POLICE ACT, 1916.
(No. 1257 of 1916).

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An Act to consolidate certain Acts relating to the Police Force, and to the Maintenance of Law and Order.

[Assented to, November 16th, 1916.]

Be it enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I.
PRELIMINARY.

1. This Act may be cited as the "Police Act, 1916."

2. The provisions of this Act are arranged as follows:
   PART I.—Preliminary.
   PART II.—Appointment and Control of Officers and Constables of the Police Force.
   PART III.—Regulation, Duties, and Discipline of the Police Force.
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3. This
PART I.

Acts consolidated and repealed.

Interpretation.

Ibid., s 112.

3. This Act is a consolidation of the Acts mentioned in the First Schedule, and the said Acts are hereby repealed.

4. In this Act—

“Commissioner” means the Commissioner of Police:

“Public place” or “place of public resort” includes—

(a) every place to which free access is permitted to the public, with the express or tacit consent of the owner or occupier thereof; and

(b) every place to which the public are admitted on payment of money, the test of the admittance being the payment of the money only; and

(c) every road, street, footway, court, alley, or thoroughfare which the public are allowed to use, notwithstanding that such road, street, footway, court, alley, or thoroughfare may be formed on private property: Provided that nothing herein contained shall be held to divest the owners of such property of their rights or property therein, or of their power to resume the same for use, occupation, or sale.

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PART II.

APPOINTMENT AND CONTROL OF OFFICERS AND CONSTABLES OF THE POLICE FORCE.

5. (1) The Governor may appoint a fit and proper person to be Commissioner of Police.

(2) The Commissioner of Police shall be charged and invested with the general control and management of the Police Force, and of any special constables appointed under this Act.

6. (1) The Governor may appoint such Inspectors, Sub-Inspectors, and other officers of Police as may be found to be necessary.

(2) Such Inspectors, Sub-Inspectors, and officers shall hold commissions under the hand of the Governor for such appointments, and shall be subject to the control of the Commissioner, and shall be respectively charged with the government and superintendence of such portion of the Police Force as the Commissioner directs.

7. (1) The Commissioner, or such other person as the Governor nominates for that purpose, may, with the approval of the Chief Secretary, appoint as many sergeants and constables of different grades as he deems necessary for the preservation of peace and order throughout the State.

(2) Such
(2) Such sergeants and constables shall have the same powers and privileges, and be liable to the same duties and responsibilities, as any constable duly appointed may have, or be liable to, either at common law, or by virtue of any statute law in force in the State.

8. If any question arises as to the right of the Commissioner, or of any other officer or member of the Police Force, to hold or exercise his office, common reputation shall to all intents and purposes be deemed sufficient evidence of such right, and it shall not be necessary to produce any written appointment, or any oath, or other document or matter whatsoever, in proof of such right.

PART III.
REGULATION, DUTIES, AND DISCIPLINE OF THE POLICE FORCE.

9. (1) The Governor may make rules, orders, and regulations for the general government of the members of the Police Force as to—

(a) their places of residence, their classification, distribution, particular service, and inspection;

(b) the description of the arms, accoutrements, and other necessaries to be furnished to them;

(c) which members shall be supplied with horses, and all such other rules, orders, and regulations relative to the Police Force as may be necessary for rendering the members thereof efficient for the discharge of their several duties, and for the purpose of preventing neglect or abuse.

(2) The Commissioner may, with the approval of the Chief Secretary, make such other orders and regulations for the general government, management, and discipline of the Police Force, as he deems necessary.

10. (1) No person appointed to be Commissioner of Police, or Inspector, Sub-Inspector, or other officer of police, nor any sergeant or constable, shall be capable of holding his office or of acting in any way therein, until he has taken and subscribed an oath in the form No. 1 in the Second Schedule.

(2) The said oath shall be administered and subscribed by a Justice.

11. Every person, on taking and subscribing the oath referred to in section 10, shall be deemed to have thereby entered into a written agreement with, and shall be thereby bound to serve, His Majesty from the day on which such oath is taken and subscribed until legally discharged, as a member of the Police Force in the office in respect of which he has taken such oath, at the current rate of pay for such office: Provided that—

I. any such agreement shall not be void for want of consideration: II. such
PART III.

Members of the Force not to resign without leave or notice.

Ibid., s. 11.

11. such agreement may be cancelled at any time by the lawful discharge, dismissal, or removal from office of any such person, or by the resignation of any such person being accepted by the Commissioner.

12. (1) No member of the Police Force shall resign his office, or relinquish the duties thereof, whether the period of his engagement therein has expired or not, unless—

(a) he is expressly authorised in writing by the Commissioner so to do, or

(b) he has given to the Commissioner one month's notice of his intention so to do.

(2) Any such member who is guilty of any contravention of this section shall be liable to a penalty of not more than Five Pounds, or to imprisonment for any period not exceeding fourteen days, and in addition shall be liable to forfeit all arrears of pay due to him at the time of such contravention.

13. (1) Every member of the Police Force who has been dismissed from, or has ceased to hold office in, the Police Force shall forthwith deliver up to the Commissioner, or to such other person, and at such time and place, as the Commissioner directs, all the clothing, arms, ammunition, and accoutrements, horses, saddles, bridles, appointments, and other property which has been supplied to him for the execution of his duty, or which is in his custody by virtue of his office.

(2) Any such member who fails or neglects to comply with the provisions of this section shall be liable to imprisonment, with or without hard labor, for any period not exceeding two months.

(3) Any Justice may issue his warrant to search for and seize all clothing, arms, ammunition, and accoutrements, horses, saddles, bridles, appointments, and other property not delivered up as required by this section, wherever the same may be found.

14. (1) Every member of the Police Force who is guilty of any neglect or violation of duty in his office as such member shall be liable to a penalty of not more than Five Pounds, or to imprisonment, with or without hard labor, for any period not exceeding one month.

(2) The amount of any penalty imposed upon a member of the Police Force for an offence against this section may be deducted from any salary then due to such member.

15. Any member of the Police Force who—

(a) directly or indirectly takes any bribe, pecuniary or otherwise, to forego his duty as such member, or

(b) in any manner aids, abets, assists, or connives at the escape, or any attempt or preparation to escape, of any prisoner from any gaol or other place in which such prisoner is lawfully confined, or otherwise in lawful custody, or

(c) deserts
Police Act.—1916.

16. (1) Notwithstanding the establishment of any Police District under this Act, the constables belonging to the Police Force stationed in such District shall continue to be part of the Police Force, and shall be subject to the same authority, and be liable, if required, to perform the same duty in any part of the State or elsewhere, as if no such Police District had been established.

(2) Every member of the Police Force employed beyond the limits of the State, whilst so employed shall be amenable to, and shall obey in all respects, the lawful commands of his superior officers, and shall be liable to the same penalties, forfeitures, and punishments, in all respects, for any neglect or violation of duty whilst so employed, as if such neglect or violation of duty had occurred within the State.

17. (1) Every sergeant and constable of the Police Force shall execute every process to him directed for levying the amount of any recognizance forfeited to His Majesty, or of any fine imposed on any juror, witness, party, or other person by any Court of competent jurisdiction, or of any other fine imposed under any Act in force in the State.

(2) Any process, or any order, warrant, or command of any Justice directed, delivered, or given to any sergeant or constable of the Police Force may be executed and enforced by any other sergeant or constable of the said Force, or his assistants, and every such last-mentioned sergeant or constable or his assistants shall have all the rights, powers, and authorities for and in the execution of such process, order, warrant, or command, as if the same had originally been directed to him or them expressly by name.

18. If any person, not being a member of the Police Force—

(a) has in his possession any arms or ammunition, or any article of clothing, accoutrements or appointments, supplied to any member of the Police Force, and is not able satisfactorily to account for his possession thereof; or

(b) puts on or assumes the dress, name, designation, or description of any member of the Police Force, or pretends or asserts that he is a member of such Force; or

(c) gives, or offers or promises to give, any bribe, recompense, or reward to, or makes any collusive agreement with, any member of the Police Force, to induce him to neglect his duty, or to conceal or connive at any act whereby any

Constables subject to duty in any part of the State, or outside the State. Ibid., s. 13.

Sergeants and constables to execute process for levying fines, forfeitures, &c. Ibid., s. 20.

Penalty for person ating or attempting to bribe police. Ibid., s. 15.
any rule, order, or regulation relating to the appointment and duties of the members of the Police Force for the time being in force may be evaded,
such person shall, in addition to any other punishment to which he may be liable for such offence, be liable to a penalty not exceeding Ten Pounds.

19. (a) Any holder of any licence to sell fermented or spirituous liquors or any other person whosoever who, either by himself or his servant, permits any constable of the Police Force, knowing him to be such constable, to become intoxicated on his premises, or to be supplied with any fermented or spirituous liquor whilst intoxicated, or whilst on duty (unless the constable is travelling on duty); or

(b) any person who knowingly harbors or entertains any constable of the Police Force, or knowingly permits any such constable to be or remain in his house, shop, room, or other place, during any part of the time appointed for such constable to be on duty elsewhere, shall be liable to a penalty not exceeding Five Pounds.

20. (1) Any person who assaults or resists any member of the Police Force in the execution of his duty, or aids or incites any other person so to assault or resist any such member—

(a) shall be liable to a penalty not exceeding Ten Pounds, or to imprisonment, with or without hard labor, for any period not exceeding three months; and in either case shall also forfeit and pay such sum or such further sum of money as appears to the convicting Justice to be a reasonable compensation for any damage or injury caused by the offender to the uniform, clothing, accoutrements, or horse of such member, or for any medical or other expenses incurred in consequence of personal injury sustained by him in such assault or resistance as aforesaid; or

(b) may be committed for trial before any Court of competent jurisdiction.

(2) Any person who disturbst or hinders any member of the Police Force in the execution of his duty, or aids or abets or assists any other person in so doing, shall be liable to a penalty not exceeding Five Pounds, or to imprisonment, with or without hard labor, for any period not exceeding two months.
PART IV.

APPOINTMENT AND CONTROL OF SPECIAL CONSTABLES.

21. (1) (a) Where it is made to appear to any Special Magistrate or any two Justices, upon the oath of any credible witness, that any tumult, riot, or felony has taken place, or may be reasonably expected to take place, in any city, town, or district, and such Special Magistrate or Justices are of opinion that the ordinary constables or officers appointed for preserving the peace in such city, town, or district, are not, or will not be, sufficient for the preservation thereof, and for the protection of the inhabitants and the security of the property therein, or

(b) where, without such oath as aforesaid, any Special Magistrate or any two Justices are of opinion that the said constables or officers are not, or will not be, sufficient for such preservation, protection, or security as aforesaid, or for the apprehension of offenders,

it shall be lawful for such Special Magistrate or Justices, by precept in writing under his or their hand or hands, to appoint such house­holders or other persons (not being legally exempt from serving as constables) residing in such city, town, or district, as he or they think fit, to act as special constables for such time and in such manner as to the said Special Magistrate or Justices respectively seems necessary for the preservation of the peace, and for the protection of the inhabitants, and the security of the property, in such city, town, or district.

(2) The Special Magistrate or either of the Justices who appoint any special constables by virtue of this section, or any other Justice, is hereby authorised to administer to every person so appointed an oath in the form No. 2 in the Second Schedule.

(3) Whenever any special constables have been appointed under this section, notice of such appointment, and of the circumstances which have rendered such appointment necessary, shall be forthwith forwarded by the Special Magistrate or Justices making such appointment to the Chief Secretary.

22. The Commissioner may, with the approval of the Chief Secretary, make such orders or regulations as may from time to time be necessary and expedient for rendering any special constables appointed under this Act efficient for the preservation of the public peace.

23. (1) Any person willing to act as a special constable under the provisions of this Act in any city, town, or district may be appointed and may act as such special constable, notwithstanding that he is not resident in such city, town, or district or in the neighborhood thereof.

(2) Any
PART IV.

Penalty on special constable refusing to take the oath of office, or to serve.
Ibid., s. 24.

24. (1) If any person appointed under section 21 to act as a special constable refuses to take the oath of his office when thereunto required by the Special Magistrate or Justices appointing him, he shall, on summary conviction thereof before such Special Magistrate or Justices, be liable to a penalty not exceeding Five Pounds.

(2) If any person appointed to act as a special constable——

(a) neglects or refuses to appear at the time and place for which he is summoned for the purpose of taking the oath of his office; or

(b) neglects or refuses, when thereunto required, to serve as such special constable, or to obey such lawful orders and directions as are given him for the performance of the duties of his office,
such person shall be liable to a penalty not exceeding Five Pounds, unless he proves to the satisfaction of the Special Magistrate or Justices appointing him that such neglect or refusal was due to sickness or such other unavoidable cause as such Special Magistrate or Justices deem sufficient.

25. (1) The Commissioner may, at his discretion, suspend or determine the services of all or any special constables appointed under this Act.

(2) Notice of such suspension or determination shall be forthwith forwarded to the Chief Secretary.

(3) The Commissioner may remove any special constable from his office for any misconduct or neglect of duty therein.

26. (1) Every special constable shall forthwith on the expiration of his office, or after he has ceased to hold and exercise the same, deliver over to his successor (if any), or, if no successor has been appointed, to such person, and at such time and place, as may be directed by the Commissioner, all arms, staves, weapons, and other articles which have been provided for him.

(2) If any special constable neglects or refuses to comply with the provisions of this section, he shall be liable to a penalty not exceeding Ten Pounds.

27. The Chief Secretary may——

(a) upon the recommendation of the Commissioner, order such reasonable allowances for their trouble, loss of time, and expenses, to be paid to any persons who have served, or are serving, as special constables, as he deems proper; and

(b) order
(b) order the payment of such expenses as have been incurred in providing arms, staves, weapons, and other necessary articles for such persons.

28. Any person who assaults or resists any special constable in the execution of his office, or incites or encourages any other person so to do, shall be liable to a penalty not exceeding Ten Pounds, or to such other punishment as is prescribed for assaulting or resisting any member of the Police Force in the execution of his duty.

PART V.

ESTABLISHMENT AND MAINTENANCE OF POLICE DISTRICTS.

29. (1) The Governor may, by proclamation, establish Police Districts wherein members of the Police Force may be stationed.

(2) Whenever any members of the Police Force are stationed within any Municipality or District Council District, such Municipality or District Council District, either separately, or conjointly with any adjoining Municipality or District Council District, as directed by proclamation, shall constitute a Police District.

(3) Where a Police District is established in any part of the State which is not within a Municipality or District Council District, the boundaries of such Police District shall be defined in the proclamation whereby the same is established.

(4) The number and rank of the members of the Police Force to be stationed in any Police District established under this Act shall be declared in the proclamation whereby the same is established.

30. (1) Whenever any foot police are stationed for a longer period than three months in the year in any Police District, one-half of the entire cost of maintaining such foot police in such Police District shall be paid by such Police District, and the remaining one-half of such cost shall be paid out of the General Revenue of the State.

(2) In any case where both a Municipality and a District Council District are included in any such Police District, the Corporation of such Municipality and the Council of such District shall contribute to the one-half cost payable under this section by such Police District in proportion to the value that the ratable property in such Municipality bears to the value of the ratable property in such District Council District.

(3) In no case shall any Police District be compelled to contribute to the cost of providing the pay, accoutrements, and arms of the commissioned officers of the Police Force.

31. (1) The
31. (1) The amount payable by each Police District under section 30 shall be annually estimated, and shall be set forth in a table in the form in the Third Schedule.

(2) Such table shall contain such other particulars as are indicated in the said form, and shall be signed by the Commissioner and approved by the Chief Secretary.

(3) Every such table shall be published twice in the Government Gazette at least two weeks prior to the meeting of Parliament.

32. (1) Whenever any grant of money is, after the publication as required by section 31 of the table therein referred to, payable to any Municipal Corporation or District Council under any Act, or in aid of any municipal or district rates, a sum equivalent to any amount payable under section 30 by such Corporation or Council may be retained by the Treasurer out of such grant, to be devoted to the payment of such amount.

(2) In any case where the amount of any such grant is insufficient to cover the amount so payable by such Corporation or Council, the balance that remains due by such Corporation or Council over and above the amount of such grant, or the total amount payable by such Corporation or Council in case no grant has been made, shall be defrayed out of the funds of such Corporation or Council, and shall be paid to the Treasurer.

(3) If such balance, or such total amount, is not paid, it may be recovered at the instance of the Attorney-General in a summary way before a Special Magistrate or two or more Justices.

33. (1) Whenever it is incumbent upon any Municipal Corporation or District Council, by reason of its being included in a Police District, to pay any amount as or towards the one-half cost of the maintenance of any foot police stationed in such District, such Corporation or Council shall, whenever necessary, levy a special rate for that purpose over and above any other rates lawfully levied or leviable by such Corporation or Council.

(2) Such special rate shall be recoverable in the same manner, and be enforceable by the same remedies, as are provided by law for the recovery and enforcement of general rates levied by such Corporation or Council.

34. (1) If any Municipal Corporation or District Council—

(a) refuses or neglects to pay any amount due by it under section 30, or

(b) refuses or neglects to levy a special rate whenever necessary, within thirty days after the payment of any such amount has been demanded in writing by the Chief Secretary, the Governor may cause a police rate to be levied in the Municipality of such Corporation or in the District of such Council, for the purpose of defraying such amount, together with the expenses of levying the same.

(2) The
(2) The Attorney-General may, in the stead of such Municipal Corporation or District Council, for the purpose of recovering or enforcing such police rate, do all such acts and have all such remedies as might lawfully be done or availed of by such Corporation or Council for recovering or enforcing general rates.

35. The owners, inhabitants, and occupiers of all lands, hereditaments, messuages, and tenements within any Police District which is outside the boundaries of a Municipality or District Council District shall be liable to contribute to the expense of maintaining the foot police stationed therein as fully, and in the same manner, as if such Police District were comprised within the boundaries of a Municipality or District Council District, and shall be in like manner ratable in respect thereof: Provided that any police rate levied in any such Police District shall not exceed in the whole in any one year Sixpence in the Pound on the full and fair annual value of the lands, hereditaments, messuages, and tenements therein.

36. (1) The Governor may direct any Special Magistrate, or any Justice who is resident within, or the Justice who is resident nearest to, any such Police District, to appoint by warrant under his hand an assessor for the purpose of assessing the full and fair annual value of such lands, hereditaments, messuages, and tenements as aforesaid, and rating the same for a police rate.

(2) Whenever the Governor directs any Special Magistrate or Justice to appoint an assessor for the purposes of subsection (1) hereof, he shall cause a statement to be forwarded to such Special Magistrate or Justice informing him of the full amount of the rate which is to be collected under the proposed assessment, and such amount shall include not only the one-half cost of the maintenance of the foot police stationed in the Police District in question, but also all other expenses incurred, or to be incurred, in levying such rate.

37. (1) Every assessor appointed pursuant to a direction under section 36 shall, within twenty-eight days after the delivery to him of the warrant of his appointment, make, sign, and return to the Special Magistrate or Justice appointing him an assessment for the purpose referred to in section 36 of the District named in such warrant.

(2) Such assessment shall be fairly written in a book, and shall specify in different columns—

(a) the names of the respective owners, inhabitants, or occupiers of all lands, hereditaments, messuages, or tenements within the District;

(b) the full and fair annual value of such lands, hereditaments, messuages, or tenements;

(c) the amount of the police rate charged on the owners, inhabitants, or occupiers thereof; and

(d) where
Notice of assessment to be given.  
Ibid., s. 37.

Power to inspect assessment.

Correction of assessment.

38. (1) When such assessment has been allowed by the Special Magistrate or Justice by whom the assessor making the same was appointed, public notice of such assessment, and of the place where the same may be inspected, shall be given by such Special Magistrate or Justice.

(2) Such notice shall be given by fixing the same in some conspicuous part of the District to which the assessment relates.

(3) (a) Any person in whose custody the assessment is shall permit every owner, inhabitant, or occupier of property included in the assessment to inspect the same, and to make any extracts therefrom, without payment of any fee.

(b) If any such person wilfully refuses or neglects to permit any such owner, inhabitant, or occupier to inspect such assessment, or to make any extract therefrom, he shall be liable to a penalty not exceeding Three Pounds.

(4) If at any time it appears to the Special Magistrate or Justice aforesaid—

I. that any property which ought to be included in any assessment-book has been omitted therefrom, or

II. that the name of any person has been inserted therein as the owner, inhabitant, or occupier of any property in respect of which some other person ought to have been assessed, or

III. that any other matter in such book, purely of error, needs rectification,

the said Special Magistrate or Justice may—

(a) cause a description of the property omitted, and the name of the owner, inhabitant, or occupier thereof, to be inserted therein, together with the annual value at which such property is assessed, and

(b) substitute for the name of the person erroneously inserted therein as the owner, inhabitant, or occupier of any property assessed, the name of the true owner, inhabitant, or occupier thereof, and

(c) rectify any matter which, purely by error, has been omitted from or included in such assessment-book.
39. (1) If any person who has paid the amount of any police rate charged upon him by any assessment made under section 37 thinks himself aggrieved by such assessment on the ground—

(a) that such assessment includes any property for which he is not ratable, or

(b) that his ratable property is therein assessed beyond its full and fair annual value, or

(c) that the name of any person is omitted from such assessment, or

(d) that the property of any person is therein assessed below its full and fair annual value,

such person may appeal to the Local Court of Full Jurisdiction at Adelaide, or to the Local Court within, or nearest to, the Police District in question.

(2) Any person so intending to appeal shall, within thirty days after the giving of public notice of the assessment intended to be appealed against and within ten clear days at least before the sitting of the Court to which the appeal is to be made, give to the Special Magistrate or Justice by whom the assessor making the assessment was appointed notice in writing of such appeal, and of the cause and matter thereof.

(3) Such appeal shall be heard at the Local Court held next after ten clear days from the giving of the notice of appeal.

(4) If the ground of the appeal is that the name of any person is omitted from the assessment, or that the property of any person is assessed below its full and fair annual value, the party appealing shall not only give such notice of appeal as aforesaid, but shall also give a like notice of appeal to the person whose name is alleged to be so omitted, or whose property is alleged to be so assessed, as aforesaid, and such person shall, if he so desires, be heard by the Court upon the appeal.

(5) The Court, upon being satisfied that the necessary notice has been given, shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as the Court thinks proper; and in particular—

1. if the Court thinks the appellant is entitled to relief, the Court shall order the assessment to be amended in such manner as may be necessary for giving him relief, and shall also order any money paid by him which he was not liable to pay to be returned to him; and

2. if the ground of the appeal is that the name of any person is omitted from the assessment, the Court may order the name of such person to be inserted in the assessment, and such person to be therein assessed at such amount as the Court deems just; and

3. if
III. if the ground of the appeal is that the property of any person is assessed below its full and fair annual value, the Court may order the amount at which such property is assessed to be altered in such manner as the Court deems just, and the proper officer of the Court shall in each case forthwith amend the assessment accordingly; but the assessment shall not be quashed or altered with respect to any other persons named therein.

(6) The determination of the Court shall be final and conclusive.

(7) The Special Magistrate or Justice by whom the assessor making the assessment appealed against was appointed shall not adjudicate in any matter of such appeal.

40. (1) The Special Magistrate or Justice by whom the assessor making any assessment was appointed shall appoint one or more persons for levying the amount of the police rate charged in such assessment.

(2) All persons so appointed shall proceed in the same manner, and shall have the same powers, remedies, and privileges, and shall be subject to the same regulations and penalties, with reference to the levying of such police rate, as if they were acting for any District Council in levying a special rate of such Council.

(3) Such persons shall pay over the amount of such police rate levied by them to the assessor, who shall account for and pay over the total amount of such rate to the Special Magistrate or Justice aforesaid, and in default thereof shall be proceeded against for non-payment.

41. (1) Every such Special Magistrate or Justice may do or cause to be done all such acts, and shall have all such powers, for recovering and enforcing such rate, as may be done or exercised by any District Council in the levying of any general rate.

(2) Immediately upon the receipt by any such Special Magistrate or Justice of any moneys in respect of such rate, he shall forthwith remit the amount thereof to the Treasurer, and shall furnish at the same time a full and clear statement of all moneys received and paid, and acts done, by him under the provisions of this Act.

(3) The Governor may direct such fair and just remuneration and allowances to be paid to every such Special Magistrate or Justice, out of the rate, for expenses incurred or services rendered in the exercise of his duties under this Act, as he thinks proper.
PART VI.

POWERS OF THE POLICE FORCE, AND THE APPREHENSION OF OFFENDERS.

42. (1) Notwithstanding any law or custom to the contrary, it shall be lawful for the Commissioner to issue general search warrants to such members of the Police Force as he thinks fit.

(2) Every such warrant shall be in the form in the Fourth Schedule, or in a form to the like effect, and shall be signed by the Commissioner.

(3) Every such warrant shall remain in force for six months from the date thereof, or for such (if any) shorter period as is specified therein: Provided that the Commissioner may at any time revoke any such warrant.

(4) The member of the Police Force named in any such warrant may, at any time in the day or night, with such assistants as he thinks necessary, enter into and search any house, building, premises, or place where he has reasonable cause to suspect that any stolen goods are, and may break open the same; and he may break open and search any cupboards, drawers, chests, trunks, boxes, packages, or other things, whether fixtures or not, in which he has reasonable cause to suspect that any stolen goods may be found.

(5) In this section the term "stolen goods" includes goods obtained by any felony or misdemeanour.

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

44. Any constable may stop, search, and detain—

(a) any cart, carriage, or vehicle in or upon which there is reason to suspect that anything stolen or unlawfully obtained may be found, and

(b) any person who is reasonably suspected of having, or conveying in any manner, anything stolen or unlawfully obtained.

45. Any Inspector, Sub-Inspector, or non-commissioned officer of the Police Force shall have power, by virtue of his office, to enter at all times, with such constables as he thinks necessary, as well by night as by day, into or upon any ship, boat, or other vessel (not being then actually employed in His Majesty's service, and not being
being a vessel of war the commanding officer whereof holds a com-
mission from any foreign Government or Power) lying or being 
in any harbor, port, river, or creek, or any dock thereto adjacent, 
and into every part of such ship, boat, or vessel, for the purpose of—
(a) searching and inspecting the same, and
(b) inspecting and observing the conduct of all persons who are 
employed on board such ship, boat, or vessel in or about the lading or unlading thereof, and
(c) taking all such measures as may be necessary for providing 
against fire and other accidents, and
(d) preserving peace and good order on board of such ship, 
boat, or vessel, and
(e) the effectual prevention or detection of any felonies or 
misdemeanours.

46. (1) Any Inspector, Sub-Inspector, or non-commissioned 
officer of the Police Force having reasonable or probable cause to suspect—
(a) that any felony has been, or is about to be, committed on 
board of any ship, boat, or other vessel (not being then 
actually employed in His Majesty’s service, and not 
being a vessel of war the commanding officer whereof 
holds a commission from any foreign Government or 
Power), lying or being in any harbor, port, river, dock, 
or creek; or
(b) that any person who has committed an offence rendering 
him liable to apprehension, either with or without a 
warrant, or that any person against whom any warrant 
has been issued by any Justice, is harbored, secreted, or 
concealed on board of any such ship, boat, or vessel—

(i. may stop and detain such ship, boat, or vessel, and

(ii. may enter at all times with such constables as he thinks 
necessary, as well by night as by day, into and upon 
such ship, boat, or vessel, and into every part thereof, and

(iii. may search and inspect the same, and therein take all 
necessary measures for the effectual prevention and 
detection of all such suspected felonies, and for the 
apprehension of all such suspected persons as aforesaid, and

(iv. shall take into custody all persons suspected of being con-
cerned in such felonies, or liable to apprehension as 
aforesaid, and

(v. shall also take charge of all property suspected to be stolen.
(2) If the master of any such ship, boat, or vessel, or any other person—

(a) resists or wilfully prevents or obstructs any officer or constable of the Police Force whilst stopping, detaining, or entering upon, or endeavoring to stop, detain, or enter upon, such ship, boat, or vessel, or whilst searching and inspecting the same for the purposes aforesaid, or

(b) harbors or conceals or rescues, or attempts to rescue or assist, any such suspected person, such master or other person shall be guilty of a misdemeanour, and shall be liable to a penalty not exceeding Fifty Pounds, and to imprisonment, with or without hard labor, for any period not exceeding six months.

47. (1) Any member of the Police Force may—

(a) enter into any house, room, premises, or place where any public table or board is kept for playing billiards, bagatelle, bowls, fives, racket, quoits, skittles, or ninepins, or any game of the like kind, when and so often as such member thinks proper; and

(b) enter into any house, room, or place kept or used for any theatrical or any public entertainment or any concert or musical or other exhibition or any show of any kind whatsoever (whether admission thereto is obtained by payment of money or not) at any time when the same is open for the reception of persons resorting thereto, and shall order any common prostitute or reputed thief or other loose, idle, or disorderly person who is found in such house, room, or place to leave the same.

(2) If any such person refuses to leave such house, room, or place on being ordered by such member of the Police Force so to do, such member may forcibly remove him therefrom, and may take him into custody.

(3) Every such person remaining in such house, room, or place after having been so ordered to leave shall be liable to a penalty not exceeding One Pound.

48. Any member of the Police Force, without any warrant other than this Act, at any hour of the day or night, may apprehend—

(a) any person whom he finds drunk, or fighting, or using profane, indecent, or obscene language, or who uses any threatening, abusive, or insulting words, or behaves in a threatening, abusive, or insulting manner, with intent to provoke a breach of the peace or whereby a breach of the peace might be occasioned, in any road, street, thoroughfare, or public place; and

(b) any
(b) any person who rides or drives through any road, street, thoroughfare, or public place so negligently, carelessly, or furiously that the safety of any other person might thereby be endangered; and

(c) any person who cruelly beats, illtreats, overdrives, overloads, abuses, or tortures any animal, or causes the same to be done, or who conveys or carries any animal in any road, street, thoroughfare, or public place in such a manner or position as to cause unnecessary pain or suffering to such animal; and

(d) any loose, drunken, or riotous person whom he finds disturbing the public peace; and

(e) any person whom he has just cause to suspect of having committed, or being about to commit, any felony, misdemeanour or offence, or of any evil designs; and

(f) any person whom he finds lying or loitering in any street, highway, yard, or other place, who does not give a satisfactory account of himself; and

(g) any idle and disorderly person, rogue and vagabond, or incorrigible rogue.

49. (1) Any constable, when so ordered by any officer of Police, or whenever called upon by the master or chief officer of any ship or vessel (not being then actually employed in His Majesty’s service, and not being a vessel of war the commanding officer whereof holds a commission from any foreign Government or Power) lying in any harbor, port, river, or creek, or any dock adjacent thereto, may—

(a) enter into and upon such ship or vessel, and

(b) without any warrant other than this Act, apprehend any person whom he finds drunk and riotously or indecently behaving himself, or whom he finds fighting or using threatening, abusive, or insulting words, or behaving in a threatening, abusive, or insulting manner, and disturbing the peace and good order of such ship or vessel, or with intent to provoke a breach of the peace or whereby a breach of the peace might be occasioned.

(2) Any constable, whenever called upon by any holder of a licence for the sale of fermented or spirituous liquors, may—

(a) enter into the licensed premises of the holder of such licence, and

(b) without any warrant other than this Act, apprehend any person whom he finds drunk and riotously or indecently behaving himself, or whom he finds fighting, or using threatening, abusive, or insulting words, or behaving in a threatening, abusive, or insulting manner, and disturbing
disturbing the peace and good order of such licensed premises, or with intent to provoke a breach of the peace or whereby a breach of the peace might be occasioned.

50. Any member of the Police Force may, without a warrant, take into custody—

(a) any person whom he has reasonable or probable cause for believing or suspecting to be a person for whose apprehension a warrant has been issued by any Justice, and

(b) any person who is charged by any other person with committing any felonious assault, in every case in which such member has good reason to believe that such assault has been committed, although not within view of such member, and that by reason of the recent commission of the offence a warrant could not have been obtained for the apprehension of the offender.

51. Any member of the Police Force, and all persons whom he calls to his assistance, shall take into custody, without a warrant, any person who, within view of such member, commits any offence against this Act, if such person's name and residence is unknown to such member, and cannot be ascertained by him.

52. (1) Any member of the Police Force, or any other person, with or without a warrant, may apprehend any reputed common prostitute or thief, or any loose, idle, or disorderly person, or any reputed rogue and vagabond or incorrigible rogue who, within view of such member or person, commits any offence against this Act.

(2) Such member or person shall forthwith take and convey such offender before a Justice to be dealt with in manner provided by this Act, or shall deliver him to any constable or other peace officer of the place where he has been apprehended, to be so taken and conveyed as aforesaid.

(3) Any constable who—

(a) refuses or wilfully neglects to take such offender into custody, or to take and convey him before a Justice; or

(b) does not use his best endeavors to apprehend and convey such offender before a Justice,

shall be deemed guilty of a neglect of duty, and shall be punishable in manner provided by this Act.

53. Any person found committing any offence punishable as a misdemeanour upon summary conviction—

(a) may be taken into custody without a warrant by any member of the Police Force, or

(b) may
PART VI.

Where stolen property attempted to be sold or pawned.

Ibid., s. 51 (part).

Persons arrested without a warrant, how dealt with.

Ibid., s. 50.

54. Any person to whom any property is offered to be sold, pawned, or delivered, if he has reasonable cause to suspect—

(a) that any offence punishable as a misdemeanour upon summary conviction has been committed with respect to such property, or

(b) that the same, or any part thereof, has been stolen or otherwise unlawfully obtained,

may apprehend and detain the person so offering the same, and as soon as may be deliver him into the custody of a constable, together with such property, to be dealt with according to law.

55. (1) Any person apprehended without a warrant shall be forthwith delivered into the custody of the constable who is in charge of the nearest police station, in order that such person may be secured until he can be brought before a Justice to be dealt with according to law, or, if such person has been apprehended for any offence against this Act or for any petty misdemeanour or if in any other case such constable deems it prudent to take bail, until he has given bail for his appearance before a Justice.

(2) When any person apprehended under this Act, or charged with any petty misdemeanor, is brought without the warrant of a Justice into the custody of any constable in charge of any police station, such constable may, if he deems it prudent, take bail by recognizance, with or without sureties, as the said constable thinks fit, without any fee or reward, from such person, the condition of such recognizance being that such person shall appear for examination before a Justice at the place specified therein, at the hour of ten o'clock in the forenoon next after such recognizance is taken, unless such hour falls on a Sunday or Christmas Day or Good Friday, or any public holiday, and in that case at the like hour on the succeeding day.

(3) Every recognizance so taken shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof, as if the same had been taken before a Justice.

(4) The constable shall enter in a book, to be kept for that purpose in every police station, the name, residence, and occupation of the party and his surety or sureties (if any) entering into such recognizance, together with the condition thereof and the sums respectively acknowledged, and shall lay the same before the Justice who is present at the time and place when and where the party is required to appear.

(5) If
If the party fails to appear at the time and place required, or within one hour thereafter, the Justice shall cause a record of such recognizance to be drawn up and signed by the constable.

If the party fails to appear, but applies by any person on his behalf to postpone the hearing of the charge against him, and the Justice consents thereto, the Justice shall be at liberty to enlarge the recognizance to such further time as he appoints.

When the matter has been heard and determined, either by the dismissal of the case or by binding the party over to answer the matter thereof or otherwise, the recognizance for the appearance of the party before a Justice shall be discharged without fee or reward.

PART VII.
OFFENCES GENERALLY.

56. Any person found drunk in any road, street, thoroughfare, or public place shall for the first offence be liable to a penalty not exceeding One Pound, or to imprisonment, with or without hard labor, for any period not exceeding three days, and for any subsequent offence to a penalty not exceeding Five Pounds, or to imprisonment, with or without hard labor, for any period not exceeding fourteen days.

57. Every person who is guilty—

(a) of any riotous or indecent behaviour, or of fighting, or of using obscene language, in any road, street, thoroughfare, or public place, or

(b) of disturbing the public peace, or

(c) of any riotous or indecent behaviour in any police station, shall be liable to a penalty not exceeding Five Pounds, or to imprisonment, with or without hard labor, for any period not exceeding two months.

58. Every person who—

(a) on board any vessel (not being then actually engaged in His Majesty’s service, and not being a vessel of war the commanding officer whereof holds a commission from any foreign Government or Power), lying or being in any harbor, port, river, or creek, or in any dock adjacent thereto, is guilty of riotous or indecent behaviour while drunk, or of fighting or using threatening, abusive, or insulting words, or behaving in a threatening, abusive, or insulting manner, and disturbing the peace and good order of such vessel, or with intent to commit a breach of the peace or whereby a breach of the peace might have been occasioned; or

(b) in
(b) in any premises licensed for the sale of fermented or spirituous liquors, is guilty of riotous or indecent behaviour while drunk, or of fighting, or using threatening or abusive words, or insulting behaviour, and disturbing the peace of such licensed premises, or with intent to commit a breach of the peace or whereby a breach of the peace might have been occasioned,

shall be liable to a penalty not exceeding Two Pounds, or to imprisonment for any period not exceeding seven days.

59. Any person who rides or drives negligently, carelessly, or furiously through any road, street, or public place shall be liable to a penalty not exceeding Two Pounds.

60. Any person who offends against decency by the exposure of his person in any street or public place, or in the view thereof, shall be liable to a penalty not exceeding Ten Pounds, or to imprisonment, with hard labor, for any period not exceeding one month.

61. Any person who wilfully and wantonly disturbs the occupant of, or any other person in, any house, by pulling or ringing any door bell, or knocking at any house, without lawful excuse, shall be liable to a penalty not exceeding Two Pounds.

62. Any person who wantonly or maliciously breaks or injures any pane of glass, lamp, or lamp post, or extinguishes any lamp, set up for public convenience, shall be liable to a penalty not exceeding Five Pounds, and in addition shall defray the necessary expense of repairing the damage done, to be estimated by the convicting Justice.

63. (a) I. Any person who sings any obscene song or ballad, or writes or draws any indecent or obscene word, figure, or representation, or uses any profane, indecent, or obscene language, or

II. any common prostitute who solicits, importunes, or accosts any person for the purposes of prostitution, or loiters about for the purposes of prostitution,

in any public street, road, thoroughfare, or place, or within the view or hearing of any person passing therein, or

(b) any person who uses any threatening, abusive, or insulting words, or behaves in a threatening, abusive, or insulting manner, in any public street, road, thoroughfare, or place,

shall be liable to a penalty not exceeding Five Pounds, or to imprisonment for any period not exceeding two months.

64. Any
64. Any person who steals any dog, or any bird or animal ordinarily kept in a state of confinement and not being the subject of larceny, shall be liable to a penalty not exceeding Twenty Pounds, in addition to the value of the dog, bird, or animal stolen.

65. (1) Any person who sends or accepts, either by word or letter, any challenge to fight for money, or engages in any prize fight, shall be liable to a penalty of not less than Two Pounds or more than Twenty Pounds, or to imprisonment, with or without hard labor, for any period not exceeding three months.

(2) The Justice before whom any person is convicted of an offence against this section may, if he thinks fit, in addition to imposing a penalty, also require such person to find sureties for keeping the peace.

66. Any person shall be deemed an idle and disorderly person within the meaning of this Act, and shall be liable to imprisonment, with or without hard labor, for any period not exceeding two months,

(a) who, having no visible lawful means of support or insufficient lawful means of support, on being thereunto required by any Justice or having been duly summoned for such purpose or brought before any Justice, does not give a good account of his means of support to the satisfaction of such Justice:

Where any person is accused of having no visible lawful means of support, or of having insufficient lawful means of support, proof that he possesses money or other property shall be no defence unless it is also proved that such money or property was honestly obtained.

(b) who, not being an aboriginal native of Australia or the child of an aboriginal native of Australia, being found lodging or wandering in company with any of the aboriginal natives of Australia and being thereunto required by any Justice, fails to give a good account, to the satisfaction of such Justice—

i. that he has a lawful fixed place of residence and lawful means of support, and

ii. that such lodging or wandering has been for some temporary and lawful occasion only:

(c) who wanders abroad, or from house to house, or places himself in any public place, street, highway, court, or passage, to beg or gather alms, or causes or procures or encourages any child so to do:

(d) who
(d) who, being found by night armed with any gun, pistol, sword, bludgeon, or any offensive weapon or instrument, being thereunto required does not give a good account of his means of support and assign a valid and satisfactory reason for his being so armed:

When any person is convicted under this paragraph, any gun, pistol, sword, bludgeon, or other offensive weapon or instrument with which such person was armed contrary to the provisions hereof shall be forfeited to His Majesty.

(e) who has on or about his person, without lawful excuse (the proof of which excuse shall be on him), any deleterious drug, or any article of disguise;

(f) who, being an habitual drunkard, has been thrice convicted of drunkenness within the preceding twelve months;

(g) who is the occupier of any house which is frequented by reputed thieves, prostitutes, or persons who have no visible means of support; or

(h) who, being a common prostitute, wanders in the public streets or highways, or is in any thoroughfare or place of public resort and behaves in a riotous or indecent manner.

67. Any person shall be deemed a rogue and vagabond within the meaning of this Act, and shall be liable to imprisonment, with or without hard labor, for any period not exceeding three months—

(a) who, being an idle and disorderly person, commits any of the offences mentioned in section 66:

(b) who solicits, gathers, or collects alms, subscriptions, or contributions under any false pretence, or wanders abroad and endeavors by the exposure of wounds or deformities to obtain or gather alms:

(c) who imposes, or endeavours to impose, upon any charitable institution or private individual, by any false or fraudulent representation, either verbally or in writing, with a view to obtaining money or any other benefit or advantage:

(d) who pretends to tell fortunes, or uses any subtle craft, means, or device, by palmistry or otherwise, to deceive and impose upon any of His Majesty's subjects:

(e) who has in his custody or possession, without lawful excuse (the proof of which excuse shall be on him), any picklock, key, crow, jack, bit, or other implement of housebreaking:

When any person is convicted under this paragraph, any picklock, key, crow, jack, bit, or other implement of housebreaking in the custody or possession of such person shall be forfeited to His Majesty.

(f) who
(f) who—

1. wilfully exposes to view in any street, road, thoroughfare, highway, or public place; or

II. exposes, or causes to be exposed, in any window or other part of any shop or other building situated in any street, road, thoroughfare, highway, or public place; or

III. offers for sale, or attempts to dispose of, any obscene book, print, picture, drawing, or representation:

(g) who wilfully, openly, lewdly, and obscenely exposes his person in any street, highway, road, or public highway, or in view thereof, or in any place of public resort:

(h) who, being a male person—

1. knowingly lives wholly or in part on the earnings of prostitution; or

II. in any public place persistently solicits or importunes for immoral purposes;

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 support, he shall, unless he satisfies the Justice hearing the case to the contrary, be deemed to be knowingly living on the earnings of prostitution.

(i) who plays or bets at thimble-rig or any unlawful game:

(j) who plays or bets at or with any table or instrument of gaming at any game or pretended game of chance, in any street, road, highway, or other public place, or in any railway carriage, or at, on, or near any racecourse, fair, exhibition, or show building or grounds:

Where any person is convicted under this paragraph, any table or instrument of gaming at or with which he has played or betted contrary to the provisions hereof shall be forfeited to His Majesty.

(k) who—

1. in or near any public place or place of public resort, or in or near any house or premises licensed for the sale of liquor, engages in betting, or solicits or encourages any other person to bet, upon—

   (i.) any confidence game or trick of sleight of hand; or

   (ii.) any game or trick played with any instrument which, in the opinion of the Justice hearing the case, is constructed or used as a means of cheating; or

   II. being
II. being a known or reputed cheat, loiters in or near any public place or place of public resort, or in or near any premises licensed for the sale of liquor, and has in his possession any instrument of gaming, or any instrument which, in the opinion of the Justice hearing the case, is constructed or used as a means of cheating, unless such person accounts for his having such instrument in his possession to the satisfaction of such Justice;

(l) who, being a suspected person or reputed thief, frequents any river, canal, navigable stream, dock, or basin, or any quay, wharf, or warehouse near or adjacent thereto, or any street, highway, or avenue leading thereto, or any place of public resort, or any avenue leading thereto, or any street, highway, or place adjacent, with intent to commit a felony;

(m) who, being apprehended as an idle and disorderly person, violently resists any constable or other officer so apprehending him and is subsequently convicted of the offence for which he was so apprehended;

(n) who is found in or upon any dwelling, lands, warehouse, coachhouse, stable, or outhouse, or in any enclosed yard, garden, or area, for any unlawful purpose;

(o) who wanders about and lodges in any outhouse or deserted or unoccupied building, or in the open air, or in any cart or waggon, and who has no visible means of support and does not give a good account of himself; or

(p) who leaves his wife or child—

I. chargeable, or whereby either of them becomes chargeable, to the public; or

II. without means of support other than public charity.

68. (1) Any person shall be deemed an incorrigible rogue, and shall, on conviction before a Special Magistrate or two or more Justices, be liable to imprisonment for any period not exceeding one year with hard labor—

(a) who breaks or escapes out of any place of legal confinement before the expiration of the period for which he was committed or ordered to be confined by virtue of this Act;

(b) who commits any offence which subjects him to be dealt with under section 67 as a rogue and vagabond, such person having been previously convicted thereunder; or

(c) who, being apprehended as a rogue and vagabond, violently resists any constable or other peace officer so apprehending him and is subsequently convicted of the offence for which he has been so apprehended.

(2) Nothing
(2) Nothing shall prevent any person guilty of any such offence as mentioned in this section from being committed to the nearest gaol, there to remain until the next criminal sittings of the Supreme Court held in the State, or held nearest to where the offence has been committed.

(3) Every offender who is committed to a gaol as aforesaid shall be there kept to hard labor during the period of his commitment.

69. (1) Any constable or other person apprehending any person charged with being an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue, may seize any horse or other cattle, or any goods or vehicle, in the possession or use of the person so apprehended and charged.

(2) Every Justice by whom any person is adjudged to be an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue, shall order—

(a) that such person be searched; and

(b) that his trunks, boxes, bundles, parcels, or packages, and any cart or other vehicle found in his possession or use, be searched; and

(c) that any money which may then be found with or upon such person be paid and applied for or towards the expenses of apprehending and conveying him to gaol, and maintaining him during the period for which he is committed, and towards the expense of the keep of any horse or other cattle seized under this section, during the time such horse or cattle is detained.

(3) If, upon such search, money sufficient for the purposes aforesaid is not found, such Justice may order—

(a) that such horse or other cattle, and so much as is necessary of any other property seized under this section, be sold; and

(b) that the produce of such sale be paid and applied as aforesaid; and

(c) that the balance of such money or effects, after deducting the charges for such sale, be returned to the offender.

70. Any person who obtains any chattel, money, or valuable security by passing any cheque which is not paid on presentation shall, unless he proves—

(a) that he had reasonable grounds for believing that such cheque would be paid in full on presentation, and

(b) that he had no intent to defraud,

be liable on summary conviction to imprisonment for any term not exceeding one year, notwithstanding that there may have been some funds to the credit of the account on which the cheque was drawn at the time it was passed.

71. (1) Any
71. (1) Any person brought before any Special Magistrate or two Justices, charged with having in his possession, or conveying in any manner, anything which may be reasonably suspected of having been stolen or unlawfully obtained (including money or any other thing which may be reasonably suspected of having been stolen or unlawfully obtained, proved to be or to have been in the possession of the person so charged, whether in a building or otherwise, and whether the possession had been parted with by him before being brought before the Special Magistrate or Justices or not), who does not give an account, to the satisfaction of such Special Magistrate or Justices, as to how he came by the same, shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of not more than Twenty-five Pounds, or to imprisonment, with or without hard labor, for any period not exceeding twelve months.

(2) If the true owner of any goods suspected of having been stolen or unlawfully obtained is not discovered within one month from the conviction under this section of any person for an offence with respect to such goods, such goods may be sold by public auction, and the proceeds of such sale, if not claimed by the true owner within twelve months, shall be paid to the Treasurer for the purposes of the General Revenue of the State.

72. (1) Whenever any credible witness proves upon oath before any Justice that there is reasonable cause to suspect that any such property as mentioned in this section has been taken or stolen, and is to be found in any house or other place, it shall be lawful for such Justice to issue a warrant to search such house or place for such property, and any person in whose possession, or on whose premises, any of the said property is found by virtue of any such warrant, or by any member of the Police Force when executing any general search warrant or any other warrant, or otherwise acting in the discharge of his duty, who does not satisfy the Special Magistrate or Justices before whom he is brought that he came lawfully by the same, or that the same was on his premises without his knowledge or consent, shall—

(a) if the property so found consists of any goods, merchandise, or other articles belonging to any ship or vessel in distress, or wrecked, stranded, or cast on shore, be liable to a penalty not exceeding Twenty-five Pounds or to imprisonment, with or without hard labor, for any period not exceeding twelve months:

(b) if the property so found consists of the carcass, or the head, skin, hide, fleece, feet, or other part of any cattle, be liable to a penalty not exceeding Twenty-five Pounds, or to imprisonment, with or without hard labor, for any period not exceeding twelve months:

(c) if the property so found consists of the whole or any part of any tree, sapling, or shrub, or any underwood, or any part of any live or dead fence, or any post, picket, rail, stile,
or gate, or any part thereof (being of the value of not less than One Shilling), be liable to a penalty not exceeding Ten Pounds, or to imprisonment, with or without hard labor, for any period not exceeding six months, and in addition shall pay to the party aggrieved the value of the property so found.

(2) Any person who—

(a) offers or exposes for sale any goods, merchandise, or articles (whether found by virtue of a search warrant or not) which have been unlawfully taken, or are reasonably suspected of having been unlawfully taken, from any ship or vessel in distress, or wrecked, stranded, or cast on shore, and

(b) does not satisfy the Special Magistrate or Justices before whom he is brought that he came lawfully by the same, or that the same were on his premises without his knowledge or consent,

shall be liable to a penalty not exceeding Twenty-five Pounds, or to imprisonment, with or without hard labor, for any period not exceeding twelve months, and in addition shall pay such sum as the Special Magistrate or Justices fix as a reasonable reward to the person who seized such goods, merchandise, or articles.

(3) In every case to which this section applies, any person to whom any such property as is therein mentioned is offered for sale, or any officer of the Customs or member of the Police Force, may lawfully seize the same, and shall with all convenient speed cause the same to be removed to a Special Magistrate or two or more Justices, and in every such case it shall be lawful for the Special Magistrate or Justices by whom the case is heard to direct that such property be delivered over to the rightful owner, if known, or, if the rightful owner is not known, that the same be sold, and the proceeds thereof applied in the same manner as any penalties under this Act.

(4) If any person charged with any offence against this section is not convicted thereof, it shall be lawful for the Special Magistrate or Justices hearing the case, at his or their discretion, to compel the attendance before him or them of any person through whose hands any such property as mentioned in this section, or any part thereof, appears to have passed, and if the person from whom the same was first received, or any person who has had possession thereof, does not satisfy such Special Magistrate or Justices that he came lawfully by the same, he shall be liable to the appropriate punishment provided by this section.

73. (1) Any person who wilfully and maliciously commits any damage, injury, or spoil to or upon any real or personal property whatsoever, whether public or private, shall be liable to a penalty not exceeding Five Pounds, or to imprisonment for any period not exceeding

Malicious injury to property.
15, 1869-70, s. 68.
PART vn.

Destroying property with intent to steal, or unlawfully retaining or disposing of property. Ibid., s. 69.

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exceeding two months, and shall also pay to the party aggrieved such further sum of money (not exceeding Ten Pounds) as appears to the Justice hearing the case to be a reasonable compensation for the damage, injury, or spoil so committed.

(2) Nothing herein contained shall extend to—

(a) any act done in the course of a trespass, where the party trespassing acted under a fair and reasonable supposition that he had a right to do such act, nor

(b) any trespass, not being unlawful or malicious, committed in hunting or fishing, or in the pursuit of game.

(3) Every such trespass shall be punishable in the same manner as if this Act had not been passed.

74. (1) Any person who—

(a) steals, or damages with intent to steal, any part of any live or dead fence, or any post, picket, or rail set up or used as a fence, or any stile or gate, or any part thereof respectively, or receives the same, knowing it to have been stolen or unlawfully come by, shall pay to the party aggrieved the value of the property stolen or the amount of the damage done, and shall also be liable for the first offence to a penalty not exceeding Five Pounds, or to imprisonment, with or without hard labor, for any period not exceeding one month, and for any subsequent offence to double the amount of the said punishment:

(b) steals, or cuts, breaks, roots up, or otherwise destroys or damages, with intent to steal, the whole or any part of any growing tree, sapling, shrub, or underwood, or any growing fruit or vegetable production or any growing cultivated root or plant, or receives the same, knowing it to have been stolen or unlawfully come by, shall, if the value of the property stolen or the amount of the damage done does not exceed Five Pounds, pay to the party aggrieved such value or amount, and shall also be liable for the first offence to a penalty not exceeding Five Pounds, or to imprisonment, with or without hard labor, for any period not exceeding one month, and for any subsequent offence to double the amount of the said punishment; or

(c) being an artificer, workman, journeyman, apprentice, or other person, unlawfully disposes of, or retains in his possession, without the consent of the person by whom he is hired, retained, or employed, any goods, wares, work, or materials (not exceeding Ten Pounds in value) committed to his care or charge, shall pay to the party aggrieved such compensation as the convicting Justice thinks reasonable, and shall also be liable for the first offence to a penalty not exceeding Ten Pounds, or
or to imprisonment, with or without hard labor, for any period not exceeding three months, and for any subsequent offence to double the amount of the said punishment.

(2) Any person to whom any such property as mentioned in this section is offered to be sold, pawned, or delivered, who has reasonable cause to suspect that any such offence as hereinbefore mentioned has been committed with respect to such property, is hereby authorised to arrest without a warrant, and with all convenient speed to carry before a neighboring Justice, the person offering the same, together with such property, to be dealt with according to law.

(3) In every such case such property shall, by order of the Justice by whom the charge against the person offering the same is heard and determined, be delivered over to the rightful owner, if known, or, if the rightful owner is not known, the same shall be sold, and the proceeds thereof applied in the same manner as penalties under this Act.

75. (1) Any person who—

(a) sells, or offers for sale, as food for human consumption, any grain, flour, meat, or vegetable which in whole or in part is spoiled or in any manner adulterated, or

(b) exhibits for sale any unwholesome or fraudulently prepared provisions, meat, or other food of any kind for man or beast, or practises any deceit or fraud in respect of the quality of any such provisions, meat, or food,

shall be liable to a penalty not exceeding Ten Pounds, or to imprisonment, with or without hard labor, for any period not exceeding two months.

(2) Any Justice may seize, or cause to be seized, any such provisions, meat, or food as mentioned in subdivision (b) of subsection (1) hereof as to which any such offence as therein mentioned has been committed.

(3) Upon the conviction of any person for an offence against this section, any grain, flour, meat or vegetable, or any provisions, meat or food, with respect to which such offence was committed, shall be forfeited by the offender, and shall be disposed of in such manner as the convicting Justice directs.

76. (1) Every person who has or keeps any house, shop, room, or place of public resort wherein provisions, liquor, or refreshments of any kind are sold or consumed (whether the same are kept or retailed therein or procured elsewhere), who—

(a) wilfully and knowingly permits drunkenness or other disorderly conduct in such house, shop, room, or place; or

(b) knowingly suffers any unlawful games or any gaming whatsoever therein; or

(c) knowingly
Part VII.

(c) knowingly permits or suffers youths under the age of sixteen years to enter and remain therein; or

(d) knowingly permits or suffers prostitutes or persons of notoriously bad character to meet together and remain therein,

shall be liable to a penalty not exceeding Five Pounds.

(2) If any person who is convicted of any contravention of this section is the holder of a publican’s licence under the Licensing Act, 1908, the fact that he has been so convicted shall not be construed to exempt him from any penalties or penal consequences to which he may be liable under the said Act for committing an offence against the said Act.

77. If any person, in any public place or place of public resort, plays at any unlawful game, or at either of the games commonly known as “pitch and toss” and “two-up” respectively, he shall be liable to a penalty not exceeding Two Pounds.

78. Any person who, by any fraud or unlawful device or ill-practice—

(a) in playing at or with cards, dice, or tables, or at any other game; or

(b) in bearing a part in the stakes, wagers, or adventures; or

(c) in betting on the sides or hands of the players; or

(d) in wagering on the event of any game, sport, pastime, or exercise,

wins from any other person for himself or any other or others any sum of money or valuable thing, shall be deemed guilty of obtaining such money or valuable thing from such other person by a false pretence, with intent to defraud or cheat such person of the same, and shall be punishable accordingly.

79. Every misdemeanour or other offence against this Act for which no special penalty is provided shall render the offender liable to a penalty of not more than Five Pounds, or to imprisonment, with or without hard labor, for any period not exceeding one month.

80. (1) If any person lays any information before any Justice for any offence alleged to have been committed, by which he was not personally aggrieved, and afterwards directly or indirectly receives, without the permission of such Justice, any sum of money or other reward for compounding, delaying, or withdrawing such information, any Justice may issue his warrant or summons, as he thinks best, for bringing such person before him.

(2) If the facts mentioned in subsection (1) hereof are proved by the confession of the person charged, or by the oath of any credible witness, such person shall be liable to a penalty of not more than Ten Pounds.
81. In every case of the adjudication of a pecuniary penalty or amends under this Act, or of the forfeiture of a sum of money payable under a recognizance taken under this Act or before any Justice, and of the non-payment of such pecuniary penalty or amends, or money payable as aforesaid, any Justice may commit the offender or person making default in payment to prison for any period not exceeding three months, the imprisonment to cease on payment of the sum due and the costs of such proceedings as may have been taken for the recovery thereof.

82. Such part of every pecuniary penalty imposed under this Act as is not awarded to any informer or other person who has contributed to the conviction shall be applied to such uses as are directed by any Act for the time being in force providing for the appropriation of such penalties; and in case the appropriation thereof is not provided for by any such Act, such part as aforesaid of every such pecuniary penalty shall be paid to the Treasurer for the public uses of the State.

PART VIII.

OFFENCES IN POLICE DISTRICTS AND PROCLAIMED LOCALITIES.

83. The provisions of this Part shall apply only—
(a) in Police Districts under this Act; and
(b) in such part or parts of the State as are declared by proclamation, and in such part or parts as aforesaid shall apply only to the extent specified in such proclamation.

84. The Commissioner, or the Mayor of any Municipal Corporation or the Chairman of any District Council, may, as occasion requires, make regulations—
(a) prescribing the route to be observed by all carts, carriages, vehicles, horses, and persons, and for preventing any obstruction of the streets and thoroughfares, in all times of public processions, public rejoicings, or illuminations; and
(b) giving directions for keeping order, and for preventing any obstruction of the thoroughfares, in the immediate neighborhood of all public buildings and offices, theatres, and other places of public resort, and in any case where the streets or thoroughfares are thronged or are liable to be obstructed.

85. (1) Any person shall be liable to a penalty not exceeding Two Pounds who, in any street, road, thoroughfare, or public place—
(a) to the annoyance of the inhabitants or passengers, exposes for show or sale (except in a market lawfully appointed for that purpose) any horse or other animal, or feeds
or fodders any horse or other animal (horses attached to vehicles standing for hire on any public stand excepted), or shows any caravan containing any animal, or any other show or public entertainment, or shoes, bleeds, or farries any horse or other animal (except in case of accident), or cleans, dresses, exercises, trains, or breaks any horse or animal, or cleans, makes, or repairs any part of any carriage or cart (except in cases of accident where repair on the spot is necessary); or

(b) turns loose any horse or any cattle, or suffers to be at large any unmuzzled ferocious dog, or sets on or urges any dog or other animal to attack, worry, or put in fear any person, horse, or other animal; or

(c) by negligence or ill-usage in driving cattle causes any mischief to be done by such cattle, or in any way misbehaves himself in the driving, care, or management of such cattle; or, not being hired or employed to drive such cattle, wantonly and unlawfully pelts, hurts, or drives any such cattle; or

(d) I. being the driver of any wagon, cart, or dray of any kind not drawn by horses properly driven with reins, rides upon any such wagon, cart, or dray, not having some person on foot to guide the same; or

II. being the driver of any carriage whatsoever, is at such a distance from such carriage, or in such a situation whilst it is passing along any street, road, thoroughfare, or public place, that he cannot guide and control the horses or cattle drawing the same; or

III. rides upon the shafts of any wagon, cart, dray, or other vehicle whatsoever; or

IV. riding a bicycle or on horseback, or driving or propelling any wagon, cart, dray, or coach, or any other carriage or vehicle whatsoever, on meeting any other person riding a bicycle or on horseback, or driving or propelling any wagon, cart, dray, or coach, or any other carriage or vehicle whatsoever, does not keep his bicycle, horse, wagon, cart, dray, coach, carriage, or vehicle on the left or near side of the road; or

V. in any manner prevents any other person from passing him or any vehicle under his care, or prevents, hinders, or interrupts the free passage of any vehicle or person; or

(e) I. causes any cart or vehicle (except a vehicle standing for hire in any place not forbidden by law), or any truck or barrow, with or without horses, to stand longer than is necessary for loading or unloading, or for taking up or setting down passengers; or
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ii. by means of any cart or carriage, or any truck or barrow, or any horse or other animal, wilfully interrupts any public crossing, or wilfully causes any obstruction in any thoroughfare; or

(f) after notice of any regulations made under section 84, wilfully disregards any such regulation, or does not conform thereto; or

(g) without the consent of the owner or occupier, affixes any posting bill or other paper against or upon any building, wall, or fence, or writes upon, soils, defaces, or marks any building, wall, or fence with chalk or paint, or in any other manner whatsoever; or

(h) wantonly discharges any firearm, or burns any shavings or other thing, or throws or discharges any stone or other missile, to the damage or danger of any person, or, within any Municipality or District Council District, makes any bonfire, or throws or sets fire to any firework, without the consent of the Council of such Municipality or District; or

(i) wilfully and unlawfully extinguishes the light of any lamp; or

(j) flies any kite, or plays any game, to the annoyance of the inhabitants or passengers in any street, road, thoroughfare, or public place, or to the common danger of the passengers therein; or

(k) turns loose, or suffers 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, road, thoroughfare, or public place; or

(l) wilfully injures or destroys, or attempts to injure or destroy, any native or acclimatized birds on any park lands or public road or reserve (not being a public road or reserve on the banks or shores of any navigable or tidal water), without the authority of the person having the care and management of such park lands, or public road or reserve, as the case may be.

(2) It shall be lawful for any constable to take into custody, without warrant, any person who commits any such offence as mentioned in this section within view of such constable.

86. (1) Every householder personally, or by his servant, or by any police constable, may require any street musician to depart from the neighborhood of his house, on account of the illness of any inmate of such house or for any reasonable cause.

(2) Every person who sounds or plays upon any musical instrument in any thoroughfare near to and so as to be heard at such house, after being so required to depart, shall be liable to a penalty not exceeding Two Pounds.

(3) Every
PART VIII.

(3) Every person who sounds or plays upon any musical instrument, and against whom an information has been laid by any inhabitant who is annoyed by the sounding or playing of such musical instrument, or by any constable upon the written complaint of such inhabitant, shall be liable to a penalty not exceeding Two Pounds.

87. (1) If any privy, pig-sty, or any other matter or thing in any place is or becomes a nuisance to any of the inhabitants of such place, any Special Magistrate or any two Justices, upon complaint on oath thereof made to him or them by any such inhabitant and after due investigation of such complaint, may, by notice in writing, order that every or any such privy, pig-sty, or other matter or thing, being a nuisance, shall be remedied or removed within seven days after such notice has been given to the owner or occupier of the premises wherein such nuisance exists, or has been left for such owner or occupier at his last or usual place of abode, or on the said premises.

(2) Every such owner or occupier who neglects to remedy or remove such nuisance pursuant to such notice, and to the satisfaction of such Special Magistrate or Justices, shall be liable to a penalty of Ten Pounds.

(3) Such Special Magistrate or Justices may lay or cause to be laid an information for such nuisance against the person so neglecting to remedy or remove the same, and such information shall be heard at the next sitting of the Court of competent jurisdiction nearest thereto.

(4) If such person is found guilty, he shall be deemed to be guilty of a misdemeanour, and shall be subject to such punishment therefor as the Court directs, and the nuisance in question shall be taken down, removed, or abated, according to the law with regard to common or public nuisances.

88. Any owner or occupier of any premises or place who neglects to keep clean all private avenues, passages, yards, and ways within such premises or place, so as by such neglect to cause a nuisance by offensive smell or otherwise, shall be liable to a penalty of not more than Two Pounds nor less than Ten Shillings.

89. Any person who bathes near to, or within view of, any public wharf, quay, jetty, bridge, street, road, or other place of public resort between the hours of six o'clock in the morning and eight o'clock in the evening shall be liable to a penalty not exceeding One Pound, and, if he so bathes within view of any constable, may be taken into custody by such constable: Provided that in the case of any Municipality wherein any by-law for regulating any public bathing is in force, this section shall apply in every place within such Municipality to which such by-law applies as if the hours named in such by-law had been inserted in this section in lieu of the hours hereinafter mentioned.

90. Any
90. Any person who damages any public building, wall, parapet, sluice, bridge, road, street, sewer, watercourse, or other public property shall pay the cost of repairing the same, and, if the damage is done wilfully, shall, in addition to paying such cost, be liable to a penalty of not more than Ten Pounds nor less than Two Pounds.

91. Any person who casts any filth or rubbish into any watercourse or canal, or obstructs or diverts from its channel any public sewer or watercourse, shall be liable to a penalty of not more than Ten Pounds nor less than One Pound, and shall pay the cost of removing such filth, rubbish, or obstruction, or of restoring such sewer or watercourse to its proper channel.

92. (1) Any person who damages any public fountain, pump, cock, or water-pipe, or any part thereof, shall pay the cost of repairing the same, and, if the damage is done wilfully, shall, in addition to paying such cost, be liable to a penalty of not more than Ten Pounds nor less than One Pound.

(2) Any person who has in his possession any private key for the purpose of opening any cock, or who in any manner clandestinely or unlawfully appropriates to his use any water from any public fountain or pipe, shall be liable to a penalty of not more than Ten Pounds nor less than Two Pounds.

(3) Any person who opens, or leaves open, any cock on any public fountain or pump, so that the water runs or may run to waste, shall be liable to a penalty of not more than Two Pounds nor less than Five Shillings.

(4) Any person who washes any clothes at any public fountain or pump shall be liable to a penalty of not more than One Pound nor less than Five Shillings.

93. (1) If any person—

(a) drives, or causes to be driven, any cart or other carriage containing any night-soil or ammoniacal liquor or other such offensive matter through or in any street, thoroughfare, or public place between the hours of five o'clock in the morning and eleven o'clock at night; or

(b) at any time uses for any such purpose any cask, tank, cart, or carriage not having a proper covering; or

(c) fills any cart or other carriage so as to overturn or cast any night-soil, ammoniacal liquor, or other offensive matter in or upon any street, thoroughfare, or public place,

it shall be lawful for any person whomsoever, without any authority or warrant other than this Act, to seize and apprehend, or to assist in seizing and apprehending, such person, and to convey him before any Justice.

(2) Such
(2) Such Justice is hereby authorised and required to hear evidence and determine whether any such offence has been committed by such person.

(3) If such person is found guilty of any such offence, he shall be liable to a penalty not exceeding Five Pounds.

(4) If the actual offender cannot be apprehended, the owner of the cart or carriage containing such night-soil or ammoniacal liquor or other offensive matter, and also the employer of the actual offender, shall be liable to such penalty as aforesaid.

94. (1) If any person—

(a) empties or begins to empty any privy, or takes away any night-soil, or goes with carts or carriages for that purpose, except between the hours of eleven o’clock at night and five o’clock in the morning; or

(b) puts in or casts out of any cart or tub, or otherwise, any night-soil, in or near any street, thoroughfare, or public place,

any Justice may commit such person to gaol for any period not exceeding thirty days, to be computed from the day of commitment.

(2) The owner of any carts, carriages, horses, or beasts employed in and about emptying any privy or taking away any night-soil contrary to this section, or going for that purpose, or the employer of any person who puts in or casts out any night-soil contrary to this section, shall be liable to a penalty of Five Pounds.

95. Any person who—

(a) throws or leaves, or causes to be thrown or left, any dead animal, or any part thereof, upon any street, lane, road, or other public place, or into any river, creek, or other stream which flows through, by, or along any such street, lane, road, or public place; or

(b) leaves, or causes to be left, any dead animal, or any part thereof, upon the shores of any such river, creek, or other stream; or

(c) leaves, or causes to be left, any dead animal, or any part thereof, on or upon any private property abutting upon any street, or on or near to any other public place,

to the annoyance of the inhabitants or of persons passing along or resorting to such street, lane, road, or public place, or of the occupiers of any dwelling-house, shall be liable to a penalty of not more than One Pound nor less than Five Shillings.

96. Any
96. Any person who—

(a) forms, digs, or opens any drain or sewer in, or removes, or causes to be removed, any turf, clay, sand, soil, gravel, stone, or other material used in the formation of streets, roads, or other public highways from—

i. any part of any road or footpath within any Municipality or District Council District without the written permission of the Corporation of such Municipality or the District Council of such District,
or

ii. any part of any road or footpath not within a Municipality or District Council District, without the written permission of a Special Magistrate or two Justices; or

(b) wantonly breaks up or otherwise damages any such road or footpath,

shall be liable to a penalty of not more than Five Pounds nor less than One Pound.

97. Any person who—

(a) hauls or draws, or causes to be hauled or drawn, upon any street, road, or public place, any timber, stone, or other thing, otherwise than upon wheeled carriages; or

(b) suffers any timber, stone, or other thing which is carried principally or in part upon wheeled carriages, to drag or trail upon any street, road, or public place, to the injury thereof, or to hang over any part of the carriage bearing the same so to occupy or obstruct any street, road, or public place beyond the breadth of such carriage,

shall be liable to a penalty not exceeding Two Pounds over and above the amount of the damage occasioned thereby.

98. Any owner or occupier of any house, building, or premises having any iron or wooden rails or bars over any area or opening to any kitchen, cellar, or other part of the said house, building, or premises below the level of the footpath of any street or public place, or having any doorway or entrance into the cellar or basement storey thereof, who—

(a) does not either keep such doorway or entrance, or the rails or bars of such kitchen or cellar, in good and sufficient repair, or safely and securely guard such area or opening, or doorway or entrance, 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, so as to prevent danger to any persons passing and repassing; or

(b) leaves
Cellars or openings beneath the surface of footpaths prohibited.
Ibid., s. 93.

Veils adjacent to streets to be covered over.
Ibid., s. 94.

Holes made for foundations, &c., to be enclosed.
Ibid., s. 95.

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\(\text{(b)}\) leaves open, or does not sufficiently and substantially cover and keep covered and secured, any coal-hole or other hole, or any funnel, or any trap-door or cellar-flap, belonging to or connected with the cellar or basement storey of such house, building, or premises (except only during such reasonable times as any coal, wood, cask, or other thing is being put down or taken up out of such cellar or basement storey, or during such reasonable times as the flap, trap-door, or covering thereof is being altered or repaired); or

\(\text{(c)}\) does not repair, and from time to time keep in good and substantial repair, to the satisfaction of the Corporation of the Municipality or the District Council of the District, if such house, building, or premises is situated within a Municipality or District Council District, and if not, to the satisfaction of a Special Magistrate or any two Justices, any such iron or wooden rail, or guard-rail, or flap, trap-door, or other covering,

shall be liable to a penalty of not more than Five Pounds nor less than Two Pounds.

\(\text{99.}\) Any person who makes any cellar, or any opening, door, or window, in or beneath the surface of the footpath of any street or public place, shall be liable to a penalty of Five Pounds over and above the expense of remedying or removing such cellar, opening, door, or window, such expense to be assessed and allowed by the convicting Justice.

\(\text{100.}\) Every person having a well situated between his dwelling-house or the appurtenances thereof and any street or footpath, or at the side thereof, or in any yard or place open and exposed to such street or footpath, who does not cause such well to be securely and permanently covered over or otherwise secured, shall be liable to a penalty of Two Shillings and Sixpence for every day that such well remains open or uncovered contrary to the provisions of this section.

\(\text{101.}\) Any person who, being the owner or occupier of any vacant land, or of any house, tenement, or building erected or being erected or about to be erected, on which land, or in front of, adjoining, or at the side of which house, tenement, or building, and adjoining any road, street, thoroughfare, or public place formed or to be formed or in course of formation, any person digs or makes, or causes to be dug or made, any hole, or causes to be left any open hole or area or space, for the purpose of making any vault or area, or the foundation of such house, tenement, or building, or for any other purpose whatsoever—

\(\text{(a)}\) does not forthwith enclose the same in a good and sufficient manner; or

\(\text{(b)}\) keeps

(b) keeps up, or causes to be kept up and continued, any such enclosure for any time longer than is absolutely necessary; or

c) does not, when thereunto required by any Justice, or by the surveyor or clerk of any Municipal Corporation or District Council, well and sufficiently fence or enclose any such hole or area or space within twenty-four hours after he is required so to do by any Justice, or by any such surveyor or clerk as aforesaid, and in the manner and with such materials as he directs and to his satisfaction, and does not place a light upon the said enclosure, and keep such light constantly burning from sunset to sunrise, during the continuance of such enclosure,

shall be liable to a penalty of not more than Five Pounds nor less than Two Pounds.

PART IX.
MISCELLANEOUS PROVISIONS.

102. Any Justice, upon oath being made before him that any person has committed, or is suspected of having committed, any offence against this Act, may issue his warrant to apprehend and bring before him or some other Justice the person in question, to be dealt with as directed by this Act.

103. Any Justice, upon information on oath that—

(a) any person who is an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue, is, or is suspected to be, in any house, tent, or place kept, or purporting to be kept, for the reception, lodging, or entertainment of travellers or others; or

(b) that any tent, house, or place is a disorderly house, house of ill-fame, or bawdy house,

may enter the same at any time in the day or night, or may issue his warrant authorising any constable or other person in like manner to enter the same, and to apprehend and bring before him, or any other Justice, every such idle and disorderly person, rogue and vagabond, or incorrigible rogue, as is found therein, to be dealt with as directed by this Act.

104. (1) If any goods are stolen or unlawfully obtained from any person, or being lawfully obtained are unlawfully deposited, pawned, pledged, sold, or exchanged, and complaint is made to a Justice that such goods are in the possession of any broker, marine store dealer, or other dealer in second hand property, or of any person who has advanced money upon the security of such goods, it shall be lawful for such Justice—

(a) to issue a summons or warrant for the appearance of such broker or dealer, and for the production of such goods; and

(b) to
(b) 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 Justice thinks fit.

(2) Every broker or dealer who, being so ordered, refuses or neglects to deliver up such goods, or who disposes of or makes away with the same, after notice that such goods were stolen or unlawfully obtained, shall pay to the owner of the goods the full value thereof, to be determined by the Justice: Provided that no such order shall bar any such broker or dealer from recovering possession of such goods from the person into whose possession they come by virtue of such order, by proceedings in any Court of competent jurisdiction commenced within six months after such order is made.

105. (1) If—

(a) any goods or money which any person is charged with having stolen or fraudulently obtained is in the custody of any constable by virtue of any warrant of a Justice, or in prosecution of any charge of felony or misdemeanour with regard to the obtaining thereof; and

(b) the person charged with stealing or fraudulently obtaining the same is not found, or has been summarily convicted or discharged, or has been tried and acquitted, or has been tried and found guilty but the property so in custody has not been included in any indictment upon which he has been found guilty,

any Justice may make an order for the delivery of such goods or money to the person who appears to be the rightful owner thereof, or, in case the rightful owner thereof cannot be ascertained, may make such order with respect to such goods or money as to such Justice seems just.

(2) Such order shall not be a bar to the right of any person to sue the person to whom such goods or money is delivered and recover such goods or money from him by action: Provided that such action is commenced within six months after such order is made.

106. Nothing in this Act contained shall save any person from an information for any indictable offence made punishable on summary conviction, or prevent any person from being liable to any higher or other penalty or punishment than is provided for such offence by this Act: Provided that no person shall be punished twice for the same offence.

107. Where any person is charged before any Justice with an offence cognizable by a Court of superior jurisdiction, and in the opinion of such Justice the case is proper to be disposed of by such a Court, such Justice may commit such person for trial to any Court of competent jurisdiction.

108. Any
108. Any Justice who hears and determines any charge or complaint, whether a warrant or summons has been issued in consequence of such charge or complaint or not, may award such costs as to him seem just, to be paid to or by either of the parties to such charge or complaint.

109. In every case where—

(a) any information or complaint of any offence is laid or made before any Justice, and is not further prosecuted; or

(b) if such information or complaint is further prosecuted, it appears to the Justice hearing the same that there is no sufficient ground for making the charge,

such Justice shall have power to award such amends, not being 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 such Justice seems just.

110. A copy of the Government Gazette containing a notification of any matter by this Act required to be published in such Gazette shall be, prima facie evidence of the matters contained in such notification.

111. All proceedings under this Act, 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, in the form and manner which are prescribed by the law in force for the time being regulating summary proceedings before Justices of the Peace.

112. Every complaint and information may be heard, tried, determined, and adjudged upon by any one Justice, unless it is directed by the law under which such complaint or information is framed that the same shall be heard and determined by more than one Justice.

113. (1) All fines imposed, and all sums of money ordered to be paid, under this Act, may be recovered before any one Justice, and shall be appropriated and applied.

(2) Any person feeling aggrieved by the imposition of any such fine, or by any order or adjudication under this Act, shall be entitled to appeal therefrom in manner and form and on the terms which are respectively prescribed by the law in force for the time being regulating summary proceedings before Justices of the Peace.

114. A Justice shall not be bound to convict if the offence proved is, in his opinion, of so trivial a nature as not to merit punishment.

115. (1) No
Certain proceedings not challengable for regularity.
Ibid., s. 110.

Proceedings against persons acting under the Act.
Ibid., s. 111.

115. (1) No conviction, order, warrant, or other matter made or purporting to be made by virtue of this Act shall be quashed for want of form, or removed by certiorari or otherwise into the Supreme Court.

(2) No warrant of commitment shall be held void by reason of any defect therein, if it is therein alleged that the party has been convicted, and there is a good or valid conviction to sustain the same.

(3) Where any distress is made for levying any money by virtue of this Act, 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 person 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.

116. (1) All actions and prosecutions against any person for anything done in pursuance of this Act shall be commenced within two months after the act complained of was committed, and not otherwise.

(2) Notice in writing of every such action, and of the cause thereof, shall be given to the defendant ten days at least before the commencement of the action.

(3) In any such action the defendant may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereon.

(4) No plaintiff shall succeed in any such action if tender of sufficient amends has been made before action brought, or if a sufficient sum of money has been paid into Court after action brought by or on behalf of the defendant, together with the costs incurred up to that time.

(5) If a verdict is given for the defendant, or the plaintiff becomes non-suited or discontinues any such action after issue joined, or if judgment is given against the plaintiff, the defendant shall recover his full costs as between solicitor and client, and have the like remedy for the same as any defendant has by law in other cases.

(6) Notwithstanding that a verdict has been given for the plaintiff in any such action, the plaintiff shall not have costs against the defendant unless the Judge before whom the trial takes place certifies his approbation of the action and the verdict obtained thereon.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

H. L. GALWAY, Governor.

SCHEDULES.
SCHEDULES.

THE FIRST SCHEDULE.  
Acts Consolidated and Repealed.

Reference to Acts. | Title of Acts.
---|---
No. 15 of 1869-70 | Police Act, 1869.
No. 1117 of 1913 | The Police Act Further Amendment Act, 1913.

THE SECOND SCHEDULE.

FORM NO. 1.  
Form of Oath to be taken by Officers and Constables of the Police Force on Appointment.

I, A.B., do swear that I will well and truly serve Our Sovereign Lord the King in the office of [Commissioner of Police, Inspector, Sub-Inspector, officer, sergeant, or constable, as the case may be] without favor or affection, malice or ill-will, for the period of from this date, and until I am legally discharged from such office; that I will see and cause His Majesty's peace to be kept and preserved, and that I will prevent, to the best of my power, all offences against the same or against the Police Act, 1916, and that, while I continue to hold the said office, I will, to the best of my skill and knowledge, faithfully discharge all the duties thereof according to law—So help me God.

Taken and subscribed at this day of , 19 .

Before me, Justice of the Peace.

FORM NO. 2.  
Form of Oath to be taken by Special Constables on Appointment.

I, A.B., do swear that I will well and truly serve His Majesty the King in the office of special constable for the [city, town, or district, as the case may be] of without favor or affection, malice or ill-will, and that I will, to the best of my power, cause the peace to be kept and preserved, and prevent all offences against the persons and property of His Majesty's subjects, and that, while I continue to hold the said office, I will, to the best of my skill and knowledge, faithfully discharge all the duties thereof according to law—So help me God.

Taken and subscribed at this day of , 19 .

Before me, Special Magistrate [or Justice of the Peace.]
THE THIRD SCHEDULE.

Form of Table showing Contribution due by each Police District.

<table>
<thead>
<tr>
<th>Particulars of Boundaries of District.</th>
<th>Number of Foot Police stationed therein.</th>
<th>Length of time Foot Police stationed therein.</th>
<th>Cost of Maintenance of such Foot Police therein.</th>
<th>Amount of Contribution payable by such District in respect of such Foot Police.</th>
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</thead>
<tbody>
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</table>

Dated the day of 19 .

Commissioner of Police.

Approved,

...............................Chief Secretary.

THE FOURTH SCHEDULE.

South [Royal Arms] Australia.

General Search Warrant.

To You are hereby authorised, at any time in the day or night and with or without assistants and others, to enter and search any house, building, premises, or place where you have reasonable cause to suspect that any stolen goods are, and to break open such house, building, premises, or place, and to break open and search any cupboards, drawers, chests, trunks, boxes, or packages, or other things, whether fixtures or not, in which you have reasonable cause to suspect that any goods obtained by any felony or misdemeanor may be found. This warrant shall remain in force for six months from the date hereof [if for a shorter period, state how long].

Dated this day of 19 .

Commissioner of Police.
POLICE ACT, 1916.

Table showing how the Sections of the Acts Consolidated have been dealt with.

<table>
<thead>
<tr>
<th>Section of Repealed Act</th>
<th>Remarks</th>
<th>Section of Consolitating Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Act, 15 of 1869-70 s. 1</td>
<td>Repeal</td>
<td>—</td>
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<tr>
<td>Ibid. s. 2</td>
<td>—</td>
<td>2</td>
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<tr>
<td>Ibid. s. 3</td>
<td>Covered by 1215, 1915, s. 15</td>
<td>—</td>
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<tr>
<td>Ibid. s. 4</td>
<td>—</td>
<td>5</td>
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<tr>
<td>Ibid. s. 5</td>
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<td>6</td>
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<tr>
<td>Ibid. s. 6</td>
<td>—</td>
<td>7</td>
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<tr>
<td>Ibid. s. 7</td>
<td>Covered by 1215, 1915, s. 36</td>
<td>—</td>
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<tr>
<td>Ibid. s. 8</td>
<td>—</td>
<td>9</td>
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<tr>
<td>Ibid. s. 9</td>
<td>—</td>
<td>10</td>
</tr>
<tr>
<td>Ibid. s. 10</td>
<td>“Reciprocity” altered to “consideration”, to more clearly express evident meaning</td>
<td>11</td>
</tr>
<tr>
<td>Ibid. s. 11</td>
<td>—</td>
<td>12</td>
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<tr>
<td>Ibid. s. 12</td>
<td>—</td>
<td>13</td>
</tr>
<tr>
<td>Ibid. s. 13</td>
<td>—</td>
<td>16</td>
</tr>
<tr>
<td>Ibid. s. 14</td>
<td>“Imprisoned or kept to hard labor” interpreted as meaning “imprisoned, with or without hard labor”</td>
<td>15</td>
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<tr>
<td>Ibid. s. 15</td>
<td>—</td>
<td>18</td>
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<tr>
<td>Ibid. s. 16</td>
<td>—</td>
<td>8</td>
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<tr>
<td>Ibid. s. 17</td>
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<td>19</td>
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<tr>
<td>Ibid. s. 18</td>
<td>—</td>
<td>14</td>
</tr>
<tr>
<td>Ibid. s. 19</td>
<td>As amended by 1117, 1913, s. 4</td>
<td>20</td>
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<tr>
<td>Ibid. s. 20</td>
<td>—</td>
<td>17</td>
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<tr>
<td>Ibid. s. 21</td>
<td>—</td>
<td>21</td>
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<tr>
<td>Ibid. s. 22</td>
<td>—</td>
<td>22, 25 (3)</td>
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<tr>
<td>Ibid. s. 23</td>
<td>—</td>
<td>23</td>
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<tr>
<td>Ibid. s. 24</td>
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<td>24</td>
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<tr>
<td>Ibid. s. 25</td>
<td>—</td>
<td>25 (1), (2)</td>
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<tr>
<td>Ibid. s. 26</td>
<td>—</td>
<td>26</td>
</tr>
<tr>
<td>Ibid. s. 27</td>
<td>“Assaulting any constable in the execution of his office” altered to “assaulting or resisting any member of the Police Force in the execution of his duty” for consistency with 15, 1869-70, s. 19</td>
<td>28</td>
</tr>
<tr>
<td>Ibid. s. 28</td>
<td>—</td>
<td>27</td>
</tr>
<tr>
<td>Ibid. s. 29</td>
<td>Saving provision omitted, in view of 1215, 1915, s. 15</td>
<td>—</td>
</tr>
</tbody>
</table>

"Either separately, or conjointly" altered to "either separately, or conjointly with any adjoining Municipality or District Council District" to more clearly express the evident meaning | 29 |
### Table showing how the Sections of the Acts Consolidated have been dealt with—contd.

<table>
<thead>
<tr>
<th>Section of Repealed Act</th>
<th>Remarks</th>
<th>Section of Consolidating Act</th>
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</thead>
<tbody>
<tr>
<td>Police Act, 15 of 1869-70 s. 30</td>
<td>—</td>
<td>30</td>
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<tr>
<td>Ibid. s. 31</td>
<td>—</td>
<td>31</td>
</tr>
<tr>
<td>“” s. 32</td>
<td>—</td>
<td>32 (1)</td>
</tr>
<tr>
<td>“” s. 33</td>
<td>“District” in line 4 interpreted to mean “Corporation or District Council”</td>
<td>32 (2), (3)</td>
</tr>
<tr>
<td>“” s. 34</td>
<td>—</td>
<td>33</td>
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<tr>
<td>“” s. 35</td>
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<td>34</td>
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<tr>
<td>“” s. 36</td>
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<td>35, 36 (1), 37</td>
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<td>“” s. 37</td>
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<td>38</td>
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<td>“” s. 38</td>
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<td>40</td>
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<td>“” s. 39</td>
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<td>39</td>
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<tr>
<td>“” s. 40</td>
<td>—</td>
<td>36 (2), 41 (3)</td>
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<tr>
<td>“” s. 41</td>
<td>—</td>
<td>41 (1), (2)</td>
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<tr>
<td>“” s. 42</td>
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<td>45</td>
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<td>“” s. 43</td>
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<td>46</td>
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<td>“” s. 44</td>
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<td>47</td>
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<tr>
<td>“” s. 45</td>
<td>—</td>
<td>48, 55 (1)</td>
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<tr>
<td>“” s. 46</td>
<td>—</td>
<td>49, 55 (1)</td>
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<tr>
<td>“” s. 47</td>
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<td>50</td>
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<tr>
<td>“” s. 48</td>
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<td>51</td>
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<td>“” s. 49</td>
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<td>52</td>
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<tr>
<td>“” s. 50</td>
<td>—</td>
<td>55 (2)-(7)</td>
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<tr>
<td>“” s. 51</td>
<td>—</td>
<td>53, 44, 51, 55 (1)</td>
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<tr>
<td>“” s. 52</td>
<td>—</td>
<td>56</td>
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<tr>
<td>“” s. 53</td>
<td>As amended by 1117, 1913, s. 5</td>
<td>57</td>
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<tr>
<td>“” s. 54</td>
<td>—</td>
<td>58</td>
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<tr>
<td>“” s. 55</td>
<td>Repealed by 24, 1870-1, s. 1</td>
<td>—</td>
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<tr>
<td>“” s. 56</td>
<td>Superseded by 715, 1898-9, s. 6</td>
<td>—</td>
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<td>“” s. 57</td>
<td>—</td>
<td>60</td>
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<td>“” s. 58</td>
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<td>62</td>
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<tr>
<td>“” s. 59</td>
<td>As amended by 1117, 1913, s. 6</td>
<td>63</td>
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<tr>
<td>“” s. 60</td>
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<td>64</td>
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<td>“” s. 61</td>
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<td>65</td>
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<tr>
<td>“” s. 62</td>
<td>As amended by 715, 1898-9, s. 3</td>
<td>66</td>
</tr>
<tr>
<td>“” s. 63</td>
<td>As extended by ibid., ss. 4, 10, 12. Words “at thimble-rig, or” in Ninth are covered by Eighth</td>
<td>67</td>
</tr>
<tr>
<td>“” s. 64</td>
<td>Reference to “Local Court” omitted as obsolete</td>
<td>68</td>
</tr>
<tr>
<td>“” s. 65</td>
<td>As amended by 1117, 1913, s. 7, and extended by 715, 1898-9, s. 5</td>
<td>71</td>
</tr>
<tr>
<td>“” s. 66</td>
<td>As amended by 1117, 1913, s. 3 (5), 8</td>
<td>72</td>
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<tr>
<td>“” s. 67</td>
<td>Repealed by 956, 1908, s. 2</td>
<td>73</td>
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<tr>
<td>“” s. 68</td>
<td>—</td>
<td>74</td>
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<tr>
<td>“” s. 69</td>
<td>—</td>
<td>75</td>
</tr>
<tr>
<td>“” s. 70</td>
<td>“Justices” is evidently a misprint for “Justice”</td>
<td>76</td>
</tr>
<tr>
<td>“” s. 71</td>
<td>Language of proviso altered to give effect to evident intention</td>
<td>78</td>
</tr>
<tr>
<td>“” s. 72</td>
<td>—</td>
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</tbody>
</table>
Table showing how the Sections of the Acts Consolidated have been dealt with—contd.

<table>
<thead>
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<th></th>
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<tbody>
<tr>
<td>Police Act, 15 of 1869-70 s. 73</td>
<td>&quot;Such other effects then found&quot; altered to &quot;any other property seized under this section&quot; to more clearly express the evident meaning.</td>
<td>69</td>
</tr>
<tr>
<td>Ibid. s. 74</td>
<td>—</td>
<td>79</td>
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<tr>
<td>&quot; s. 75</td>
<td>—</td>
<td>80</td>
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<tr>
<td>&quot; s. 76</td>
<td>—</td>
<td>81, 82</td>
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<tr>
<td>&quot; s. 77</td>
<td>—</td>
<td>83</td>
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<tr>
<td>&quot; s. 78</td>
<td>—</td>
<td>84</td>
</tr>
<tr>
<td>&quot; s. 79</td>
<td>As amended by 715, 1898-9, s. 7. Offence of &quot;wilfully and wantonly disturbing any inhabitant by pulling or ringing any doorbell, or knocking at any house without lawful excuse&quot; is superseded by 715, 1898-9, s. 8.</td>
<td>85</td>
</tr>
<tr>
<td>&quot; s. 80</td>
<td>—</td>
<td>86</td>
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<tr>
<td>&quot; s. 81</td>
<td>—</td>
<td>87</td>
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<td>&quot; s. 82</td>
<td>—</td>
<td>88</td>
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<td>&quot; s. 83</td>
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<td>89</td>
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<tr>
<td>&quot; s. 85</td>
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<td>91</td>
</tr>
<tr>
<td>&quot; s. 86</td>
<td>&quot;Matter&quot; is evidently a misprint for &quot;manner&quot;.</td>
<td>92</td>
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<tr>
<td>&quot; s. 87</td>
<td>—</td>
<td>93</td>
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<td>&quot; s. 88</td>
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<td>94</td>
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<tr>
<td>&quot; s. 89</td>
<td>—</td>
<td>95</td>
</tr>
<tr>
<td>&quot; s. 90</td>
<td>&quot;Not&quot; in line 6 is evidently a misprint, and is omitted.</td>
<td>96</td>
</tr>
<tr>
<td>&quot; s. 91</td>
<td>—</td>
<td>97</td>
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<td>&quot; s. 92</td>
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<td>&quot; s. 93</td>
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<td>&quot; s. 94</td>
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<td>100</td>
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<td>&quot; s. 95</td>
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<td>101</td>
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<td>&quot; s. 97</td>
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<td>103</td>
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<tr>
<td>&quot; s. 98</td>
<td>&quot;Justices&quot; is evidently a misprint for &quot;Justice&quot;.</td>
<td>104</td>
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<tr>
<td>&quot; s. 99</td>
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<td>105</td>
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<td>&quot; s. 100</td>
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<td>106</td>
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<td>&quot; s. 101</td>
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<td>&quot; s. 102</td>
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<td>108</td>
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<td>&quot; s. 103</td>
<td>—</td>
<td>109</td>
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<tr>
<td>&quot; s. 104</td>
<td>Repealed by 862, 1904, s. 2.</td>
<td>—</td>
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<tr>
<td>&quot; s. 105</td>
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<td>110</td>
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<td>&quot; s. 106</td>
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<td>&quot; s. 108</td>
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<tr>
<td>&quot; s. 109</td>
<td>—</td>
<td>114</td>
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<tr>
<td>&quot; s. 110</td>
<td>—</td>
<td>115</td>
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<tr>
<td>&quot; s. 111</td>
<td>Reference to &quot;demurrer&quot; omitted as obsolete.</td>
<td>116</td>
</tr>
</tbody>
</table>
Table showing how the Sections of the Act Consolidated have been dealt with—contd.

<table>
<thead>
<tr>
<th>Section of Repealed Act</th>
<th>Remarks</th>
<th>Section of Consolidating Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Act, 15 of 1869-70 ........................................ s. 112</td>
<td>“Within any city, town, district, or place in the said Province, which may now or hereafter be established, proclaimed, or defined, as hereinafter mentioned and provided” omitted as meaningless ........................................</td>
<td>4</td>
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<tr>
<td>Ibid. s. 113 ..................................................................</td>
<td>Short title........................................................................</td>
<td>3rd Sched.</td>
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<tr>
<td>Police Act Amendment Act, 715 of 1898-9 s. 1 ......................</td>
<td>Short title and incorporation ........................................</td>
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<tr>
<td>Ibid. s. 2 ....................................................................</td>
<td>Amendment of 15 of 1869-70, s. 62 ................................</td>
<td>70</td>
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<tr>
<td>“ s. 3 .....................................................................</td>
<td>“Idle or disorderly” clearly means “idle and disorderly” ..............</td>
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<tr>
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<td>Extension of ibid., s. 63 ...........................................</td>
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<td>Amendment of ibid., s. 79 ...........................................</td>
<td>61</td>
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<td>Amendment of ibid., s. 53 ...........................................</td>
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<td>Amendment of ibid., s. 59 ...........................................</td>
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<td>Extension of ibid., s. 66 ...........................................</td>
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<tr>
<td>Police Act Further Amendment Act, 1117 of 1913 s. 1 ..............</td>
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<tr>
<td>Ibid. s. 2 ..................................................................</td>
<td>Incorporation ...................................................................</td>
<td>42, 72</td>
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