By His Excellency GEORGE GREY, Esquire, Governor and Commander-in-Chief of Her Majesty's Province of South Australia and its Dependencies, and Vice-Admiral of the same, by and with the advice and consent of the Legislative Council.

AN ORDINANCE for Regulating the Police in South Australia.

WHEREAS it is expedient and necessary to make further provision for the maintenance of the public peace and good order, and for the prosecution of certain offences committed in South Australia, or within the City of Adelaide, and such other Towns or Districts in the said Province, as shall be declared by His Excellency the Governor by Proclamation, to come under the operation of this Ordinance in whole or in part as after provided, as well as for the removal and prevention of Nuisances and Obstructions, and for the better alignment of streets therein respectively:

Be it therefore Enacted by his Excellency the Governor of South Australia with the advice and consent of the Legislative Council thereof:
thereof: That from and after the first day of January next, the present Ordinance shall commence and take effect, and an Ordinance of the Governor with the advice and consent of the Legislative Council of South Australia, passed on the Thirteenth day of July, One Thousand Eight Hundred and Forty-one, intituled "An Act for Regulating the Police Force of the Province of South Australia," shall be and the same is hereby repealed; excepting as to all matters heretofore done; and no action, suit, prosecution, or proceeding, shall be commenced or carried on against the Commissioner, and Officers of Police, or any other persons, acting in the execution of the said repealed Ordinance for anything heretofore done by them in virtue or in pursuance thereof.

II. And be it further enacted, That it shall be lawful for the Governor from time to time by warrant under his hand to appoint Justices of the Peace to execute the duties of Commissioner of Police and of Police Magistrate for the Province at large, and for such limits of the City of Adelaide, and of such other Towns or Districts as may be declared by Proclamation in manner after provided respectively, together with such other duties as shall be hereinafter specified or as shall be from time to time directed by the Governor for the more efficient administration of the Police for the Province, or within the limits of the said Towns or Districts respectively, under the authority of this or any other Ordinance in force within the said Province; and every such Justice, from time to time to displace and remove and to appoint another in his place as to the said Governor shall seem fit: Provided, that in case of the sickness of any such Police Magistrate, or his absence from the Province, or in distant parts within the same, it shall be lawful for the Governor by warrant under his hand to appoint any other Justice of the Peace to execute the said duties during such sickness or absence, and no longer.

III. And be it further enacted, That every person to be appointed a Police Magistrate by virtue of this Ordinance, shall, before he shall begin to execute the duties of his office, take the following oath before one of the Judges of the Supreme Court of the said Province; that is to say:

I, A. B., do swear that I will faithfully, impartially, and honestly, according to the best of my skill and knowledge, execute all the powers and duties of a Police Magistrate, under and by virtue of an Ordinance of the Governor, with the advice and consent of the Legislative Council of South Australia, passed on the Seventh day of September, One Thousand Eight Hundred and Forty-four, intituled "An Ordinance for regulating the Police in South Australia."

IV. And
IV. And be it further Enacted, That it shall be the duty of the said Magistrates, respectively, to suppress all tumults, riots, affrays, or breaches of the peace, all public nuisances, vagrancies, and offences against the Law.

V. And be it further Enacted, That it shall be lawful for the Governor to authorize any such Police Magistrate, from time to time, to nominate a sufficient number of fit and able men as a Police Force for the Province at large, or for the limits of any of the said Towns or Districts respectively for which he shall be appointed, who shall be sworn by him to act as Constables for preserving the peace, and preventing robberies and other felonies, and apprehending offenders, as well as for preventing nuisances and obstructions; and the men so sworn shall obey all such lawful commands as they may, from time to time, receive from the said Justice, for conducting themselves in the execution of their office.

VI. And be it further Enacted, That the said Police Magistrate shall, from time to time, subject to the approbation of the Governor, frame such Orders and Regulations as he shall deem expedient, relative to the general government of the men to be appointed Constables under this Ordinance; the places of their residence, the classification, rank, and particular service of each; their distribution and inspection, the description of arms, accoutrements, and other necessaries to be furnished to them; and all such other Orders and Regulations relative to the said Police Force, as the said Magistrate shall, from time to time, deem expedient, for preventing neglect or abuse, and for rendering such force efficient in the discharge of all its duties; and the said Magistrate may, at any time, suspend or dismiss any man belonging to the said Police Force whom he shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same; and when any man shall be so dismissed, or cease to belong to the said Police Force, all powers vested in him as a Constable, by virtue of this Ordinance, shall immediately cease and determine: Provided that every appointment, suspension, and dismissal of any Constable shall be notified in the Government Gazette.

VII. And be it further Enacted, That it shall be lawful for any man belonging to the said Police Force, without any warrant other than this Ordinance, to apprehend any person whom he shall find drunk in the streets or public places, at any hour of the day; and to apprehend all loose, idle, drunken, or disorderly persons, whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of having committed or being about...
about to commit any felony, misdemeanor, or offence, or of any
evil designs; and all persons whom he shall find, between sun-set
and the hour of eight in the forenoon, lying or loitering in any
street, highway, yard, or other place, and not giving a satisfactory
account of themselves; and to deliver any person so apprehended
into the custody of the Constable appointed under this Ordinance,
who shall be in attendance at the nearest watch-house, in order
that such person may be secured until he can be brought before a
Justice of the Peace, to be dealt with according to Law, or give
bail for his appearance before a Justice of the Peace, if the Con-
stable shall deem it prudent to take bail in the manner hereinafter
mentioned.

VIII. And be it further Enacted, That where any person found
lying or loitering about as aforesaid, or charged with any petty
misdemeanor, shall be brought without the warrant of a Justice of
the Peace, into the custody of any Constable appointed under this
Ordinance, during his attendance in the night-time at any watch-
house, it shall be lawful for such Constable, if he shall deem it
prudent, to take bail by recognizance, with or without sureties, as
the said Constable shall think fit, without any fee or reward from
such person; conditioned that such person shall appear for exami-
nation before a Justice of the Peace, at some place to be specified
in the recognizance, at the hour of ten in the forenoon, next after
such recognizance shall be taken, unless that hour shall fall on a
Sunday, or Christmas Day, or Good Friday, and in that case, at the
like hour on the succeeding day; and every recognizance so taken,
shall be of equal obligation on the parties entering into the same,
and liable to the same proceedings for the estrening thereof, as if
the same had been taken before a Justice of the Peace; and the
Constable shall enter into a book, to be kept for that purpose in
every watch-house, the name, residence, and occupation of the
party, and his surety or sureties (if any), entering into such re-
cognizance, together with the condition thereof, and the sums re-
spectively acknowledged, and shall lay the same before such Justice
as shall be present at the time and place, when and where the
party is required to appear; and if the party does not appear at
the time and place required, or within one hour after, the Justice
shall cause a record of such recognizance to be drawn up and
signed by the Constable, and if the party not appearing, shall apply
by any person on his behalf to postpone the hearing of the charge
against him, and the Justice shall consent thereto, the Justice shall
be at liberty to enlarge the recognizance to such further time as
he shall appoint; and when the matter shall be heard and deter-
mined either by the dismissal of the case, or by binding the party
over.
IX. And be it further Enacted, That it shall be lawful for any Constable belonging to the Police Force, and for all persons whom he shall call to his assistance, to take into custody, without a warrant, any person who, within view of any such Constable, shall offend in any manner against this Ordinance, and whose name and residence shall be unknown to such Constable, and cannot be ascertained by such Constable.

X. And be it further Enacted, That any person found committing any offence punishable either upon indictment or as a misdemeanor upon summary conviction, by virtue of this Ordinance, may be taken into custody without a warrant by any Constable, or may be apprehended by the owner of the property on or with respect to which the offence shall be committed, or by his servant, or any person authorized by him, and may be detained until he can be delivered into the custody of a Constable, to be dealt with accordingly to Law; and every such Constable may also stop, search, and detain any vessel, boat, cart, or carriage, in or upon which there shall be reason to suspect that any thing stolen or unlawfully obtained may be found, and also any person who may be reasonably suspected of having or conveying in any manner any thing stolen or unlawfully obtained; and any person to whom any property shall be offered to be sold, pawned, or delivered, if he shall have reasonable cause to suspect that any such offence has been committed with respect to such property, or that the same or any part thereof has been stolen or otherwise unlawfully obtained, is hereby authorized, and, if in his power, is required, to apprehend and detain, and, as soon as may be, to deliver such offender into the custody of a Constable, together with such property, to be dealt with according to Law.

XI. And be it further Enacted, That every Constable who shall be guilty of any neglect or violation of duty in his office of Constable shall be liable to a penalty of not more than Five Pounds, the amount of which penalty may be deducted from any salary then due to such offender; or, in the discretion of the Magistrate, may be imprisoned, with or without hard labor, for any time not more than one calendar month.

XII. And be it further Enacted, That any Inspector, Sub-Inspector, or any Officer above the rank of a Private Constable belonging

General Powers and Duties.

Power to Police Constables and persons aggrieved to apprehend certain offenders.

Penalty on Constables for neglect of duty.

Inspectors, Sub-Inspectors, &c., may board vessels.
General Powers and Duties.

Inspectors, Sub-Inspectors, &c., to apprehend and seize stolen property on board ships.

XIII. And be it further Enacted, That it shall be lawful for every Inspector, Sub-Inspector, or other Officer as aforesaid belonging to the Police Force, having just cause to suspect that any felony has been, or is about to be, committed, in or on board of any ship, boat, or other vessel, lying in any river, dock, or creek, to enter at all times, as well by night as by day, into and upon every such ship, boat, or other vessel, and therein to take all necessary measures for the effectual prevention or detection of all felonies, which he has just cause to suspect to have been, or to be about to be committed, in or upon such rivers, docks, or creeks, and to take into custody all persons suspected of being concerned in such felonies, and also to take charge of all property suspected to be stolen.

Assault on Policemen.

XIV. And be it further Enacted, That if any person shall assault or resist any person belonging to the said Police Force, in the execution of his duty, or shall aid or incite any person so to assault or resist, every such offender, being convicted thereof, shall for every such offence, forfeit and pay a sum not exceeding Ten Pounds, or may, in the discretion of the Magistrate, be committed for trial before any other competent Court.

Penalty on Publicans harboring Policemen during the hours of duty.

XV. And be it further Enacted, That if any Victualler or Licensed Publican, or other person, shall knowingly harbor or entertain any man belonging to the said Police Force, or permit such man to abide or remain in his house, shop, room, or other place, during any part of the time appointed for his being on duty elsewhere, every such Victualler, Licensed Publican, or other person, being convicted thereof, shall, for every such offence, forfeit and pay a sum not exceeding Five Pounds.

XVI. And
XVI. And be it further Enacted, That every Police Magistrate shall, as far as in him lies, cause the Lord's Day to be duly observed by all persons within the limits for which he shall be appointed; and shall not permit or suffer any house, shop, or store, or other place therein, to be open on that day for the purpose of trade or dealing, works of necessity and charity only excepted; and any person who shall trade, or deal, or keep open any shop, store, or other place, except as aforesaid, for the purposes of trade or dealing on the Lord's Day, shall, on conviction, forfeit and pay for every such offence a sum not exceeding Three Pounds: Provided that nothing herein contained shall extend to the prohibiting of the dressing or selling of meat and victuals, for such as cannot be otherwise provided.

XVII. And be it further Enacted, That the owner or occupier of any public billiard-room, or other public place of amusement, who shall permit or suffer any one to play in his house or premises, any game on Sunday, shall, on conviction, forfeit and pay a sum not exceeding Five Pounds nor less than Three Pounds.

XVIII. And whereas it is expedient that the provisions made by Law for preventing disorderly conduct in the houses of Licensed Victuallers be extended to other houses of public resort: Be it Enacted, That every person who shall have or keep any house, shop, room, or place of public resort, wherein provisions, liquors, or refreshments of any kind shall be sold or consumed (whether the same shall be kept or retailed therein, or procured elsewhere), and who shall wilfully or knowingly permit drunkenness or other disorderly conduct in such house, shop, room, or place, or knowingly suffer any unlawful games or any gaining whatsoever therein, or knowingly permit or suffer prostitutes or persons of notoriously bad character to meet together and remain therein, shall, for every such offence, be liable to a penalty of not more than Five Pounds: Provided always that if the offender be a Licensed Victualler, or licensed to sell beer by retail to be drunk on the premises, this enactment shall not be construed to exempt him from the penalties or penal consequences to which he may be liable for committing an offence against the tenor of the licence to him granted.

XIX. And be it further Enacted, That every person who shall be found drunk in any street or public thoroughfare, shall forfeit and pay, on conviction, for every such offence, a penalty not exceeding One Pound, and every person who, while drunk, shall be guilty of any riotous or indecent behaviour, and also every person who shall be guilty of any violent or indecent behaviour in any Police Station,
Station-house, shall be liable to a penalty of not more than Forty Shillings for every such offence, or may be committed, if the Magistrate before whom he shall be convicted shall think fit, instead of inflicting on him any pecuniary penalty, to the House of Correction for any time not more than seven days.

XX. And be it further Enacted, That every person being able, wholly or in part, to maintain himself or his family, by work or by other means, and wilfully refusing or neglecting so to do, whereby he, or any of his family, whom he may be legally bound to maintain, shall have become chargeable to the public, or shall be without means of support other than public charity; and every petty chapman or pedlar wandering abroad, and trading without being duly licensed or otherwise authorized by Law, and every common prostitute wandering in the public streets or highways, or in any place of public resort, and behaving in a riotous or indecent manner; and every person wandering abroad, or placing himself in any public place, street, highway, court, or passage, to beg or gather alms, or causing, or procuring, or encouraging any child so to do, shall be deemed an idle and disorderly person within the meaning of this Ordinance: and it shall be lawful for any Justice of the Peace to commit such offender (being thereof convicted before him by his own view, or by the confession of such offender, or by the evidence on oath of one credible witness) to the House of Correction, there to be kept to hard labor for any time not exceeding one calendar month.

XXI. And be it further Enacted, That every person committing any of the offences hereinbefore mentioned, after having been convicted as an idle and disorderly person; and every person pretending to tell fortunes, or using any subtle craft, means, or device, by palmistry or otherwise, to deceive and impose on any of Her Majesty's subjects; and every person wandering abroad, and lodging in any out-house or deserted or unoccupied building, or in the open air, or in any cart or waggon, not having any visible means of subsistence, and not giving a good account of himself; and every person willfully exposing to view in any street, road, highway, or public place, any obscene print, picture, or other indecent exhibition; and every person willfully, openly, lewdly, and obscenely exposing his person in any street, road, or public highway, or in the view thereof, or in any place of public resort, with intent to insult any female; and every person wandering abroad and endeavoring by the exposure of wounds or deformities to obtain or gather alms; and every person going about as a gatherer or collector of alms, or endeavoring to procure charitable contributions of any kind, under any false or fraudulent pretence; and every person running away and leaving his
his wife or child chargeable, or whereby any of them shall become chargeable to the public, or without means of support other than public charity; and every person playing or betting in any street, road, highway, or other open and public place, at or with any table, or instrument of gaming, at any game or pretended game of chance; and every person having in his custody or possession any picklock-key, crow, jack, bit, or other implements, with intent feloniously to break into any dwelling-house, warehouse, coach-house, stable, or out-building, or being armed with any gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon, or having upon him any instrument with intent to commit any felonious act; and every person being found in or upon any dwelling-house, warehouse, coach-house, stable, or out-house, or in any enclosed yard, garden or area, for any unlawful purpose; and every suspected person or reputed thief, frequenting any river, or navigable stream, dock, or basin, or any quay, wharf, or warehouse, near or adjoining thereto, or any street, highway, or avenue leading thereto, any place of public resort, or any avenue leading thereto, or any street, highway, or place adjacent, with intent to commit felony; and every person apprehended as an idle and disorderly person, and violently resisting any Constable or other Peace Officer so apprehending him, and being subsequently convicted of the offence for which he shall have been so apprehended, shall be deemed a rogue and vagabond, within the meaning of this Ordinance; and it shall be lawful for any Justice of the Peace, to commit such offender (being thereof convicted before him by the confession of such offender, or by the evidence on oath of one credible witness) to the House of Correction, there to be kept to hard labor for any time not exceeding three calendar months; and every such picklock-key, crow, jack, bit, and other implements, and every such gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon, and every such instrument as aforesaid, shall, by the conviction of the offender, become forfeited to Her Majesty.

XXII. And be it further Enacted, That every person who shall be brought before any of the said Magistrates, charged with having in his possession or conveying in any manner anything which may be reasonably suspected of being stolen or unlawfully obtained, and who shall not give an account to the satisfaction of such Magistrate, how he came by the same, shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of not more than Five Pounds, or, in the discretion of the Magistrate, may be imprisoned in any Gaol or House of Correction, with or without hard labor, for any time not exceeding two calendar months.

XXIII. And
XXIII. And be it Enacted, That every owner or keeper of any dog going at large in the streets or public places, shall register at the Police Office, his name and the name and description of such dog, and shall obtain for the same a collar, having thereon in legible characters, not less than one inch in size, the registered number of such dog; and the person in charge of such office is hereby authorized and required, on payment of the sum of One Shilling in each case, to enter under progressive numbers the names and descriptions in a registry to be kept for that purpose; and every dog found at large, in any such street or public place, without such a collar, may be seized by any Constable; and unless claimed by or for the owner within twenty-four hours, may be shot or destroyed; and every person who as owner shall claim any dog found without such collar as aforesaid, shall forfeit and pay a fine of Ten Shillings on the delivery thereof, and in default of such payment the dog may be shot or destroyed.

XXIV. And be it Enacted, That if any dog, whether having such collar or not, shall rush at any person in any street or public place, or at any horse, there driven or ridden by any person, such dog shall be liable to be seized, and the owner shall forfeit and pay a penalty of Ten Shillings over and above any other penalty incurred hereby, and in default of such payment the dog may be shot or destroyed; and production of the collar, with proof of the registry thereof, shall be sufficient evidence of ownership for the purposes of this Ordinance.

XXV. And whereas it is expedient that markets should be placed under such regulations as shall provide for the convenience of all persons resorting thereto: be it therefore Enacted, That it shall and may be lawful for the Police Magistrate, with the assistance of the Bench of Magistrates for the Province, or for or nearest to any of the said Towns or Districts, to make and appoint such rules and regulations, and the same to alter and vary, from time to time, as occasion shall require, for the holding such markets, and for the maintenance of good order and convenience therein, and for the cleanliness of the several market-houses, sheds, and stalls, as to them shall seem fit, and to enforce such rules and regulations, by imposing fines and penalties for the violation thereof; any such fine or penalty, in no case, to exceed Twenty Shillings for any offence, and to be recovered, in a summary way, before any Justice of the Peace, and applied as hereinafter directed: Provided always, that all such rules and regulations shall be first approved by the Governor of the said Province, and published in the South Australian Government Gazette; and that the same shall be painted in legible black
black letters, on a board with a white ground, and be put up and continued in some conspicuous place, in or near to, every such market respectively.

XXVI. And be it further Enacted, That it shall and may be lawful for the Colonial Treasurer, or such other officer as the Governor of the said Province shall authorize and appoint, to farm by public auction, for any term not exceeding twelve calendar months, any one or more stalls, or standings in any market-house; and, for that purpose, to advertise and give such public notice in the newspapers, or otherwise, as to the said Colonial Treasurer, or other officer aforesaid, shall seem fit, of the time of letting the same, and the conditions thereof; anything in any other Act or Ordinance to the contrary notwithstanding.

XXVII. And be it further Enacted, That any person who shall damage, any public building, wall, parapet, sluice, bridge, road, street, sewer, water-course, or other public property, shall pay the cost of repairing the same; and if the same be wilfully done, shall forfeit and pay a further sum not exceeding Twenty Pounds, nor less than Five Pounds.

XXVIII. And be it further Enacted, That it shall be lawful for every Police Magistrate, and he is hereby required, from time to time by notice published in the Government Gazette, to declare what portions of rivers, streams, and water-courses, within the limits for which he is appointed, are reserved to the public use, for the supply of water or otherwise, and to specify the bounds thereof; and whosoever shall bathe within such bounds, or throw or lay, or suffer, to fall into the water, any offal, carrion, filth, or other offensive thing, shall, on conviction for every such offence, forfeit and pay a penalty not exceeding Five Pounds.

XXIX. And be it further Enacted, That any person who shall cast any filth or rubbish into any water-course, or canal, or shall obstruct, or divert from its channel, any public sewer or water-course shall forfeit a sum not exceeding Ten Pounds, nor less than One Pound, and shall pay the cost of removing such filth or obstruction, or of restoring such water-course or canal to its proper channel.

XXX. And be it further Enacted, That any person who shall injure any public fountain, pump, cock, or water-pipe, or any part thereof, shall pay the cost of repairing the same; and if the injury be wilfully done, shall forfeit a further sum not exceeding Ten Pounds nor less than One Pound; and any person who shall have in his possession any private key for the purpose of opening any cock,
cock, or who shall in any manner clandestinely or unlawfully appropriate to his use any water from any public fountain or pipe, shall forfeit a sum not exceeding Ten Pounds, nor less than Five Pounds; and any person who shall open, or leave open, any cock of any public fountain or pump, so that the water shall or may run to waste, shall forfeit a sum not exceeding Two Pounds, nor less than Five Shillings; and any person who shall wash any clothes at any public fountain or pump, shall forfeit and pay a sum not exceeding One Pound, nor less than Five Shillings.

XXXI. And be it further Enacted, That if any person shall, in any street or public place, beat or dust any carpet or shall fly any kite; or shall drive any carriage or carriages for the purpose of breaking, exercising, or trying horses; or shall ride any horse, mare, or gelding, for the purpose of airing, exercising, trying, shewing, or exposing such horse, mare, or gelding, for sale (otherwise than by passing through such streets or public places); or shall throw, cast, or lay, or shall cause, permit, or suffer, to be thrown, cast, or laid, or to remain, any ashes, rubbish, broken glass, offal, dung, soil, dead animal, blood, or other filth or annoyance, or any matter or thing in or upon the carriage-way or foot-way of any such street or public place, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other cattle in or so near to any of the said streets, or other public places, as that any blood or filth shall run, or flow upon or over, or be on any, or either of any such carriage or foot-ways; or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any of the said foot-ways of any street or public place, any waggon, cart, dray, sledge, or other carriage; or any wheel, wheelbarrow, handbarrow, or truck, or any hogshead, cask, or barrel; or shall wilfully lead, drive, or ride any horse, ass, mule, or other beast, upon any of the foot-ways aforesaid (otherwise than by crossing the same for any necessary purpose), then, and in every such case, every person so offending, upon conviction before any Justice of the Peace, or upon the view of any such Justice, shall forfeit and pay a sum not exceeding Forty Shillings nor less than Five Shillings.

XXXII. And be it further Enacted, That if any person shall set or place, or cause or permit to be set or placed, any stall-board, chopping-block, shew-board (on hinges or otherwise), baskets, wares, merchandize, casks, or goods of any kind whatsoever; or shall hoop, place, wash, or cleanse, or shall cause to be hooped, placed, washed, or cleansed, any pipe, barrel, cask, or vessel, in, or upon, or over, any of the carriage or foot-ways in any streets or public places; or shall set out, lay, or place, or shall cause or procure, permit or suffer, to be
set out, laid, or placed, any coach, cart, wain, waggon, dray, wheelbarrow, handbarrow, sledge, truck, or other carriage upon any of the said carriageways, except for the necessary time of loading or unloading the same, or taking up or setting down any fare, or waiting for passengers when actually hired, or harnessing or unharnessing the horses or other animals from any coach, cart, wain, waggon, dray, sledge, truck, or other carriage; or if any person shall set, or place, or caused to be set or placed, in, or upon, or over any of the said carriage or foot-ways, any timber, stones, bricks, lime, or other materials, or things for building whatsoever (unless the same shall be enclosed as hereinafter is directed), or any other matters or things whatsoever; or shall hang out, or expose, or shall cause or permit to be hung out or exposed, any meat, or offal, or other thing or matter whatsoever, from any house or other buildings or premises, over any part of either, or any of such footways, or carriage-ways, or over any area of any house or other building or premises, or any other matter or thing, from and on the outside of the front or any other part of any house or other buildings or premises, over or next unto any such street or public place, and shall not immediately remove all or any such matters or things, being thereto required by any Justice of the Peace, or by any Police Constable appointed under this Ordinance, and shall not continue and keep the same so removed; or if any person having, in pursuance of any such requisition as aforesaid, removed, or caused to be removed, any such stall-board, shew-board, chopping-block, basket, wares, merchandize, casks, goods, coach, cart, wain, waggon, dray, wheelbarrow, handbarrow, sledge, truck, carriage, timber, stones, bricks, lime, meat, offal, or other matters or things, shall, at any time thereafter, again set, lay, or place, expose or put out, or cause, procure, permit, or suffer to be set, laid, placed, exposed, or put out the same, or any of them, or any other stall-board, shew-board, chopping-block, basket, wares, merchandize, goods, timber, stones, bricks, lime, coach, cart, wain, waggon, dray, truck, wheelbarrow, handbarrow, sledge, meat, offal, or other things or matters whatsoever (save and except as aforesaid), in, upon, or over any of the carriage or foot-ways of or next unto any streets or public places as aforesaid, then, and in every such case, every person so offending shall, upon conviction, forfeit and pay, for the first offence, a sum not exceeding Forty Shillings, nor less than Five Shillings; and also, that not only shall such penalties become payable and be recovered, but that it shall and may be lawful to and for any Justice, or for any Police Constable appointed under this Ordinance, without any warrant or other authority than this Ordinance, to seize any such stall-board, shew-board, chopping-block, basket, wares, merchandize, casks, goods, coach, cart, wain, waggon, dray, wheelbarrow,
Local Regulations. barrow, handbarrow, sledge, truck, or other carriage, together with
the horses, asses, mules, or other animals, if any shall be thereunto
belonging, with the harness, gear, and accoutrements thereof, or any
such timber or other materials, or other matters or things aforesaid,
or any of them; and in case any of the goods, wares, or mer-
chandise so seized shall be perishable, or shall be articles of food,
then the same shall be immediately forfeited, and the persons who
shall seize the same, shall deliver the same, or cause the same to be
delivered, to the Colonial Storekeeper for the time being; and the
same shall and may be distributed for the benefit of such public or
charitable uses as the Governor may direct; but otherwise such
Justice or Police Constable as aforesaid, shall cause the stall-board,
basket, cask, goods, coach, cart, waggon, wain, dray, wheelbarrow,
handbarrow, sledge, truck, or other carriage, horses, asses, mules,
or other animals, materials, or other things so seized, and not being
of a perishable nature, to be removed to any place appointed for
the reception thereof, if any such there be, or otherwise to such
place as he shall judge convenient; giving parole or written notice
of such place whereunto the same shall be removed, unto the owner,
driver, or other person having interest in the things so seized and
removed, if he shall be then and there present; and the same shall
be there kept and detained until such owner, driver, or other
person interested therein as aforesaid, shall cause to be paid the
penalty in which he shall be convicted, together with the charges
for taking and removing the same, and of keeping such horses,
asses, mules, or other animals (if any); and in case the goods,
carriage, horses, animals, materials, or other things so removed
(not being perishable or articles of food), shall not be claimed, and
the said penalty and charges paid within five days next after such
removal thereof, then, and in every such case, it shall and may be
lawful to and for the said Justice to order the same to be appraised
and sold, and the overplus of the money arising from such sale
shall be paid to the owners thereof, after deducting the said penalty
and such costs, charges, and expenses attending such seizing,
removing, keeping, appraising, and selling the same, as the said
Justice shall ascertain and allow.

Placing nuisances and
annoyances.

XXXIII. And be it further Enacted, That in all cases where by
this Ordinance it may be directed, required, and provided, that any
person setting or placing any stall-board, chopping-block, basket,
merchandise, wares, pipe, barrel, cask, or vessel, goods, timber,
stone, bricks, lime, or any other materials, matters, or things, or
causing or procuring the same, or any of them, to be placed or set
upon any of the carriage or foot-ways, or otherwise, contrary to the
regulations herein contained, in any of the streets or public places,
or that any person setting or placing any coach, cart, waggon, dray, wheelbarrow, handbarrow, sledge, truck, or other carriage, in or upon, or over, any of the carriage or foot-ways, in any street or public place, or procuring or causing the same to be so set or placed, shall have notice and be required to remove the same previous to such person being subject or liable to the penalties imposed by virtue of this Ordinance, and to the seizure, forfeiture, appropriation, appraisement, or sale of any such goods, materials, matters, or other things, coaches, carts, waggons, drays, wheelbarrows, handbarrows, sledges, trucks, or other carriages, in manner directed by this Ordinance, then if any person shall set or place any goods, materials, matters, or other things, or shall set, place, or drive any coaches, carts, waggons, drays, wheelbarrows, handbarrows, sledges, trucks, or other carriages, upon or over, any of the carriage or foot-ways, or any of them, or any part of them, at any time subsequent to his having received such notice, or having been required to remove the same, or any other goods, materials, matters, or things, or any other coaches, carts, waggons, drays, wheelbarrows, handbarrows, sledges, trucks, or other carriages, from off the said carriage-ways, or foot-ways, or any of them, shall cause or permit the same, or any of them, to be placed, or set, by his servants, or by any person employed by him, in every such case, it shall not be necessary or requisite that any Justice or Police Constable as aforesaid, seeing such offence committed again, shall require the removal of such goods, materials, matters, or things, or coaches, carts, waggons, drays, wheelbarrows, handbarrows, sledges, trucks, or other carriages, but the same, or any of them, being so set, or placed in, upon, or over the said carriage or foot-ways, or any part thereof, contrary to the directions of this Ordinance, shall and may be seized, forfeited, removed, applied, detained, appraised, or sold, in manner herein provided as to any other goods, materials, matters, or things; and the persons so committing the said offences, and the owners of the goods, materials, matters, or things, or coaches, carts, waggons, drays, wheelbarrows, handbarrows, sledges, trucks, or other carriages, which shall be so placed or driven, and the master or employer of the persons so offending, shall be subject and liable to the same penalties, forfeitures, proceedings, charges, and punishments, as if such persons so offending had neglected or refused to remove the said goods, materials, matters, or other things, or coaches, carts, waggons, drays, wheelbarrows, handbarrows, sledges, trucks, or other carriages, when required to do so under and by virtue of this Ordinance; and although the said notices or requisitions shall have been again given or repeated to the persons committing or directing, or permitting such offences, or any of them, anything in this Ordinance to the contrary thereof, in anywise, notwithstanding.
XXXIV. Provided always and be it further Enacted, That nothing in this Ordinance contained shall be deemed to prevent any person from placing an awning or verandah in front of his shop or house: Provided, however, that such awning or verandah be at least seven feet above the height of the foot-way in front of such house or shop, and that the posts be placed close up to the curbstone, or outer edge of such foot-way.

XXXV. And be it further Enacted, That any person who shall discharge any fire-arms, without any lawful cause, or let off any fireworks in any street or public place, shall, on conviction, forfeit and pay a sum not exceeding Five Pounds, nor less than Five Shillings.

XXXVI. And be it further Enacted, That it shall not be lawful for any person to burn any shavings, or other things, in any street or public place: And any person so offending shall, on conviction, forfeit and pay for every such offence, a sum not exceeding Forty, nor less than Five Shillings.

XXXVII. And be it further Enacted, That it shall not be lawful for any person to bathe near to, or within view of any public wharf, quay, bridge, street, road, or other place of public resort, between the hours of six o'clock in the morning, and eight in the evening; and any person who shall offend against this regulation, shall, on conviction before, or in view of any Justice of the Peace, forfeit and pay a sum not exceeding One Pound.

XXXVIII. And be it further Enacted, That any individual who shall offend against decency, by the exposure of his person, in any street or public place, or in the view thereof, shall, on conviction before any two Justices of the Peace, forfeit and pay for every such offence, a sum not exceeding Ten Pounds; or shall, in the discretion of such Justices, be committed to the House of Correction, there to be kept to hard labor for any time not exceeding one calendar month.

XXXIX. And be it further Enacted, That it shall not be lawful for any person whomsoever to suffer any kind of swine, or goats, belonging to him, or under his charge, to stray or go about, or to be tethered or depastured in any street or public place, and any person who shall so offend, shall, on conviction, forfeit and pay for every such offence, a sum not exceeding Forty Shillings.

XL. And be it further Enacted, That in case any privy, hog-stye, or any other thing, shall, at any time or times hereafter, be, or become,
become a nuisance to any of the inhabitants, it shall be lawful for any two Justices of the Peace, upon complaint thereof to them made by any such inhabitants, and after due investigation of such complaint, by notice in writing, to order that every, or any, such privy, hog-stye, or other matter or thing, being a nuisance, shall be remedied and removed within seven days after such notice shall have been given to the owner or occupier of the premises wherein such nuisance shall exist, or shall have been left for such owner or occupier at his or her last or usual place of abode, or on the said premises; and every such occupier neglecting to remedy or remove such nuisance, pursuant to such notice, and to the satisfaction of such Justices, shall forfeit and pay, on conviction before the said Justices, the sum of Ten Pounds for every such neglect and disobedience; and also it may be lawful for such Justice to indite, or cause to be indited, for such nuisance, such persons so neglecting or disobeying any such notice, at the then next Court of General Sessions of the Peace to be held for the Province, or for or nearest to the Town or District; and such persons being found guilty thereof, such nuisances shall be removed, taken down, and abated, according to Law, with regard to public or common nuisances; and the person so offending shall be subject to such punishment for the misdemeanor as the Justices assembled at such General Sessions shall direct.

XLI. And be it further Enacted, That any owner or occupier of any house or place who shall neglect to keep clean all private avenues, passages, yards, and ways, within the said premises, so as, by such neglect to cause a nuisance by offensive smell, or otherwise, shall, on conviction before any two Justices of the Peace, forfeit and pay a sum not exceeding Forty Shillings nor less than Ten Shillings, for every such offence.

XLII. And be it further Enacted, That, for preserving cleanliness and the health of the inhabitants, it shall be lawful for any Justice, appointed under this Ordinance, and for any Police Constable or other person authorized and deputed by any writing under the hand of any such Justice, from time to time, and when and as often as he shall see occasion, to visit and inspect the butchers' shambles and slaughter-houses, and to give such directions concerning the cleansing the said shambles and slaughter-houses, both within and without, as to him shall seem needful; and any butcher, and the owner or occupier of any such shamble or slaughter-house, who shall obstruct or molest any such Justice or Constable in the inspection thereof, or who shall refuse or neglect to comply with such directions within a reasonable time, shall, upon the view of any such
such Justice, or on a conviction on the complaint of any such constable, forfeit and pay a sum not exceeding Two Pounds nor less than Ten Shillings.

XLIII. And be it further Enacted, That if any person shall haul or draw, or cause to be hauled or drawn, upon any part of the streets or public places any timber, stone, or other thing, otherwise than upon wheeled carriages, or shall suffer any timber, stone, or other thing, which shall be carried principally, or in part, upon wheeled carriages, to drag or trail upon any part of such street or public place, to the injury thereof; or to hang over any part of any such carriage, so as to occupy or obstruct the street beyond the breadth of the said carriage, every such person so offending shall, on conviction, forfeit and pay for every such offence the sum of Forty Shillings, over and above the damages occasioned thereby.

XLIV. And be it further Enacted, That if the owner or occupier of any house, building, or premises, having any iron or wooden rails or bars over the areas or openings to any kitchens or cellars, or other part or parts of the said house, building, or premises beneath the surface of the foot-way of any streets or public places, or having any door-way or entrance into the basement or cellar story thereof, shall not either keep the same, or the rails of such kitchens or cellars in sufficient and good repair, or safely and securely guard, and constantly keep the same securely guarded by a rail, or cover the same over with a strong flap or trap-door according to the nature of the case, and so as to prevent danger to any persons passing and repassing; or if any such owner or occupier do or shall leave open, or not sufficiently and substantially cover, and keep covered and secured any coal-hole, or other hole, funnel, trap-door, or cellar-flap, belonging to, or connected with, his house, building, or premises (save and except only during such reasonable times as any coals, wood, casks, or other things, shall be putting down, or taking up out of any such vault or basement story, or during such reasonable times as the flap, trap-door, or covering thereof, shall be altering, repairing, or amending); or if such owner or occupier shall not repair, and from time to time keep in good and substantial repair, to the satisfaction of the Police Magistrate, all and every, or any such iron or wooden rails, guard-rails, flaps, trap-doors, and other covering, then, and in every such case, the persons neglecting so to do, for every such offence, on conviction before, or in view of, any Justice of the Peace, shall forfeit and pay any sum not being less than Forty Shillings nor more than Five Pounds.

XLV. And be it further Enacted, That it shall not be lawful for any person to make any cellar, or any opening, door, or window, in any public or premises, so as to form or constitute a dangerous passage, or opening, or other nuisance, for the benefit of the owner or occupier of such premises, or any person using or occupying the same; and if any person shall so make or cause to be made any such cellar, opening, door, or window, or cause to be added to or altered in any such house, building, or premises, so as to form or constitute a dangerous passage, or opening, or other nuisance, for the benefit of the owner or occupier of such premises, or any person using or occupying the same, then and in every such case, the persons so offending, shall, on conviction, forfeit and pay the sum of Forty Shillings, over and above the damages occasioned thereby.

Cellars or openings beneath the surface of foot-ways prohibited.
or beneath the surface of the foot-way of any street or public place, and if any person shall offend in the premises he shall, on conviction before any Justice of the Peace, forfeit and pay the sum of Five Pounds over and above the expense of remedying or removing any such cellar, opening, door, or window, made contrary to the provisions hereof, such expense to be assessed and allowed by such Justice.

XLVI. And be it further Enacted, That every person who shall have a well situated between his dwelling-house, or the appurtenances thereof, and any street or foot-way or at the side thereof, or in any yard or place, open and exposed to such street or foot-way, shall, within the space of one calendar month from and after the commencement of this Ordinance cause such well to be securely and permanently covered over or otherwise secured; and if any person having such well as aforesaid, shall fail to cover or secure the same, as hereby required and directed, every such person shall, upon conviction, for every such offence, forfeit and pay the sum of Two Shillings and Sixpence for every day that such well shall remain open or uncovered contrary to the provisions of this Ordinance.

XLVII. And be it further Enacted, That if any person shall dig or make, or cause to be dug or made, any hole, or leave, or cause to be left, any hole before any vacant ground, or before, or behind, or on the side of any house, or other tenement or building, erected, or being erected, or about to be erected in, and adjoining to, any street or public place, formed, or to be formed, or forming for the purpose of making any vault, or the foundation to such house or other buildings, or for any other purpose whatsoever, and shall not forthwith enclose the same in a good and sufficient manner, to the satisfaction of the Police Magistrate, or shall keep up, or cause to be kept up and continued, any such enclosure for any time which shall be longer than shall be absolutely necessary in the opinion of the said Police Magistrate, or shall not, when thereunto required by the said Police Magistrate, well and sufficiently fence or enclose any such hole, or area, or space, opened or left open, and intended for an area, foundation, or for any other purpose whatsoever in the front of, or behind, or on the side of any such vacant ground, house, or other tenement or building, in and adjoining to any such street or public place formed, or to be formed, or forming, twenty-four hours after he or they shall be required to do so by the said Police Magistrate, and in the manner, and with such materials, as he shall direct, and to his satisfaction, and shall not place a light upon the said enclosure, and keep the same constantly burning from sun-set to
Local Regulations.

to sun-rise, during the continuance of such enclosure; then, every
person so offending shall forfeit and pay for every such offence and
for every such refusal or neglect, any sum not being less than Forty
Shillings nor exceeding Five Pounds.

XLVIII. And be it further Enacted, That, if at any time after
the expiration of twelve months from the commencement of this
Ordinance, any house or building shall not be provided with gutters,
or otherwise so constructed as to prevent rain from dropping from
the eaves thereof, upon any part of the foot-ways of any street, or
public place, the owner or occupier of such house or building, shall,
on conviction, forfeit and pay the sum of Five Shillings, and a like
sum for every day that the same may not be prevented or remedied
by gutters or otherwise.

XLIX. And be it further Enacted, That if any person shall drive
or cause to be driven any cart or other carriage with any night-soil
or ammoniacal liquor therein through or in any of the streets or
public places between the hours of five o'clock in the morning, and
ten o'clock at night, or shall fill any cart or other carriage so as to
turn over or cast any night-soil, ammoniacal liquor, slop, mire, or
channel dirt or filth, in or upon any of the said streets, or other public
places, it shall and may be lawful for any person whomsoever to
seize and apprehend, and to assist in seizing and apprehending, the
offender, and by the authority of this Ordinance, and without any
other authority or warrant, to convey him before any Justice of
the Peace; and such Justice is hereby authorized and required to
hear evidence, and determine upon such offence; and every such
person so offending shall, for every such offence, forfeit and pay the
sum of Five Pounds: Provided always, that in case the person
so offending cannot be apprehended, then the owner of such cart or
carriage, in which such night-soil, or ammoniacal liquor, slop, filth,
mire, or channel dirt, shall be put or placed, and also the employer
of the person so offending, shall be liable to and forfeit and pay
such penalty as aforesaid.

L. And be it further Enacted, That if any person shall empty
any privy, or take away any night-soil from any house or premises
within the streets or public places, or shall come with carts or car-
riages for that purpose, except between the hours of ten at night
and five in the morning; or if any person shall put in or cast out
of any cart, or tub, or otherwise any night-soil, in or near any of
the streets or public places, it shall be lawful for any Justice of the
Peace to commit every such offender, upon conviction to the House
of Correction or Common Gaol, for any time not exceeding thirty
days,
Local Regulations.

II. And be it further Enacted, That any person who shall be convicted of wantonly or maliciously breaking or injuring any lamp or lamp-post, or extinguishing any lamp set up for public convenience, shall, over and above the necessary expense of repairing the injury committed, to be estimated by the Justice before whom such offender shall be brought, forfeit and pay, upon conviction for every such offence any sum not less than One Pound nor exceeding Five Pounds.

LIII. And be it further Enacted, That it shall not be lawful for any person to throw or cause to be thrown, any dead animal, or any part thereof, into any street, lane, road, or other public place, or into any river, creek, or other stream which shall flow through, by, or along, any such street, lane, road, or other place, or to leave or cause the same to be left upon the shores thereof; and any person who shall be guilty thereof, shall, on conviction, forfeit and pay any sum not exceeding One Pound nor less than Five Shillings.

LIV. And whereas many accidents happen and great mischiefs are frequently done in the streets and public places, by the negligence or wilful misbehaviour of persons driving therein: Be it therefore Enacted, That if the driver of any waggon, wain, cart, or dray of any kind, shall ride upon any such carriage in any street or public place, not having some person on foot to guide the same (such as are drawn by horses and properly driven with reins only excepted); or if the driver of any carriage whatsoever shall willfully be at such a distance from such carriage, or in such a
Local Regulations.

Or to go a distance from vehicle;

Or drive on the wrong side;

Or wilfully interrupt the free passage of any carriage or person;

Penalty.

As to riding or driving improperly through the streets.

Affixing placards on walls, and chalking thereon.

Limits of the Towns and Districts to be set out.

situation whilst it shall be passing upon such street or public place that he cannot have the direction and government of the horses or cattle drawing the same; or, if any person shall ride upon the shafts of any waggon, cart, dray, or other carriage whatsoever, or if the driver of any waggon, cart, dray, coach, or other carriage, whatsoever, meeting any other carriage, shall not keep his waggon, cart, dray, coach, or carriage, on the left or near side of the road; or if any person shall, in any manner, wilfully prevent any other person from passing him or any carriage under his care upon such street or public place, or by negligence or misbehaviour, prevent, hinder, or interrupt the free passage of any carriage or person so in or upon the same, every such driver or person so offending shall, on conviction, forfeit and pay for every such offence any sum not less than Ten nor exceeding Forty Shillings.

LV. And be it further Enacted, That any person who shall ride or drive through any street or public place so negligently, carelessly, or frivolously, that the safety of any other person might thereby be endangered, shall, on conviction, forfeit and pay a sum not exceeding Ten Pounds nor less than Two Pounds.

LVI. And be it further Enacted, That it shall not be lawful for any person to paste, or otherwise affix any placard or other paper upon any wall, house, or building, by chalk, or paint, or in any other manner; and any person who shall be guilty of any such offence, shall, upon the complaint of the owner or occupier of any such wall, house, or building, forfeit and pay, on conviction, the sum of Ten Shillings.

LVII. And be it further Enacted, That the Surveyor-General of South Australia, or any other person deputed by him, may at all times set out and mark with sufficient marks the limits of any Towns and Districts, respectively, subject to the approval of the Governor; and neither the said Surveyor-General, nor any of his assistants, nor any person appointed by him or them shall be deemed to commit any trespass by entering upon the property of any individual, in order to erect, uphold, or repair the said marks at any time after the passing of this Ordinance; and any person who shall wilfully pull down, destroy, deface, or injure any of the said marks, shall, on conviction, forfeit and pay the sum of Five Pounds for the first offence, and the sum of Ten Pounds for the second offence, and the sum of Twenty Pounds for the third and every subsequent offence.

LVIII. And
LVIII. And be it further Enacted. That the said Surveyor-General, or any person deputed by him, shall set out, as far as may be practicable, within twelve months after the commencement of this Ordinance, or in case of unavoidable delay, as soon thereafter as can or may be necessary to be done, the breadth of the carriage and foot-ways in the streets and public places, within each of the said Towns or Districts, respectively, and shall cause the said foot-ways to be marked off by posts at the corners and intersections of the street or wherever the same may be necessary for defining the foot-ways; and the carriage and foot-ways, when so set out, shall be deemed to be the carriage and foot-ways within the meaning of this Ordinance; and the said foot-ways shall in all cases be taken and measured from the curb-stone or exterior edge thereof, as laid down by the said Surveyor-General, or any person deputed by him, without reference being in any manner had to the breadth of the carriage-way adjoining thereto or any parts thereof; Provided always, that before the said Surveyor-General, or any person deputed by him as aforesaid shall set out the foot-way in any street or part of a street, or public place, after the commencement of this Ordinance, he shall lay before the Governor and Executive Council a plan of the same, setting forth the proposed breadth of the carriage and foot-ways; and thereupon it shall and may be lawful for the said Governor and Council, by notice in the South Australian Government Gazette, to fix and declare the distance from the curb-stone or exterior edge of the said foot-way, in any such street, or part of a street, or public place.

LIX. And be it further Enacted, That as soon as the foot-way of any street, part of a street, or public place, shall be fixed and declared by the Governor and Executive Council as hereinbefore mentioned, no house, shop, or other building shall be erected, or allowed to project or encroach in any part, within the distance from the curb-stone or exterior edge of the foot-way fixed and declared as aforesaid, nor shall any house, shop, or other building which is now erected, within the distance to be fixed and declared as aforesaid, from the curb-stone or exterior edge of the said foot-way, be rebuilt in the whole, or in any part, nor shall any addition or alteration be made to the same, except in conformity with the provisions hereof: And any person who shall erect or rebuild any such house, shop, or other building, in whole or in any part, or make any addition or alteration to the same, except according to the provisions hereof, shall forfeit and pay for every such offence the sum of Twenty Pounds; and if the said house, shop, or other building, or any addition or projection, shall not be removed or abated within one month after notice shall be served to that effect by
by the Police Magistrate, on the proprietor or occupier thereof, or left at his usual place of abode, the further sum of One Pound for every day the same shall remain contrary to the provisions of this Ordinance; and it shall be lawful for two or more Justices of the Peace, the said Police Magistrate being one of them, to grant a warrant, to cause the said house, shop, or other buildings, and all additions and alterations thereto, so far as the same may be contrary to the provisions of this Ordinance, to be taken down, and the materials thereof to be sold, and thereout to pay the charges of taking down the same, and the surplus, if any, shall be paid to the owner of such materials.

LX. And be it further Enacted, That after the commencement of this Ordinance, no person whatsoever shall begin to erect any house, shop, or other building abutting on any street without first serving notice in writing on the said Police Magistrate, on any lawful day between the hours of eleven and three o'clock, stating such intention and describing the proposed situation of the building; and the said Police Magistrate is hereby required and directed within three days after the receipt of such notice, to furnish such person with a paper, signed by the said Police Magistrate, specifying the provisions of this Ordinance, so far as the same may relate to the erection of such shop, house, or other building; and if any person shall begin to erect the same, without having first served such notice and received such paper, he shall forfeit and pay a sum not exceeding Five Pounds; and if the said Police Magistrate shall refuse or neglect to furnish such written paper within three days after the receipt of such notice, he shall, on conviction, forfeit and pay the sum of Five Pounds, unless reasonable cause be shown.

LXI. And be it further Enacted, That every owner or occupier of any house, building, or premises having an entrance, area, garden, or other open space adjoining the foot-way, of any street or public place, beneath the level of the curb-stone or exterior edge of such foot-way, shall protect and guard the same by good and sufficient rails, fences, or other enclosures, so as to prevent danger to persons passing and repassing; and further, that every such owner or occupier of any such house, building, or other premises, having any steps adjoining any foot-way of any street or public place, shall in like manner protect and guard the same by rails or other enclosures, so as to prevent the like danger to persons passing and repassing; and in failure thereof, every such owner or occupier shall, as often as he shall be convicted of such offence, either before or in view of any Justice of the Peace, forfeit and pay any sum, not being less than Forty Shillings nor more than Five Pounds.

LXII. And
LXII. And be it further Enacted, That nothing in this Ordinance contained shall be deemed to interfere with the powers vested in any surveyor by the provisions of any other Ordinance now or hereafter to be in force within the said Province.

LXIII. And be it further Enacted, That it shall and may be lawful for any person appointed by the Governor, at any time after the commencement of this Ordinance, to mark upon the walls of any house, the name of the street or place in which it is situated, or such other notice, as it may be conducive to the public convenience to affix, either by painting or colouring the same upon the walls, or by affixing a board thereto, upon which such notice may be painted; and also from time to time, to allot a number to each house, in every street or public place, which number the occupier of every such house is hereby required to paint or affix, or cause to be painted or affixed, in legible characters upon the door of his house, within fourteen days after written notice from the said person so to be appointed by the Governor, to that effect left at his said house; and every person refusing or neglecting to paint or affix such number after such notice as aforesaid, shall, on conviction, forfeit and pay the sum of Ten Shillings, and the like sum for every week during the continuance of such refusal or neglect.

LXIV. And for greater regularity and convenience, be it further Enacted, That it shall and may be lawful for any person appointed by the Governor, as soon as the foot-ways shall have been set out and marked in manner hereinbefore directed, to cause the same to be levelled and made, as nearly as may be practicable, of an equal height and breadth, and with an equal slope and inclination; and for this purpose to remove and abate any flagging, steps, or any other thing that may injure or obstruct the said foot-way or render it unequal or inconvenient, and which now is, or hereafter may be, erected or placed on the space marked out for any of the said foot-ways.

LXV. And be it further Enacted, That if any person, after the said foot-ways shall be so set out as aforesaid, shall be desirous of flagging, paving, graveling, or putting a curbstone to the foot-way in front of his house, every such person shall, before such work be begun, give notice in writing to the Police Magistrate, at his office, between the hours of eleven in the forenoon and three in the afternoon of any day (except as before excepted), of such his intention, and the said Magistrate is hereby required within three days after receipt of such notice to furnish such person with
Local Regulations.

written directions as to the length, breadth, height, slope, and inclination of such footway, and if any person shall commence any such work without giving the notice herein directed, or shall refuse or neglect to conform to the directions of the Police Magistrate, every such person shall forfeit and pay any sum not less than Five Pounds nor more than Ten Pounds; and it shall be lawful for any two or more Justices of the Peace, the said Police Magistrate being one of them, to order the removal of all work which may be so executed contrary to such directions.

LXVI. And be it further Enacted, That if any person shall, at any time hereafter, in any manner whatsoever, wilfully obstruct, hinder, or molest any person having the control of the streets or public places, or any surveyor, officer, or person whomsoever, who shall be appointed, employed, or authorized to put into execution this Ordinance, in the performance or execution of his duty, then every person so offending shall, on conviction, for the first offence, forfeit and pay the sum of Five Pounds, and for the second offence a sum not exceeding Ten Pounds, and for the third or any subsequent offence a sum not exceeding Twenty Pounds.

LXVII. And be it further Enacted, That every person shall be liable to a penalty of not more than Forty Shillings, who shall, in any thoroughfare or public place, commit any of the following offences (that is to say):

1. Every person who shall suffer to be at large any unmuzzled ferocious dog, or set on or urge any dog to attack, worry, or put in fear any person, horse, or other animal:

2. Every person who, by negligence or ill-usage in driving cattle, shall cause any mischief to be done by such cattle, or who shall in anywise misbehave himself in the driving, care, or management of such cattle, and also every person not being hired or employed to drive such cattle, who shall wantonly and unlawfully pelt, drive, or hunt any such cattle:

3. Every person who, without the consent of the owner or occupier, shall wilfully break, destroy, or damage any part of any building, wall, fence, or pale, or any fixture or appendage thereunto, or any tree, shrub, or seat in any public walk, park, or garden:

4. Every person who shall sell, or distribute, or offer for sale or distribution, or exhibit to public view any profane, indecent, or obscene book, paper, print, drawing, painting, or representation, or sing any profane, indecent, or obscene song or ballad, or write or draw any indecent or obscene word, figure, or representation, or use any profane, indecent, or obscene language, to the annoyance of the inhabitants or passengers:

5. Every
5. Every person who shall use any threatening, abusive, or insulting words or behaviour, with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned:

6. Every person who shall wilfully and wantonly disturb any inhabitant, by pulling or ringing any door-bell, or knocking at any door, without any lawful excuse.

LXVIII. And be it further Enacted, That for every misdemeanor or other offence against this Ordinance for which no special penalty is hereinbefore appointed, the offender shall, at the discretion of the Magistrate before whom the conviction shall take place, either be liable to a penalty of not more than Five Pounds or be imprisoned for any time not more than one calendar month, in any Gaol or House of Correction within the jurisdiction of such Magistrate.

LXIX. And be it further Enacted, That every Police Magistrate may, without issuing any summons, forthwith issue his warrant for the apprehension of any person charged with any offence cognizable before him, whenever good grounds for so doing shall be stated on oath before him.

LXX. And be it further Enacted, That all offences committed within the limits of the Police, which, under this or any other Ordinance, are punishable on summary conviction before Justices of the Peace, may be heard and determined by any of the said Magistrates sitting at one of the Police Courts, in a summary way, within six calendar months at the farthest next after the commission of such offence, or within such shorter time as shall be limited by the Ordinance specifying the offence, and not afterwards, whether or not any information in writing shall have been exhibited or taken by or before such Magistrate; and all such proceedings by summons without information in writing, shall be as valid and effectual as if an information in writing had been first exhibited in that behalf: Provided always, that a note or memorandum in writing, according to a form to be approved by the Governor, shall be made and kept in the Court, of the substance of every charge for which a summons or warrant shall be issued: Provided also, that the Magistrate, if he shall think fit, may require an information in writing to be laid in every case in which it shall seem to him to be expedient, before the matter of the complaint or charge shall be brought before him; and the magistrate shall examine into the matter of every complaint or charge brought before him, and if, upon the confession of the party accused, or on the oath of any one or more witnesses, the party accused shall be convicted of having committed

\[ \text{Local Regulations.} \]

\[ \text{Penalty for offences for which no penalty is appointed.} \]

\[ \text{Proceedings.} \]

\[ \text{Warrant for apprehension may be issued without summons.} \]

\[ \text{Proceedings on information before Magistrates.} \]
Proceedings.

Power to deliver things from brokers.

LXXI. And be it further Enacted, That if any goods shall be stolen or unlawfully obtained from any person, or, being lawfully obtained, shall be unlawfully deposited, pawned, pledged, sold, or exchanged, and complaint shall be made thereof to any of the said Magistrates, and that such goods are in the possession of any broker, dealer in marine stores, or other dealer in second-hand property, or of any person who shall have advanced money upon the credit of such goods, it shall be lawful for such Magistrate to issue a summons or warrant for the appearance of such broker or dealer, and for the production of the goods, and to order such goods to be delivered up to the owner thereof, either without any payment, or upon payment of such sum and at such time as the Magistrate shall think fit; and every broker or dealer who, being so ordered, shall refuse or neglect to deliver up the goods, or who shall dispose of or make away with the same, after notice that such goods were stolen or unlawfully obtained as aforesaid, shall forfeit to the owner of the goods the full value thereof, to be determined by the Magistrate: Provided always, that no such order shall bar any such broker or dealer from recovering possession of such goods by suit or action-at-law, from the person into whose possession they may come by virtue of the Magistrate's order, so that such action be commenced within six calendar months next after such order shall be made.

Power to deliver other goods.

LXXII. And be it further Enacted, That if any goods or money charged to be stolen, or fraudulently obtained, shall be in the custody of any Constable by virtue of any warrant of a Justice, or in prosecution of any charge of felony or misdemeanor, in regard to the obtaining thereof, and the person charged with stealing or obtaining possession as aforesaid, shall not be found, or shall have been summarily convicted or discharged, or shall have been tried and acquitted, or if such person shall have been tried and found guilty, but the property so in custody shall not have been included in any indictment upon which he shall have been found guilty, it shall be lawful for any Magistrate to make an order for the delivery of such goods or money to the party who shall appear to be the rightful owner thereof, or in case the owner cannot be ascertained, then to make such orders with respect to such goods or money, as to such Magistrate shall seem meet: Provided always, that no such
such order shall be any bar to the right of any person to sue the party to whom such goods or money shall be delivered, and to recover such goods or money from him, by action-at-law, so that such action shall be commenced within six calendar months next after such order shall be made.

LXXIII. And be it further Enacted, That it shall be lawful for any Police Magistrate, who shall hear and determine any charge or complaint, whether or not a warrant or summons shall have been issued in consequence of such charge or complaint, to award such costs as to him shall seem meet, to be paid to or by either of the parties to the said charge or complaint.

LXXIV. And whereas informations are often laid for the mere sake of gain, or by parties not truly aggrieved, and the offences charged in such informations are not further prosecuted, or it appears upon prosecution that there was no sufficient ground for making the charge: Be it Enacted, That in every case in which any information or complaint of any offence shall be laid or made before any of the said Magistrates, and shall not be further prosecuted, or in which, if further prosecuted, it shall appear to the Magistrate by whom the case shall be heard that there was no sufficient ground for making the charge, the Magistrate shall have power to award such amends, not more than the sum of Five Pounds, to be paid by the informer to the party informed or complained against, for his loss of time and expenses in the matter, as to the Magistrate shall seem fit.

LXXV. And be it further Enacted, That in case any person shall lodge any information before any of the said Magistrates, for any offence alleged to have been committed by which he was not personally aggrieved, and shall afterwards directly or indirectly receive, without the permission of one of the said Magistrates, any sum of money or other reward for compounding, delaying, or withdrawing, the information, it shall be lawful for any one of the said Magistrates to issue his warrant or summons as he may deem best, for bringing before him the party charged with the offence of such compounding, delay, or withdrawal; and if such offence be proved by the confession of the party, or by the oath of any credible witness, such informer shall be liable to a penalty of not more than Ten Pounds.

LXXVI. And be it further Enacted, That where any person employed in the said Police Force shall be entitled to the whole or a proportion of any forfeiture, penalty, or seizure, under this or any
any other Ordinance in force within this Province, the amount or proceeds thereof shall go to a general fund to be distributed at the end of every year among the officers and men belonging to the said Police Force, in such proportions and according to such regulations as the Governor for the time being shall appoint, direct, and determine, and in default of appointing regulations, or directions being made, the said fine shall go to the person entitled to the same immediately upon the recovery thereof; and no such person shall by reason of the application of any penalty to the Police Funds be deemed to be an incompetent witness before any Court or Justice of the Peace in any proceeding whatever for any offence against this or any other law in force in this Province.

LXXVII. And be it further Enacted, That all proceedings under this Ordinance, in so far as not otherwise expressly provided, may be had and taken, and all summonses to parties and witnesses and warrants (where necessary) for enforcing the same, may be issued and served, or executed, respectively, and all fines imposed, and all sums of money ordered to be paid, may be recovered before any one Justice, and shall be appropriated and applied; and every person feeling aggrieved by the imposition of any such fine, or by any order under this Ordinance, shall be entitled to appeal therefrom in manner and form, and on the terms respectively, which are prescribed by the Law of the Province in force for the time being, for regulating summary proceedings before Justices of the Peace.

LXXVIII. And be it further Enacted, That no conviction, order, warrant, or other matter made, or purporting to be made, by virtue of this Ordinance, shall be quashed for want of form, or removed by certiorari or otherwise into the Supreme Court; and no warrant of commitment shall be held void by reason of any defect therein, provided that it be therein alleged that the party has been convicted, and that there be a good or valid conviction to sustain the same; and where any distress shall be made for levying any money by virtue of this Ordinance, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto; nor shall the party distraining be deemed a trespasser ab initio, on account of any irregularity afterwards committed by him; but the person aggrieved by such irregularity may recover full satisfaction for the special damage, if any, in an action upon the case.

LXXIX. And for the protection of persons acting in the execution of this Ordinance, be it Enacted, That all actions and prosecutions
cutions to be commenced against any person for anything done in pursuance of this Ordinance shall be commenced within two calendar months after the fact was committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action, the defendant may plead the general issue, and give this Ordinance, and the special matter in evidence, at any trial to be had thereupon; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought; or if a sufficient sum of money shall have been paid into Court after such action brought, by, or on behalf of defendant, together with the costs incurred up to that time; and if a verdict shall pass for the defendant, or the plaintiff become nonsuited, or discontinue any such action after issue joined, or if upon demurrer, or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs, as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be shall certify his approbation of the action, and of the verdict obtained thereupon.

LXXX. And whereas certain provisions of this Ordinance are of general application throughout the Province, and the whole provisions thereof, though at present applicable only to certain limits of the City of Adelaide, may be extended with advantage to other towns and districts, as they increase in population and trade, be it Enacted, That from and after the commencement hereof, the whole provisions of this Ordinance shall be in force within that part of the City of Adelaide which is bounded by and includes the following area: that is to say, the whole of Flinders-street and Franklin-street; the whole of the North-terrace and so much of the West-terrace as lies between its junction with the South side of Franklin-street, and its junction with the North-west angle of the North-terrace; and so much of the East-terrace as lies between its junction with the South side of Flinders-street and the North-east angle of the North-terrace; and the following sections shall be in force throughout the Province at large; that is to say, sections first to thirty-six inclusive, and sections sixty-eighth to eightieth inclusive: And whenever it may appear to the Governor that any other portion of the said City, or any other town or district of the said Province, may with advantage be brought under the operation of this Ordinance, in so far as not hereby declared to be applicable thereto, it shall be lawful for His Excellency, from time to time, by
by Proclamation published in the Government Gazette, to specify and describe the limits of such City, Town, or District, for Police purposes, and to declare what provisions of this Ordinance, not already hereby declared to be applicable, shall extend and apply to such limits; and every such Proclamation from time to time to cancel and alter in like manner as may seem fitting; And from and after every such publication, the provisions specified in such Proclamation shall apply and be in force within the limits so proclaimed, as fully and effectually as if the same were herein expressly set forth.

G. GREY,
Governor and Commander-in-Chief.

Passed the Legislative Council this Seventh day of September, 1844.

W. L. O'HALLORAN,
Clerk of Council.