

## No. XVIII.

An Act to remove doubts in respect to the exercise of certain powers by the Councils of the City of Sydney and Town of Melbourne and to declare the competency of Witnesses and the jurisdiction of Magistrates in certain cases within the same. [23rd February, 1843.]

SYDNEY AND  
MELBOURNE  
COUNCILS.

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**W**HEREAS by certain Acts passed in the sixth year of the reign of Her Majesty Queen Victoria the City of Sydney and Town of Melbourne were incorporated and doubts have arisen in respect to the exercise of certain powers by Municipal Councils established under those Acts and as to the competency of certain inhabitants of the said City of Sydney and of the Town of Melbourne to be witnesses and to act

Preamble.

<sup>6</sup> Victoria Nos. 3 and  
<sup>7</sup>.

*Sydney and Melbourne Councils.*

Inhabitants of corporate cities and towns may be witnesses.

Judges Justices and others may act.

act in various other capacities in matters relating to the interests of those incorporated places by reason of their being members of the Corporations so created and it is expedient to remove those doubts and to provide for the jurisdiction of Magistrates within the said city and town Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That from and after the passing of this Act no inhabitant of the City of Sydney or of the Town of Melbourne or of any town or city to be hereafter incorporated shall be deemed an incompetent witness in proof of any offence against the Act under which such town or city has been or shall hereafter be incorporated or in any civil or criminal proceeding whatever by or against the Mayor or by or against the Corporation or any member thereof or in which such Corporation or any of its members shall be directly or indirectly interested and that no Judge of the Supreme Court Justice of the Peace or other inhabitant discharging any judicial or civil functions whatever shall be disabled from acting in the due discharge and execution of his respective duties by reason of his being a member of the Corporation interested and that it shall be lawful for the said Judges notwithstanding that they or either of them shall be a member of such Corporation to sit determine or otherwise adjudicate on the matters brought before them connected with the said Corporation as in any ordinary case of the like nature and that it shall also be lawful for any person named as Juror or Assessor to act as such Juror or Assessor in any such proceeding and for any Justice of any incorporated town to act as Justice in like manner as if he had not been directly or indirectly interested in the concerns of such Corporation.

Empowering Magistrates of the Territory to commit offenders to Sydney or Melbourne Gaol.

2. And whereas by the said Acts it was further enacted That from and after the term of two months after the first election of a Mayor in Sydney and Melbourne respectively no Justice of the Peace for the Territory of New South Wales should have jurisdiction within the limits of the said city or town unless specially empowered in manner therein-after provided and whereas doubts have arisen whether any Justice of the Peace for the said Territory can without being specially empowered as aforesaid legally commit any offender to the custody of the keepers of the gaols which are respectively situate within the limits of the said city and town notwithstanding that such gaols are maintained out of the public funds of the said Colony and whereas it is expedient to remove such doubts Be it therefore declared and enacted That it shall and may be lawful for any Justice of the Peace for the whole or any part of the Territory of New South Wales to commit any offender to any gaol situate within the limits either of the City of Sydney or Town of Melbourne notwithstanding anything contained in the above said Acts of the sixth year of the reign of Her present Majesty so long as such gaols shall continue to be maintained out of the public funds of the said Colony.

Effect of warrants of arrest issued by Justices of the Peace for the Territory and endorsed by City or Town Magistrates.

3. And be it enacted That all warrants to arrest detain or imprison offenders or other persons issued under the signature of one or more Justices of the Peace not being Magistrates of the City of Sydney or Town of Melbourne shall be of full force and effect within the said city and town respectively if endorsed by any Justice of the Peace being a Magistrate of the said city or town respectively which endorsement any Magistrate of the said city or town is hereby authorized to make and *vice versa* in the same manner as if the said recited Acts had not been passed.

Justices of the Peace for the Colony may act at Courts of Gaol Delivery or Quarter Sessions holden

4. And be it enacted That from and after the passing of this Act it shall be lawful for every person assigned to keep the Peace within the Colony of New South Wales during the continuance of such assignment to act as a Justice of the Peace at any Court of Gaol

Delivery

*Sydney and Melbourne Councils.*

Delivery or Quarter Sessions to be holden in and for the City of Sydney or Town of Melbourne respectively anything in the said recited Acts to the contrary notwithstanding.

within the City of Sydney or Town of Melbourne.

5. And whereas further doubts have arisen as to the appointment of persons to act as Assessors in the elections which are to take place on the first day of March next Be it hereby enacted and declared That it shall and may be lawful for the Mayor to nominate and appoint fit and proper persons to act as Assessors at such elections in the City of Sydney and Town of Melbourne respectively anything contained or supposed to be contained in the said recited Acts to the contrary notwithstanding.

As to appointment of Assessors.

6. And whereas doubts have arisen as to the power intended by the said Acts to be given to the Council of the City of Sydney and Town of Melbourne respectively over the tolls now levied or hereafter to be levied in the markets of the said city and town and in respect to the power of letting stalls or standings in any of the said markets Be it therefore hereby declared and enacted That it shall and may be lawful for the Council of the said city and town respectively to impose and levy such tolls or dues as may seem to the said Councils respectively to be necessary and proper Provided that such dues or tolls be fixed by bye-laws to be passed by the said Councils respectively in the manner directed in the said Acts and that it shall and may be lawful to the said Councils respectively to let or farm out the said tolls dues and market stalls or standings in such manner and at such rents or prices as may be determined on by the said Councils respectively anything contained in the said recited Acts or in any other Act to the contrary notwithstanding.

Power of City or Town Council over market tolls and stalls.

7. And whereas by authority of the City Council several of the stalls and standings in the sheds of the market in George-street in the City of Sydney were lately let by public auction to various individuals who respectively entered into and signed agreements contracts or engagements for the holding or use or occupation of the same for the remainder of the year one thousand eight hundred and forty-three at certain rents and on certain terms and conditions and whereas it has been deemed expedient to ratify and confirm all and every such agreements contracts or engagements Be it therefore enacted That every agreement contract or engagement entered into and signed by any person or persons since the first day of January last for the holding use or occupation of any of the stalls or standings in the said sheds of the said market in George-street as aforesaid shall be binding and conclusive upon the Mayor Aldermen Councillors and Citizens of the said City of Sydney as lessors or contractors of the one part and upon the person and persons who has or have entered into and signed any such agreement contract or engagement as aforesaid and as contractees or lessees of the other part of the said stalls and standings respectively although the same may not have been let or such agreements contracts and engagements may not have been entered into or signed in compliance with any law now in force relating to the said market.

Ratifying contracts &c. already entered into in respect to market stalls standings or sheds in the City of Sydney.