

No. XXIV.

An Act to make further Police Regulations for
the City Port and Hamlets of Sydney and
other Towns and Places in the Colony of New
South Wales. [31st October, 1855.]

POLICE.

WHEREAS it is expedient to make further Regulations for pre- Preamble.
serving order and good conduct within the City Port and
Hamlets of Sydney and other Towns and Places in the Colony of New
South Wales Be it therefore enacted by His Excellency the Governor
of New South Wales with the advice and consent of the Legislative
Council thereof as follows:—

1. Every person who shall be brought before any Justice of the
Peace charged with having in his possession or conveying in any
manner any thing which may be reasonably suspected of being stolen
or unlawfully obtained and who shall not give an account to the satis-
faction of such Justice how he came by the same shall be deemed
guilty of a misdemeanour and shall be liable to a penalty of not more
than ten pounds or in the discretion of the Justice may be imprisoned
in one of Her Majesty's gaols with or without hard labor for any
time not exceeding three calendar months.

Persons suspected of
having or conveying
stolen goods.

2. If information shall be given on oath to any Justice of the
Peace that there is reasonable cause for suspecting that any thing
stolen or unlawfully obtained is concealed or lodged in any dwelling-
house or any other place it shall be lawful for such Justice by special
warrant under his hand directed to any Chief Constable or Inspector of
Police to cause every such dwelling-house or other place to be entered
and searched at any time of the day or by night if power for that
purpose be given by such warrant and the said Justice if it shall
appear to him necessary may empower such Chief Constable or Inspector
with such assistance as may be found necessary such Chief Constable
or Inspector having previously made known such his authority to use
force for the effecting of such entry whether by breaking open doors
or otherwise and if upon search thereupon made any such thing shall
be found then to convey the same before a Justice of the Peace or to
guard the same on the spot until the offenders are taken before a
Justice

In case of information
given that there is
reasonable cause for
suspecting that any
goods have been un-
lawfully obtained and
are concealed.

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Justice of the Peace or otherwise dispose thereof in some place of safety and moreover to take into custody and carry before the said Justice every person found in such house or place who shall appear to have been privy to the deposit of any such thing knowing or having reasonable cause to suspect the same to have been stolen or otherwise unlawfully obtained.

Party from whom stolen goods are received to be examined by the Justice.

3. When any person shall be brought before any such Justice of the Peace charged with having or conveying any thing stolen or unlawfully obtained and shall declare that he received the same from some other person or that he was employed as a carrier agent or servant to convey the same for some other person such Justice is hereby authorized and required to cause every such person and also if necessary every former or pretended purchaser or other person through whose possession the same shall have passed to be brought before him and examined and to examine witnesses upon oath touching the same and if it shall appear to such Justice that any person shall have had possession of such thing and had reasonable cause to believe the same to have been stolen or unlawfully obtained every such person shall be deemed guilty of a misdemeanor and to have had possession of such thing at the time and place when and where the same shall have been found or seized and the possession of a carrier agent or servant shall be deemed to be the possession of the person who shall have employed such other person to convey the same and shall be liable to a penalty of not more than ten pounds or in the discretion of the Justice may be imprisoned in one of Her Majesty's gaols with or without hard labor for any time not exceeding three calendar months.

Power to order delivery of possession of goods charged to have been stolen or fraudulently obtained and in custody of constable.

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

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

5. When any goods or money charged to be stolen or unlawfully obtained and of which the owner shall be unknown shall be ordered by any Justice of the Peace to be detained it shall be lawful for any Justice after the expiration of twelve calendar months during which no owner shall have appeared to claim the same to sell or dispose of such goods or money for the benefit of the Police Reward Fund.

Penalty on common informers for compounding informations.

6. In case any person shall lodge any information before any Justice of the Peace for any offence alleged to have been committed by which he was not personally aggrieved and shall afterwards directly or indirectly receive without the permission of one of Her Majesty's Justices of the Peace any sum of money or other reward for compounding delaying or withdrawing the information it shall be lawful for any one of Her Majesty's Justices of the Peace to issue his warrant or summons as he may deem best for bringing before him the party charged

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charged with the offence of such compounding delay or withdrawal and if such offence be proved by the confession of the party or by the oath of any credible witness such informer shall be liable to a penalty of any sum not exceeding ten pounds.

7. Where by any Act now in force or hereafter to be passed a moiety or other fixed portion of the penalty or penalties thereby imposed is or shall be directed to be paid to the informer not being a party aggrieved it shall be lawful for any of Her Majesty's Justices of the Peace before whom the conviction shall be had to adjudge that no part or such part only of the penalty as he shall think fit shall be paid to the informer.

Power to lessen the share of informers.

8. Every person who shall occupy or shall have occupied any house or lodging as tenant thereof and who shall wilfully or maliciously do any damage to the premises or to any furniture thereof not being the property of such tenant or occupier shall upon complaint made to one of Her Majesty's Justices of the Peace within one calendar month next after the commission of the offence or the end of the tenancy or occupation forfeit and pay such sum of money as shall appear to the Justice to be a reasonable compensation for the damage done not more than the sum of twenty pounds to be paid to the landlord or party aggrieved.

Power to order compensation for wilful damage by tenants.

9. On complaint made to any Justice of the Peace by any person who shall have occupied any house or lodging by the week or month or whereof the rent does not exceed the rate of twenty-five pounds by the year that his goods have been taken from him by an unlawful distress or that the landlord or his broker or agent has been guilty of any irregularity or excess in respect of such distress it shall be lawful for such Justice to summon the party complained against and if upon the hearing of the matter it shall appear to the Justice that such distress was improperly taken or unfairly disposed of or that the charges made by the party having distrained or having attempted to distrain are contrary to law or that the proceeds of the sale of such distress have not been duly accounted for to the owner thereof it shall be lawful for the Justice to order the distress so taken if not sold to be returned to the tenant on payment of the rent which shall appear to be due at such time as the Justice shall appoint or if the distress shall have been sold then to order payment to the said tenant of the value thereof deducting thereout the rent which shall so appear to be due such value to be determined by the Justice and such landlord or party complained against in default of compliance with any such order shall forfeit to the party aggrieved the value of such distress not being greater than twenty-five pounds such value to be determined by the Justices.

Power to deal summarily with cases of oppressive distresses.

10. Upon complaint made to any Justice of the Peace by any person claiming to be entitled to the property or possession of any goods which are detained by any other person the value of which shall not be greater than twenty pounds and not being deeds muniments or papers relating to any property of greater value than fifty pounds it shall be lawful for any Justice to summon the person complained of and to inquire into the title thereto or to the possession thereof and if it shall appear to the Justice hearing the case that such goods have been detained without just cause after due notice of the claim made by the person complaining or that the person detaining such goods has a lien or right to detain the same by way of security for the payment of money or the performance of any act by the owner thereof it shall be lawful for such Justice to order the goods to be delivered up to the owner thereof either absolutely or upon tender of the amount appearing to be due by such owner (which amount the Justice is hereby authorized to determine) or upon performance or upon tender

Power to order the delivery of goods unlawfully detained to the owner.

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and refusal of the performance of the act for the performance whereof such goods are detained as security or if such act cannot be performed then upon tender of amends for non-performance thereof (the nature or amount of which amends the Justice is hereby authorized to determine) and every person who shall neglect or refuse to deliver up the goods according to such order shall forfeit to the party aggrieved the full value of such goods not greater than twenty pounds such value to be determined by the Justice Provided always that no such order shall bar any person from recovering possession of the goods or money so delivered or forfeited by suit or action at law from the person to whose possession such goods or money shall come by virtue of such order so that such action be commenced within six calendar months next after such order shall be made.

Provisions of 16 Vic.
No. 6 extended.

11. The jurisdiction given to Justices of the Peace by virtue of the provisions of the Act of Council passed in the sixteenth year of the reign of Her present Majesty Queen Victoria and numbered six is hereby extended and applied to all cases in which the money or property stolen shall not exceed in value the sum of forty shillings.

Police Magistrate
and Justices may
appoint special
constables.

12. In all cases where it shall appear to any Police Magistrate or any two Justices that any tumult riot or felony has taken place or may be reasonably apprehended in any city town or place and he or they shall be of opinion that the ordinary constables or officers appointed for preserving the peace are not sufficient for the preservation of the peace and for the protection of the inhabitants and the security of the property of the inhabitants thereof or for the apprehension of any offenders it shall be lawful for any Police Magistrate or any two Justices to nominate and appoint by precept in writing under his or their hands so many as he or they shall think fit of the householders or other persons (not legally exempt from serving the office of constable) residing in or near to such city town or place to act as special constables for such time and in such manner as to the said Police Magistrate or Justices shall seem fit and necessary for the public peace and for the protection of the inhabitants and the security of the property in or near such city town or place and the Police Magistrate or Justices who shall appoint any special constables by virtue of this Act are hereby authorized to administer to every person so appointed the following oath that is to say—

Form of oath to be
taken by special
constables

“ I A. B. do swear that I will well and truly serve our Sovereign
“ Lady the Queen in the office of special constable for the
“ (*city town or place as the case may be*) without favour or
“ affection malice or ill-will and that I will to the best of
“ my power cause the peace to be kept and preserved and
“ prevent all offences against the persons and properties of
“ Her Majesty’s subjects and that while I continue to
“ hold the said office I will to the best of my skill and
“ knowledge discharge all the duties thereof faithfully
“ according to law—So help me God”

Provided always that whenever it shall be deemed necessary to nominate and appoint such special constables as aforesaid notice thereof shall be forthwith transmitted by the said Police Magistrate or Justices to the Colonial Secretary of the Colony.

Police Magistrate or
Justices may make
regulations respect-
ing special constables
and may remove
them for misconduct.

13. The Police Magistrate or Justices who shall have appointed any special constables under this Act when such special constables shall have been called out shall have power to make such orders and regulations as may from time to time be necessary and expedient for rendering such special constables more efficient for the preservation of the public peace and shall also have power to remove any such special constable from his office for any misconduct or neglect of duty therein.

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14. Every special constable appointed under this Act shall have exercise and enjoy all such powers authorities advantages and immunities and be liable to all such duties and responsibilities as any constable duly appointed now has within his constablewick by virtue of the Common Law or of any Law Statute or Act of Council.

Power of special constables.

15. If any person so residing within the city town or place as aforesaid being appointed a special constable as aforesaid shall refuse to take the oath hereinbefore mentioned when thereunto required by the said Police Magistrate or Justices so appointing him he shall on conviction thereof in a summary way before a Justice of the Peace forfeit and pay any sum of money not exceeding twenty pounds and if any person being appointed a special constable as aforesaid shall neglect or refuse to appear at the time and place for which he shall be summoned for the purpose of taking the said oath or having been appointed and sworn as a special constable as aforesaid and being called upon to serve shall neglect or refuse to serve as such special constable or to obey such lawful orders and directions as may be given to him by the Police Magistrate or any Justice of the Peace or any chief constable or Inspector of Police or other officer under whose orders he may be placed for the performances of the duties of his office every person so offending shall on conviction thereof in a summary way before any Justice of the Peace forfeit and pay for every such neglect any sum of money not exceeding ten pounds unless such person shall prove to the satisfaction of the said Justice that he was prevented by sickness or some other unavoidable cause as shall in the judgment of the said Justice be a sufficient excuse.

Penalty for refusing to take the oath of office.

Penalty for refusing to serve or for disobeying orders.

16. The Police Magistrate or Justices who shall have appointed any special constables under this Act for any city town or place and if such special constables shall have been called out is hereby empowered to suspend or determine the services of all or any of the said special constables so called out as to the said Police Magistrate or Justices sitting in Petty Sessions in such city town or place shall seem meet and notice of such suspension or determination of the services of all or any of the said special constables shall be transmitted forthwith by the said Police Magistrate or such Justices to the Colonial Secretary of the said Colony.

Power for Police Magistrates and Justices to discontinue the services of special constables called out.

17. Every special constable shall forthwith after the expiration of his office or after he shall cease to hold and exercise the same pursuant to this Act deliver over to his successor (if any such shall have been appointed) or otherwise to such person and at such time and place as may be directed by the Police Magistrate or such Justices all arms staves weapons and other articles which shall have been provided for such special constable under this Act and if any such special constable shall omit or refuse so to do he shall on conviction thereof in a summary way by any Justice of the Peace forfeit and pay for such offence any sum of money not exceeding ten pounds as to the convicting Justice shall seem meet.

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

18. If any person shall assault or resist any special constable whilst in the execution of his office or shall promote incite or encourage any other person so to do every such person shall on conviction thereof in a summary way before any Justice of the Peace forfeit and pay for such offence any sum not exceeding ten pounds or it shall be in the discretion of the Justice before whom any such conviction shall take place to imprison the person so convicted for any term not exceeding six months with or without hard labor.

Punishment for assaulting or resisting special constables.

19. Every person who shall assault resist or interrupt any Sheriff's bailiff bailiff of the Court of Requests or any keeper or other officer in the discharge of any public duty or any bailiff or keeper distraining for rent or for rates or taxes or shall rescue or attempt to rescue

Assaulting bailiffs &c. in the execution of their duty.

rescue

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rescue any property levied or distrained on shall for every such offence forfeit and pay in a summary way before any Justice of the Peace any sum not exceeding ten pounds or it shall be in the discretion of the Justice before whom such conviction shall take place to commit the person to one of Her Majesty's gaols for any term not exceeding six months with or without hard labor Provided always that if the Justices hearing the case shall think the same a proper case to be sent to a superior Court to be dealt with such Justice shall be at liberty to commit such person to take his trial for such offence.

No person keeping a house for public resort to open same for business before six o'clock in the morning nor later than 12 o'clock at night.

20. No person keeping or having any house shop room or place of public resort wherein ready-made provisions liquors or refreshments of any kind shall be sold or consumed (whether the same shall be kept or retailed therein or procured elsewhere) shall open or have open his premises for the reception or entertainment of promiscuous persons or for the ordinary transaction of business at an earlier hour than six o'clock in the morning nor later than the hour of twelve o'clock at night and he shall for every such offence forfeit and pay any sum not exceeding five pounds.

Prohibition of all nuisances in the streets &c.

21. Every person who in any street road square alley thoroughfare or public place or passage to the obstruction annoyance or danger of the residents or passengers commits any of the following offences shall be liable to a penalty to any sum not exceeding two pounds for each offence—

Selling gunpowder.

Every person selling gunpowder squibs rockets or other combustible matter by gas candle or other artificial light.

Hoisting or lowering goods.

Every person who shall hoist or cause to be hoisted or lower or cause to be lowered goods of any description from any opening in front of the house of any main street or from back streets without sufficient and proper ropes and tackling.

Carrying carcass of newly-slaughtered meat without a cloth covering same.

Every person who shall carry or convey or cause to be carried or conveyed in any street or public place the carcass or any part of the carcass of any newly-slaughtered animal without a sufficient and proper cloth covering the same for the concealment from public view or shall hawk or carry about butchers' meat for sale without covering the same as aforesaid.

Placing line cord or pole across any street to hang clothes on.

Every person who shall place any line cord or pole across any street lane or passage or hang or place clothes thereon to the danger or annoyance of any person.

Placing sign board except close to the wall.

Every person who shall place hang up or affix any sign post board house-ticket notice or other similar thing otherwise than close and parallel to or flat upon the wall of the house shop or building to which the same belongs.

Placing any flower-pot &c. in the upper window without guarding the same.

Every person who shall fix and place any flower-pot in any upper window without sufficiently guarding the same from being thrown down.

Throwing any thing from the roof of any house into the street.

Every person who shall throw or cast from the roof or any part of any house or other building any slate brick part of a brick wood rubbish or other material or thing (unless within a hoard when any house or building is being erected or repaired).

Windows &c. of blacksmiths &c. opening into any street to be closed at night.

Every blacksmith whitesmith anchorsmith nailmaker or other person using a forge and having a door window or aperture fronting or opening into or towards any street lane or passage who shall not close such door or fasten the shutters or other fastenings of such window and close such aperture every evening within one hour after sunset so as effectually to prevent the light from shewing through the doorway

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doorway window or aperture next or upon such street lane or passage Provided that nothing herein contained shall extend to forges below the pavement of the street.

Every person who shall within the distance of one hundred yards from any dwelling-house burn any rags bones cork or other offensive substance to the annoyance of any inhabitant.

Burning rags within 100 yards from any dwelling-house &c.

Every person driving any cart wagon dray coach hackney carriage omnibus gig or any other carriage whatsoever who shall not keep to the near or left hand side of such street road thoroughfare or public place or passage except when passing any other carriage or vehicle or shall in any manner wilfully prevent any other person from passing him or any carriage under his care upon such street road thoroughfare or public place or passage or by negligence or misbehaviour prevent injure or interrupt the free passage of any carriage or person in or upon the same and every person having the care or charge of any such cart wagon dray wain or van which shall be drawn by two or more horses or other beasts who shall ride on the same without sufficient reins to guide the animals drawing the same.

Carriages &c. to keep the near or left hand side of the street &c.

Every person driving or having the care or charge of any wain wagon van cart or dray which shall be drawn by any horse or other animal and driven or guided by reins who shall wilfully allow the horse or other animal drawing the same to proceed out of a walking pace.

No person to drive a cart &c. out of a walking pace.

The owner of every such wain wagon van cart dray as last above-mentioned shall have his name and place of abode painted in full length on the off side legibly at least two inches high and proportionably broad in white letters on a black ground and if the driver or person in charge of any such cart as aforesaid shall refuse to give his or the owner's name and address or shall give a false or fictitious name of himself or the owner such person shall be detained by any constable or other person until a satisfactory account be given to such constable or other person who may require the same.

Carts &c. to have names of owners painted thereon.

Every person who shall carry goods or any frame to the annoyance of any person upon the footway of any street or other public footway.

Every person who shall be the keeper of or have any dog or other animal which shall attack and endanger the life or limb of any person who may have the right of way or use of any private yard alley street or any other place.

22. In all cases of summary convictions for assault it shall be in the discretion of the Justices before whom any such conviction shall take place either to inflict the several fines in the several Acts specifying the offence mentioned or to imprison the person so convicted for any term not exceeding the maximum terms respectively mentioned in the said Acts.

In all cases of assaults on summary conviction discretion of Justices to fine or imprison.

23. All offences committed and all penalties or forfeitures which under this or any other Police Act or Police Regulation Act and which are punishable on summary conviction before a Justice or Justices of the Peace may be heard and determined by any Justice of the Peace in a summary way within six months next after the commission of such offence or within such shorter time as shall be limited by the Act specifying the offence and not afterwards whether or not any information or complaint in writing shall have been exhibited or taken by or before any such Justices and all such proceedings by summons without

Proceedings on information or complaint before Justices.

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without information or complaint in writing shall be as valid and effectual as if an information or complaint in writing had been first exhibited or taken on that behalf Provided always that a note or memorandum in writing according to the form or to the effect as set forth in the Schedule to this Act annexed marked A shall be made and kept of the substance of every charge for which a summons shall be issued Provided also that the Justice if he shall think fit may require an information or complaint in writing to be laid in every case in which it shall seem to him to be expedient before the matter of the charge or complaint shall be brought before him and the Justice shall examine into the matter of every charge or complaint brought before him or them and if upon the confession of the party accused or on the oath of any one or more witnesses the party accused shall be convicted of having committed the offence charged or complained of the party so convicted shall pay such a penalty as to the Justice shall seem fit not more than the greatest penalty that may be payable in respect of such offence together with the costs of conviction to be ascertained and assessed by such Justice.

Warrants for drunkenness to be drawn in form as in Schedule B and may contain any number of names.

24. All warrants upon conviction for being drunk and disorderly under the Act of Council passed in the thirteenth year of the reign of Her present Majesty Queen Victoria and numbered twenty-nine may be drawn up in the form or to the effect mentioned in the Schedule to this Act annexed marked B and may include any number of persons in the same warrant with the sentence of each separately and it shall be lawful to confine any person so convicted in any watch-house during such sentence instead of sending him to gaol.

Justices not to draw up record of conviction unless demanded.

25. It shall not be necessary for any Justice of the Peace to draw up or prepare any formal record of any conviction or order unless the same shall be demanded by one of the parties to the proceedings for the purpose of an appeal against the decision or for an application for a writ of prohibition or a return to some writ or other process from a superior Court.

This Act to be construed as part and parcel of 4 Wm. IV. No. 7—17 Vic. No. 25—and 17 Vic. No. 31.

26. This Act shall be incorporated and construed as part and parcel of the Acts of Council made and passed in the fourth year of the reign of His late Majesty King William the Fourth and numbered seven and the Act passed in the seventeenth year of the reign of Her present Majesty Queen Victoria and numbered twenty-five and another Act made and passed in the same year and numbered thirty-one and another Act made and passed in the second year of the reign of Her said Majesty and numbered two and the minimum of all fines and penalties imposed by the said recited Acts or any of them shall lie in the discretion of the convicting Justice or Justices.

SCHEDULE A.

Assault.

[Name of Complainant.]	A. B. of No.	street Sydney painter.
[Name of Defendant.]	C. D. of No.	street Sydney laborer.
[Date of offence.]	on the	day of
[Offence.]	Assault the said A. B. at Sydney aforesaid.	inst. or last.
[Date of issuing summons.]	The	day of
[Signed by]	A. B. J. P.	185
[Summons returnable.]	The	day of
		inst. or next.

Hunter River Tonnage Duty.

Breach of the Peace.

[Name of Complainant.] A. B. of No. street Sydney butcher.
 [Name of Defendant.] C. D. of No. street Sydney laborer.
 [Date of offence.] on the day of inst. or last.
 [Offence.] make use of threatening language to wit
 [Date of issuing summons.] The day of 185
 [Signed by] A. B. J. P.
 [Summons returnable.] The day of instant or next.

SCHEDULE B.

To John Wearin Chief Inspector of the Sydney Police Force and to all other Constables in the said Police Force and the Keeper of Her Majesty's Gaol at Darlinghurst Sydney (or to the Watch-house Keeper as the case may be.)

WHEREAS on the day of in the year of our Lord 185 the undersigned persons were convicted before me the undersigned Justices of the Peace for the offence of drunkenness These are to authorize you the said Chief Inspector and all other Constables to convey the said persons to the (Gaol) (or Watch-house) at and you the said Keeper are hereby ordered to keep and detain the said persons in your custody and in solitary confinement in the aforesaid for the time or period set opposite to their respective names unless the fine be paid in the meantime.

Name of Prisoner.	Crime.	Sentence.	
		Fine.	Period of Confinement.
John Jones.	Drunk and disorderly in street.	40s.	Or 48 hours cells.

Given under my hand the day and year above written at in the said Colony.
 A. B. J. P.