

No. XXXI.

METROPOLITAN
POLICE.

An Act to make further Police Regulations for the City Port and Hamlets of Sydney. [24th October, 1853.]

Preamble.

WHEREAS it is expedient to make further Regulations for preserving order and good conduct within the City Port Hamlets and Suburbs of Sydney and for removing and preventing nuisances 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:—

Persons receiving
ships stores from
seamen &c.

1. Every person who within the City and Port of Sydney and the Hamlets and Suburbs thereof as defined in the Schedules to the Act of Council passed in the present Session intituled “*An Act to extend to the Sydney Hamlets certain of the provisions of the Sydney Police Act*” shall knowingly take in exchange from any seaman or other person not being the owner or master of any vessel anything belonging

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belonging to any vessel lying in the waters of Port Jackson or any part of the cargo of any such vessel or any stores or articles in charge of the owner or master of any such vessel shall be deemed guilty of a misdemeanor.

2. Every person who for the purpose of protecting or preventing anything whatsoever from being seized within the said City Port Hamlets or Suburbs on suspicion of its being stolen or otherwise unlawfully obtained or of preventing the same from being produced or made to serve as evidence concerning any felony or misdemeanor committed or supposed to be committed within the said City Port Hamlets or Suburbs shall frame or cause to be framed any bill of parcels receipt or other document containing any false statement in regard to the name or abode of any alleged vendor the quantity or quality of any such thing the place whence or the conveyance by which the same was furnished the price agreed upon or charged for the same or any other particular knowing such statement to be false or who shall fraudulently produce such bill of parcels receipt or other document knowing the same to have been fraudulently framed shall be deemed guilty of a misdemeanor.

Framing a false bill of parcels to escape detection.

3. Every person who shall be found within the said City Port Hamlets or Suburbs in or upon any warehouse wharf quay or bank or on board any ship or vessel having in his or her possession any tube or other instrument for the purpose of unlawfully obtaining any wine spirits or other liquors or having in his or her possession any skin bladder or other material or utensil for the purpose of unlawfully secreting or carrying away any such wine spirits or other liquors and any person who shall attempt unlawfully to obtain any such wine spirits or other liquors shall be deemed guilty of a misdemeanor.

Possessing instruments for unlawfully procuring and carrying away wine &c.

4. Every person who shall within the said City Port Hamlets or Suburbs bore pierce break cut open or otherwise injure any cask box or package containing wine spirits or other liquors on board any ship boat or vessel or in or upon any warehouse wharf quay or bank with intent feloniously to steal or otherwise unlawfully obtain any part of the contents thereof or who shall unlawfully drink or wilfully spill or allow to run to waste any part of the contents thereof shall be deemed guilty of a misdemeanor.

Piercing casks opening packages &c.

5. Every person who shall within the said City Port Hamlets or Suburbs wilfully cause to be broken pierced started cut torn or otherwise injured any cask chest bag or other package containing or prepared for containing any goods while on board of any barge lighter or other craft lying in the said river or any creek quay wharf or landing place adjacent to the same or in the way to or from any warehouse with intent that the contents of such package or any part thereof may be spilled or dropped from such package shall be deemed guilty of a misdemeanor.

Breaking packages with intent to spill contents.

6. Any Superintendent or Inspector belonging to the Metropolitan Police Force shall have power by virtue of his office to enter at all times with such constables as he shall think necessary as well by night as by day into and upon every ship boat or other vessel (not being then actually employed in Her Majesty's service) lying in the said waters and into every part of every such vessel for the purpose of inspecting and upon occasion directing the conduct of any constable who may be stationed on board of any such vessel and of inspecting and observing the conduct of all other persons who shall be employed on board of any such vessel in or about the lading or unlading thereof as the case may be and for the purpose of taking all such measures as may be necessary for providing against fire and other accidents and preserving peace and good order on board of any such vessel and for the effectual prevention or detection of any felonies or misdemeanors.

Superintendents and Inspectors may board vessels.

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Superintendent &c.
having just cause to
suspect felony may
enter on board vessels
and take up sus-
pected persons.

7. It shall be lawful for every Superintendent Inspector or Serjeant belonging to the Metropolitan Police Force having just cause to suspect that any felony has been or is about to be committed in or on board of any ship boat or other vessel lying in the said waters to enter at all times as well by night as by day into and upon every such ship boat or other vessel and therein to take all necessary measures for the effectual prevention or detection of all felonies which he has just cause to suspect to have been or to be about to be committed in or upon the said waters and to take into custody all persons suspected of being concerned in such felonies and also to take charge of all property so suspected to be stolen.

Publicans prohibited
from supplying
liquors to persons
under sixteen years
of age.

8. Every person licensed to deal in exciseable liquors within the said City Port Hamlets or Suburbs who shall knowingly supply any sort of spirituous liquor to any boy or girl apparently under the age of sixteen years to be drunk upon the premises shall be liable to a penalty not more than twenty shillings and upon conviction of a second offence shall be liable to a penalty not more than forty shillings and upon conviction of a third offence shall be liable to a penalty not more than five pounds.

Penalties on keepers
of cook shops &c.
making internal
communication with
an adjoining public
house.

9. Every person who shall make or use or allow to be made or used any internal communication between any house shop room or place of public resort not licensed for the sale of wine spirits beer or other fermented or spirituous liquors within the said City Port Hamlets or Suburbs and any house or place licensed for the sale of such liquors or in which any such liquors are sold by a merchant or dealer in wine and spirits shall be liable to a penalty not more than ten pounds for every day that such communication shall be open.

Places used for cock
fighting &c.

10. Every person who within the said City Port Hamlets or Suburbs shall keep or use or act in the management of any house room pit or other place for the purpose of fighting or baiting cocks dogs or other animals shall be liable to a penalty not more than five pounds or in the discretion of the convicting Justices may be committed to the house of correction with or without hard labor for a time not more than one calendar month and it shall be lawful for the Inspector General of Police by order in writing to authorize any Inspector belonging to the Metropolitan Police Force with such constables as he shall think necessary to enter any premises kept or used for any of the purposes aforesaid and take into custody all persons who shall be found therein without lawful excuse and every person so found shall be liable to a penalty not more than five shillings and a conviction under this Act of this offence shall not exempt the owner keeper or manager of any such house room pit or place from any penalty or penal consequence to which he may be liable for the nuisance thereby occasioned.

Inspector General of
Police to make regu-
lations for preventing
obstructions in the
streets during public
processions &c.

11. It shall be lawful for the Inspector General of Police from time to time and as occasion shall require to make regulations for the route to be observed by all carts carriages horses and persons and for preventing obstructions of the streets and thoroughfares within the said City Port Hamlets or Suburbs in all times of public processions public rejoicings or illuminations also to give directions to the constables for keeping order and for preventing any obstructions of the thoroughfares in the immediate neighbourhood of Government House the Council Chamber the Public Offices the Courts of Justice the Theatres and other places of public resort and in any case when the streets or thoroughfares may be thronged or may be liable to be obstructed.

Proprietors of stage
carriages not liable
to penalties for de-
viating from the
route.

12. No proprietor of any stage carriage duly licensed to carry passengers for hire shall be liable to any penalty for any deviation from the route or line of route specified in his license which the driver
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of such stage carriage shall make by virtue of any regulation or direction made or given by the Inspector General of Police.

13. Every person shall be liable to a penalty not more than forty shillings who within the limits of the said City Hamlets or Suburbs shall in any thoroughfare or public place commit any of the following offences (that is to say)—

Prohibition of nuisances by persons in the thoroughfare.

1. Every person who shall to the annoyance of the inhabitants or passengers expose for show or sale (except in a market lawfully appointed for that purpose) or feed or fodder any horse or other animal or show any caravan containing any animal or any other show or public entertainment or shoe bleed or farry any horse or animal (except in cases of accident) or clean dress exercise train or break any horse or animal or clean make or repair any part of any cart or carriage except in cases of accident where repair on the spot is necessary
2. Every person who shall ride or drive furiously or so as to endanger the life or limb of any person or to the common danger of the passengers in any thoroughfare
3. Every person except the guards and postmen belonging to Her Majesty's Post Office in the performance of their duty who shall blow any horn or use any other noisy instrument for the purpose of announcing any show or entertainment or for the purpose of hawking selling distributing or collecting any article whatsoever or of obtaining money or alms
4. Every person who shall wantonly discharge any fire-arm or throw or discharge any stone or other missile to the damage or danger of any person or make any bonfire or throw or set fire to any firework
5. Every person who shall wilfully and wantonly disturb any inhabitant by pulling or ringing any door-bell or knocking at any door without lawful excuse
6. Every person who shall play at any game to the annoyance of the inhabitants or passengers

And it shall be lawful for any constable belonging to the Metropolitan Police Force to take into custody without warrant any person who shall commit any such offence within view of any such constable.

14. It shall be lawful for any householder within the said City Hamlets or Suburbs personally or by his servant or by any police constable to require any street musician to depart from the neighbourhood of the house of such householder on account of the illness of any inmate of such house or for other reasonable cause and every person who shall sound or play upon any musical instrument in any thoroughfare near any house after being so required to depart shall be liable to a penalty not more than forty shillings.

Street musicians to depart when desired so to do.

Penalty.

15. Every person who shall in any street or public thoroughfare within the said City Hamlets or Suburbs be guilty of any riotous or indecent behaviour and also every person who shall be guilty of any violent or indecent behaviour in any police office or police station-house within the said City Hamlets or Suburbs shall be liable to a penalty of not more than forty shillings for every such offence or may be committed if the Justices before whom he shall be convicted shall think fit instead of inflicting on him any pecuniary penalty to the house of correction for any time not more than seven days.

Drunkards guilty of riotous or indecent behaviour may be imprisoned.

16. Every person who shall ride upon or cause himself to be carried or drawn by any carriage within the said City Hamlets or Suburbs without the consent of the owner or driver thereof shall be liable to a penalty not more than five shillings or if a child apparently under

Persons using carriages without driver's consent liable to penalty.

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under the age of twelve years it shall be lawful for the Justices to cause such child to be detained until his parent or guardian can attend for the purpose of having such child delivered into his care and if such parent or guardian do not so attend before the closing of the Police Court for the day it shall be lawful for the Justices to order such child to be discharged.

Constables may apprehend any offender whose name and residence are not known.

17. It shall be lawful for any constable belonging to the Metropolitan Police Force and for all persons whom he shall call to his assistance to take into custody without a warrant any person who within the view of any such constable shall offend in any manner against this Act or the Sydney Police Act passed in the fourth year of the reign of His late Majesty King William the Fourth or the Sydney Hamlets Police Act passed in the present Session of Council and whose name and residence shall be unknown to such constable and cannot be ascertained by such constable.

Persons charged with recent assaults may be apprehended without warrant.

18. It shall be lawful for any constable belonging to the Metropolitan Police Force to take into custody without warrant any person who within the limits of the said City Port Hamlets and Suburbs shall be charged by any other person with committing any aggravated assault in every case in which such constable shall have good reason to believe that such assault has been committed although not within view of such constable and that by reason of the recent commission of the offence a warrant could not have been obtained for the apprehension of the offender.

Power to police constables and persons aggrieved to apprehend certain offenders.

19. Any person found committing any offence punishable either upon an indictment or as a misdemeanor upon summary conviction by virtue of this Act or of the said Sydney and Hamlets Police Acts may be taken into custody without a warrant by any constable or may be apprehended by the owner of the property on or with respect to which the offence shall be committed or by his servant or any person authorized by him and may be detained until he can be delivered into the custody of a constable to be dealt with according to law and every such constable may also stop search and detain any vessel boat cart or carriage in or upon which there shall be reason to suspect that anything stolen or unlawfully obtained may be found and also any person who may be reasonably suspected of having or conveying in any manner anything stolen or unlawfully obtained and any person to whom any property shall be offered to be sold pawned or delivered if he shall have reasonable cause to suspect that any such offence has been committed with respect to such property or that the same or any part thereof has been stolen or otherwise unlawfully obtained is hereby authorized and if in his power is required to apprehend and detain and as soon as may be to deliver such offender into the custody of a constable together with such property to be dealt with according to law.

Removing furniture to evade rent.

20. It shall be lawful for any constable to stop and detain until due inquiry can be made all carts and carriages which he shall find employed in removing the furniture of any house or lodging between the hours of eight in the evening and six on the following morning or whenever the constable shall have good grounds for believing that such removal is made for the purpose of evading the payment of rent.

Horses carriages &c. of offenders may be detained.

21. That whenever any person having charge of any horse cart carriage or boat or any other animal or thing shall be taken into the custody of any constable under the provisions of this Act or of the said Sydney and Hamlets Police Acts it shall be lawful for any constable to take charge of such horse cart carriage or boat or such other animal or thing and to deposit the same in some place of safe custody as a security for payment of any penalty to which the person having

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had charge thereof may become liable and for payment of any expenses which may have been necessarily incurred for taking charge of and keeping the same and it shall be lawful for any Justice or Justices before whom the complaint against the person having such charge as aforesaid shall have been heard to order such horse cart carriage or boat or such other animal or thing to be sold for the purpose of satisfying such penalty and reasonable expenses in default of payment thereof in like manner as if the same had been subject to be distrained and had been distrained for the payment of such penalty and reasonable expenses.

22. Whenever any person charged with any felony or any misdemeanor punishable by transportation or other grave misdemeanor shall be without warrant in the custody of any constable of the Metropolitan Police at any station-house during the time when the Police Courts of the said City and Hamlets shall be shut it shall be lawful for the constable in charge of the station-house to require the persons making such charge to enter into a recognizance conditioned as hereinafter mentioned and upon his or her refusal so to do it shall be lawful for such constable if he shall deem it prudent to discharge from custody the person so charged upon his or her recognizance with or without sureties conditioned as hereinafter mentioned.

Power to bind over persons making charges.

23. Every recognizance so taken shall be without fee or reward and shall be conditioned for the appearance of the person thereby bound before a Magistrate at the next sitting at the Central Police Office of the City of Sydney or the Water Police Office as the case may require and the constable shall enter in a book to be kept for that purpose at every such station-house 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 sum thereby acknowledged and shall return every such recognizance to the Magistrate present at the time and place when and where the party is bound to appear.

Condition of recognizance.

24. For every misdemeanor or other offence against the said Sydney and Hamlets Police Acts or this Act for which no special penalty is hereinbefore appointed the offender shall at the discretion of the Justice or Justices before whom the conviction shall take place either be liable to a penalty not more than five pounds or be imprisoned for any time not more than one calendar month in any gaol or house of correction within the jurisdiction of such Justice or Justices.

Penalty for offences for which no penalty is appointed.