

No. XXV.

SYDNEY HAMLETS
POLICE.An Act to extend to the Sydney Hamlets certain
of the provisions of the Sydney Police Act.
[10th October, 1853.]

Preamble.

WHEREAS it is expedient to make further provision for the maintenance of the public peace and good order within the Suburbs of the City of Sydney as well as for the removal and prevention of nuisances and obstructions therein 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:—

Boundaries as in
Schedules.

1. The "Sydney Hamlets" shall for the purposes of this Act be deemed to comprise all such suburbs and places in the neighbourhood of the City of Sydney as are mentioned and described in the Schedules to this Act annexed.

Powers of police.

2. It shall be lawful for any constable to apprehend any person whom he shall find drunk in the streets thoroughfares or public places within the said Hamlets and to convey him before a Justice of the Peace to be dealt with according to law and to apprehend all loose idle drunken or disorderly persons whom he shall find between sunset and the hour of eight in the morning lying or loitering in any street highway yard or other place within the said Hamlets and not giving a satisfactory account of themselves and to deliver any person so apprehended into the custody of the constable who shall be in attendance at the nearest watch-house in order that such person may be secured until he can be brought before a Justice of the Peace to be dealt with according to law or give bail for his appearance before a Justice of the Peace if the constable shall deem it prudent to take bail in the manner hereinafter mentioned.

Constables at watch-houses in the night may take from persons charged with petty misdemeanor recognizances conditioned for appearance before a Magistrate.

3. Where any person found lying or loitering about as aforesaid or charged with any petty misdemeanor shall be brought without the warrant of a Justice of the Peace into the custody of any constable during his attendance in the night-time at any watch-house it shall be lawful for such constable if he shall deem it prudent to take bail by recognizance with or without sureties as the said constable shall think fit without any fee or reward from such person conditioned that such person shall appear for examination before a Justice of the Peace at some place to be specified in the recognizance at the hour of ten in the forenoon next after such recognizance shall be taken unless that hour shall fall on a Sunday or Christmas Day or Good Friday and in that case at the like hour on the succeeding day and every recognizance so taken shall be of equal obligation on the parties entering into the same and liable to the same proceedings for the estreating thereof as if the same had been taken before a Justice of the Peace and the constable shall enter into a book to be kept for that purpose in every watch-house the names 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 such Justice as shall be present at the time and place when and where the party is required to appear and if the party does not appear at the time and place required or within one hour after the Justice shall cause a record of such recognizance to be drawn up and signed by the constable and shall return the same to the next General or Quarter Sessions of the Peace with a certificate at the back thereof signed by such Justice that the party has not complied with the obligation therein contained and

In default of appearance recognizance to be forfeited.

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and the Clerk of the Peace shall make the like estreats and schedules of every such recognizance as of recognizances forfeited in the Sessions of the Peace and if the party not appearing shall apply by any person on this behalf to postpone the hearing of the charge against him and the Justice shall consent thereto the Justice shall be at liberty to enlarge the recognizance to such further time as he shall appoint and when the matter shall be heard and determined either by the dismissal of the case or by binding the party over to answer the matter thereof at the Sessions or otherwise the recognizance for the appearance of the party before a Justice shall be discharged without fee or reward.

Time of hearing may be postponed.

4. If any person shall assault or resist any constable or peace officer in the execution of his duty under this Act or shall aid or incite any person so to assault or resist every such offender being convicted thereof shall forfeit and pay a sum not exceeding five pounds.

Assault on police-men.

5. If any victualler or licensed publican or other person shall knowingly harbour or entertain any constable or permit such constable to abide or remain in his house shop room or other place during any part of the time appointed for his being on duty elsewhere every such victualler licensed publican or other person being convicted thereof shall for every such offence forfeit and pay a sum not exceeding five pounds.

Penalty on publicans harbouring police-men during the hours of duty.

6. All Justices and constables shall as far as in them lies cause the Lord's Day to be duly observed by all persons in the said Hamlets and shall not permit or suffer any house shop or store or other place therein to be open on that day for the purpose of trade or dealing the shops or houses of butchers bakers fishmongers and greengrocers until the hour of ten in the forenoon and of bakers between the hours of one and two in the afternoon and of apothecaries at any hour only excepted and any person who shall trade or deal or keep open any shop store or other place (except as aforesaid) for the purpose of trade or dealing on the Lord's Day shall on conviction forfeit and pay a sum not exceeding three pounds.

To cause the Lord's Day to be observed.

7. The owner or occupier of any public billiard room or other public place of amusement within the said Hamlets who shall permit or suffer any one to play in his house or premises any game on Sunday shall on conviction forfeit and pay a sum not exceeding five pounds and it shall be lawful for any Justice of the Peace to disperse or cause to be dispersed all persons gathering together on Sunday in any public or open place within the said Hamlets for the purpose of gambling or playing at any game and to take and seize or cause to be taken and seized any implements instruments or animals used or intended to be used therein and to destroy or carry away the same and all persons actually gambling or playing as aforesaid shall be prosecuted according to law.

As to not suffering games or play on Sunday.

8. Any person who shall damage any public building wall parapet sluice bridge road street sewer watercourse or other public property within the said Hamlets shall pay the cost of repairing the same and if the same be wilfully done shall forfeit and pay a sum not exceeding twenty pounds.

As to damaging public buildings.

9. Any person who shall cast any filth or rubbish into any public watercourse sewer or canal or shall obstruct or divert from its channel any such sewer canal or watercourse within the said Hamlets shall forfeit a sum not exceeding five pounds and shall pay the costs of removing such filth or obstruction or of restoring such watercourse or canal to its proper channel.

As to obstructing public watercourses &c.

Penalty.

10. Any person who shall injure any public fountain pump cock or water pipe or any part thereof shall pay the cost of repairing the same and if the injury be wilfully done shall forfeit a sum not exceeding

As to injuring public fountains. Penalty.

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exceeding twenty pounds nor less than one pound and any person who shall have in his possession any private key for the purpose of opening any cock or who shall in any manner clandestinely or unlawfully appropriate to his use any water from any public fountain or pipe shall forfeit a sum not exceeding twenty pounds and any person who shall open or leave open any cock of any public fountain or pump so that the water shall or may run to waste shall forfeit a sum not exceeding two pounds and any person who shall wash any clothes at any public fountain or pump shall forfeit and pay a sum not exceeding one pound.

Throwing filth on carriage or footways driving barrows and carriages on pavements &c. &c.

11. If any person shall in any street or road within the said Hamlets throw cast or lay or shall cause permit or suffer to be thrown cast or laid or to remain any ashes rubbish offal dung soil dead animal blood or other filth or annoyance or any matter or thing in or upon the carriageway or footway of any such street or road or shall kill slaughter dress scald or cut up any beast swine calf sheep lamb or other cattle in or so near to any of the said streets or roads as that any blood or filth shall run or flow upon or over or be on any such carriage or footway or shall run roll drive draw place or cause permit or suffer to be run rolled driven drawn or placed upon any of the footways of any street or road within the said Hamlets any wagon cart dray sledge or other carriage or any wheelbarrow or truck or any cask or shall wilfully lead drive or ride any horse or other beast upon any of the footways aforesaid every person so offending upon conviction before any Justice of the Peace or upon the view of any such Justice shall forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

Penalty.

Placing carriages goods &c. on footways &c.

12. If any person shall set or place or cause or permit to be set or placed any stall-board chopping-block shew-board basket wares merchandise casks or goods of any kind whatsoever or shall hoop place wash or cleanse or shall cause to be hooped placed washed or cleansed any pipe barrel cask or vessel in or upon or over any of the carriage or footways in any street or road within the said Hamlets or shall set out lay or place or shall cause or procure permit or suffer to be set out laid or placed any coach cart wain wagon dray barrow sledge truck or other carriage upon any of the said carriageways except for the necessary time of loading or unloading the same or taking up or setting down any fare or waiting for passengers when actually engaged or harnessing or unharnessing the horses or other animals from any coach cart wain wagon dray sledge truck or other carriage or if any person shall set or place or cause to be set or placed in or upon or over any of the said carriage or footways any timber stones bricks lime or other materials or things for building whatsoever (unless the same shall be enclosed as hereinafter is directed) or any other matters or things whatsoever or shall hang out or expose or shall cause or permit to be hung out or exposed any meat or offal or other thing or matter whatsoever from any house or houses or other buildings or premises over any part of either or any of such footways or carriageways or over any area or areas of any houses or other buildings or premises or any other matter or thing from and on the outside of the front or any other part of any house or houses or other buildings or premises over or next unto any such street or road and shall not immediately remove all or any such matters or things being thereto required by any Justice of the Peace and shall not continue and keep the same so removed or if any person having in pursuance of any such requisition as aforesaid removed or cause to be removed any such stall-board shew-board chopping-block basket wares merchandise casks goods coach cart wain wagon dray barrow sledge truck carriage timber stones bricks lime meat offal or other matters

Placing timber bricks &c.

Not removing when required.

Replacing the same after removal.

or

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or things shall at any time thereafter again set lay or place expose or put out or cause procure permit or suffer to be set laid placed exposed or put out the same or any of them or any other stall-board shew-board chopping-block basket wares merchandise goods timber stones bricks lime coach cart wain wagon dray truck barrow sledge meat offal or other things or matters whatsoever (save and except as aforesaid) in upon or over any of the carriage or footways of or next unto any streets or roads as aforesaid then and in every such case every person so offending shall upon conviction forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings and it shall also be lawful for any Justice or any constable without any warrant or other authority than this Act to seize any such stall-board shew-board chopping-block basket wares merchandise casks goods coach cart wain wagon dray barrow sledge truck or other carriage together with the horses or other animals if any shall be thereunto belonging with the harness gear and accoutrements thereof or any such timber or other materials or other matters or things aforesaid or any of them and in case any of the goods wares or merchandise so seized shall be perishable or shall be articles of food then the same shall be immediately forfeited and the person or persons who shall seize the same shall deliver the same or cause the same to be delivered to the Superintendent of the Benevolent Asylum for the time being and the same shall and may be distributed for the benefit of the inmates of the said Asylum but otherwise such Justice or constable shall cause the stall-board basket cask goods coach cart wagon wain dray barrow sledge truck or other carriage horses or other animals materials or other things so seized and not being of a perishable nature to be removed to any place appointed for the reception thereof if any such there be or otherwise to such place or places as he or they shall judge convenient giving verbal notice of such place unto the owner driver or other person having interest in the things so seized and removed if he shall be then and there present and the same shall be there kept and detained until such owner driver or other person interested therein as aforesaid shall cause to be paid the penalty in which he shall be convicted together with the charges for taking and removing the same and of keeping such horses or other animals (if any) and in case the animals or other things so removed shall not be claimed and the said penalty and charges be paid within five days next after such removal it shall be lawful for any Justice to order the same to be appraised and sold and the overplus of the money arising from such sale (if any) shall be paid to the owner thereof after deducting the said penalty and such costs charges and expenses attending such seizing removing keeping appraising and selling the same as the said Justice shall ascertain and allow.

Stalls &c. may be seized.

Perishable seizures how disposed of.

Other seizures.

If goods be not claimed within five days proceedings.

13. Provided always that nothing in this Act contained shall be deemed to prevent any person from placing an awning in front of his or her shop or house provided however that such awning be at least eight feet above the height of the footway in front of such house or shop and that the posts be placed close up to the kerb-stone or outer edge of such footway.

Not to prevent awnings being erected in front of shops.

14. Any person who shall discharge any firearms without lawful cause or let off any fireworks in or near to any road or street within the limits of the said Hamlets shall forfeit and pay a sum not exceeding five pounds.

As to discharging firearms &c.

15. It shall not be lawful for any person to burn any shavings or other matters or things in any street road or public place within the said Hamlets and any person so offending shall forfeit and pay a sum not exceeding forty shillings.

Burning shavings &c. in the streets prohibited. Penalty.

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Bathing prohibited
within certain limits.

Penalty.

Indecent exposure of
the person.

Penalty.

Swine horses goats
&c. not suffered to
wander about the
streets.

Penalty.

Hog-styes and nui-
sances not removed
on complaint.

Penalty.

As to cleansing
private avenues.

Penalty.

Cleansing butchers'
shambles and
slaughter-houses.

16. It shall not be lawful for any person to bathe in any waters exposed to view from any road street or dwelling-house in or near to the said Hamlets between the hours of eight in the morning and seven in the evening and any person who shall offend against this regulation shall on conviction before or on view of any Justice of the Peace forfeit and pay a sum not exceeding twenty shillings and it shall be lawful for any constable to arrest any person who shall be found bathing contrary to the provisions hereof and such person to convey before a Justice of the Peace to be dealt with according to law.

17. Any individual who shall offend against decency by the exposure of his or her person in any street or public place within the said Hamlets or in the view thereof shall forfeit and pay a sum not exceeding ten pounds and it shall be lawful for any constable or other person to apprehend any person whom he may find in the act of committing any such offence and him or her to convey before any Justice of the Peace to be dealt with according to law.

18. It shall not be lawful for any person whomsoever to suffer any kind of swine or any horse ass mule sheep goat or other cattle belonging to him or under his charge to stray or go about or to be tethered or depastured in any road street or public place within the said Hamlets and any person who shall so offend shall forfeit and pay in respect of every such animal a sum not exceeding forty shillings Provided that after due inquiry shall have been made and the owner thereof cannot be discovered it shall be lawful for any person to destroy any kind of swine or goats so straying and injuring property of any description.

19. In case any privy hog-stye or any other matter or thing which shall at any time or times hereafter be in any place within the said Hamlets shall be or become a nuisance it shall be lawful for any two Justices upon complaint thereof to them made by any of the inhabitants and after due investigation of such complaint by notice in writing to order that such privy hog-stye or other matter or thing being a nuisance shall be remedied and removed within seven days after such notice shall have been given to the owner or occupier of the premises wherein such nuisance shall exist or shall have been left for such owner or occupier at his or her last or usual place of abode or on the said premises and every such owner or occupier neglecting to remedy or remove such nuisance pursuant to such notice and to the satisfaction of such Justices shall forfeit and pay the sum of ten pounds for every such neglect or disobedience and also it may be lawful for such Justices to indict or cause to be indicted for such nuisance such person so neglecting or disobeying any such notice at the then next Court of General or Quarter Sessions to be held nearest to the said Hamlets and such person or persons being found guilty thereof such nuisance or nuisances shall be removed taken down and abated according to the law with regard to public or common nuisances and the person so offending shall be subject to such punishment for the misdemeanor as the Justices assembled at such Sessions shall direct.

20. Any owner or occupier of any house or place within the said Hamlets who shall neglect to keep clean all private avenues passages yards and ways within the said premises so as by such neglect to cause a nuisance by offensive smell or otherwise shall forfeit and pay a sum not exceeding forty shillings for every such offence.

21. For preserving the cleanliness of the said Hamlets and the health of the inhabitants thereof it shall be lawful for any Justice of the Peace and for any constable authorized and deputed by any writing under the hand of any such Justice from time to time and when and as often as he or either of them shall see occasion to visit and inspect the butchers' shambles and slaughter-houses in the said Hamlets and

to

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to give such directions concerning the cleansing the said shambles and slaughter-houses both within and without as to him shall seem needful and any butcher and the owner or occupier of any such shamble or slaughter-house who shall obstruct or molest any such Justice or constable in the inspection thereof or who shall refuse or neglect to comply with such directions within a reasonable time shall upon the view of any such Justice or on conviction on the complaint of any such constable forfeit and pay a sum not exceeding forty shillings. Penalty.

22. If any person shall haul or draw or cause to be hauled or drawn upon any part of the streets roads or places within the said Hamlets any timber stone or other thing otherwise than upon wheeled carriages or shall suffer any timber stone or other thing which shall be carried principally or in part upon wheeled carriages to drag or trail upon any part of such street or public place to the injury thereof or to hang over any part of any such carriage so as to occupy or obstruct the street or road beyond the breadth of the said carriage every such person so offending shall forfeit and pay for every such offence a sum not exceeding forty shillings over and above the damages occasioned thereby and it shall be lawful for any constable to apprehend any person whom he shall find in the act of committing any such offence and to convey such person before any Justice of the Peace to be dealt with according to law. Drawing or trailing timber &c. Penalty.

23. If the owner or occupier of any premises within the said Hamlets having any rails or bars over the areas or openings to any kitchens or cellars or other part of the said premises beneath the surface of the footway of any streets or public places within the said Hamlets or having any doorway or entrance into the basement or cellar story thereof shall not either keep the same or the rails of such kitchens cellars or other parts in sufficient and good repair or constantly keep the same securely guarded by rails or cover the same over with a strong flap or trap-door according to the nature of the case and so as to prevent danger to persons passing and repassing or if any such owner or occupier shall leave open or not sufficiently and substantially keep covered and secured any coal or other hole funnel trap-door or cellar-flap belonging to or connected with his premises (save and except only during reasonable time for use alteration or repair) or if such owner or occupier shall not repair and from time to time keep in good and substantial repair all and every or any such rails guard-rails flaps trap-doors and other covering then and in every such case the person neglecting so to do shall for every or any such offence on conviction before or on the view of any Justice forfeit and pay any sum not exceeding five pounds. Entrances to cellars coal holes &c. to be covered and secured. Penalty.

24. It shall not be lawful for any person to make any cellar or any opening door or window in or beneath the surface of the footway of any road street or public place within the said Hamlets and if any person shall offend in the premises he shall forfeit and pay any sum not exceeding five pounds over and above the expense of remedying or removing any such cellar opening door or window such expense to be assessed and allowed by the convicting Justice or Justices. Cellars or openings beneath the surface of footways prohibited. Penalty.

25. Every person who shall have a well situated between his dwelling-house or the appurtenances thereof and any road street or footway with the limits of the said Hamlets or at the side thereof or in any yard or place open and exposed to such road street or footway shall cause such well to be securely and permanently covered over and if any person having such well as aforesaid shall fail to cover and secure the same within the time and in the manner hereby required and directed such person shall forfeit and pay the sum of two shillings and sixpence for every day that such well shall remain open or uncovered contrary to the provisions hereof Provided that with respect Wells to be covered over within three months. Penalty. Proviso.

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respect to wells open at the time when this Act shall come into operation such penalty shall not be recoverable if the same be properly covered within three months thereafter.

Holes made for vaults &c. to be enclosed.

26. If any person shall dig or make or cause to be dug or made any hole or leave or cause to be left any hole in or adjoining to any street road or public place within the said Hamlets for the purpose of making any vault or vaults or the foundation or foundations to any house or other building or for any other purpose whatsoever and shall not forthwith enclose the same in a good and sufficient manner or shall keep up or cause to be kept up and continued any such enclosure for any time which shall be longer than shall be reasonably required or shall not when thereunto required by any Justice well and sufficiently fence or enclose any such hole within twenty-four hours after he shall be required to do so by any Justice of the Peace and in the manner and with such materials as he shall direct and to his satisfaction and shall not place a light upon the said enclosure and keep the same constantly burning from sunset to sunrise during the continuance of such enclosure then and in every such case the person so offending shall forfeit and pay for every such offence and for every such refusal or neglect any sum not exceeding five pounds.

Penalty.

Slop night soil &c. to be conveyed away only at certain hours.

27. If any person or persons shall drive or cause to be driven any cart or other carriage with any night soil or ammoniacal liquor therein through or in any of the streets roads or public places within the said Hamlets between the hours of six o'clock in the morning and ten o'clock at night or shall fill any cart or other carriage so as to turn over or cast any night soil ammoniacal liquor slop mire or channel dirt or filth in or upon or near to any of the said streets or other public places it shall and may be lawful for any person whomsoever to seize and apprehend and to assist in seizing and apprehending the offender and to convey him before any Justice of the Peace and every person so offending shall for every such offence forfeit and pay any sum not exceeding five pounds and in case the person so offending cannot be apprehended then the owner of such cart or carriage in which such night soil or ammoniacal liquor slop filth mire or channel dirt shall be put or placed and also the employer of the person so offending shall be liable to and forfeit and pay such penalty as aforesaid.

Penalty £5.
Proviso.

In what case owners to be liable.

Hours for removing night soil &c.

28. If any person shall take away night soil from any house or premises within the streets of the said Hamlets or shall come with carts or carriages for that purpose except between the hours of ten at night and six in the morning or if any person or persons shall put in or cast out of any cart or tub or otherwise any night soil in or near any of the streets or public places within the said Hamlets it shall be lawful for any constable (and they are hereby strictly charged so to do) or for any other person whomsoever to apprehend and convey any persons found committing any of the said offences to the nearest watch-house and from thence to convey them as soon as conveniently may be before some Justice of the Peace who shall commit every such offender upon conviction to the house of correction or common gaol for any time not exceeding thirty days and the owner of any carts carriages horses or beasts employed in and about emptying and removing such night soil or coming for that purpose (save and except within the hours hereby allowed) or the employer of any person who shall so put or cast out any such night soil shall forfeit and pay any sum not exceeding five pounds for every such offence.

Offender may be apprehended

and committed to the house of correction.

Injuring or extinguishing lamps.

29. Any person who shall be convicted of wantonly or maliciously breaking or injuring any lamp or lamp-post or extinguishing any lamp set up for public or private convenience within the said Hamlets shall over and above the necessary expense of repairing the injury committed to be estimated by the Justice before whom such offender

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offender shall be brought forfeit and pay any sum not exceeding five pounds and it shall be lawful for any constable to seize any person whom he shall find in the act of committing any such offence and to convey him or her to the nearest watch-house there to be detained until he can be brought before a Justice of the Peace to be dealt with according to law. Penalty.

30. Any person who shall be desirous of blasting any rock within the distance of one hundred feet of any street road or other public place within the limits of the said Hamlets shall give notice in writing twenty-four hours previously to some one of the nearest resident Justices of the Peace who shall appoint in writing a time when the same may take place and give such other directions as he may deem necessary for the public safety and if any person shall blast or cause to be blasted any rock within the limits aforesaid without giving such notice or shall not conform to the directions given to him by the said Justice he or she shall forfeit and pay for every such offence any sum not less than ten pounds nor more than twenty pounds and the proof of such authority as aforesaid shall be on the party proceeded against for a breach of this enactment. No rock to be blasted without notice to the Surveyor. Penalty.

31. Any person who shall form dig or open any drain or sewer or who from any part of the roads streets or thoroughfares within the said Hamlets shall remove or cause to be removed any turf clay sand soil gravel stone or other material without leave first had and obtained from the officers or persons having lawful charge of such roads streets or thoroughfares respectively or in the absence of any such persons then from some Justice of the Peace residing near thereto or who shall wantonly break up or otherwise damage any part of the said roads streets or thoroughfares shall on conviction forfeit and pay for every such offence any sum not exceeding five pounds. No turf gravel &c. to be removed from streets without permission. Penalty.

32. If the driver of any wagon wain cart or dray of any kind shall ride upon any such carriage in any street as aforesaid not having some person on foot to guide the same (such carts as are drawn by one horse and driven or guided with reins only excepted) or if the driver of any carriage whatsoever shall wilfully be at such a distance from such carriage or in such a situation whilst it shall be passing upon such street that he cannot have the direction and government of the horse or horses or cattle drawing the same or if the driver of any wagon cart dray coach or other carriage whatsoever meeting any other carriage shall not keep his wagon cart dray coach or carriage on the left or near side of the road street or thoroughfare or if any person shall in any manner wilfully prevent any other person or persons from passing him or her or any carriage under his or her care upon such street or by negligence or misbehaviour prevent hinder or interrupt the free passage of any carriage or person in or upon the same every such driver or person so offending shall forfeit and pay for every such offence any sum not exceeding forty shillings and it shall be lawful for any constable or other person to seize and convey any person so offending before any Justice of the Peace to be dealt with according to law. If any driver ride without a person to guide his beast carts with reins excepted or go to a distance from his vehicle or drive on the wrong side. or wilfully interrupt the free passage of any carriage or person. Penalty. Offender may be seized.

33. Any person who shall ride or drive through any road street or public place within the said Hamlets negligently carelessly or furiously or so as to endanger the life or limb of any person or to the common danger of the passengers shall forfeit and pay a sum not exceeding ten pounds. As to riding or driving improperly through the streets. Penalty.

34. It shall not be lawful for any person to paste or otherwise affix any placard or other paper upon any wall house or building by chalk or paint or in any other manner unless with the consent of the owner thereof and any person who shall be guilty of any such offence shall forfeit and pay any sum not exceeding ten shillings. Affixing placards on walls and chalking thereon. Penalty.

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Jurisdiction of offences.

Proviso.

No *certiorari*.

As to informality in warrant &c.

As to proceedings against persons acting under this Act.

Notice of action.

General issue.

Tender of amends.

If judgment be against plaintiff.

When plaintiff shall have costs against the defendant.

35. Unless where hereinbefore otherwise directed all complaints of offences against this Act shall be heard and determined in a summary manner by one or more Justice or Justices of the Peace and upon every such complaint so to be heard and determined as aforesaid an informer shall be considered and is hereby declared to be a competent witness and no person or persons shall be convicted of any offence or offences contrary to the provisions of this Act in a summary way before any Justice or Justices of the Peace after the expiration of one month from the time when such offence or offences shall have been committed.

36. 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 and no warrant of commitment shall be held void by reason of any defect therein provided that it be therein alleged that the party has been convicted and that there be a good and valid conviction to sustain the same and where any distress shall be made for levying any money under any conviction or order made 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 proceedings relating thereto nor shall the party distraining be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him but the person aggrieved by such irregularity may recover full satisfaction for the special damage if any in an action upon the case.

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

SCHEDULES REFERRED TO.

No. 1.

SUBURBS.

Commencing at that point in the eastern boundary of the City of Sydney where the stream entering Rushcutters Bay falls into that bay and bounded thence on the west north and east by the City of Sydney to Blackwattle Bay again on the north and on the west by the north and west boundaries of the Hamlet of the Glebe and by the western boundaries of the Hamlets of Camperdown and O'Connell Town to the south corner of the last-mentioned Hamlet thence on the south by the road or thoroughfare extending towards Cleveland.

Friendly Societies.

Cleveland-street to the west boundary of the Hamlet of Chippendale and by that boundary and the south boundaries of Chippendale Redfern and Surry Hills on the east by the east boundary of the Hamlet of the Surry Hills to the south-east corner of the City boundary at Cleveland-street again on the south by the easterly extension of that street to the road leading from the old Point Piper Road towards Botany again on the east by that road to the south-east corner of the Hamlet of Paddington and by the east boundary of that Hamlet to Double Bay and again on the north by the north boundary of that Hamlet to the point of commencement.

No. 2.

BALMAIN.

Bounded on the north-west by Church-street from Waterview Bay south-westerly to the south-west side of Spring-street on the north-east by Spring-street south-easterly to College-street again on the north-west by College-street south-westerly five chains and fifty links then again on the north-east by a line at right angles to College-street south-easterly to William-street then on the west by a line south to the south side of Darling-street (or the main road to Sydney) thence on the south by the south side of that street or road easterly to the north-west corner of A. W. Young's land thence on the west by the western boundary line of that land southerly to the waters of Johnston's Bay on the south by the waters of Johnston's Bay on the east by the waters of Darling Harbour on the north by the waters of Waterview Bay to Church-street aforesaid.

No. 3.

ST. LEONARDS.

Bounded on the east by the stream entering Neutral Harbour being the western boundary of A. Thrupp's seven hundred acres and by the continuation of that western boundary northerly to Ernest-street on the north by Ernest-street westerly to West-street on the west by that street southerly to Edward Wollstonecraft's five hundred and twenty-four acres and by the eastern boundaries of that land to the waters of Port Jackson and on the south by those waters to the stream entering Neutral Harbour aforesaid.
