

DISORDERLY HOUSES SUPPRESSION.

ANALYSIS.

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A BILL INTITULED

AN ACT to provide for the Suppression of Disorderly Houses.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

5 1. The Short Title of this Act is "The Disorderly Houses Suppression Act, 1888." Short Title.

2. In this Act, if not inconsistent with the context,—

Interpretation.
(1.) Disorderly house.

10 (1.) "Disorderly house" means any bawdy house, brothel, house of ill-fame, or other disorderly house, which at common law or under any statute in force in the colony is a common nuisance, and includes any house, room, set of rooms, or place of any kind, kept for purposes of prostitution:

15 (2.) "Keeper" means any person who keeps or manages or acts or behaves as the master or mistress of any disorderly house within the meaning of this Act, or as the person

- having the charge or management thereof, or appearing to have such charge or management :
- (3.) "Owner." (3.) "Owner" means the person for the time being receiving the rack-rent of a house, or any part thereof, either on his own account or as agent or trustee for any other person, or who would receive the same if such house or any part thereof were let at a rack-rent : 5
- (4.) "Parent." (4.) "Parent" has the same meaning as is given to that word by "The Industrial Schools Act, 1882" : 5
- (5.) "Superior officer" of police. (5.) "Superior officer of police" means the officer having the immediate charge or control of the police at the place where the proceedings are taken ; and, in boroughs having an estimated population of *four* thousand persons, includes any sergeant of police who may be nominated either generally or specially by the officer having such charge or control as aforesaid to lay an information, or take any other proceeding authorised under or for the purposes of this Act : 10 15
- (6.) Evidence. (6.) In any proceedings taken under this Act the statement of any sergeant of police that he has been nominated, as hereinbefore provided, shall be sufficient evidence of his right to lay an information, or take any such proceeding as aforesaid under this Act, without further proof. 20
- Penalty for harbouring girls of or under sixteen for the purposes of prostitution. 3. Any person who, being the owner or occupier of any house, room, or place, or, being the manager or assistant in the management thereof, induces or knowingly suffers, or counsels or aids any other person in inducing or suffering, any girl of or under *sixteen* years of age to resort to or to be in that house, room, or place for the purpose of prostitution, is liable, on summary conviction, to imprisonment with or without hard labour for a term not exceeding *twelve months*, or, on conviction on indictment, is guilty of a misdemeanour, and shall be liable to imprisonment for a term not exceeding *two years*, with or without hard labour. 25 30
- (1.) Girl under sixteen frequenting disorderly house may be removed therefrom on warrant of Justice of the Peace. 4. For the better protection of girls the following provisions shall have effect :— 35
- (1.) If it shall be made to appear to any Justice of the Peace, on the oath of the parent or guardian of any girl of or under the age or apparent age of *sixteen years*, or on the statement of any superior officer of police, that such girl is an inmate of any reputed disorderly house or any other house of resort where prostitutes live or frequent, he may, by warrant under his hand, authorise any officer of police, to be named in the warrant, without any previous demand, and with such assistance as he may deem necessary, to enter such disorderly house, or other house of resort, and any or every part thereof, and take and remove such girl therefrom by force if necessary, and, for any of the purposes aforesaid, upon any refusal to allow entrance, to break open any outer or inner door of such disorderly house or other house. 40 45 50

(2.) Any person obstructing or delaying any officer of police named in such warrant, or any other officer of police or other person or persons accompanying him or whom he may call to his assistance in the execution of such warrant or in removing such girl, or who by any bolt, bar, chain, or other contrivance shall secure any external or internal door of or means of access to any such disorderly house, or other house as aforesaid, or any part thereof, for the purpose of preventing, obstructing, or delaying the entry of any such officer or other person or persons as aforesaid, or who shall conceal or be privy to the concealment of such girl in such disorderly house, or other house as aforesaid, or in any other house in order to avoid or delay the execution of such warrant, is liable, on summary conviction, to a penalty not exceeding *fifty pounds*, or, at the discretion of the Justices before whom such person is convicted, to imprisonment for any term not exceeding *six months*.

(2.) Penalty on obstruction.

(3.) Upon the removal of any such girl from any such disorderly house, or other house under the *preceding* provisions, she shall be taken with all convenient speed before some Resident Magistrate, who, after hearing such evidence as he deems material, may order and direct that she be placed in the care of either of her parents or her guardian (if any); or, with the consent of her father, or if she has no father, then of her mother, and if she has neither father nor mother, then of her guardian, be placed in the care and control of any person whom such Magistrate may approve, and who may be willing to take charge of her; or, with the like consent as aforesaid, may order and direct that such girl be conveyed to some benevolent or other charitable institution willing to receive her, there to be kept and maintained on such terms and conditions as the Magistrate shall think reasonable or necessary.

(3.) How girl so removed may be dealt with.

(4.) In case any such girl shall on any subsequent occasion, being then under twenty-one years of age and unmarried, again become an inmate of any disorderly house, or other house as aforesaid, then, if she be again removed therefrom under the provisions of this Act, she may be taken into custody and brought before a Resident Magistrate, who may, after hearing such evidence as he deems material, order that she shall be and become an inmate of an industrial school under the provisions of "The Industrial Schools Act, 1882."

(4.) Girl may be sent to an industrial school on any subsequent occasion.

(5.) Any girl who may be taken into custody under subsection *four* of this section may be dealt with under the provisions of "The Industrial Schools Act, 1882," as if she were a child within the meaning of that Act; and all the provisions of the said Act, and every power, jurisdiction, authority, and liability thereby created in respect of all

(5.) Application of provisions of "The Industrial Schools Act, 1882."

(6.) Procedure where no parent or guardian to give consent under this Act.

persons and things shall extend and apply to the matters provided for in this Act accordingly.

(6.) If a girl has neither father nor mother and no guardian, then any consent that may be required under this Act may be given by any other relative or person of full age whom the Resident Magistrate may consider entitled to give such consent; and if there shall be no such relative or person, then the Magistrate may make any order or give any direction he is by this Act empowered to make or give without the prescribed consent. 5 10

(7.) Place where proceedings under subsections (3) and (4) taken not an open Court.

(7.) When any girl is brought before a Resident Magistrate under the provisions of the *third* or *fourth* subsections of this section, the place where the examination is held and other proceedings taken shall not be deemed an open Court for that purpose, and the provisions of the one hundred and thirty-first section of "The Justices of the Peace Act, 1882," shall extend and apply accordingly. 15

Keeper of disorderly house liable to a penalty.

5. A person who is a keeper of a disorderly house is liable, on summary conviction, upon the information of a superior officer of police, to a penalty not exceeding *one hundred* pounds, or, at the discretion of the Justices before whom such person is convicted, to imprisonment for any term not exceeding *six* months, with or without hard labour. 20

Owner or tenant, &c., liable to be prosecuted as keeper of house in certain cases.

6. The owner of any house or any tenant, lessee, or occupier thereof, or of any part thereof who knowingly permits such house, or any part thereof, to be kept or used as a disorderly house is liable to be prosecuted and punished under this Act or under any other law or statute as the keeper of such house. 25

Penalty on keeper of disorderly house harbouring thieves or allowing deposit of stolen goods.

7. Every person who is the keeper of a disorderly house, and knowingly lodges or knowingly harbours thieves, or reputed thieves, or knowingly permits or suffers them to meet or assemble therein, or knowingly allows the deposit of goods therein, having reasonable cause for believing them to be stolen, shall be guilty of an offence against this Act, and be liable, on summary conviction, to a penalty not exceeding *twenty* pounds, or, at the discretion of the Justice before whom such person is convicted, to be imprisoned for any term not exceeding *three* months with or without hard labour. 30 35

Power of entry on disorderly house to superior officer of police.

8. If any superior officer of police shall have reason to suspect that any breach of the *last-preceding* section has been committed, he may, when in his discretion he shall think fit, without any warrant and with or without any constable or other assistance as may be found necessary, enter into any such disorderly house, and if necessary use force for breaking open doors or otherwise, and search therein for any thief or reputed thief, or for any goods which may be believed to have been stolen as hereinbefore mentioned. 40 45

Penalty for obstructing entry.

9. Any person who shall wilfully prevent any such superior officer of police, or any constable, or other person whom he may call to his assistance, from entering such disorderly house or any part thereof, or who shall obstruct or delay such officer, constable, or person in so entering, and any person who, by any bolt, bar, chain, or other contrivance, shall secure any external or internal door or means of access to such house, or shall use any means or contrivance 50

whatsoever for the purpose of preventing, obstructing, or delaying the entry of any such officer, constable, or person as aforesaid, is liable, on summary conviction, to a penalty not exceeding *fifty* pounds, or, at the discretion of the Justices before whom such person
5 is convicted, to be imprisoned for any term not exceeding *three* months, with or without hard labour.

10 10. (1.) When a house or any part thereof is a disorderly house, the owner of such house may, by notice in writing, determine the tenancy or occupancy of such house by any tenant or occupant whether under lease or otherwise, notwithstanding that the terms of the tenancy or occupancy do not include an agreement to that effect, and at the expiration of *one* month from the date of the service of such notice the tenancy or occupancy shall be absolutely determined.

(1.) Tenancy of disorderly house may be terminated.

15 (2.) Service of a notice under this section may be effected on the tenant or occupant in the mode prescribed by the eighty-fifth section of "The Resident Magistrates Act, 1867."

(2.) Mode of service of notice.

20 11. If the tenant or occupant, on such determination of the tenancy or occupancy, refuses to yield up possession, the owner may recover possession of such house in manner provided by "The Resident Magistrates Act, 1867," whatever may be the value of such house or the term for which it was let or occupied or the rent payable for the same, and all the provisions of that Act as to the recovery of possession of tenements on the determination of a tenancy shall extend and apply accordingly.

On refusal to give up possession, process for recovery.

25 12. Where the owner of any house has demised or let the same to any tenant who has subleased such house or permitted any person to use or occupy the same, whether as tenant or otherwise, then if such subtenant or occupier commits or suffers a breach of this Act, and the mesne tenant takes no proceedings to determine such sub-
30 tenancy or occupancy within a reasonable time after it is brought to his knowledge that such breach of this Act has been committed or suffered by the subtenant or occupier, the owner may take all such proceedings for the determination of such subtenancy or occupancy as if he had created or allowed the same, and all the provisions of
30 this Act shall apply accordingly; and any costs or expenses incurred by such owner in such proceedings and not otherwise repaid to him shall be recoverable by him from the mesne tenant.

When breach of Act committed mesne tenant does not determine tenancy, owner may do so.

35 13. If the owner of any house has entered into a contract to sell the same or any estate or interest therein to a tenant or other occupant, then on the determination of any such tenancy or occupancy under this Act, such contract shall be null and void; and if any payment or part payment has been made by the purchaser under or in respect of such contract, the owner of such house shall refund the same to the purchaser or other the person legally entitled to receive the same,
40 unless it shall be otherwise agreed between the parties.

Contract for sale may be avoided on determination of a tenancy under this Act.

45 14. Every person who hereafter takes on lease, obtains possession of, or becomes an occupant of, any house apparently for his own lawful occupation, but with the intent and purpose that the same or any part thereof shall then or at any future time during such tenancy or occupancy, whether by such person or by any other person be kept and used as a disorderly house, and such purpose is carried into effect, is liable to be prosecuted and punished under this Act, or any other law or statute, as the keeper of such disorderly house.

Person taking a house with intent same shall be used as a disorderly house liable to be prosecuted as the keeper thereof.

Saving of liability
to other criminal
proceedings.

15. This Act shall not exempt any person from any proceeding for an offence which is punishable at common law, or under any other law or statute in force in the colony, other than this Act, so that a person be not punished twice for the same offence.

Proceedings of a
summary nature to
be under Justice of
the Peace Acts.

16. All penalties which may be recovered and all proceedings under this Act which may be prosecuted in a summary way shall be recovered and taken before two or more Justices of the Peace under "The Justices of the Peace Act, 1882," and any Act amending the same.

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