

THE RURAL POLICE ACT, 1866.

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

1866. SESSION XIX, No. 11.

AN ACT *to Regulate Rural Police in the Province of* Tairāhema,
Auckland.

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

1. The Short Title of this Act shall be "The Auckland Short Title.
Rural Police Act 1866."
2. Every person who shall within the Province of Tairāhema incur-
Auckland commit any of the offences next hereinafter ring £5 penalty.

specified shall for every such offence forfeit and pay a sum not exceeding five pounds.

1. Every person who shall negligently or wilfully fire any grass fern litter shavings or other combustibile matter so as to endanger any house or other building.
2. Every person who shall negligently carelessly or furiously ride or drive in any highway or public thoroughfare any horse or vehicle.
3. Every person who having the care of any waggon, cart or carriage rides on the shafts thereof or who without having any reigns or without holding the same rides upon such waggon cart or carriage or on any animal drawing the same or who is at such a distance from such waggon cart or carriage as not to have due control over every animal drawing the same.
4. Every person who shall drive or use in any public street or road any waggon cart carriage 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 inch in length and of a proportionate breadth.
5. Every person who shall wantonly or cruelly beat ill-treat abuse or torture any horse cattle dog or other domestic animal.
6. Every occupier and when there is no occupier every owner of a house or other building who shall neglect to keep all wells in open or unenclosed places belonging to his house or premises securely covered.
7. Every person who shall place upon any part of a highway or public thoroughfare without authority from the Superintendent or the officer appointed by him any timber stones brick lime or other materials for building.
8. Every person who shall train or break horses in a public thoroughfare within any town or village.

9. Every person who shall wilfully encumber or obstruct a highway or public thoroughfare in any way not before specially described.
10. Every person having charge of any stallion or bull who shall permit the same to cover in any paddock close or land being within public view in any city town or village.
11. Every person who shall indecently expose his person.
12. Every person importuning any other person for the purposes of prostitution.
13. Every person who offers for sale or for distribution or exhibits to public view any profane indecent or obscene book paper print drawing painting or representation or sings any profane or obscene song or ballad or who shall profanely swear or use in any public place any obscene language.
14. Any person who shall throw or leave any dead animals animal remains or offensive matter of any kind upon any highway or public thoroughfare or suffer the same to remain upon his land or premises in his occupation so as to become a nuisance.
15. 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.
16. Any person who shall keep open any 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 pastrycooks barbers or milkmen until nine in the forenoon or between one and six in the afternoon of Sunday.
17. 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.

Offences incur-
ring £20 penalty.

3. Every person who shall commit any of the offences next hereinafter specified shall for every such offence forfeit and pay a sum not exceeding twenty pounds. That is to say :

1. Every person who shall wilfully destroy or damage any public building erection bridge fence post gate bench sewer culvert watercourse road foot-way or other public work.
2. Every person who shall place upon any highway or thoroughfare any soil docks or weeds.
3. Every person who shall remove without due authority any soil stone or other material used in the formation of any foot or roadway.
4. Every person who shall dig or excavate without due authority upon or beneath the surface of any road or footway or who having opened any hole vault foundation or excavation in any public thoroughfare shall leave the same without being securely fenced in and shall not keep a light burning upon the said enclosure from sunset to sunrise.
5. Every person who shall wilfully or wantonly injure or remove any survey mark set up by any Government Surveyor or other public authority or any signal station or any ropes or gear or other material used at such signal station.
6. Every person who shall without due authority encroach upon the limits of any road street or thoroughfare.
7. Every person who does not in meeting any other carriage keep his waggon cart or carriage to the left or near side or who in passing any other carriage does not keep his waggon cart or carriage on the right or off side of the road (except in cases of actual necessity or some sufficient reason for deviation) or who by obstructing the street or road wilfully prevents any person or carriage from passing him or any waggon cart or carriage under his care.

Constable may
take recognizance
of offender.

4. Whenever any person charged with any offence of which he is liable to be summarily convicted before a Magistrate or with having wilfully done any hurt or damage

shall (without the warrant of a Magistrate) be in the custody of any constable of the Armed Police Force in charge of any station house during the time when the Police Courts shall be shut it shall be lawful for such constable if he shall deem it prudent to take the recognizance of such person with or without sureties conditioned as hereinafter mentioned.

5. Whenever any person charged with any felony or any misdemeanour punishable by transportation or other grave misdemeanour shall be without warrant in the custody of any constable of the Armed Police at any station house during the time when the Police Courts shall be shut it shall be lawful for the constable in charge of the station house to require the person 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.

Constable may discharge person accused if accuser declines to enter into recognizance to prosecute.

6. 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 officiating in the district in which such station house shall be situated at his next sitting and the time and place of appearance shall be specified in the recognizance and the constable shall enter in a book to be kept at every station house for that purpose 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.

7. It shall be lawful for any constable to stop and detain until due enquiry 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 in the following morning or whenever the constable shall have good grounds for believing that such removal is made to escape the payment of rent.

Constable may stop removal of furniture.

8. 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 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

Carts, &c. may be detained and sold for penalty.

safe custody as a security for payment of any penalty to which the person having 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 magistrate before whom the case 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.

Not to repeal existing penalties. 9. Nothing in this Act shall be construed to take away or repeal any liability or penalty which at common law or by virtue of any statute ordinance or act in force within the province shall attach or be incurred in respect of any such offence as aforesaid.

Police to lay in- formations. 10. All complaints and informations under this Act shall be made and lodged by any officer or constable of the Armed Police Force or by any person to be appointed by the Superintendent provided that such officer constable or other person shall and he is hereby required to lay such information or complaint on being thereunto requested in writing by any Householder.

Penalties recover- able summarily. 11. All penalties imposed by this Act shall be recoverable in a summary way.

12. Sections 2 and 3 of this Act shall not apply to any city town or village in which "The Municipal Police Act 1866" is in force.