

# POLICE OFFENCES ORDINANCE, 1912-1939.<sup>(1)</sup>

## An Ordinance to consolidate and amend the Enactments relating to Police Offences and Police Regulations.

**B**E it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

### PART I.—PRELIMINARY.

1.—(1.) This Ordinance may be cited as the *Police Offences Ordinance, 1912-1939*,<sup>(1)</sup> and shall commence on a day to be fixed by the Lieutenant-Governor by Proclamation published in the *Gazette*.<sup>(1)</sup>

Short title commencement and division into parts.  
Sub-section (1) amended by No. 2 of 1930, s. 2.

(2.) It is divided into parts as follows:—

Part I.—Preliminary.

Part II.—Offences General to the Whole Territory.

Part III.—Offences in Certain Towns only.

Part IV.—Special Constables.

Part V.—Procedure.

Part VI.—Police Jurisdiction Extension.

2.—(1.) The enactments mentioned in the First Schedule hereto are to the extent therein expressed hereby repealed except as to offences committed and things done or commenced before the passing of this Ordinance which shall be dealt with and continued and in respect of which every right and liability shall remain as if this Ordinance had not been passed.

Repeal.  
First Schedule.

(1) The *Police Offences Ordinance, 1912-1939*, comprises the *Police Offences Ordinance, 1912*, as amended by the other Ordinances referred to in the following Table:—

#### ORDINANCES OF THE LEGISLATIVE COUNCIL FOR THE TERRITORY OF PAPUA.

Short title, number and year.	Date of assent by Lieut.-Gov.	Date notified in Papua <i>Govt. Gaz.</i> as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
<i>Police Offences Ordinance, 1912</i> (No. 44 of 1912)	16.7.1912	(a)	23.12.1912 ( <i>Papua Govt. Gaz.</i> of 23.12.1912)
<i>Police Offences Ordinance, 1930</i> (No. 3 of 1930)	15.7.1930	(a)	15.7.1930 ( <i>Ordinances etc. of Papua, 1930, p. 7</i> )
<i>Police Offences Ordinance, 1938</i> (No. 8 of 1938)	29.7.1938	2.11.1938	29.7.1938 ( <i>Ordinances etc. of Papua, 1938, p. 101</i> )
<i>Police Offences Ordinance, 1939</i> (No. 3 of 1939)	11.8.1939	6.12.1939	11.8.1939 ( <i>Ordinances etc. of Papua, 1939, p. 5</i> )

(a) No notice of non-disallowance has been published in *Papua Govt. Gaz.*

Persons appointed under repealed Ordinances.

(2.) All persons appointed under any Ordinance hereby repealed and holding office at the time of the passing of this Ordinance shall be deemed to have been appointed under this Ordinance.

Interpretation.

3. In this Ordinance unless the context or subject matter otherwise indicates or requires—

“Justice” means a justice of the peace;

“Constable” means any magistrate justice European officer of armed constabulary patrol officer and any European officer or constable of police;

“Vehicle” includes every kind of conveyance;

“Cart” includes every wain waggon or dray.

PART II.—OFFENCES GENERAL TO THE WHOLE TERRITORY.

Application of this part to whole Territory. N.S.W. No. 5 of 1901, s. 6.

4. The provisions of this part shall apply and be in force in every part of the Territory.

Certain offences in public places to annoyance &c. of residents &c. N.S.W. *Ib.* s. 8.

5. Whosoever in any street or public place to the obstruction annoyance or danger of the residents or passengers—

Selling gunpowder &c. by artificial light. Q. 19 Vic. No. 24, s. 21.

sells gunpowder squibs rockets or other combustible matter by gas candle or other artificial light; or

Hoisting or lowering goods without proper tackling. Q. *Ib.*

hoists or lowers or causes to be hoisted or lowered goods of any description from any house without sufficient and proper ropes and tackling; or

Carrying carcass of newly slaughtered meat without a cloth covering same. Q. *Ib.*

conveys or causes to be conveyed the carcass or any part of the carcass of any newly slaughtered animal without a cloth covering the same sufficient for the concealment thereof; or hawks or carries about butchers' meat for sale without covering the same as aforesaid; or

Placing line cord &c. across any street. Q. *Ib.*

places any line or pole across any street or passage or hangs or places clothes thereon; or

Placing signboard except close to the wall. Q. *Ib.*

places hangs up or affixes any sign-post board house-ticket notice or other similar thing otherwise than close and parallel to or flat upon the wall of the building to which the same belongs; or

- places any flower-pot in any upper window without sufficiently guarding the same from being thrown down; or  
**Placing any flower-pot &c. in the upper window without guard.  
Q. 19 Vic. No. 24, s. 21.**
- casts from the roof or any part of any building any slate brick wood rubbish or other thing unless within a hoard when any building is being erected or repaired; or  
**Throwing anything from the roof of any house into the street.  
Q. 1b.**
- being a blacksmith whitesmith anchor-smith nailmaker or other person using a forge and having a door window or aperture fronting or opening into or towards any street or passage does not close and darken such door or window or aperture within one hour after sunset so as effectually to prevent the light from showing through the same:  
**Blacksmiths &c. not closing windows opening into any street at night.  
Q. 1b.**
- Provided that nothing herein contained shall extend to forges below the pavement of the street; or
- within the distance of one hundred yards from any dwelling-house burns any rags bones cork or other offensive substance; or  
**Burning rags &c.  
Q. 1b.**
- while driving any vehicle whatsoever does not keep to the near side of such street or public place (except when overtaking and passing any other vehicle) or meeting any other vehicle does not pass to his near side of such vehicle or in any manner wilfully prevents any other person from passing him or any vehicle under his care upon such street or public place or by negligence or misbehaviour prevents or interrupts the free passage of any carriage or person in or upon the same; or  
**Not keeping vehicles on proper side of the street &c.  
Q. 1b.**
- being the driver of any vehicle is wilfully at such a distance from such vehicle or in such a situation whilst it is passing upon such street or public place that he cannot have the direction of the horse or other animal drawing the same; or  
**Driver leaving vehicle out of his control.  
Q. 2 Vic. No. 2, s. 39.**
- having the charge of any cart drawn by two or more horses or other animals rides thereon without sufficient reins to guide the animals drawing the same; or  
**Riding on certain carts without reins.  
Q. 19 Vic. No. 24, s. 21.**

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Driving a cart  
out of a walking  
pace.  
Q. 19 Vic.  
No. 24, s. 21.

whilst driving or having the charge of any cart drawn by  
any horse or other animal and driven or guided by  
reins wilfully allows such horse or other animal to  
proceed out of a walking pace; or

Racing horses.  
N.S.W. No. 5 of  
1901, s. 8.

races any horse or other animal; or

Baiting bulls.  
N.S.W. *Ib.*

baits any bull or other beast; or

Exposing animals  
for sale &c.  
N.S.W. *Ib.*

exposes any horse or other animal for show or sale (except  
in a market lawfully appointed for that purpose); or

feeds any horse or other animal; or

shows any caravan containing any animal or any other show  
or public entertainment; or

shoes bleeds or farries any horse or animal (except in cases  
of accident); or

cleans dresses exercises trains or breaks any horse or animal;  
or

Cleaning &c.  
vehicles.  
N.S.W. *Ib.*

cleans makes or repairs any part of any vehicle (except in  
the case of accident where repair on the spot is  
necessary); or

Throwing stones.  
N.S.W. *Ib.*

throws or discharges any stone or other missile; or

Playing games.  
N.S.W. *Ib.*

plays at any game; or

Causing mob to  
collect by fighting  
&c.  
N.S.W. *Ib.*

by fighting or otherwise collects or causes to be collected  
together any mob or tumultuous meeting; or

Carrying goods  
on footway.  
N.S.W. *Ib.*

carries any goods upon any footway;

shall be liable to a penalty not exceeding Two pounds.

Riding or  
driving  
furiously in  
street.  
N.S.W. *Ib.* s. 9.

6. Whosoever in any street or public place—

rides or drives so negligently or furiously as to endanger the  
safety of any person or of the public; or

being the driver of any vehicle by driving furiously or by any negligence or wilful misbehaviour causes any hurt or damage to any carriage upon such street or public place; or

blows any horn or uses 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; or

Blowing horns &c. for announcing any sale &c. N.S.W. No. 5 of 1901, s. 9.

discharges any firearms without lawful cause; or

Discharging firearms &c. N.S.W. *Ib.*

makes any bonfire or lets off any firework; or

wantonly disturbs any inhabitant by pulling or ringing any door-bell or knocking at any door without lawful excuse;

Ringing bells. N.S.W. *Ib.*

shall be liable to a penalty not exceeding Two pounds.

6A. Any person who upon any road street or public place at any time between sunset and sunrise drives any vehicle other than a motor vehicle or rides any bicycle which has not—

Lights for vehicles other than motor vehicles. Inserted by No. 3 of 1939, s. 2.

(a) a lighted lamp or lighted lamps attached to it in such a manner and position as to show a bright white light clearly visible to any person approaching the vehicle or bicycle from the front; and

(b) a lighted lamp attached to it in such a manner and position as to show a bright red light clearly visible to any person approaching the vehicle or bicycle from the rear or a red reflector attached to it in such a manner and position as to reflect the lights of a vehicle approaching the vehicle or bicycle from the rear

shall be liable to a penalty not exceeding Five pounds.

7. Whosoever keeps any dog or other animal which attacks and endangers any person who has the right of way or use of any private yard alley street or other place shall be liable to a penalty not exceeding Two pounds.

Keeping dog &c. which attacks &c. persons having right of way. N.S.W. *Ib.* s. 10. Q. 19 Vic. No. 24, s. 21.

Being found drunk and disorderly in a public place.  
N.S.W. No. 5 of 1901, s. 7.

Inserted by No. 3 of 1930, s. 2.

Being found drunk in a public place.  
N.S.W. *Ib.* s. 6.  
Inserted by No. 3 of 1930, s. 2.

Riotous violent or indecent behaviour.  
N.S.W. *Ib.* s. 12.

Street musicians not departing when desired so to do.  
N.S.W. *Ib.* s. 13.

Keeping place used for cock-fighting &c.  
N.S.W. *Ib.* s. 14.

Making internal communication with an adjoining public-house.  
N.S.W. *Ib.* s. 15.

7A. Whosoever is found drunk and disorderly in any street or public place shall be liable to a penalty not exceeding Three pounds.

7B. Whosoever is found drunk in any street or public place shall be liable to a penalty not exceeding Two pounds.

8. Whosoever is guilty of any riotous violent or indecent behaviour in any street or public place or in any police office or police station-house shall be liable to a penalty not exceeding Two pounds or to imprisonment for a term not exceeding seven days.

9. Whosoever being a street musician has been required by any householder or occupier of any premises personally or by his servant or by any constable to depart from the neighbourhood of the house or premises of such householder or occupier on account of the illness of any inmate of such house or premises or for other reasonable cause and afterwards sounds or plays upon any musical instrument in any street or public place near such house or premises shall be liable to a penalty not exceeding Two pounds.

10.—(1.) Whosoever keeps or uses or acts 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 exceeding Five pounds or to imprisonment with or without hard labour for a term not exceeding one month.

(2.) A conviction under this Ordinance 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.

(3.) Any magistrate may by order in writing authorize any constable with such assistance as he thinks necessary to enter any premises kept or used for any of the purposes aforesaid and take into custody all persons found therein without lawful excuse.

Every person so found shall be liable to a penalty not exceeding Five shillings.

11. Whosoever makes or uses or allows to be made or used any internal communication between any house shop room or place of public resort not licensed for the sale of any fermented or spirituous liquors and any house or place licensed for the sale of such liquors shall be liable to a penalty not exceeding Ten pounds for every day that such communication is open.

12. Whosoever not being the holder of a publican's licence under the *Liquor Ordinance*, 1911,<sup>(2)</sup> keeps or has any house shop room or place of public resort wherein ready-made provisions liquors or refreshments of any kind are sold or consumed (whether the same are kept or retailed therein or procured elsewhere) and opens or has open his premises for the reception or entertainment of promiscuous persons or for the ordinary transaction of business earlier than six o'clock in the morning or later than twelve o'clock at night shall be liable to a penalty not exceeding Five pounds.

No person keeping a house for public resort to open same for business during certain hours.  
Q. 19 Vic. No. 24, s. 20.

13. Whosoever in or upon any warehouse wharf or quay or on board any ship or other vessel—

is found having in his possession any instrument for the purpose of unlawfully obtaining or any material or utensil for the purpose of unlawfully secreting or carrying away any wine spirits or other liquors; or

Possessing instruments for unlawfully procuring and carrying away wine &c.  
N.S.W. No. 5 of 1901, s. 22.

attempts unlawfully to obtain any wine spirits or other liquors

shall be liable to a penalty not exceeding Five pounds or to imprisonment for a term not exceeding one month.

14. Whosoever in or upon any warehouse wharf or quay or on board any ship or other vessel—

breaks or otherwise injures any cask or package containing wine spirits or other liquors with intent to steal or otherwise unlawfully obtain any of the contents thereof; or

Piercing casks opening packages &c.  
N.S.W. *Ib.* s. 23.

unlawfully drinks spills or wastes any part of the contents thereof

shall be liable to a penalty not exceeding Five pounds or to imprisonment for a term not exceeding one month.

15. Whosoever wilfully causes to be broken started or otherwise injured any cask bag or other package containing or prepared for containing any goods while on board of any lighter or other craft or on any wharf or landing-place or in the way to or from any warehouse with intent that the contents of such package may be dropped from such package shall be liable to a penalty not exceeding Five pounds or to imprisonment for a term not exceeding one month.

Breaking packages with intent to spill contents.  
N.S.W. *Ib.* s. 24.

16. Any constable may enter at all times by night or day with such assistance as he thinks necessary upon and into every part of every ship or other vessel (not then actually employed in His Majesty's service) for the purpose of directing any constable

Constables &c. may board vessels.  
N.S.W. *Ib.* s. 25.

(2) Now the *Liquor Ordinance*, 1911-1940.

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stationed on board and of observing the conduct of all persons employed on board in loading or unloading and taking all necessary measures for providing against fire and other accidents and for preserving peace and good order on board and for preventing or detecting any felonies or misdemeanours.

Constable &c.  
having just cause  
to suspect felony  
may enter on  
board vessels  
and take up  
suspected  
persons.  
N.S.W. No. 5 of  
1901, s. 26.

17. Any constable who has just cause to suspect that any felony has been or is about to be committed on board of any ship or other vessel may enter thereon at all times by night or day and therein take all necessary measures for preventing or detecting such felony and may take into custody all persons suspected of being concerned in such felony and may take charge of any property suspected to be stolen.

Search without  
warrant.  
Section 17A  
inserted by  
No. 3 of 1930,  
s. 3.

17A.—(1.) Any European officer of the Armed Constabulary may at any time of the day or night enter upon premises without warrant for the purpose of searching that portion of the premises where native employees are housed.

(2.) Any native member of the Armed Constabulary may at any time of the day or night on an assault or trespass being reported to the police enter upon premises without warrant for the purpose of searching that portion of the premises where native employees are housed.

Searching canoe  
without warrant.  
Section 17B  
inserted by  
No. 3 of 1938,  
s. 2.

17B.—(1.) Any European officer of the Armed Constabulary may at any time of the day or night enter upon and search canoes without warrant.

(2.) Any two native members of the Armed Constabulary one of whom is a sergeant may in company at any time of the day or night search canoes without warrant.

(3.) Goods found upon a canoe upon search pursuant to the provisions of this section shall unless the contrary is shown be deemed to be in the possession of the person apparently in charge of the canoe.

Persons  
suspected of  
having or  
conveying  
stolen goods.  
N.S.W. *Ib.* s. 27.  
Q. 19 Vic.  
No. 24, s. 1.

18. Whosoever being charged before a justice with having in his possession or conveying in any manner anything which may be reasonably suspected of being stolen or unlawfully obtained does not give an account to the satisfaction of such justice how he came by the same shall be liable to a penalty not exceeding Ten pounds or to imprisonment for a term not exceeding three months.

Search warrant.  
N.S.W. *Ib.* s. 28.  
Q. *Ib.* s. 2.

19. If information is given on oath to a justice that there is reasonable cause for suspecting that anything stolen or unlawfully obtained is concealed or lodged in any dwelling-house or any other place such justice may by special warrant under his hand directed



to any constable cause every such dwelling-house or other place to be entered and searched at any time of the day or by night if power for that purpose is given by such warrant.

The said justice if it appears to him necessary may empower such constable with such assistance as may be found necessary (such constable having previously made known such his authority)—

- (1) to use force for the effecting of such entry whether by breaking open doors or otherwise; and
- (2) to convey any such thing found upon such search before a justice or to guard the same on the spot until the offenders are taken before a justice or otherwise to dispose thereof in some place of safety; and
- (3) to take into custody and carry before the said justice every person found in such house or place who appears to have been privy to the deposit of any such thing knowing or having reasonable cause to suspect the same to have been stolen or otherwise unlawfully obtained.

20.—(1.) When any person who has been brought before a justice charged with having or conveying anything stolen or unlawfully obtained declares that he received the same from some other person or that he was employed as a carrier agent or servant to convey the same for some other person such justice shall cause every such person and also if necessary every former or pretended purchaser or other person through whose possession such thing has passed to be brought before him and examined and shall examine witnesses upon oath touching the same.

Person from whom stolen goods are said to have been received to be examined by the justice.  
N.S.W. No. 5 of 1901, s. 29.  
Q. 19 Vic.  
No. 24, s. 3.

(2.) Whosoever appears to such justice to have had possession of such thing and to have had reasonable cause to believe the same to have been stolen or unlawfully obtained shall be liable to a penalty not exceeding Ten pounds or to imprisonment with or without hard labour for a term not exceeding three months.

Every such person shall be deemed to have had possession of such thing at the time and place when and where the same was found or seized and the possession of a carrier agent or servant shall be deemed to be the possession of the person who employed such carrier agent or servant to convey such thing.

21. When any goods or money charged to be stolen or unlawfully obtained and of which the owner is unknown are caused by a justice to be detained any justice may after the expiration of twelve months if during that time no owner has appeared to claim the same sell or dispose of such goods or apply such money for the benefit of the Public Revenue Account.

Unclaimed stolen goods in the custody of the police may be sold after twelve months.  
N.S.W. *Ib.* s. 31.  
Q. *Ib.* s. 5.

Order for the delivery to the owner of goods unlawfully detained.

N.S.W. No. 5 of 1901, s. 32.  
Q. 19 Vic.  
No. 24, s. 10.

22.—(1.) Upon complaint made to a justice by any person claiming to be entitled to the property or possession of any goods which are detained by any other person the value of which is not greater than Twenty pounds and not being deeds muniments or papers relating to any property of greater value than Fifty pounds any justice may summon the person complained of and inquire into the title thereto or to the possession thereof.

(2.) If it appears to the justice hearing the case that such goods have been detained without just cause after due notice of the claim made by the person complaining or that the person detaining such goods has a lien or right to detain the same by way of security for the payment of money or the performance of any act by the owner thereof such justice may order the goods to be delivered up to the owner thereof either absolutely or upon tender of the amount appearing to be due by such owner (which amount such justice shall determine) or upon performance or upon tender and refusal of the performance of the act for the performance whereof such goods are detained as security or if such act cannot be performed then upon tender of amends for non-performance thereof (the nature or amount of which amends such justice shall determine).

Order for payment of value if goods not delivered up may be included in such order.

N.S.W. *Ib.* s. 32(3).

(3.) Such justice may in and by the said order further order and direct that in the event of neglect or refusal to deliver up the goods according to such order the person against whom such order is made shall forfeit to the party aggrieved the full value of such goods not being greater than Twenty pounds which value the justice shall determine.

Or may be made subsequently by any justice.

N.S.W. *Ib.* s. 32(4).

(4.) In any case where no such further order and direction is made by the adjudicating justice such further order and direction may be subsequently made by any justice.

Such order no bar to right to sue.

N.S.W. *Ib.* s. 32(5).

(5.) No such order shall be any bar to the right of any person to sue the person to whose possession such goods or money came by virtue of such order and to recover from him the goods or money so delivered or forfeited by an action commenced within six months next after the making of such order.

Compensation for wilful damage by tenants.

N.S.W. *Ib.* s. 33.  
Q. *Ib.* s. 8.

23. Whosoever being the occupier of or having occupied any house or lodging as tenant thereof wilfully or maliciously does any damage to the premises or to any furniture thereof shall upon complaint made to a justice within one month next after the commission of the offence or the end of the tenancy or occupation forfeit and pay to the landlord or party aggrieved such sum of money not exceeding Twenty pounds as appears to the justice to be a reasonable compensation for the damage done.

24.—(1.) Upon complaint made to a justice by any person who has occupied any house or lodging by the week or month or whereof the rent does not exceed the rate of Fifty-two pounds by the year that his goods have been taken from him by an unlawful distress or that the landlord or his broker or agent has been guilty of any irregularity or excess in respect of such distress such justice may summon the person complained of and if upon the hearing of the matter it shall appear to the justice that such distress was improperly taken or unfairly disposed of or that the charges made by the person who distrained or attempted to distrain are contrary to law or that the proceeds of the sale of such distress have not been duly accounted for to the owner thereof such justice may order the distress so taken if not sold to be returned to the tenant on payment of the rent which appears to be due at such time as the justice appoints or if the distress has been sold then such justice may order payment to the said tenant of the value thereof deducting thereout the rent which so appears to be due which value such justice shall determine.

Oppressive  
distresses.  
N.S.W. No. 5 of  
1901, s. 34.  
Q. 19 Vic.  
No. 24, s. 9.

(2.) Any such landlord or party complained against shall in default of compliance with any such order forfeit to the party aggrieved the value of such distress not being greater than Fifty-two pounds which value such justice shall determine.

25. Whosoever assaults resists or interrupts any sheriff's bailiff bailiff of any court or any keeper or other officer in the discharge of any public duty or any bailiff or keeper distraining for rent or for rates or taxes or rescues or attempts to rescue any property levied or distrained on shall be liable to a penalty not exceeding Ten pounds or to imprisonment with or without hard labour for a term not exceeding six months:

Assaulting  
bailiffs in the  
execution of  
their duty.  
N.S.W. *Ib.* s. 35.  
Q. *Ib.* s. 19.

Provided always that if the justice hearing the case thinks the same a proper case to be sent to a superior court to be dealt with such justice may commit the offender to take his trial for such offence.

26. Any constable may stop search and detain any vessel boat or vehicle in or upon which there is 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.

Constable may  
detain and  
search any vessel  
vehicle &c. or  
person suspected  
of conveying  
stolen property.  
N.S.W. *Ib.* s. 36.

27.—(1.) Whosoever being the owner of any cart drawn by any horse or other animal and driven or guided by reins does not have his name and place of abode painted legibly in full length on the off side in white letters at least two inches high and proportionately broad on a black ground shall be liable to a penalty not exceeding Two pounds.

Owners of carts  
not having name  
painted thereon.  
N.S.W. *Ib.* s. 37.  
Q. *Ib.* s. 21.

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Person in charge to be detained till satisfactory account given.

(2.) If the person in charge of any such cart as aforesaid refuses to give his or the owner's name and address or gives a false name of himself or the owner such person shall be detained by any constable or other person until a satisfactory account is given to such constable or other person who may require the same.

Horses carriages &c. of offenders may be detained. N.S.W. No. 5 of 1901, s. 39.

28.—(1.) Whenever any person having charge of any horse vehicle or boat or any other animal or thing is apprehended by any constable under the provisions of this Ordinance any constable may take charge of such horse vehicle or boat or such other animal or thing and deposit the same in some place of 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.

(2.) The justice before whom the complaint against such person has been heard may order such horse vehicle 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.

Constable of police station may bind over persons making charges. N.S.W. *Ib.* s. 40.

29.—(1.) Whenever any person charged with any felony or any grave misdemeanour is without warrant in the custody of any constable at any station-house during the time when the police court of the district in which such station-house is situated is shut the constable in charge of the station-house may require the person making such charge to enter into a recognizance conditioned as hereinafter mentioned and upon his refusal so to do such constable may if he deem it prudent discharge from custody the person so charged upon his recognizance with or without sureties conditioned as hereinafter mentioned.

Condition of recognizance.

(2.) Every recognizance so taken shall be conditioned for the appearance of the person thereby bound before a justice at the next sitting at the police court of the district in which such station-house is situated.

(3.) Every such recognizance so taken shall be without fee or reward.

(4.) 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 person 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 justice present at the time and place when and where such person is bound to appear.

30. Whosoever lodges any complaint before any justice for any offence alleged to have been committed by which he was not personally aggrieved and afterwards directly or indirectly receives without the permission of a justice any sum of money or other reward for compounding delaying or withdrawing the information may be brought before any justice by warrant or summons and charged with the offence of such compounding delay or withdrawal and on conviction shall be liable to a penalty not exceeding Ten pounds.

Common informers compounding.  
N.S.W. No. 5 of 1901, s. 41.  
Q. 19 Vic. No. 24, s. 6.

31. Any person who—

(1) is charged before any magistrate with having—

(a) on his person or on any animal or in any cart or other vehicle; or

(b) in his possession on any premises of which he is the tenant or occupier or reputed tenant or occupier

any gold reasonably suspected of being stolen or unlawfully obtained; and

(2) does not prove to the satisfaction of the magistrate that such gold was lawfully obtained

Offence of having possession of gold suspected of being stolen.  
W.A. 2. Edw. VII No. 31, s. 2.

is liable on summary conviction to a fine not exceeding Fifty pounds or to imprisonment with or without hard labour for any term not exceeding six months.

32.—(1.) Any person charged before any magistrate with having assisted in the commission of an offence under the last preceding section of this Ordinance who is unable to give an account of himself to the satisfaction of the magistrate is liable to a penalty of not more than Twenty-five pounds or to imprisonment with or without hard labour for any term not exceeding three months.

Accessories.  
W.A. *Ib.* s. 5.

(2.) For the purpose of this section any person proved—

(a) to have been watching or patrolling outside and in the vicinity of any premises on or about which gold reasonably suspected of being stolen or unlawfully obtained is found and seized by any police officer; or

(b) to have been accompanying any person having on his person or on any animal or in any cart or vehicle gold reasonably suspected of being stolen or unlawfully obtained and which is seized by any police officer

shall be deemed to be a person who has assisted in the commission of an offence under Sub-section (1.) unless the contrary is proved to the satisfaction of the magistrate.

Magistrate may order restitution of gold.  
W.A. 2 Edw.  
VII. No. 31, s. 6.

33. Upon a conviction under any of the two last preceding sections of this Ordinance the magistrate may order the gold to be delivered to the person whose right to the same shall have been found by such magistrate and failing any such person the gold shall be forfeited to the Crown.

Definitions.  
W.A. *Ib.* s. 11.

34. In the three last preceding sections of this Ordinance—

“Gold” means gold bullion retorted gold gold ores gold amalgam gold alloys precipitates containing gold slag concentrates tailings and residues;

“Premises” includes any house shop room building erection yard or other place.

PART III.—OFFENCES IN CERTAIN TOWNS ONLY.

Application of this part.  
N.S.W. No. 5 of 1901, s. 42.  
Second Schedule.

35. The provisions contained in this part of this Ordinance shall unless the context or subject-matter otherwise indicates or requires apply and be in force in the towns mentioned in the Second Schedule<sup>(3)</sup> and all other towns to which the provisions of this Ordinance are extended as hereinafter provided.

Provisions of this Ordinance may be extended to other towns.  
N.S.W. *Ib.* s. 43.  
Q. 2 Vic.  
No. 2, s. 64.

36. The Lieutenant-Governor<sup>(4)</sup> may by Proclamation<sup>(5)</sup> in the *Gazette* extend the provisions of this Ordinance to any town specified in such Proclamation.

37. For the purposes of this Ordinance—

Limits of the towns to which this part applies.  
N.S.W. *Ib.* s. 44.  
Q. *Ib.* s. 43.

(1) the limits of the towns mentioned in the Second Schedule shall be such as have been set out and marked and described by publication in the *Gazette*<sup>(6)</sup> under the provisions of any enactment hereby repealed or as shall hereafter be set out and marked by the Chief Government Surveyor or some person deputed by him subject to the approval of the Lieutenant-Governor<sup>(4)</sup> and described by publication in the *Gazette*;

(2) the limits of any town to which the provisions of this Ordinance are extended shall be such as are set out and marked and described by publication in the *Gazette* in the manner hereinafter provided;

Limits of towns to which this part is hereafter extended.

(3) Particulars of proclamations mentioned in the Second Schedule are included in the Table (referred to in footnote (5)) printed on p. 1464.

(4) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(5) A Table containing particulars of proclamations extending the provisions of the *Police Offences Ordinance*, 1912-1939, to towns, is printed on p. 1464, and the proclamations still in force are printed immediately after the Table. The Table also contains particulars of the proclamations referred to in the Second Schedule to the *Police Offences Ordinance*, 1912-1939.

(6) The limits of the towns mentioned in the Second Schedule are set out in the proclamations referred to in footnote (5), particulars of which are contained in the Table printed on p. 1464.

(3) the carriage and foot-ways in the streets and public places within the said towns mentioned in the Second Schedule shall be such as have been set out and marked under the provisions of any Ordinance hereby repealed or any Ordinance relating to the setting out and marking of such carriage or foot-ways;

Carriage and foot-ways of towns to which this part applies. Q. 2 Vic. No. 2, s. 45.

(4) the carriage and foot-ways of the streets and public places within any town to which the provisions of this Ordinance are extended shall be such as are set out and marked in the manner hereinafter provided.

Carriage and foot-ways of towns to which this part is extended.

38. The Chief Government Surveyor or some person deputed by him shall within six months of the publication in the *Gazette* of a Proclamation extending the provisions of this Ordinance to a town specified in such Proclamation set out and mark with sufficient marks the limits of such town subject to the approval of the Lieutenant-Governor<sup>(4)</sup> and shall publish in the *Gazette*<sup>(7)</sup> a description of the boundaries thereof.

How limits of future towns are to be set out &c. N.S.W. No. 5 of 1901, s. 45. Q. *Ib.* s. 43.

39. The Chief Government Surveyor and his assistants shall not incur any liability for trespass in respect of any entry upon the property of any person to erect any marks under the provisions of this Ordinance or to uphold or repair any such marks or any mark erected under the provisions of any Ordinance hereby repealed to mark the limits of any town mentioned in the Second Schedule.

Entering to erect or maintain marks no trespass. N.S.W. *Ib.* s. 46. Q. *Ib.* s. 43.

40. Whosoever pulls down destroys defaces or injures any mark erected to mark the limits of any of the said towns shall be liable to a penalty of Five pounds for the first offence of Ten pounds for the second offence and of Twenty pounds for the third or any subsequent offence.

Destroying &c. marks. N.S.W. *Ib.* s. 47. Q. *Ib.* s. 43.

41.—(1.) The Chief Government Surveyor or some person deputed by him shall within twelve months of the publication in the *Gazette* of a Proclamation extending the provisions of this Ordinance to a town specified in such Proclamation or in case of unavoidable delay so soon thereafter as possible lay before the Lieutenant-Governor<sup>(4)</sup> a plan setting forth the proposed breadth of the carriage and foot-ways of the streets and public places within such town and a notice<sup>(8)</sup> setting forth the breadth of such carriage-way shall be published in the *Gazette*.

How carriage and foot-ways of future towns to be set out and marked. N.S.W. *Ib.* s. 48. Q. *Ib.* s. 47.

(4) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940*.

(7) A notice dated 23.2.1921 and published in *Papua Govt. Gaz.* of 2.3.1921 containing a description of the boundaries of the town of Port Moresby for the purposes of the *Police Offences Ordinance, 1912-1939*, is printed on p. 1470. No other notice describing the boundaries of towns has been published in *Papua Govt. Gaz.* but each of the proclamations referred to in footnote (5) printed on p. 1444, and the Table printed on p. 1464, (except the Proclamation dated 18.2.1921 and published in *Papua Govt. Gaz.* of 2.3.1921) contains a reference to the boundaries of the town declared.

(8) No notice has been published in *Papua Govt. Gaz.*

(2.) The Chief Government Surveyor or person deputed by him shall within the time aforesaid set out the breadth of the said carriage and foot-ways and shall cause the said foot-ways to be marked by posts at the corners and intersections of the streets or wherever the same may be necessary for defining such foot-ways.

(3.) The said foot-ways shall be taken and measured from the curbstone or exterior edge thereof as laid down in the plan aforesaid without reference being in any manner had to the breadth of the carriage-way adjoining thereto or any part thereof whether such carriage-way in any part exceeds the breadth of the carriage-way set forth in the notice aforesaid or not.

(4.) The curbstone or exterior edge of the said foot-ways shall in no case be placed or formed upon land not theretofore forming part of the street or foot-way unless with the consent of the owner of the land or unless such land has been acquired or resumed by the Lieutenant-Governor<sup>(4)</sup> under the provisions of any Ordinance relating to land or the acquisition or resumption thereof.

Procedure where streets already set out and allotments sold. N.S.W. No. 5 of 1901, s. 48 (5).

(5.) Provided that in any town in which the streets have been set out and allotments sold in conformity with the design or any extension of the design of such town it shall be sufficient in lieu of the provisions hereinbefore contained for the Chief Government Surveyor or some person deputed by him or any justice or municipal officer of such town under the authority of the Lieutenant-Governor<sup>(4)</sup> to set out and mark the carriage and foot-ways of the streets and public places in such towns by placing posts at the corners and intersections of the streets or wherever the same may be desirable so as to give a width of forty-two feet for the carriage-way and twelve feet for the foot-way on each side when such streets are sixty-six feet wide and in proportion and at the discretion of the Chief Government Surveyor or other person or officer when such streets are less than the said width.

Land which is deemed dedicated to the public. N.S.W. *Lb.* s. 49. Q. 2 Vic. No. 2, s. 47.

42. All lands which have been or shall hereafter be left open and used as a carriage or foot-way within any of the said towns as well as all land which has been or shall hereafter be formed into a street within any of the said towns at the public expense shall be deemed and taken to be dedicated to the public and shall not be fenced in or reserved on any pretence whatsoever but shall be subject to all such and the like regulations orders powers authorities and provisions to which land used as a public thoroughfare now is or hereafter shall be subject by law :

Lieutenant-Governor may permit owner of adjoining land to resume excess of foot-way.

Provided always that the Lieutenant-Governor<sup>(4)</sup> may permit and suffer the owner or possessor of any land adjoining to any foot-way within any of the said towns which has been heretofore

(4) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.



left open and used as a carriage or foot-way to resume the possession of so much of the said land as exceeds the distance of twelve feet from the outer curbstone or exterior edge of the foot-ways within the said towns as at present or hereafter to be laid down by the Chief Government Surveyor or any person deputed by him as to the Lieutenant-Governor<sup>(4)</sup> seems fit subject however to and under and upon such conditions regulations and restrictions as shall be directed by the Lieutenant-Governor<sup>(4)</sup> respecting the same.

43. The Chief Government Surveyor or any person deputed by him or any person appointed by the Lieutenant-Governor<sup>(4)</sup> may in any of the said towns cause any foot-way set out and marked under any enactment hereby repealed or under this Ordinance to be levelled and made as nearly as practicable of an equal height and breadth and with an equal slope and inclination and may for such purpose remove and abate any inequality of ground flagging steps matter or thing that may injure or obstruct the said foot-way or render it unequal or inconvenient and which is now or may hereafter exist or be erected or placed on the space marked out for such foot-way.

Foot-ways as set out may be levelled &c. N.S.W. No. 5 of 1901, s. 50. Q. 2 Vic. No. 2, s. 53.

44.—(1.) Any person who after the said foot-ways have been so set out as aforesaid desires to flag pave gravel or put a curbstone to the foot-way in the front of his house shall twenty-four hours at the least before such work is begun give notice in writing in the said towns to the nearest magistrate of such his intention and shall conform to the directions of the said magistrate as to the length breadth height slope and inclination of such foot-way.

Notice to be given to magistrate of intention to pave foot-ways. N.S.W. *Ib.* s. 51. Q. *Ib.* s. 54.

(2.) Whosoever—

commences any such work without giving the notice hereinbefore directed; or  
refuses or neglects to conform to the directions of the said magistrate

shall be liable to a penalty not exceeding Ten pounds.

(3.) Any two justices the magistrate being one of them may in the said towns remove all work so executed contrary to such directions.

45.—(1.) Upon receipt of the plan mentioned in Section 41 the Lieutenant-Governor<sup>(4)</sup> may by notice<sup>(9)</sup> in the *Gazette* fix and declare the distance from the curbstone or exterior edge of the said foot-way in any street or public place in any such town within which it shall not be lawful to erect any building:

Distance of building line from curbstone. N.S.W. *Ib.* s. 52. Q. *Ib.* s. 46.

Provided that such distance shall in no case exceed twelve feet unless with the consent of the owner of the land.

(4) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(9) No notice has been published in *Papua Govt. Gaz.*

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Building within such distance.

(2.) Whosoever after the publication of such notice—

erects any house shop or other building or allows any house shop or building to project or encroach in any part within the distance from the curbstone or exterior edge of the foot-way fixed and declared in such notice; or

rebuilds any house shop or other building which is now erected within the distance to be fixed and declared as aforesaid from the curbstone or exterior edge of the said foot-way in the whole or in any part or makes any addition or alteration to the same except in conformity with the provisions hereof

shall be liable to a penalty of Twenty pounds.

(3.) If the said house shop or other building or any addition or projection is not removed or abated within one month after notice to that effect has been served by a magistrate on the owner or occupier thereof or left at his usual place of abode the person so offending as aforesaid shall be liable to a penalty of One pound for every day the same shall remain not removed or abated.

(4.) In any such case two or more justices a magistrate being one of them may grant a warrant to cause the said house shop or other building and all additions or alterations thereto so far as the same may be contrary to the provisions hereof to be taken down and the materials thereof to be sold.

The charges of taking down the same shall be paid out of the proceeds of such sale and the surplus if any shall be paid to the owner of such materials.

Section 46 repealed by No. 3 of 1930, s. 4.

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Names of streets may be affixed to any house. N.S.W. No. 5 of 1901, s. 54. Q. 2 Vic. No. 2, s. 52.

47.—(1.) Any person appointed by the Lieutenant-Governor<sup>(4)</sup> may in the said towns mark upon the walls of any house the name of the street or place in which it is situated or such other notice as it may be conducive to the public convenience to affix either by painting the same upon the walls or by affixing a board thereto upon which such notice may be painted and may also from time to time allot a number to each house in every street or public place.

(2.) The occupier of every such house shall paint or affix such number in legible characters upon the door of his house within fourteen days after written notice from the person appointed by the Lieutenant-Governor<sup>(4)</sup> to that effect left at his said house.

(4) See Section 19(2) of the Ordinance Interpretation Ordinance, 1911-1940.

(3.) Whosoever refuses or neglects to paint or affix such number after such notice as aforesaid shall be liable to a penalty of Ten shillings and to the like penalty for every week during which such refusal or neglect continues.

48. Nothing in this Ordinance contained shall be deemed to interfere with the powers vested in any surveyor by the provisions of any other Ordinance.

Not to interfere with power vested in surveyors.  
N.S.W. No. 5 of 1901, s. 55.  
Q. 2 Vic. No. 2, s. 51.

49. Whosoever at any time wilfully obstructs or molests any person having the control of the streets or public places or any surveyor or any person whomsoever authorized to put in execution this Ordinance in the performance of his duty shall be liable to a penalty for the first offence of Five pounds and the second offence of Ten pounds and for the third or any subsequent offence of Twenty pounds.

Obstructing persons in performance of duty.  
N.S.W. *Ib.* s. 56.  
Q. *Ib.* s. 55.  
First offence.  
Second offence.  
Third offence.

50. Any constable may apprehend any person whom he finds drunk in any street or public place at any hour of the day and take him before a justice to be dealt with according to law.

Drunken persons.  
N.S.W. *Ib.* s. 57.  
Q. *Ib.* s. 6.

Any constable may apprehend all loose idle drunken or disorderly persons whom he finds between sunset and the hour of eight in the forenoon lying or loitering in any street highway yard or other place and not giving a satisfactory account of themselves and deliver any person so apprehended into the custody of the constable in attendance at the nearest watch-house or lockup in order that such person may be secured until he can be brought before a justice to be dealt with according to law or gives bail in the manner hereinafter mentioned for his appearance before a justice if such constable deems it prudent to take bail.

51.—(1.) Where any person found lying or loitering about as aforesaid or charged with any petty misdemeanour is brought without the warrant of a justice into the custody of any constable during his attendance at any watch-house within the said towns in the night-time or in the day time if such person cannot be immediately brought before a justice any such constable may if he shall deem it prudent take bail by recognizance with or without sureties without any fee or reward from such person conditioned that such person shall appear for examination before a justice or at the next ensuing sitting of the court of petty sessions for the district in which he has been apprehended at a time and place to be mentioned in such recognizance.

Constables at the watch-house may take bail.  
N.S.W. *Ib.* s. 58.  
Q. *Ib.* s. 7.

(2.) Every recognizance so taken shall be of equal obligation on the parties entering into the same and liable to the same proceedings for the estreating thereof as if the same had been taken before a justice.

(3.) The constable shall enter in a book to be kept for that purpose in every watch-house the names residence and occupation of the party and his surety or sureties (if any) entering into such recognizance together with the condition thereof and the sums respectively acknowledged and shall lay the same before such justice as shall be present at the time and place when and where the party is required to appear.

In default of appearance recognizance to be forfeited.

(4.) If the party does not appear at the time and place required or within one hour thereafter the justice shall estreat such recognizance.

Time of hearing may be postponed.

(5.) If the party not appearing applies by any person on his behalf for a postponement of the hearing of the charge against him and the justice consents thereto the justice may enlarge the recognizance to such further time as he shall appoint.

(6.) When the matter is heard and determined either by the dismissal of the case or otherwise the recognizance for the appearance of the party before a justice shall be discharged without fee or reward.

Assault on constable.  
N.S.W. No. 5 of 1901, s. 59.  
Q. 2 Vic. No. 2, s. 8.

52. Whosoever assaults or resists or aids or incites any person to assault or resist any constable in the execution of his duty shall be liable to a penalty not exceeding Five pounds.

Penalty on persons harbouring constables during the hours of duty.  
N.S.W. *Ib.* s. 60.  
Q. *Ib.* s. 9.

53. Whosoever not being a licensee under the *Liquor Ordinance*, 1911,<sup>(2)</sup> knowingly harbours or entertains any constable or permits any constable to abide or remain in his house shop room or other place during any part of the time appointed for his being on duty elsewhere shall be liable to a penalty not exceeding Five pounds.

Trading on Sunday.  
N.S.W. *Ib.* s. 61.  
Q. *Ib.* s. 9.

54. Whosoever trades or deals or keeps open any shop store or other place for the purpose of trading or dealing on Sunday (the shops or houses of butchers bakers fishmongers and greengrocers until the hour of ten in the forenoon and of bakers between the hours of one and two in the afternoon and of apothecaries at any hour only excepted) shall be liable to a penalty not exceeding Three pounds.

Owner of place of public amusement suffering games to be played on Sunday.  
N.S.W. *Ib.* s. 62.  
Q. *Ib.* s. 11.

55. Whosoever being the owner or occupier of any public billiard-room or any other public place of amusement permits or suffers anyone to play in his house or premises any game on Sunday shall be liable to a penalty not exceeding Five pounds.

Justices may disperse persons gambling in public places on Sunday &c.  
N.S.W. *Ib.* s. 63.  
Q. *Ib.* s. 11.  
Such persons to be prosecuted.

56. Any justice may and he is hereby required to disperse or cause to be dispersed all persons gathering together on Sunday in any public or open place within the said towns or within five miles thereof for the purpose of gambling or playing at any game; and to take and seize or cause to be taken and seized any implement

(2) Now the *Liquor Ordinance*, 1911-1940.

instruments or animals used or intended to be used therein and to destroy and carry away the same and all persons actually gambling or playing as aforesaid shall be prosecuted according to law.

57. Whosoever damages any public building wall parapet sluice bridge road street sewer watercourse or other public property shall be liable to pay the costs of repairing the same and if the damage was wilfully done to a penalty not exceeding Twenty pounds.

Damaging public buildings.  
N.S.W. No. 5 of 1901, s. 64.  
Q. 2 Vic. No. 2, s. 12.

58. Whosoever casts any filth or rubbish into any watercourse sewer or canal or obstructs or diverts from its channel any public watercourse sewer or canal shall be liable to pay the costs of removing such filth or obstruction or of restoring such watercourse sewer or canal to its proper channel and to a penalty not exceeding Five pounds.

Obstructing watercourses &c.  
N.S.W. *Ib.* s. 65.  
Q. *Ib.* s. 13.

59. Whosoever damages any public well trough fountain pump cock or water-pipe shall be liable to pay the cost of repairing the same and if the damage was wilfully done shall be liable to a penalty not exceeding Twenty pounds.

Injuring public fountains.  
N.S.W. *Ib.* s. 66.  
Q. *Ib.* s. 14.

60. Whosoever has in his possession any private key for the purpose of opening any cock or in any manner unlawfully appropriates to his use any water from any public fountain or pipe shall be liable to a penalty not exceeding Twenty pounds.

Unlawfully appropriating water.  
N.S.W. *Ib.* s. 67.  
Q. *Ib.* s. 14.

61. Whosoever opens or leaves open any cock of any public fountain or pump so that the water runs or may run to waste shall be liable to a penalty not exceeding Two pounds.

Wasting water of fountain.  
N.S.W. *Ib.* s. 68.  
Q. *Ib.* s. 14.

62. Whosoever washes any clothes at any public well trough fountain or pump shall be liable to a penalty not exceeding Two pounds.

Washing clothes at fountain.  
N.S.W. *Ib.* s. 69.  
Q. *Ib.* s. 14.

63. Whosoever in any street or public place beats or dusts any carpet or flies any kite or drives any vehicle for the purpose of breaking exercising or trying any horse or rides any horse for the purpose of exercising trying showing or exposing such horse for sale (otherwise than by passing through such streets or public places while so driving or riding) shall be liable to a penalty not exceeding Two pounds.

Beating carpets flying kites breaking horses &c. in streets or public place.  
N.S.W. *Ib.* s. 70.  
Q. *Ib.* s. 15.

64. Whosoever—

places or causes or permits to be placed any rubbish dead animal filth or other matter or thing upon any street or public place; or

slaughters dresses scalds or cuts up any animal in any street or public place or so near thereto that any blood or filth shall flow or be thereon; or

Placing filth &c. in street riding on footpaths &c.  
N.S.W. *Ib.* s. 71.  
Q. *Ib.* s. 15.

CRIMINAL LAW—

drives draws places or causes or permits to be driven drawn or placed upon any foot-way of any street or public place any vehicle or any wheel or barrow or any cask ; or

wilfully leads drives or rides any horse ass or other beast upon any such foot-way

shall be liable to a penalty not exceeding Two pounds.

Placing carriages goods &c. on footways &c. and not removing same when required.  
N.S.W. No. 5 of 1901, s. 72.  
Q. 2 Vic. No. 2, s. 16.

65.—(1.) Whosoever—

places or causes or permits to be placed any merchandise cask or goods of any kind whatsoever upon or over any street or public place ; or

hoops or cleans or causes to be hooped or cleaned any cask or vessel upon or over any street or public place ; or

places or causes or permits to be placed any vehicle or barrow upon any street or public place except for the necessary time of harnessing or unharnessing the horse or other animal or of loading or unloading or of taking up or setting down any fare or of waiting for passengers when actually hired ; or

Placing timber bricks &c.

except by lawful permission granted in pursuance of any statutory authority places or causes or permits to be placed any building material or any other matter or thing whatsoever upon or over any street or public place ; or

hangs out or exposes or causes or permits to be hung out or exposed any matter or thing whatsoever from any house or premises over or next unto any part of any street or public place or over any area of any house or premises

and does not immediately remove the same on being required so to do by any justice or constable shall be liable to a penalty not exceeding Two pounds.

Things not so removed may be seized.

(2.) Where any such thing has not been so removed as aforesaid any justice or constable may without any warrant seize the same together with the horse or other animal if any thereunto belonging and the harness and gear thereof.

Perishables how to be disposed of.

(3.) In case any of the things so seized are perishable or are articles of food the same shall be immediately forfeited and the person who seizes shall deliver the same to the nearest magistrate who may dispose of any such thing or article towards any charitable purpose.

In all other cases such justice or constable shall cause the thing animal or gear so seized to be removed to the place appointed for the reception thereof if any such there be or otherwise to such place or places as he deems convenient giving verbal or written notice of such place or places to the owner driver or other person interested in the same if he is then present and the same shall be there kept and detained until such owner driver or other person interested as aforesaid pays the penalty inflicted together with the charges for taking and removing such thing and keeping such animal.

Other seizures.

(4.) Unless the thing animal or gear so removed is claimed and the said penalty and charges paid within five days next after such removal the said justice may order the same to be appraised and sold and the overplus (if any) of the money arising from such sale after deducting the said penalty and such costs charges and expenses attending such seizing removing keeping appraising and selling as the said justice shall ascertain and allow shall be paid to the owner thereof.

Unless things (not perishable) claimed within five days they may be sold &c.

66. Where any person has been required under the provisions of the last preceding section to remove any thing therein mentioned and afterwards places hangs out or exposes or causes or permits to be placed hung out or exposed as in the said section mentioned the same or any other such thing no second notice shall be necessary but such person shall be liable to the same penalty and the said things may be seized and dealt with as in the said section mentioned.

No second notice necessary.  
N.S.W. No. 5 of 1901, s. 73.  
Q. 2 Vic. No. 2, s. 17.

67. Nothing in this Ordinance contained shall be deemed to prevent any person from placing an awning in front of his shop or house:

Awnings may be erected in front of shops.  
N.S.W. *Ib.* s. 74.  
Q. *Ib.* s. 18

Provided however that such awning is at least seven feet above the height of the footway in front of such house or shop and that the posts are placed close up to the curbstone or outer edge of such foot-way.

68. Whosoever discharges any firearm without lawful cause or lets off any firework in any street or public place shall be liable to a penalty not exceeding Five pounds:

Discharging firearms &c. in street.  
N.S.W. *Ib.* s. 75.  
Q. *Ib.* s. 19.

Provided that the provisions of this section shall not apply to persons while engaged in any military duty or exercise or while shooting at a mark or target for any purpose connected with military duties or duties of the police force or armed constabulary within the boundaries of the area appropriated for such purposes.

Proviso saving persons engaged in military or police duties.

69. Whosoever burns any shavings or other things in any street or public place shall be liable to a penalty not exceeding Two pounds.

Burning shavings &c. in the streets.  
N.S.W. *Ib.* s. 76.  
Q. *Ib.* s. 20.

Bathing within certain limits.  
N.S.W. No. 5 of 1901, s. 77.  
Q. 2 Vic. No. 2, s. 21.

70. Whosoever not being decently clad bathes in any waters exposed to view from any wharf street public place or dwelling-house in or near the said towns between the hours of six o'clock in the morning and eight in the evening shall be liable to a penalty not exceeding One pound.

Indecent exposure of the person.  
N.S.W. *Ib.* s. 78.  
Q. *Ib.* s. 22.

71. Whosoever offends against decency by the exposure of his person in or in the view of any street or public place shall be liable to a penalty not exceeding Ten pounds.

Keeping swine.  
N.S.W. *Ib.* s. 79.  
Q. *Ib.* s. 23.

72. Whosoever keeps any kind of swine in any house building yard garden or other hereditaments situate in or within forty yards of any street or public place shall be liable to a penalty not exceeding Two pounds.

Suffering swine horse goat &c. to wander about the streets.  
N.S.W. *Ib.* s. 80.  
Q. *Ib.* s. 23.

73. Whosoever suffers any kind of swine or any horse ass mule sheep goat or other cattle belonging to him or under his charge to stray or go about or to be tethered or depastured in any street or public place shall be liable to a penalty not exceeding Two pounds.

Notice to remove hogstyes and nuisances.  
N.S.W. *Ib.* s. 81.  
Q. *Ib.* s. 24.

74.—(1.) Any magistrate or two justices upon the complaint of any inhabitant that any privy hogstye or other matter or thing is a nuisance and after due investigation of such complaint may by notice in writing order the owner or occupier of the premises wherein such nuisance exists to remedy or remove the same within seven days after such notice has been given to such owner or occupier or has been left for such owner or occupier at his last or usual place of abode or on the said premises.

Not removing &c. nuisances after notice.

(2.) Whosoever being such occupier neglects to remedy or remove such nuisance pursuant to such notice and to the satisfaction of such magistrate or justices shall be liable to a penalty of Ten pounds.

(3.) Such justices may indict or cause any person so disobeying any such notice to be indicted for such nuisance in the Central Court<sup>(4)</sup> and such person being found guilty thereof shall be liable to the same punishment for the misdemeanour as for a common nuisance and such nuisance shall be removed taken down and abated according to law with regard to public or common nuisances.

Neglecting to keep private yards &c. clean.  
N.S.W. *Ib.* s. 82.  
Q. *Ib.* s. 25, altered.

75. Whosoever being the owner or occupier of any house or place neglects to keep clean and free from weeds litter and rubbish all private avenues passages yards and ways within the said premises shall be liable to a penalty not exceeding Two pounds.

(4) See Section 19(2) of the Ordinance Interpretation Ordinance, 1911-1940.



76. Whosoever hauls or draws or causes to be hauled or drawn upon any part of any street or public place any timber stone or other thing otherwise than upon wheeled carriages or suffers any timber stone or other thing carried principally or in part upon wheeled carriages to drag or trail upon any part of such street or public place to the injury thereof or to hang over any part of any such carriage so as to occupy or obstruct the street beyond the breadth of the said carriage shall be liable to a penalty not exceeding Two pounds over and above the damage occasioned thereby.

Drawing or trailing timber &c.  
N.S.W. No. 5 of 1901, s. 84.  
Q. 2 Vic. No. 2, s. 27.

77. Whosoever being the owner or occupier of any house building or premises within the said towns having any entrance area garden or other open space adjoining the footway of any street or public place beneath the level of the curbstone or exterior edge of such footway or any steps adjoining the footway of any such street or public place fails to protect and guard the same by sufficient rails or other enclosures so as to prevent danger to persons passing shall be liable to a penalty not exceeding Five pounds.

Owner or occupier not enclosing open spaces and steps adjoining the footways.  
N.S.W. *Ib.* s. 85.  
Q. *Ib.* s. 50.

78. Whosoever being the owner or occupier of any house building or premises having any rails or bars over the areas or openings to any kitchen cellar or other part of the said house building or premises beneath the surface of the footway of any street or public place or any doorway or entrance into the basement or cellar storey thereof—

Not securing entrance to cellars &c.  
N.S.W. *Ib.* s. 86.  
Q. *Ib.* s. 28.

does not either keep the same or the rails of such kitchens cellars or other part in sufficient repair and securely guard and constantly keep the same securely guarded by rails or cover the same over with a strong flap or trapdoor according to the nature of the case and so as to prevent danger to any person passing; or

leaves open or does not sufficiently and substantially cover and keep covered and secured any coalhole or other hole funnel trapdoor or cellar-flap belonging to or connected with his house building or premises (save and except only during such reasonable time as may be necessary for use alteration or repair); or

does not repair and from time to time keep in good and substantial repair such rails flaps trapdoors and other covering

shall be liable to a penalty not exceeding Five pounds.

79. Whosoever makes any cellar or any opening door or window in or beneath the surface of the footway of any street or public place shall be liable to a penalty not exceeding Five pounds over and above the expense of remedying or removing such cellar opening door or window such expense to be assessed and allowed by the justice who hears the case.

Making cellars or openings beneath surface of footways.  
N.S.W. *Ib.* s. 87.  
Q. *Ib.* s. 29.

CRIMINAL LAW—

Not fencing  
holes in street.  
N.S.W. No. 5 of  
1901, s. 88.  
Q. 2 Vic. No. 2,  
s. 31.

80. Whosoever—

makes or causes to be made or leaves or causes to be left any hole in or adjoining to any street or public place for any purpose whatsoever and does not forthwith enclose the same in a sufficient manner in the said town to the satisfaction of the magistrate; or  
keeps up or causes to be kept up any such enclosure for any time longer than is absolutely necessary in the opinion of the magistrate; or  
does not when thereunto required by the magistrate sufficiently fence or enclose any such hole within twenty-four hours after he has been required to do so in the manner and with such materials as the said magistrate directs and to his satisfaction; or  
does not place a sufficient light upon the said enclosure; or  
does not keep such light constantly burning from sunset to sunrise during the continuance of such enclosure  
shall be liable to a penalty not exceeding Five pounds.

Allowing rain  
to drop from  
eaves of houses  
on footways.  
N.S.W. *Ib.* s. 89.  
Q. *Ib.* s. 32.

81. Whosoever being the owner or occupier of any building fails to provide such building with gutters or other means to prevent rain from dropping from the eaves thereof upon any part of the footways of any street or public place shall be liable to a penalty of Five shillings and to a like penalty for every day that such default continues.

Driving carts  
with nightsoil.  
N.S.W. *Ib.* s. 90.  
Q. *Ib.* s. 33.

82. Whosoever—

drives or causes to be driven any vehicle with any nightsoil or ammoniacal liquor therein through or in any street or public place between the hours of five o'clock in the morning and ten o'clock at night; or  
fills any vehicle so as to turn over or cast any nightsoil ammoniacal liquor slops mire or channel dirt or filth in or upon or near to any street or public place  
shall be liable to a penalty not exceeding Five pounds.

Liability of  
owner or  
employer for  
offences against  
preceding  
section.  
N.S.W. *Ib.* s. 92.

83. Whosoever—

is the owner of any vehicle in which any nightsoil or other matter is placed by any person contrary to the provisions of the last preceding section; or  
is the employer of any person so offending  
shall if such person cannot be apprehended be liable to a penalty not exceeding Five pounds.

Removing  
nightsoil or  
casting same  
in street &c.  
N.S.W. *Ib.* s. 91.  
Q. *Ib.* s. 34.

84. Whosoever—

empties or begins to empty any privy or take away nightsoil from any house or premises within any street or public place or comes with any vehicle for that purpose

except between the hours of ten at night and five in the morning; or casts out of any cask or tub or otherwise any nightsoil in or near any street or public place shall be liable to imprisonment for a term not exceeding one month.

**85. Whosoever—**

is the owner of any vehicle or animal employed in and about emptying and removing nightsoil contrary to the provisions of the last preceding section or coming for that purpose (save and except within the hours in the said section mentioned); or

Liability of owner or employer for offence against preceding section.

N.S.W. No. 5 of 1901, s. 93.

Q. 2 Vic. No. 2, s. 34.

is the employer of any person who casts out any nightsoil contrary to the provisions of the said section

shall be liable to a penalty not exceeding Five pounds.

**86. Whosoever** wantonly or maliciously breaks or injures any lamp or lamp-post or extinguishes any lamp set up for public or private convenience shall be liable over and above the necessary expense of repairing the injury committed to be estimated by the justice before whom such offender is brought to a penalty not exceeding Five pounds.

Injuring or extinguishing lamps.

N.S.W. *Ib.* s. 94.

Q. *Ib.* s. 35.

**87. Whosoever—**

throws or causes to be thrown any dead animal into any part of the harbour of Port Moresby or into any street or public place or into any river creek or other stream which flows by or through any such street or public place; or

Throwing dead animals into harbour or rivers &c. in towns.

N.S.W. *Ib.* s. 95.

Q. *Ib.* s. 36.

leaves or causes to be left any dead animal upon the shores of the harbour of Port Moresby or of any such river creek or other stream as aforesaid

shall be liable to a penalty not exceeding Five pounds.

**88.—(1.)** Any person who desires to blast any rock or substance within the limits of the said towns<sup>(5)</sup> shall give notice in writing twenty-four hours previously to the nearest magistrate who shall give directions in writing as to the time when the same may take place and as to such other matters as he deems necessary for the public safety.

Notice to be given of intention to blast rock.

N.S.W. *Ib.* s. 96.

Q. *Ib.* s. 37.

**(2.) Whosoever—**

blasts or causes to be blasted any rock within the limits aforesaid without giving such notice and obtaining such directions; or

Blasting without giving notice &c.

does not conform to the directions so given to him shall be liable to a penalty not exceeding Twenty pounds.

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(5) See footnote (5) printed on p. 1444.

CRIMINAL LAW—

(3.) The proof of such notice and directions as aforesaid shall be on the person charged.

Wantonly  
damaging street  
or removing  
turf gravel &c.  
without  
permission.  
N.S.W. No. 5 of  
1901, s. 97.  
Q. 2 Vic.  
No. 2, s. 38.

89. Whosoever—

wantonly breaks up or otherwise damages any part of any street or public place; or  
without statutory authority or the leave first had and obtained of the magistrate forms digs or opens any drain or sewer in any street or public place; or  
without such authority or leave removes or causes to be removed any soil stone or other material from any part of any street or public place; or  
without such authority or leave fells barks cuts or otherwise injures or destroys any tree or ornamental shrub growing in any street or public place  
shall be liable to a penalty not exceeding Five pounds.

Preventing  
persons passing.  
N.S.W. *Ib.* s. 98.  
Q. *Ib.* s. 39.

90. Whosoever—

in any manner wilfully prevents any person from passing him or any vehicle under his care upon any street or public place; or  
rides upon the shafts of any vehicle whatsoever in any street or public place  
shall be liable to a penalty not exceeding Two pounds.

Riding or driving  
to danger of  
others.  
N.S.W. *Ib.* s. 99.  
Q. *Ib.* s. 40.

91. Whosoever rides or drives through any street or public place so negligently or furiously as to endanger the safety of any person or of the public shall be liable to a penalty not exceeding Ten pounds.

Affixing placards  
on or defacing  
walls.  
N.S.W. *Ib.* s. 100.  
Q. *Ib.* s. 41.

92. Whosoever—

pastes or otherwise affixes any placard or other paper upon any wall or building; or  
defaces any such wall or building by chalk or paint or in any other manner  
shall on conviction upon the complaint of the owner or occupier of any such wall or building be liable to a penalty not exceeding Three pounds.

Cattle not to  
be driven  
through towns  
contrary to  
regulations &c.  
Q. 16 Vic. No.  
23, ss. 1, 2.

93.—(1.) No cattle intended for sale slaughter or shipment shall be driven into or through any town<sup>(5)</sup>—

(a) contrary to regulations which the Lieutenant-Governor<sup>(4)</sup> is hereby empowered to make; or (until such regulations are made)

(b) without the permission in writing of a magistrate and subject to such conditions or restrictions as he may thereby impose.

Penalty: Ten pounds.

(4) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(5) See footnote (5) printed on p. 1444.

(2.) For the construction of this section the word "cattle" shall include bulls cows oxen heifers and steers but shall not include milch cows or cattle in teams or working cattle.

PART IV.—SPECIAL CONSTABLES.

94.—(1.) In all cases where it appears to a magistrate that any tumult riot or felony has taken place or may be reasonably apprehended in any town or place and he or they are of opinion that the ordinary constables or officers appointed for preserving the peace are not sufficient for the preservation of the peace and for the protection of the inhabitants and the security of their property or for the apprehension of offenders any magistrate may nominate and appoint by precept in writing under his or their hands so many as he or they think fit of the householders or other persons (not legally exempt from serving the office of constable) residing in or near to such town or place to act as special constables for such time and in such manner as to the said magistrate seems fit and necessary for the public peace and for the protection of the inhabitants and the security of the property in or near such town or place.

Magistrate may appoint special constables.  
N.S.W. No. 5 of 1901, s. 101.  
Q. 19 Vic. No. 24, s. 12.

(2.) The magistrate who appoints any special constables by virtue of this Ordinance is hereby authorized to administer to every person so appointed the following oath that is to say:—

Form of oath.

I A.B. do swear that I will well and truly serve our Sovereign Lord the King in the office of special constable for the (*town or place as the case may be*) without favour or affection malice or ill-will and that I will to the best of my power cause the peace to be kept and preserved and prevent all offences against the persons and properties of His Majesty's subjects and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law. So help me God.

(3.) Whenever it is deemed necessary to nominate and appoint such special constables as aforesaid notice thereof shall be forthwith transmitted by the said magistrate to the Government Secretary.

95. The magistrate who has appointed any special constables under this Ordinance when such special constables have been called out shall have power to make such orders and regulations as may from time to time be necessary and expedient for rendering such special constables more efficient for the preservation of the public peace and shall also have power to remove any such special constable from his office for any misconduct or neglect of duty therein.

Regulations respecting special constables and removal for misconduct.  
N.S.W. *Ib.* s. 102.  
Q. *Ib.* s. 13.

96. Every special constable appointed under this Ordinance shall have exercise and enjoy all such powers authorities advantages and immunities and be liable to all such duties and responsibilities as any constable duly appointed now has by virtue of the common law or of any Ordinance or Imperial Act.

Power of special constables.  
N.S.W. *Ib.* s. 103.  
Q. *Ib.* s. 14.

CRIMINAL LAW—

Penalty for refusing to take oath of office.  
N.S.W. No. 5 of 1901, s. 104.  
Q. 19 Vic. No. 24, s. 15.

97. Whosoever being appointed a special constable as aforesaid refuses to take the oath hereinbefore mentioned when thereunto required by the magistrate appointing him shall be liable to a penalty not exceeding Twenty pounds.

Penalty for refusing to serve or for disobeying orders.  
N.S.W. *Ib.* s. 105.  
Q. *Ib.* s. 15.

98. Whosoever—

being appointed a special constable as aforesaid neglects to appear at the time and place for which he is summoned for the purpose of taking the said oath; or

having been appointed and sworn as a special constable as aforesaid and being called upon to serve neglects or refuses to serve as such special constable or to obey such lawful orders and directions as may be given to him by the magistrate or any Government officer under whose orders he may be placed for the performance of the duties of his office

shall unless he proves to the satisfaction of a magistrate that he was prevented by sickness or some other unavoidable cause such as shall in the judgment of the said magistrate be a sufficient excuse be liable to a penalty not exceeding Ten pounds.

Magistrates may discontinue the services of special constables.  
N.S.W. *Ib.* s. 106.  
Q. *Ib.* s. 16.

99. The magistrate who has appointed any special constables under this Ordinance for any town or place may if such special constables have been called out suspend or determine the services of all such special constables or of so many as to the said magistrate sitting in petty sessions in such town or place shall seem meet.

Notice of such suspension or determination of the services of all or any of the said special constables shall be transmitted forthwith by the said magistrate to the Government Secretary.

Special constables to deliver arms &c. to successors.  
N.S.W. *Ib.* s. 107.  
Q. *Ib.* s. 17.

100. Every special constable shall forthwith after the expiration of his office or after he ceases to hold and exercise the same pursuant to this Ordinance deliver over to his successor if any such has been appointed or to such person and at such time and place as may be directed by the magistrate all arms staves weapons and other articles which have been provided for such special constables under this Ordinance.

Any such special constable who omits or refuses so to do shall be liable to a penalty not exceeding Ten pounds.

Assaulting or resisting special constables.  
N.S.W. *Ib.* s. 108.  
Q. *Ib.* s. 18.

101. Whosoever assaults or resists any special constable whilst in the execution of his office or promotes incites or encourages any other person so to do shall be liable to a penalty not exceeding Ten pounds or to imprisonment for any term not exceeding six months.

PART V.—PROCEDURE.

102. All complaints of offences against this Ordinance may be heard and determined in a summary manner before a justice. Complaints of offences to be dealt with summarily.  
N.S.W. No. 5 of 1901, s. 109.  
Q. 2 Vic. No. 2, ss. 58, 60.  
Q. 19 Vic. No. 24, s. 23.
- 103.—(1.) The justice before granting a summons in respect of any offence under this Ordinance may require that an information or complaint in writing be laid. Justice may require information to be laid in writing.  
Q. 19 Vic. No. 24, s. 23.  
Third Schedule.
- (2.) A memorandum in writing in the form or to the effect set forth in the Third Schedule shall be kept of the substance of every charge for which a summons is issued.
104. No person shall be convicted of any offence against this Ordinance after the expiration after the commission of such offence of the time following that is to say—  
where the offence is under Parts II. and IV. after six months;  
where the offence is under Part III: after one month. No conviction unless within certain time.  
N.S.W. *ib.* s. 112.  
Q. 2 Vic. No. 2, s. 58.  
Q. 19 Vic. No. 24, s. 23.
105. The whole amount of all penalties recovered under this Ordinance shall be paid into the Public Revenue Account. Appropriation of penalties.
- 106.—(1.) All actions and prosecutions to be commenced against any person for anything done in pursuance of this Ordinance shall be commenced within two months after the act was committed. Proceedings against persons acting under this Ordinance.  
N.S.W. *ib.* s. 114.  
Q. 2 Vic. No. 2, s. 66.  
Q. 17 Vic. No. 25, s. 37.
- (2.) Notice in writing of such action and of the cause thereof shall be given to the defendant one month at least before the commencement of the action. Notice of action.
- (3.) In any such action the defendant may plead the general issue and give this Ordinance and the special matter in evidence. Defendant may plead the general issue.
- (4.) No plaintiff shall recover in any such action if tender of sufficient amends have been made before action or if after action a sufficient sum of money together with the costs incurred up to that time has been paid into court on behalf of the defendant. Tender of amends.
- (5.) In any such action if a verdict is given for the defendant or the plaintiff becomes nonsuited or discontinues or if judgment is given against the plaintiff the defendant shall recover his full costs as between attorney and client and have the like remedy for the same as any defendant has by law in other cases and if a verdict is given for the plaintiff he shall not have costs against the defendant unless the judge before whom the trial is held certifies therefor. Costs.

CRIMINAL LAW--

PART VI.—POLICE JURISDICTION EXTENSION.

Extension of certain provisions to premises of industrial and other associations.  
Q. 45 Vic. No. 12, s. 1.

107.—(1.) The Lieutenant-Governor in Council<sup>(4)</sup> may from time to time by Proclamation<sup>(10)</sup> in the *Gazette* declare that the provisions of this Ordinance and of any Ordinance for the time being in force relating to vagrancy or the provisions of any of such Ordinances shall either absolutely or for such period as may be expressed in such Proclamation be extended and apply to the buildings and lands belonging to used or occupied by any association or that the premises of any such association shall be a public place or public thoroughfare or place of public resort within the meaning of such Ordinances or any of them; and thereupon and so long as any such Proclamation shall be in force it shall be sufficient for the purpose of conviction to allege and prove that any offence punishable under the said Ordinance was committed within the premises of any association named in such Proclamation.

Meaning of term "association."  
Q. *Ib.* s. 2.

(2.) The term "association" for the purposes of this section means and includes any society body or corporation having for its objects the advancement of industry science or art or the exhibition of any pastoral agricultural industrial scientific or artistic subjects or any society body or corporation which may be established for any purpose of amusement recreation or charity.

Premises.  
Q. *Ib.* s. 3.

(3.) The term "premises" for the purposes of this section means and includes all buildings lands parks gardens and avenues belonging to used or occupied by every such association and all approaches roads streets and highways appurtenant or adjacent thereto.

Section 2.

FIRST SCHEDULE.

Reference to Enactment.	Title or Short Title.	Extent of Repeal.
2 Vic. No. 2 (Queensland adopted)	An Act for regulating the Police in the Towns of Parramatta Windsor Maitland Bathurst and other Towns respectively and for removing and preventing Nuisances and Obstructions and for the better alignment of Streets therein	The whole enactment
11 Vic. No. 44 (Queensland adopted)	An Act to Amend the Act for regulating the Police in the Towns of Parramatta Windsor Maitland Bathurst and other Towns respectively and for removing and preventing Nuisances and Obstructions and for the better alignment of Streets therein	The whole enactment

(4) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(10) No proclamation has been published in *Papua Govt. Gaz.*



Police Offences Ordinance, 1912-1939.

Reference to Enactment.	Title or Short Title.	Extent of Repeal.
16 Vic. No. 23 (Queensland adopted)	An Act to prevent Cattle being driven through populous Towns and places except within certain hours	The whole enactment
19 Vic. No. 24 (Queensland adopted)	An Act to make Further Police Regulations for the City Port and Hamlets of Sydney and other Towns and Places in the Colony of New South Wales	The whole enactment
45 Vic. No. 12 (Queensland adopted)	"The Police Jurisdiction Extension Act of 1881"	The whole enactment

SECOND SCHEDULE.(11)

Section 35.

LIST OF TOWNS IN WHICH PART III. IS IN FORCE.

Name of Town.	Date of Proclamation bringing Town under the Ordinance and Defining Limits.	Date of Gazettes containing Proclamations.
Buna .. ..	11th September, 1908	7th October, 1908
Daru .. ..	1st April, 1909 ..	7th April, 1909
Port Moresby .. ..	23th September, 1898	8th October, 1898
Samarai .. ..	18th December, 1896	2nd January, 1897

THIRD SCHEDULE.

Section 103.

FORM OF MEMORANDUM OF CHARGE FOR WHICH SUMMONS ISSUED.

[Name of Complainant] A.B. of No. street  
 [police constable].  
 [Name of Defendant] C.D. of No. street  
 [occupation].  
 [Date of Offence] On the day of inst.  
 [or last].  
 [Offence] [e.g. Without lawful cause discharging a  
 firearm in a public place].  
 [Date of Issuing Summons] The day of , 19 .  
 [Signed by] E.F. J.P.  
 [Summons Returnable] The day of , 19 .  
 [or next].

(11) The text of such of the proclamations listed in the Second Schedule as are still in force are printed on p. 1464 *et seq.*

NOTICE MADE PURSUANT TO SECTION 38 OF  
THE POLICE OFFENCES ORDINANCE,  
1912-1939, DESCRIBING THE BOUND-  
ARIES OF THE TOWN OF PORT MORESBY.

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NOTICE.<sup>(1)</sup>

Port Moresby,  
23rd February, 1921.

Notice is hereby given that, by virtue of the provisions of the *Police Offences Ordinance*, 1912, the following is a description of the boundaries of the Town of Port Moresby to which the provisions of the said Ordinance were extended by Proclamation bearing date the eighteenth day of February, 1921.

W. R. SMITH,  
Chief Government Surveyor.

DESCRIPTION ABOVE REFERRED TO.

Commencing at a point on the coast-line of Walter Bay where the said coast-line is met by a prolongation South-Eastward of the Eastern side of Lawes Road; bounded thence on the East by the Eastern side of Lawes Road to the South-Eastern side of Pullen Street; thence on the South-East by Pullen Street bearing 71 degrees 55 minutes for nineteen chains; thence on the North-East by a line bearing 341 degrees 55 minutes forty-five chains to the North-Western side of Spring Garden Road; thence by the North-Western side of Spring Garden Road bearing 251 degrees 55 minutes to the coast-line of Port Moresby; and thence by the coast-line bearing South-Westerly, Southerly and North-Easterly to the point of commencement.

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(1) Published in *Papua Govt. Gaz.* of 2.3.1921.