

THE AUCKLAND MUNICIPAL POLICE ACT 1866.

IN THE TWENTY-NINTH YEAR OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

1866
sess 22 Nov 2
1870 sess 25 Nov 2
1866. SESSION XIX, No. 15.

Title.

AN ACT to Repeal "The Auckland Municipal Police Act 1862" and to substitute other provisions in lieu thereof and to Regulate Municipal Police in the Province of Auckland.

BE IT ENACTED by the Superintendent of the Province of Auckland by and with the advice and consent of the Provincial Council thereof as follows :

Short Title.

1. The Short Title of this Act shall be "The Auckland Municipal Police Act 1866."

Act of 1862 repealed.

2. The Auckland Municipal Police Act 1862 is hereby repealed.

Limits of cities, &c., may be defined and altered.

3. The Superintendent may from time to time by public notification in the Provincial Government Gazette appoint and define the limits of cities towns and other places within the Province of Auckland for the purposes of this Act and may alter and revoke such definition and from and after such notification or from the date fixed therein this Act shall apply to the cities towns or other places so defined.

Local authority may be appointed.

4. The Superintendent may from time to time by public notice in the Provincial Government Gazette appoint such person or public body as he shall think fit to be the local authority hereinafter referred to for any city town or other place to which this Act shall be applicable and may alter and revoke such appointment.

5. Any person guilty of any of the following offences shall on conviction pay a penalty not exceeding ten pounds.

Offences.

1. Throwing or leaving any glass earthenware hoops filth rubbish or other matter of a similar nature upon any road footway or public place.
2. Placing or leaving without the permission of the local authorities any earth stones or other materials on any road or footway so as to obstruct the same.
3. Leading or riding any horse or other animal or drawing wheeling or driving any cart carriage sledge truck barrow or other thing upon any footpath.
4. Drawing or trailing any sledge timber or other heavy material upon any footway or carriage road to the injury of such footway or carriage road.
5. Placing any hoarding scaffolding timber bricks or other building materials upon any footway channel surface drain or carriage-road without the permission of the local authority having been first obtained or refusing or neglecting to conform to the conditions prescribed by such local authority.
6. Burning any shavings rubbish litter or other combustible matter upon any footway carriage-road or open or public place or so as to endanger any house building fence or other property or material.
7. Leaving any inflammable materials or matter in any public shed or place or on any open space near any building without having first obtained the permission of the local authority.
8. Emptying any privy or cesspool or conveying any nightsoil or offensive matter along any public thoroughfare after the hour of six o'clock in the morning and before the hour of twelve o'clock at night.
9. Allowing any nightsoil filth ammoniacal liquor or offensive matter to be spilt or otherwise cast or drained into or upon any road street footway or public place.

*a be
imprisoned
for a term
not exceeding
three months
with a
whipping
but not*

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10. Allowing the drippings of the eaves of any house or of any verandah to fall upon any public footway.
11. Placing any placard or other document writing painting on or otherwise defacing any public property or any house building wall fence lamp-post or gate without the consent of the owner or occupier thereof.
12. Neglecting to clean all private yards ways passages or avenues by which neglect a nuisance by offensive smell or otherwise is caused.
13. Rolling any cask beating any carpet breaking in any horse flying any kite using any bows and arrows or playing at any game to the annoyance of any person in any public place or obstructing any footpath or carriage-road whether by allowing any cart or animal to remain across such footpath or carriage-road or by placing goods thereon or otherwise.
14. Throwing or discharging any stone or other missile to the damage or danger of any person.
15. Exposing for sale placing upon or allowing to hang over any part of any footpath street or thoroughfare any goods wares or merchandise or permitting any showboard signboard crane hoist or tackle belonging thereto to project or hang over any footpath street or thoroughfare.
16. Having any awning or verandah over any footway or thoroughfare not being seven feet clear above the footway or obstructing the footway by the supports of such awning or verandah or hanging any goods on or under such awning over the footway.
17. Blasting any rock stone or timber in or near any public place without permission of the local authority or not attending to any directions in regard thereto given by such local authority.
18. Furiously or negligently riding or driving through any public thoroughfare.

19. Driving any vehicle or riding any animal and when meeting any other vehicle or animal not keeping the left or near side or when passing any other vehicle or animal going in the same direction not going or passing on the right or off side of such vehicle or animal or not allowing another vehicle or animal to pass on the right side.
20. Exposing in any public street or thoroughfare except in any fair or market lawfully appointed for that purpose any horse or other animal for show hire or sale or training or breaking any horse in any public thoroughfare.
21. Permitting any stallion or bull to cover within public view of any street or public place.
22. Making any cellar door or other opening from the footway of any street or public thoroughfare without the consent of the local authority.
23. Opening any drain or sewer or removing the surface of any footway or carriage-road without the permission of the local authority having been first obtained.
24. Driving any cart waggon or dray without the name and residence of the owner thereof being painted in a legible and permanent manner on the right or off side in letters of at least one inch in length.
25. The driver of any vehicle waiting for hire using as a stand any other place than those appointed by the local authority or demanding higher rates than those authorised by such local authority.
26. Discharging any firearms or setting off any fireworks or explosive material on any street highway or public place or so near thereto as to endanger or annoy the passers by.
27. Not keeping in good repair any rail gate fence or cover over or about any area or entrance to any cellar well or other place or keeping open for more than a reasonable time for taking in or out any articles any entrance opening into or upon or near any public street, road thoroughfare or other public place,

28. The occupier of any property abutting on any footpath not keeping clean and in good repair the footpath in front of the property so occupied by him.
29. Driving any dog harnessed or attached to any vehicle through any public place.
30. Any driver of any vehicle not driven by means of reins who shall ride thereupon there being no one on foot to guide the same or injuring any person or property whatever by negligence or driving on the wrong side of the road or being away from his vehicle whether the same be at rest or in motion so as not to have the full control of the horses or cattle drawing the same.
31. Any person who acts as driver or has the sole charge of more than one vehicle on any public road or street.
32. Permitting any cattle to wander upon any street or public thoroughfare.
33. Setting on urging or permitting any dog or other animal to attack or worry any person horse or other animal or by ill-usage or negligence in driving any cattle causing any mischief to be done by such cattle.
34. Obstructing or preventing the driving of any cattle or vehicle along any public road or thoroughfare.
35. Leaving on any public road or thoroughfare any plough harrow cart or other vehicle without any horse or animal being harnessed thereto unless in consequence of some accident having occurred.
36. Having any timber iron boards or other article laid across any vehicle going along any public road or thoroughfare so that either end projects more than two feet beyond the wheels of such vehicle.
37. Any driver of a public vehicle for conveyance of passengers who shall neglect to have legibly painted on the door or side of such vehicle the registered number of such vehicle and the number of passengers for which it is licensed or who shall

carry a greater number of passengers than such vehicle is licensed to carry or otherwise overload his vehicle.

38. Any driver or guard of a public vehicle for conveyance of passengers wilfully delaying on the road using any abusive or insulting language to any passenger or by reason of intoxication negligence or other misconduct endangering the safety or property of any passenger or other person or exacting more than the proper fare due from any passenger.
39. Any person wilfully breaking any pane of glass in the window of any building or wilfully breaking extinguishing or injuring any lamp or wilfully injuring any lamp-post pump gas-pipe water-pipe fountain fire-bell stand or any public property.
40. Wantonly or maliciously defacing injuring or removing any door-plate bell knocker signboard gate or other private property or wantonly or maliciously disturbing any inhabitant by ringing any door-bell knocking at any door blowing any horn beating any drum using any other noisy instrument in any street or ringing any firebell.
41. Wilfully trespassing in any place and neglecting or refusing to leave such place after being warned so to do by the owner or any person authorised by or on behalf of the owner. Provided that this shall not extend to any person acting under a fair and reasonable supposition that he had a right to do the act complained of.
42. Any person who wantonly or cruelly beats illtreats overdrives overloads abuses tortures or omits to supply with sufficient food or water any animal.
43. Any person who keeps or uses or acts in the management of any place for the purpose of fighting or baiting any kind of animal or permits or suffers any place to be used or who in any manner encourages aids or assists at the fighting or baiting of any animal.
44. Any person playing at any game in any street or public thoroughfare on Sunday or keeping open

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any billiard-room theatre or place of public amusement on Sunday.

45. Any person who shall keep open any shop store or other place of business on Sunday for the purpose of trading or dealing. Provided that this shall not extend to apothecaries or chemists nor to butchers bakers or pastrycooks until nine in the forenoon or between one and six in the afternoon of Sunday.
46. Any person indecently exposing his person in or in view of any public place.
47. Any person importuning another for the purposes of prostitution.
48. Any person who sings any obscene song or ballad or exposes to public view any obscene book print picture drawing or representation or writes or draws any indecent or obscene word figure or representation or uses any profane indecent or obscene language in any street thoroughfare or public place or within view or hearing of any person passing therein and any person who uses any threatening abusive or insulting words or behaviour in any public street thoroughfare or place with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned.
49. Any person placing himself in any public street highway court or passage to beg or gather alms or causing procuring or encouraging any child to do so.
50. Any person soliciting gathering or collecting alms subscriptions or contributions under any false pretence.
51. Any person imposing or endeavouring to impose upon any charitable institution or private individual by any false or fraudulent representation with a view to obtain money or any other benefit or advantage.
52. Any person playing or betting in any street or public place at or with any table or instrument of gaming at any game or pretended game of chance.

6. Every person who shall drive or use in any public street or road any waggon cart car or dray or other like carriage on the side or shaft of which the name of the owner shall not be plainly and legibly painted in some conspicuous place on the right side with letters not less than one and a half inches in length and of a proportionate breadth shall be liable to a penalty not exceeding five pounds.

Owner's name to be on dray.

7. Any local authority may from time to time make such rules and regulations with reference to licensing carts or other vehicles the places where they shall stand the number of passengers they shall carry the rates they shall receive the distance they shall be compellable to go and such other matters as may tend to the public convenience in regard to them as such local authority may see fit.

Carts, &c., may be licensed.

8. If any person shall commit any of the offences mentioned in sub-sections 1 2 5 7 15 16 35 of section 5 of this Act it shall be lawful for any Police officer or constable after six hours notice to the person offending to remove or cause to be removed the article or thing unlawfully placed or left on or over any road footway or public place and such article or thing shall after ten days notice posted on any of the articles referred to or ten days notice inserted once in a public newspaper be sold and the proceeds thereof after deducting the expenses of removal and sale shall be paid in to the police reward fund and if the proceeds of such article or thing shall not be sufficient to pay for its removal the additional cost of such removal may be recovered from the party offending.

Articles obstructing roads may be removed and sold.

9. The local authority or any Justice may authorise and depute any peace officer or constable from time to time to visit and inspect any yard outbuilding lane alley or other place for the purpose of ascertaining if the same be kept cleansed and such person so authorised shall if it appear that any accumulation of manure dung offal soil filth ashes garbage or other unwholesome or noxious matters whatever ought to be removed shall give notice to the person to whom the same belongs or to the occupier of the premises whereon it exists to remove the same and if at the expiration of four days after such notice the same be not complied with such matter shall be removed by such constable or peace officer at the expense of the person to whom such notice was given and such expense may be recovered from him.

Inspection and removal of nuisances.

Chimneys on fire.

10. Every person who shall allow any chimney of any house occupied by him to take fire shall be liable to a penalty not exceeding forty shillings and for the second offence within two months a penalty not exceeding five pounds.

Defective chimneys.

11. If any chimney shall from fault of construction or want of repair be or become dangerous to the neighbouring buildings it shall be lawful for any two Justices on complaint thereof to order the same to be inspected by two master builders and on their report to require the owner or occupier thereof to repair the same forthwith and if such owner or occupier shall fail to render the same safe from endangering the neighbouring buildings within four days after being so required he shall be liable to a penalty not exceeding twenty pounds for every day he shall leave the same in such dangerous state.

Offences against public property.

12. Any person guilty of any of the following offences shall on conviction pay a penalty not exceeding twenty pounds: *a conviction for any*

to be not exceeding three months with hard labour 1100 less 200

1. Wilfully destroying or damaging any public building erection bridge fence trees post gate bench sewer culvert watercourse road footway or other public work.

Removing without due authority any soil stone or other material used in the formation of any road or footway.

3. Digging or excavating without due authority upon or beneath the surface of any road or footway or leaving any hole vault foundation or excavation without being securely fenced in or not keeping a light burning upon the enclosure from sunset to sunrise.

4. Wilfully and wantonly removing any survey mark set up by any Government surveyor or other public officer.

Unwholesome food.

13. Any person who sells or offers for sale as food for human consumption any meat provisions or food of any kind which shall be in an unwholesome state or fraudulently prepared or adulterated or practices any deceit or fraud in respect to the quality of any such provisions or food shall forfeit such food or provisions to be disposed of as the

convicting Justices shall direct and shall be liable to a fine not exceeding ten pounds for the first offence and for any subsequent offence to a fine of not exceeding twenty pounds or to be imprisoned with or without hard labour for any term not exceeding two months.

14. Any person found drunk and disorderly or drunk and incapable of taking care of himself in or upon any road street thoroughfare or public place may be apprehended and lodged in safe custody until he can be brought before some Justice and upon conviction of any such offence he shall forfeit and pay a sum of not less than five shillings nor more than twenty and in default thereof shall be imprisoned for any period not exceeding forty-eight hours. If any person shall have been so convicted three times within the space of three calendar months he shall upon such third conviction forfeit and pay such sum as aforesaid and be imprisoned for any period not exceeding seven days. Drunk and disorderly.

15. Every person who keeps or conducts any public bowling-alley skittle-ground billiard-rooms place for wrestling music or dancing-room shall register the same at the office of the Commissioner or other officer of Police and shall close the same at the hours and times severally appointed by any local authority or who shall refuse or neglect to conform to the rules prescribed by such local authority under a penalty not exceeding five pounds and for any second offence besides such penalty such place shall be liable to be struck off the register and shall then be deemed an unregistered place and the keeper thereof shall be liable to a penalty not exceeding twenty pounds for every day he shall permit the same to be used for any of the purposes aforesaid. Registration of bowling alleys, &c.

16. If any person allow in any house or place wherein liquors provisions or refreshments are sold or disposed of any drunkenness or other disorderly conduct or suffer any gaming therein or suffer prostitutes or persons of notoriously bad character to be assembled therein such person shall for the first offence forfeit a penalty not exceeding ten pounds and for every subsequent offence besides the said penalty imprisonment for any term not exceeding one month may be awarded. Assemblies of bad characters.

17. If any person establish commence or be a partner or otherwise beneficially interested in any lottery or scheme by which prizes whether of money or of any other Lotteries.

matter or thing are gained drawn for thrown or competed for by lot dice or any other mode of chance or sell or dispose of any tickets or other means by which permission or authority is gained or given to any person to throw for compete or have an interest in any such lottery or scheme or if such person under any pretence or by means of any device sell or dispose of or endeavour to sell or dispose of any lands goods wares or merchandise by means of any game either of skill or chance every such person being duly convicted thereof shall forfeit and pay a penalty not exceeding fifty pounds for the first offence and for any subsequent offence besides such penalty shall be liable to imprisonment for any term not exceeding six months provided that this provision shall not apply to any raffle for any work purely of art of which notice shall have been given to the Superintendent if he shall not within one week of receiving such notice prohibit the same by notice posted to the address of the person giving such notice as aforesaid nor to any raffle of a private nature on which point the Justices before whom any case may be brought shall decide.

Apprehension of offenders. 18. Any person whosoever with or without warrant may apprehend any person found offending against sections 5 11 12 13 of this Act and deliver him to any constable or peace officer to be taken and conveyed before a Justice or Justices to be dealt with in manner herein before provided and any constable or other peace officer who refuses or wilfully neglects to take such offender into custody or to take and convey him before some Justice shall be guilty of a neglect of duty and shall be liable to a penalty not exceeding ten pounds. Provided always that any person who shall deliver any supposed offender to a constable under the power contained in this section and who shall not appear and show reasonable ground for the charge shall be liable to a penalty not exceeding ten pounds to be recovered in a summary way.

Liberation on bail. 19. If the offence with which any person is charged under this Act be not a serious one and the person in charge of the watch-house lock-up or police station in which such person is detained see fit so to do he may liberate such person on his making deposit of the highest amount of fine prescribed for the offence with which he is charged which deposit shall be absolutely forfeited if such person shall fail to appear at the time and place notified to him by the person receiving such deposit.

20. Nothing herein contained shall be construed to take away or repeal any liability or penalty which at Common Law or by any Statute Ordinance or Act in force within the province shall attach or be incurred in respect of any such offence as aforesaid. Not to repeal liability under other Acts.

21. All penalties shall be recoverable in a summary way. Penalties recoverable in a summary way.

22. This Act shall only come into operation in such cities towns or places as may be defined in terms of Section 3 of this Act and not elsewhere. Act to apply to defined cities, &c.

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THE RAILWAY ACT, 1866.

IN THE TWENTY-NINTH YEAR OF THE REIGN OF HER
MAJESTY QUEEN VICTORIA.

1866. SESSION XIX, No. 16.

AN ACT to repeal an Act of the Provincial Council of the Province of Auckland intituled "The Railway Commissioners' Act 1864" and to make other provisions in lieu thereof. Title.

BE IT ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :

1. The Short Title of this Act shall be "The Railway Act 1866." Short Title.

2. The "Railway Commissioners' Act 1864" is hereby repealed. The Railway Commissioners Act 1864 repealed.