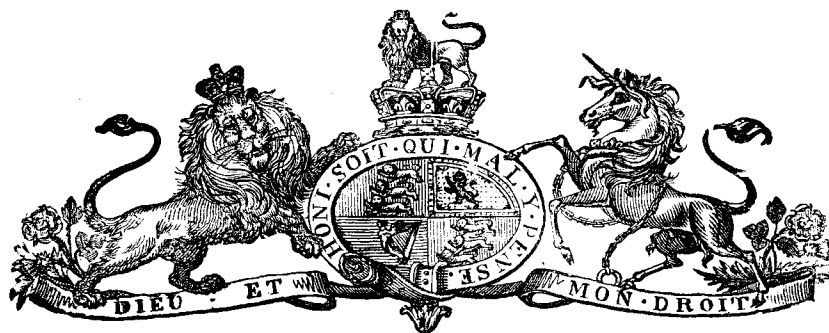


T A S M A N I A.



1879.

ANNO QUADRAGESIMO-SECUNDO

VICTORIÆ REGINÆ,

No. 25.



AN ACT to further amend *The Police Act, 1865.* A.D. 1879.
[5 May, 1879.]

WHEREAS it is expedient to further amend *The Police Act, 1865,* in certain particulars: PREAMBLE.
29 Vict. No. 10.

Be it therefore enacted by His Excellency the Governor of *Tasmania,* by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 In this Act, unless the context otherwise requires— Interpretation.
“The said Act” means *The Police Act, 1865.*

2 So much of Section Four of the said Act as defines the meaning of the word “Street” is hereby repealed, and upon the commencement of this Act— “Street” defined.

“Street” shall extend to and include any public and common highway, road, square, court, passage, alley, thoroughfare, public way or place, and the footways within any Town, any place of public resort and any avenue leading thereto.

Suppression of Vagrants, &c.

3 The following offenders; that is to say—

1. Every person wandering abroad and lodging in any barn, out-house, or shed, or in any deserted or unoccupied building, or in the open air, not having any visible means of subsistence, and not giving a good account of himself: Vagrants, beggars, prostitutes, &c., to be deemed idle and disorderly persons.

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2. Every person who is found wandering abroad having no fixed place of residence, and no lawful means of gaining his livelihood :
3. Every person found lodging in the open air, or in any hut or other temporary dwelling upon any Waste Lands of the Crown and not giving a good account of himself :
4. Every person wilfully exposing to view in any street, road, or public place, or in view thereof, or offering for sale any obscene print, picture, or other indecent exhibition :
5. Every person found begging, or exposing wounds or deformities, or exposing children of tender age to the inclemency of the weather, or placing themselves or otherwise acting so as to induce or for the purpose of inducing the giving of alms :
6. Every common prostitute wandering in the streets or roads, or in any place of public resort, and behaving in a riotous or indecent manner :
7. Every person wilfully and obscenely exposing his person :
8. Every person having in his custody or possession any key, pick-lock, crow, jack, bit, or other implement or instrument, with intent feloniously to break into any dwelling-house or other building whatsoever, or having upon him any instrument with intent to commit any felonious act :
9. Every person being found in or upon any dwelling-house or other building whatsoever, or in any enclosed yard, garden, or area for any unlawful purpose :
10. Every suspected person or reputed thief frequenting any street, road, or public place, or any quay, wharf, river, or navigable stream, or any place of public resort or any avenue leading thereto, with intent to commit felony :
11. Every male person found in any street or public place, by night, dressed in female apparel :
12. Every suspected person in possession of any article without being able to give a satisfactory account of his possession thereof :

shall be deemed an idle and disorderly person within the meaning of this Act ; and shall, upon conviction before any Justice, be liable to be imprisoned in any Gaol, there to be kept to hard labour for any term not exceeding Six calendar months ; and every such key, pick-lock, crow, jack, bit, or other implement or instrument found in the custody or possession of any such person with intent feloniously to break into any dwelling-house or other building as aforesaid may be seized by the apprehending constable, and shall, by the conviction of the offender, become forfeited to Her Majesty ; and every such offender may be apprehended with or without a warrant by any constable, or by any person who sees any such offence committed, and may be lodged in safe custody until he can be taken before a Justice to be dealt with according to law ; and if any person is charged on oath with any such offence before a Justice, such Justice may issue a warrant for the apprehension of such person.

No person shall be liable to be punished under the One hundred and eightieth Section of the said Act and this Section for the same offence.

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4 Every person playing or betting by way of wagering or gaming in any street, road, highway, or other open and public place, or in any open place to which the public have or are permitted to have access, at or with any table or instrument of gaming, or any coin, card, token, or other article used as an instrument or means of such wagering or gaming, at any game or pretended game of chance, shall be deemed an idle and disorderly person within the meaning of this Act, and may be apprehended with or without a warrant by any constable who sees such offence committed, and lodged in safe custody until he can be taken before a Justice to be dealt with according to law; and if any person is charged upon oath with any such offence before a Justice such Justice may issue a warrant for the apprehension of such person.

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Persons wagering or gaming with any table or instrument of gaming to be deemed idle and disorderly persons.

Every person convicted of any offence hereinbefore mentioned shall be liable to be imprisoned in any gaol for any term not exceeding Six calendar months, or in the discretion of such Justice, in lieu of such punishment shall be liable for the first offence to a penalty not exceeding Forty Shillings, and for the second or any subsequent offence not exceeding Five Pounds.

Every table or other instrument of gaming, and every coin, card, token, or other article used as an instrument or means of such wagering or gaming at any game or pretended game of chance as aforesaid, and all money exposed to view for the purpose of being gambled for, may be seized by any constable, and upon conviction of the offender shall become forfeited to Her Majesty.

Nothing contained in this Section shall be held to affect anything contained in the Twentieth Section of the said Act; and no person shall be liable to be punished under the said last-mentioned Section and this Section for the same offence.

Dogs.

5 If any dog, whether registered under the said Act or not, is found at large, such dog not being under the immediate custody, protection, or control of some competent person, every such dog so found at large may be immediately killed and destroyed; and all persons are hereby authorised and empowered to seize, kill, and destroy every such dog so found at large as aforesaid.

Dogs at large without collars or out of towns may be killed.

This Section shall not apply—

1. To any such dog, if such dog has a collar round its neck, with the name and address of its owner or keeper legibly engraven thereon:
2. To any dog found in the City of *Hobart Town* or the Town of *Launceston*, or in any Town:
3. To any dog found on any public road within Two miles of any Town.

Regulation of Cabs.

6 No person shall receive or hold a Driver's Licence under the provisions of the said Act relating to *Cabs* who is under the age of Seventeen years: Provided that this Section shall not affect any licence issued before the passing of this Act.

Persons under Seventeen not to hold driver's licence.

7 Before any such Driver's Licence is granted under the said Act a requisition for the same, in such form as the Mayor from time to time provides for that purpose, endorsed by the proprietor of the cab which

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such person is intended to drive, and accompanied with such certificates of his age and ability to drive and of his good character as shall be satisfactory to the Mayor, shall be made and signed by the person to whom such licence is requested to be granted; and in every such requisition there shall be truly specified and set forth the proper name and surname and age and place of abode of such person; and if any person applying for a Driver's Licence makes or causes to be made any false representation in regard to his name, age, or abode, or if he does not truly answer all questions which are demanded of him in relation to such application for a licence, or if any person to whom reference is made in regard to such application wilfully or knowingly makes any misrepresentation with the intention of deceiving the Mayor, every person so offending shall for any such offence forfeit and pay a penalty not exceeding Five Pounds; and it shall be lawful for any Justice of the Peace, upon proof of any such offence, to revoke any Driver's Licence which has been granted under any such false representation.

Cab licence forfeited after Three convictions.

8 If the proprietor or driver of any licensed cab shall at any time be convicted of any offence against the provisions of the said Act relating to *Cabs*, having been twice previously convicted under the said provisions, the licence held by such proprietor or driver at the time of such third conviction shall thereupon become and be absolutely void.

Every person whose licence shall have become void as aforesaid shall within One year thereafter be incapable of receiving or holding a Cab Licence under the said Act.

Nuisances and Obstructions in Streets of Towns.

Penalty on persons suffering animals to be in streets.

9 Every person who permits or suffers any animal to graze or stray in any public and common highway, road, thoroughfare, or footway within any town shall forfeit and pay a penalty not exceeding Ten Shillings.

Miscellaneous.

Repeal.

10 Sections Fourteen, Thirty-two, Thirty-seven, One hundred and twenty-nine, and One hundred and seventy-seven of the said Act are hereby repealed, but this repeal shall not affect anything duly done or suffered thereunder, or any offence wholly or partly committed before the commencement of this Act; but every person committing any such offence may be prosecuted in all respects as if this Act had not been passed.

Acts to be read together.

11 The said Act, and every Act altering or amending the same, and this Act shall, save as altered or amended by this Act, be read and construed together as one Act.

Short Title.

12 This Act may be cited as "The Police Act Amendment Act, 1879."