect to comply with any direction of a Constable made in pursuance of this Section.

Penalty: Five Pounds.

Drivers to give name or address.

(2.) Any person committing any offence against this Section shall, when required by a Constable in the execution of his duty under this Act, state his true name and place of abode.

Penalty: Five Pounds.

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147—(1.) No person shall—

- i. Cause or permit any vehicle to be driven in any public place by : or
- ii. Put a vehicle or animal drawing the same temporarily in charge of—

a person not of the full age of Thirteen years.

Penalty : Two Pounds.

(2.) This Section shall not apply to bicycles or tricycles.

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Persons under Twelve not to be in charge of vehicle.
Ibid., s. 182.

148 Every person guilty of any violent, riotous, or indecent behaviour in any public place, or in any Police Office, Police Office yard or enclosure, Police Station-house, or Police Station yard, shall be liable on conviction to a penalty not exceeding Five Pounds for every such offence, or, in the discretion of the convicting Justice, to imprisonment for a period not exceeding Fourteen days.

Penalty on persons guilty of riotous or indecent behaviour.
Ibid., s. 183.

149 The proprietor or driver of every vehicle which is propelled or driven after sunset and before sunrise in any public place shall, except on clear moonlight nights, cause such vehicle to be provided with at least One proper lamp, which shall be lighted and kept lighted while such vehicle is so driven or propelled, and which lamp, or one of such lamps if more than One, shall be carried on the off or right side of such vehicle.

Vehicles to carry lamps after sunset.
1-Edw. VII. No. 12, s. 5.

Provided that, in the case of a bicycle, tricycle, or motor-cycle, such lamp may be carried on any part of such vehicle where the light from the lamp shall be visible from vehicles approaching such bicycle, tricycle, or motor-cycle.

Penalty : Two Pounds.

150 No person shall leave or place any vehicle upon a street, highway, or road after sunset and before sunrise, except on clear moonlight nights, without having a lamp properly lighted, and kept lighted till half an hour before sunrise, fixed upon that part of the vehicle which is nearest the centre of the street, highway, or road.

All vehicles left on roads between sunset and sunrise to have a lamp.
1 Ed. VII. No. 42, s. 5 (2.).

Penalty : Two Pounds.

151 No street musician, after having been required by any householder or occupier of any premises, personally, or by his servant, or by any constable, to depart from the neighbourhood of the house or premises of such householder or occupier on account of the illness of any inmate of such house or premises, or for other reasonable cause, shall afterwards sound or play upon any musical instrument in any street near such house or premises.

Penalty on street musicians not departing when desired so to do.
N.S.W. No. 5 of 1901, s. 13.

Penalty : Two Pounds.

PART XI.

IMPROVEMENT OF TOWNS.

152 The paving, draining, cleansing, lighting, and all other matters contained in this part of this Act relating to the good order of any

General power to Municipal Council to do all

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things necessary
for effectuating
the health and
improvement of
Towns.

Ibid., s. 184.

Town in any Municipality, and the 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 part of this Act.

Governor may
appoint Town
Surveyors in
Districts.
Ibid., s. 185.

153 The Governor may appoint such fit and proper persons as and to be the Town Surveyors of such Towns in such Districts as he sees fit, and may remove any such Town Surveyor and appoint another in his place.

Municipal
Council to appoint
Surveyors.
Ibid., s. 186.

154 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 improvement of any Town comprised 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 funds of the Municipality; and every such Surveyor shall be removable by the Municipal Council.

Formation of
streets to be under
the control of the
Municipal
Council.
Ibid., s. 188.

155 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.
29 Vict. No. 10,
s. 189.

156 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.
Ibid., s. 190.

157 It shall be lawful for the Municipal Council when and as often and in such manner as such Council thinks proper and necessary—

- i. 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
- ii. 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
- iii. To cause proper and convenient sewers, gutters, drains, and water-courses to be made along or under such streets for

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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.

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158 It shall be lawful for the Municipal Council to erect and set up in any street within any Town such posts, stones, or 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 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.

Setting up posts
to guard footways.
Ibid., s. 191.

159 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 a majority 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 in a public newspaper generally circulating in the Municipality.

Future streets
may be declared
highways.
Ibid., s. 192.

160—(1.) 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.

Streets may be
repaired at ex-
pense of owners of
adjoining lands
on application of
the majority.
Ibid., s. 193.

(2.) 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, 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.

(3.) 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.

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

29 Vict. No. 10, s. 194.

161 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.

162 If any person—

Wilful injuries to streets.

Ibid., s. 195.

Taking up pavements, &c., without permission.

- i. 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
- ii. Wilfully or negligently breaks, injures, destroys, chokes up, or otherwise damages any sewer or drain, or any grating, or any post, stone, or fence for preserving any footway from interference or damage 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
- iii. 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
- iv. 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
- v. 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:

he 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 Court, for the injury done thereby.

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

29 Vict. No. 10, s. 196.

163—(1.) It shall be lawful for the Mayor or Town Surveyor to grant permission in writing to any person—

- i. 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
- ii. To make any drain leading into any such street: or
- iii. 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

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iv. 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 : A.D. 1905.

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 purposes as aforesaid shall be applied in aid of the Municipal Fund.

(2.) 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.

164--(1.) Whenever the Municipal Council shall be of opinion that any building, cellar, or room is unfit for human habitation, or for the accommodation of the occupants thereof, either wholly or in part, and if, in their opinion, such premises can be rendered fit for human habitation or accommodation as aforesaid, such Municipal Council may cause a notice to such effect to be served on the owner of such premises, and the alterations and improvements required by the Municipal Council for that purpose shall be stated in such notice; and if any such owner shall, after the expiration of the time specified in such notice, or until the required alterations and improvements have been made to the satisfaction of the Municipal Council, let for hire or occupy, or suffer to be occupied as a dwelling or otherwise, either wholly or in part, such building, cellar, or room, such owner shall, for every day during which such building, cellar, or room shall remain so occupied as aforesaid, be liable to a penalty not exceeding Twenty Pounds.

Building unfit for human habitation may be ordered to be repaired.

If too dilapidated may be demolished by Municipal Council.

45 Vict. No. 22, s. 6.

(2.) If, in the opinion of the Municipal Council, no repairs can be effected to render the premises fit for human habitation or accommodation as aforesaid, they may issue a notice to the owner thereof, ordering the said building within a period of Thirty days to be demolished; and if such order be not complied with, then the Municipal Council may cause the same or any part thereof to be pulled down, and all costs, charges, and expenses incurred thereby, shall be paid by the owner to the Municipal Council, or in default may be recovered in a summary manner from the owner: Provided that if at such time there shall be no owner of the building so demolished, or any part thereof pulled down, the same may be recovered from the future owner of such building.

(3.) If the expenses of such repairs or alterations be paid by the occupier, being a tenant, such tenant shall be entitled to recover the same from the landlord or owner as money paid at his request, or the same may be deducted from any rent due or to become due thereafter."

165 If the owner of the building condemned as unfit for human habitation, and demolished wholly or in part under the last preceding Section of this Act, is unknown, the Municipal Council may give notice by advertisement in One or more newspapers generally circu-

If owner of condemned building cannot be found, Council may sell materials.

Ibid., s 8,

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Rules to be observed in respect of the erection of verandahs. 58 Vict. No. 32, s. 47.

lating in the Municipality of their act and intention as herein provided; and if at the end of One month after such notice no owner shall be found, then the Municipal Council may sell the material of the building so taken down, and apply the proceeds towards payment of the expenses incurred thereby."

166—(1.) Any person desirous of erecting any verandah, portico, awning, shade, or other matter or thing over any footway or roadway in any street in any Town shall forward a plan and particulars of the same to the Municipal Council, and the Municipal Council shall, within Twenty-one days after the receipt of such plan and particulars, signify in writing under the hand of the Town Clerk their approval, upon such terms and conditions as they may decide upon, or their disapproval thereof.

(2.) Any verandah, portico, awning, shade, or other matter or thing in front of any building and projecting over any carriage or footway, and which has been so erected without the consent of the Council, or which has become dilapidated or decayed, shall be removed or altered as the Municipal Council may require, within One month after notice in writing under the hand of the Town Clerk to so remove or alter is served upon the owner or occupier; and in case the person so served fails to remove or alter as required, the Municipal Council may order the Surveyor to pull down such verandah, portico, awning, shade, or other matter or thing, and the Surveyor on such order shall pull down and remove same, and recover in a summary way all expenses incurred in such pulling down and removal: Provided, that in all such cases One month's notice shall be served by the Surveyor on the owner or occupier before he pulls down and removes as aforesaid.

(3.) Every verandah, portico, awning, shade, matter, or thing hereafter to be built or constructed over any carriage or footway shall be done under the superintendence and to the satisfaction of the Surveyor, and all now built or constructed, or hereafter to be built or constructed, shall be kept in such repair as shall be satisfactory to him.

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

Levels of new streets to be fixed by Council.

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

29 Vict. No. 10, ss. 197, 198, and 199.

167—(1.) 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.

(2.) 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.

(3.) 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 deems 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.

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(4.) Every person who makes or lays out any such new street without causing such Notice as aforesaid to be given to the Municipal Council 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 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.

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

Ibid., s. 200.

168 It shall not be law ul 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.

Ibid., s. 201.

169 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 any Town in the Municipality ; 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*.

21 Vict. No. 11.

Ibid., s. 202.

170 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.

Ibid., s. 203.

171—(1.) 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.

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

Ibid., s. 204

(2.) The Council shall make full compensation to the owner of any such house or building for any such damage he may thereby sustain.

172—(1.) 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.

Future projection of houses may be removed.

29 Vict. No. 10, s. 205.

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(2.) 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.

Penalty : Ten Pounds.

(3.) In default of the occupier removing such obstruction or projection, the Council may remove the same, and the expense of such removal shall be paid by the occupier so making default.

(4.) 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.

Existing projec-
tions may be
removed on
making compen-
sation.

Ibid., s. 206.

173 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 shall be given to the occupier 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.

Ibid., s. 207.

174 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.

Ibid., s. 208.

175 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.
29 Vict. No. 10,
s. 209.

176 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, within a reasonable time, 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.

Penalty : Five Pounds.

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177 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 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.

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Waterspouts to be affixed to houses, &c.

Ibid., s. 210.

178 If the occupier of any land, yard, house, or building permits or suffers any water to flow therefrom or 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, be liable to a penalty not exceeding Five Pounds.

Water not to be allowed to drain over footways.

Ibid., s. 211.

179—(1.) The Municipal Council may cause the houses and buildings within any Town to be marked with numbers in such manner as the Council thinks fit, and cause to be put up or painted on some conspicuous part of some house, building, fence, wall, or place at or near any end, corner, or entrance of any street the name by which such street is to be known.

Houses to be numbered and streets named.

Ibid., s. 212

(2.) 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 be liable to a penalty not exceeding Two Pounds.

180—(1.) The owner or occupier of every house or building within any Town shall 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.

Numbers of houses to be renewed by owners or occupiers.

Ibid., s. 213.

(2.) If any such owner or occupier fails within One week after Notice, for that purpose given by the Municipal Council, signed by the Town Clerk 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 so obliterated or defaced, he shall for every such offence be liable to a penalty not exceeding Two Pounds.

181—(1.) 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

Bars to be erected across streets while repairs or alterations are making, and

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lights placed at night.

29 Vict. No. 10, s. 214.

houses, and shall cause such bars or chains to be fixed across or in any of the streets, to prevent the passage of vehicles and animals while such works are carried on, as to the Council may seem proper.

(2.) 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.

(3.) Every person who takes down, alters, or removes any of the said bars and 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.

Hoads to be set up during repairs. *Ibid.*, s. 215.

182—(1.) 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 will be obstructed or rendered inconvenient by means of such work, shall before beginning the same—

- i. 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 hand-rail, if there is room enough, to serve as a footway for passengers, outside of such hoard or fence : and
- ii. Continue such hoard or fence, with such platform and hand-rail, standing and in good condition, to the satisfaction of the Municipal Council, during such time as the public safety or convenience requires : and
- iii. In all cases in which it is necessary, in order to prevent accidents, cause the same to be sufficiently lighted during the night.

(2.) Every person who fails to comply with any of the provisions of this Section, or to remove any such hoard, fence, platform, or handrail when directed by the Council within a reasonable time, shall for every such offence be liable to a penalty not exceeding Five Pounds, and a further penalty not exceeding Two Pounds for every day while such default is continued.

Penalty for not lighting deposits of building materials or excavations. *Ibid.*, s. 216.

183—(1.) 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—

- i. 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
- ii. Cause such materials or other things or 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.

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(2.) Every person who fails to comply with the provisions of this Section, shall for every such offence be liable to a penalty not exceeding Five Pounds, and a further penalty not exceeding Two Pounds for every day while such default is continued. A.D. 1905.

(3.) 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 Two Pounds 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. Penalty for continuing deposits of building materials or excavations an unreasonable time. 29 Vict. No. 10, s. 217.

184 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 may 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. Dangerous places to be repaired or enclosed. *Ibid.*, s. 218.

185—(1.) 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 lands, he shall immediately— Ruinous or dangerous buildings to be taken down or secured by owners, &c. *Ibid.*, s. 219.

1. Cause a proper hoard or fence to be put up for the protection of passengers : and

11. Cause notice in writing to be given to the owner of such building or wall, if he is known and resident in the State, and 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.

(2.) If such owner or occupier does not begin to comply with such notice within the space of Three days after any such notice has been so given, and complete such taking down or repairs or securing, as speedily as the nature of the case will admit, a Police Magistrate or any Two Justices may, on the complaint of such Surveyor, 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 Magistrate or Justices. If owners, &c., neglect to repair, Council may cause the same to be done, charging owner with expenses.

(3.) In case such order is not complied with, 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 ;

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

Ibid., s. 220.

and all the expenses of so doing and of putting up any hoard or fence shall be paid by the owner of such building, wall, or other thing.

(4.) If any such house or building, or any part of the same is pulled down, under the provisions of this Section, 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; but this Sub-section shall not debar the Council from exercising any other powers for compelling the payment of the whole or any part of the said expenses.

Moneys expended by Municipal Council to be recovered in a summary way. 19 Vict. No. 8. 29 Vict. No. 10, s. 243.

Lamps to be set up and lighted. 29 Vict. No. 10, s. 245.

186 The expenses to be incurred by the Municipal Council in executing and completing any work authorised by this part of this Act to be done on any private land or in causing the same to be done, shall be determined and recovered from the owner of such land as aforesaid in a summary way by and before any Two or more Justices, in the mode prescribed by *The Magistrates Summary Procedure Act*.

187 The Municipal Council is hereby empowered—

- i. To provide so many lamps, lamp-irons, and lamp-posts as may be judged necessary for lighting any Town within its jurisdiction: and
- ii. 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
- iii. To cause the same to be taken down, altered, or renewed when and as often as the said Council thinks fit: and
- iv. To cause the said lamps to be kept lighted with gas, oil, electricity, or otherwise for such hours, and during such times and seasons as the Council deems necessary and proper.

Penalty for wilfully breaking lamps. *Ibid.*, s. 246.

188—(1.) 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 be liable on conviction to a penalty not exceeding Five Pounds, and shall besides make full satisfaction, to be ascertained by the convicting Justices, for the damage done.

(2.) 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.

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189 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 Police Magistrate or Justices before whom the complaint is heard appears just and reasonable.

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Satisfaction to be made for negligently breaking lamps.
29 Vict. No. 10, s. 247.

190 It shall be lawful for the Municipal Council to contract with any person for lighting any Town within its jurisdiction with gas, oil, electricity, or otherwise for such time and 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.

Ibid., s. 248.

191 The Municipal Council may—

- i. Provide such appliances for extinguishing fires, and such fire-escapes and other appliances for safety or use in case of fire as they think fit; and
- ii. Build, provide, hire places for keeping such fire-escapes and appliances :
- iii. Employ a number of persons to act as firemen, and make such rules for their regulation as they think proper : and
- iv. Give such firemen and other persons such salaries and such rewards for their exertions in cases of fire as they think fit.

Fire engines and firemen may be provided by Municipal Council.

Ibid., s. 250.

192 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 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, be liable for every such offence to a penalty not exceeding Ten Pounds.

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

Ibid., s. 257.

193 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 to be vested in and shall be the property of the Municipality.

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

Ibid., s. 258

Police.

A.D. 1905.

PART XII.

BY-LAWS.

By-laws.

194—(1.) It shall be lawful for the Municipal Council to make and publish such By-laws as to the Council shall seem meet for any of the following purposes:—

29 Vict. No. 10,
s. 260.

I. For preventing obstructions and incumbrances in and upon the streets of and waters adjoining any Town :

II. For regulating the flagging, paving, and repairing the streets, and keeping the same clean from dirt :

Ibid., s. 70.

III. For regulating 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 :

Ibid., s. 114.

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

V. For regulating the time, place, and manner in which the carcasses of animals may be landed from vessels arriving in the Municipality, and the disposal of such carcasses :

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

VII. For fixing the hours when, and streets or other public places within the Municipality where, and other restrictions under which, animals imported into this State or brought within the Municipality may be driven, but this power shall not apply to working bullocks in yoke, or tame milch cows being driven to or from pasture :

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

63 Vict. No. 33,
s. 4.

IX. For permitting any person to graze or run any milch cows or heifers in or upon any defined street or part of a street under the control of the Municipal Council, except between sunset and sunrise, subject to such conditions and restrictions as may be contained in such By-law, including the payment of any fee or charge as may be thereby prescribed :

47 Vict. No. 6,
s. 2.

X. For regulating the use of bicycles and tricycles and like vehicles within any Municipality :

XI. For regulating the traffic and charges of parcel delivery carts and other vehicles used for like purposes, and the licensing of such carts and vehicles and their drivers respectively, and the fees to be paid in respect of such licences :

Police.

- xii. For regulating stage-coaches, omnibuses, and similar vehicles and for appointing stands for engaged cabs only : A.D. 1905.
- xiii. For appointing and regulating places where fares may be paid or tickets issued for passengers travelling by such vehicles : 2 Ed. VII. No. 28, s. 2.
- xiv. For regulating generally the mode of paying and collecting fares for passengers carried by such vehicles :
- xv. For prohibiting any stage coach or omnibus from loitering in any public road, street, or place other than the places between which such stage coach or omnibus is licensed to carry passengers, or which may be appointed by the Council as places at which such stage coach or omnibus may stand for the purpose of taking up passengers : 52 Vict. No. 41, s. 4.
- xvi. For the better ordering and regulation of licensed cabs and the proprietors thereof, and of licensed drivers :
- xvii. For preventing or regulating smoking in public parks, race-courses, recreation grounds, and other places of public resort :
- xviii. For any of the purposes of this Act which the Municipal Council may think it expedient to carry out or effect by By-laws. 29 Vict. No. 10, s. 114.

(2.) The Municipal Council may appoint by such By-laws penalties, not exceeding Ten Pounds in any case, for enforcing such By-laws.

(3.) No such By-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 State.

PART XIII.

MISCELLANEOUS.

195 No person shall open or use any house, shop, or store, or other place on *Sunday* for the purpose of trade or dealing (the shops or houses of bakers, between the hours of half-past Ten in the forenoon and half-past One in the afternoon, and of duly qualified chemists at any hour, and tea houses and the shops of fruiterers for the sale of fruit only between the hours of Two and Five in the afternoon, only excepted). *Sunday trading.*
Ibid., s. 17.

Penalty : Five Pounds.

196 No person shall without lawful cause discharge any firearm on *Sunday* within or within Three miles of any Town, or within One mile of any place of worship where Divine service is being held ; and any Constable who sees such offence committed may seize any firearm so discharged as aforesaid, and may apprehend every such offender, without warrant. *Persons discharging firearms on Sundays within certain limits.*
Ibid., s. 18.

Penalty : Five Pounds.

Police.

A.D. 1905.

Penalty on proprietors of places of amusement permitting play on *Sundays*.

Ibid., s. 19.

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

Persons gambling or playing liable to penalty.

Ibid., s. 20.

Penalty for chimney being on fire.

29 Vict. No. 10, s. 249.

Bathing prohibited within certain limits.

W.A., 55 Vict.

No. 27, s. 104.

29 Vict. No. 10, s. 21.

Animals not to be drowned in certain waters.

29 Vict. No. 10, s. 22.

Dogs or goats not to draw carts, &c.

29 Vict. No. 10, s. 181.

Owners of carts to have their names painted on the off side under fine of £2.

Ibid., 61.

197 The owner or occupier of any public place of amusement in a Town shall not permit or suffer anyone to play in his house or premises at any game on a *Sunday*.

Penalty : Ten Pounds.

198 It shall be lawful for any constable to disperse all persons gathering together on *Sunday* in any public or open place 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 be liable to a penalty not exceeding Ten Pounds.

199—(1.) If any chimney within any Town takes fire, the occupier of the building to which such chimney belongs shall be liable on conviction to a penalty not exceeding Five Pounds.

(2.) It shall be a good defence to any information laid under this Section to prove that such chimney has been swept within the Three months before the day on which such fire took place.

200 No person shall bathe—

i. Within the limits of *Sullivan's Cove* at *Hobart* : or

ii. Near to or within view of any public wharf, quay, jetty, bridge, street, road, or other place of public resort, unless in proper bathing costume.

And any Constable may take into custody any person who shall commit any such offence within view of such Constable.

Penalty : One Pound.

201 No person shall throw or cause to be thrown into the River *Derwent* within Five miles of *Hobart*, or into any part of the Rivers *North Esk*, *South Esk*, or *Tamar* within Five miles of *Launceston*, or into any tidal waters within such limits as may be fixed by the Governor, by Proclamation to be published in the *Gazette*, 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 any Constable may apprehend any person so offending, without warrant.

Penalty : One Pound.

202 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 be deemed guilty of an offence against this Act.

Penalty : Five Pounds.

203—(1.) 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

Police.

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.

Penalty: Two Pounds.

(2.) Every person on any road or public way who 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, shall on demand of any constable 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.

Penalty: Two Pounds.

204—(1.) No person under the age of Fourteen years shall at any time have any firearm in his possession or under his control.

Penalty: Five Pounds.

(2.) No owner of or person having the possession or control of any firearm shall—

- i. Sell or deliver such firearm to any person under the age of Fourteen years: or
- ii. Permit any such person at any time to have such firearm in his possession or under his control.

Penalty: Five Pounds.

205 Any Constable may take possession of any firearm found in the possession or under the control of any person apparently under the age of Fourteen years, and convey such firearm, or cause the same to be conveyed to some Police Office or usual place of holding Petty Sessions, there to be detained in safe custody; and if it be shown to the satisfaction of any Justice present at such Police Officer or usual place of holding Petty Sessions that a breach of the last preceding Section of this Act has been committed, he may order such firearm to be forfeited, and it shall thereupon become forfeited; and if the same shall be forfeited it shall be destroyed or sold within One month after forfeiture by public auction by any Constable or other person directed so to do by such Justice, and the net proceeds thereof shall be paid into the Treasury, and form part of the Consolidated Revenue Fund.

206 In any proceedings under the last Two preceding Sections of this Act, it shall not be necessary for the prosecution to prove that any person alleged in the information to be under the age of Fourteen years, is under such age, but if such person appears to the Court to be under such age, such person shall, for the purpose of this Act, be deemed to be under such age unless the contrary is proved.

207 Nothing in this Act contained shall be deemed to prevent any Member of any Cadet Corps from having in his possession or under his control any firearm issued to him as a Member of such Cadet Corps by the Commanding Officer of such Corps.

A.D. 1905.

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

Young persons not to have possession of firearms.

1 Ed. VII. No. 42, s. 6.

Firearms in possession of young persons may be seized and forfeited.

1 Ed. VII. No. 42, s. 7.

Presumption of age of young persons.

Ibid., s. 8.

Saving as to Members of Cadet Corps.

Ibid., s. 9.

Police.

A.D. 1905.

Penalty on persons discharging rifles in certain places.

Ibid., s. 3.

Persons finding property to take it to Police Station.

29 Vict. No. 10, s. 175.

208 No person shall wantonly discharge any rifle from, on to, across, or over any street in any Town, or any public or common highway or road or beach.

Penalty : Five Pounds.

209—(1.) If any person finds and takes into his possession any money, goods, or chattels, and for which at the time they are found no owner is known, or in any case the owner is known unless such person delivers the same to such owner, such person shall, within Seven days after he takes possession of such money, goods, or chattels, convey the same to a neighbouring Police Station, and there deliver the same to the Police Officer in charge.

Penalty : Five Pounds.

(2.) 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 in case he has disposed of the said money, goods, or chattels, the Justices 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.

Penalty : Ten Pounds.

How unclaimed goods to be kept.
29 Vict. No. 10, s. 176.

How claimed.

210—(1.) When any such goods, articles, or money are brought to a Police Station, the Police Officer 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.

(2.) Every Superintendent of Police shall, in the months of *March, June, September, and December* in every year, cause a list of all property so brought to the Police Stations under his control during the preceding Three months, and unclaimed on the date of the advertisement, to be published in One or more public newspapers generally circulating in the Municipalities or Districts in which such Police Stations are situate.

(3.) 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 Consolidated Revenue Fund.

Police.

211—(1.) All Police Districts in existence at the commencement of this Act shall be deemed and taken to be Police Districts within the meaning of this Act.

A.D. 1905.

Appointment of
Police Districts.
55 Vict. No. 46,
s. 1.

(2.) The Governor may, by Proclamation published in the *Gazette*, appoint any portion or portions of any Municipal District as he sees fit to be a Police District or Districts, and may assign to such District or Districts such names as he sees fit.

212—(1.) The Municipal Council of every Municipality shall, and may have and exercise, within the Municipality, all the powers and authorities which, by the Act of Council of the 11th *George IV.* 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 Poundkeepers.

Municipal Councils to exercise powers of Governor under 11 G. 4, No. 3.
Ibid., 117.

(2.) All sums of money which, by virtue of such lastly recited Act, would be paid into the Consolidated Revenue Fund, shall be paid to such Municipal Council in aid of the Municipal Fund of such Municipality.

213—(1.) It shall be lawful for the Municipal Council of any Rural Municipality, 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, cleansing, 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.

Municipal Council to rate property at yearly or other periods.
Ibid., 259.

(2.) It shall be lawful for such 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:

(3.) 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.

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

214 All offences against and penalties imposed by Parts II., V., and X. of this Act, shall be heard, determined, and recovered by and before One or more Justices in the mode prescribed by *The Magistrates Summary Procedure Act*, and all other offences against this Act, or any By-laws made thereunder, and all other penalties and sums of money, costs, charges, and expenses imposed or made payable by this Act or by such By-laws, shall be heard, determined, and recovered in a similar way by and before a Police Magistrate or any Two or more Justices.

Offences to be dealt with summarily.
19 Vict. No. 8.
29 Vict. No. 10.
s. 262.

215 Where any person may be adjudged to pay a penalty under this Act, such person in case of non-payment thereof may, without any warrant of distress, be committed to prison for any term, with or without hard labour, not exceeding the period specified in the following scale, unless such penalty shall be sooner paid—

Imprisonment where penalty not paid.

Police.

A.D. 1905.

For any Penalty—	The imprisonment not to exceed—
Not exceeding Ten Shillings	Seven days.
Exceeding Ten Shillings and not exceeding One Pound	Fourteen days.
Exceeding One Pound and not exceeding Five Pounds	One month.
Exceeding Five Pounds and not exceeding Ten Pounds	Three months.
Exceeding Ten Pounds	Six months.

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

Ibid., 263.

Distress not un-
lawful for want
of form.

216 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.

Offences to be
prosecuted within
One month.

Ibid., 264.

217 No person shall be liable to be proceeded against under this Act unless an information is laid, or a complaint is made in respect thereof, within One month after the cause of action has arisen.

Persons charged
with offences of
which they may
be summarily
convicted may be
bailed by a Con-
stable.

Ibid., 269.62 Vict. No. 48,
s. 60.

218—(1.) Whenever any person charged with any offence of which he is liable to be summarily convicted is without the warrant of a Justice in the custody of any Constable, it shall be lawful for any Constable on duty, who is above the rank of a Sergeant, or any Constable in charge of any Police Station, 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.

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

29 Vict. No. 10,
s. 270.

(2.) The Constable 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.

Police.

(3.) The condition of any such recognizance may be enforced in the mode directed by "The Criminal Law Procedure Act, 1873," for enforcing the condition of any recognizance to keep the peace or be of good behaviour. A.D. 1905.
37 Vict. No. 6.

219—(1.) If any person—

i. Wilfully obstructs, hinders, or interrupts, or causes or procures to be obstructed, hindered, or interrupted, the Municipal Council, or the Mayor, or any Officer or Agent of the Council, or any other person, 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

ii. 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—

he shall for any such offence, if not otherwise specially provided for, be liable to a penalty not exceeding Twenty Pounds.

(2.) 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, 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.

220 Except where herein otherwise expressly provided, nothing in this Act contained shall be taken to repeal or alter anything contained in "The Hobart Corporation Act, 1893," "The Launceston Corporation Act, 1894," "The Hobart Building Act, 1886," "The Launceston Building Act, 1894," "The Town Boards Act, 1896," or any Amendment of any of such Acts. Obstructing persons executing Act.
Ibid., s. 272.

221 Nothing in this Act contained shall affect or apply to any right, title, or interest of His Majesty, His Heirs and Successors, or in any way limit the Royal Prerogative. Saving of certain Acts.
57 Vict. No. 11.
58 Vict. No. 30.
50 Vict. No. 19.
58 Vict. No. 32.
60 Vict. No. 31.

Act not to affect rights of the Crown.
Ibid., s. 274.

Police.

A.D. 1905.

SCHEDULE.

(1.)

Sect. 2.

ACTS TO BE REPEALED.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
29 Vict. No. 10.	<i>The Police Act 1865.</i>	The whole Act.
31 Vict. No. 18.	"The Police Act Amendment, 1867."	The whole Act.
36 Vict. No. 15.	"The Police Act Amendment, 1872."	The whole Act.
42 Vict. No. 25.	"The Police Act Amendment Act, 1879."	The whole Act.
45 Vict. No. 22.	"The Police Act Amendment Act, 1881."	The whole Act.
47 Vict. No. 6.	"The Police Act Amendment Act, 1883."	The whole Act.
52 Vict. No. 41.	"The Police Act Amendment Act, 1888."	The whole Act.
55 Vict. No. 46.	"The Police Act Amendment Act 1891."	The whole Act.
60 Vict. No. 31.	"The Town Boards Act, 1896."	Sections 6 & 129
62 Vict. No. 48.	"The Police Regulation Act, 1898."	Section 60.
63 Vict. No. 33.	"The Police Act Amendment Act, 1899."	The whole Act.
64 Vict. No. 58.	"The Police Act Amendment Act, 1900."	The whole Act.
1 Ed. VII. No. 16.	"The Town Boards Amendment Act, 1901."	Section 3.
1 Ed. VII. No. 42.	"The Police Act Amendment Act, 1901."	The whole Act.
2 Ed. VII. No. 28.	"The Police Act Amendment Act, 1902."	The whole Act.
3 Ed. VII. No. 24.	"The Police Act Amendment Act, 1903."	The whole Act.

(2.)

Sect. 25.

FORM OF REGISTER BOOK.

Name.	Residence.	Number of Label.	Description or kind of Dog to wear the label.	Sex.	Age.	Colour or Peculiar Marks.

(3.)

Sect. 26.

RECEIVED this
[or District] of
April, 19 .

for day of 19 the sum of
Dogs registered by A.B. in the Municipality
for the year ending on the 30th day of

C.D.,

Town Clerk [or Clerk of Petty Sessions.]

Police.

(4.)

A.D. 1905.

COACH LICENCE.

Sect. 49.

Licence for Coach numbered

WHEREAS *A.B.* Proprietor of a certain Coach being [*insert kind of Carriage and the number of the Coach*] has applied to us the undersigned Justices to grant to him a Licence to keep, use, and employ the said Coach between [*state the extreme points of distance*]: And whereas we are satisfied that the said Coach is calculated safely and conveniently to carry the number of Passengers hereinafter mentioned, we do hereby licence the said *A.B.* as such Proprietor to carry and convey between the places aforesaid, in and by the said Coach, the number of [14 or 18] Passengers in the whole—that is to say—the number of [4 or 6] Passengers in the inside and [10 or 12] Passengers on the outside thereof. This Licence to be in force from the date hereof till the 31st day of *December* next and no longer.

Given under our hands this day of 19

E.F. } *Justices of the Peace.*
G.H. }

(5.)

OMNIBUS LICENCE.

Sect. 50.

Licence for Omnibus numbered

WHEREAS *A.B.*, Proprietor of a certain Omnibus being [*insert kind of Carriage and the number of the Omnibus*] has applied to me to grant to him a Licence to keep, use, and employ the said Omnibus under "The Police Act, 1905": And whereas we are satisfied that the said Omnibus is calculated safely and conveniently to carry the number of passengers hereinafter mentioned: I do hereby licence the said *A.B.* as such Proprietor to carry and convey in and by the said Omnibus the number of [14 or 18] passengers in the whole, that is to say, the number of [4 or 6] passengers in the inside and [10 or 12] passengers on the outside thereof. This Licence to be in force from the date hereof till the 31st day of *December* next, and no longer.

Given under my hand, this day of 19

C.D.
[*Mayor of* .]

(6.)

LICENCE FOR A CAB.

Sect. 51.

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 hands of the [*Town Clerk*] the sum of [], being the Fee now fixed for the same; I do hereby licence 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, 1905."

Given under my hand, this day of 19

C.D.,
[*Mayor of* .]

Police.

A.D. 1905.

(7.)

Sect. 57.

COACH [*or* OMNIBUS] DRIVER'S LICENCE.

WHEREAS [*here insert name and residence of Driver*] has applied to us, the undersigned, to grant him a Licence to act as the Driver of a Coach to run between [*state the extreme points of distance*] (*or* as Driver of an Omnibus to ply from [*state the Town or place from which it is to ply*]): And whereas [*insert name of Proprietor or Proprietors*] has signified his wish that the said [*here insert name of Driver*] should become and act as Driver of such vehicle by endorsing such application of the said [*here insert name of Driver*], and we have received a satisfactory certificate of the ability of the said [*Driver*] to drive, and of his good character; we do hereby license the said [*name of Driver*] to be and act as Driver of the said Coach [*or Omnibus, as the case may be*].

Given under our hands, this

day of

A.B., C.D.,	} <i>Justices of the Peace.</i>
----------------	---------------------------------

(8.)

Sect. 57.

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 hands of the [*Town Clerk*] the sum of Five 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. [], I do hereby license the said A.B. to act as driver of the said cab 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, 1905."

Given under my hand, this

day of

19

E. F., [*Mayor*]

(9.)

Sect. 93.

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 [*here insert name of Municipality*] in the District of [*here insert name of District*], the said C.D. having been duly registered as the Keeper thereof.

Dated this

day of

19

A.B.

Mayor of the Municipality of

Police.

(10.)

A. D. 1905.

LICENCE FOR PLACE OF PUBLIC ENTERTAINMENT.

Sect. 109.

By virtue of "The Police Act, 1905," I, *A.B.*, Mayor of the Municipality of
 District of [or, we, two Justices of the Peace, sitting in Petty Sessions in the
 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 Public Entertain-
 ment.

This Licence is to remain in force until the 31st day of *December* next.

Given under my [or our] hands this day of 19

A.B.

(11.)

LICENCE FOR PLACE FOR PUBLIC DANCING AND MUSIC. Sect. 112.

By virtue of "The Police Act, 1905," I, *A.B.*, Mayor of the Municipality of
 District of [or we, two Justices of the Peace, sitting in Petty Sessions in the
 occupier] 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 until the 31st day of *December* next.

Dated this day of 19

A.B.

(12.)

SLAUGHTERING LICENCE.

Sect. 127.

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, 1905," 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 19

