



S U P P L E M E N T
TO THE
NEW SOUTH WALES
GOVERNMENT GAZETTE,

OF FRIDAY, MARCH 10, 1843.

Published by Authority.

SATURDAY, MARCH 11, 1843.

ANNO SEXTO

VICTORIÆ REGINÆ.

No. XVII.

*By His Excellency SIR GEORGE GIPPS, Knight,
Captain-General, and Governor-in-Chief of the
Territory of New South Wales, and its De-
pendencies, and Vice-Admiral of the same, with the
advice of the Legislative Council.*

An Act to amend an Act, passed in the Fourth Year of Her Majesty's Reign, intituled "*An Act to provide for the Trial by Jury, in Civil and Criminal Cases, in the Circuit and other Courts to be holden within the Colony of New South Wales and its Dependencies.*"

[23rd February, 1843.]

WHEREAS by an Act passed in the Fourth Year of the Reign of Preamble.
Her present Majesty Queen Victoria, intituled "*An Act to
provide for the Trial by Jury, in Civil and Criminal Cases, in the* 4 Victoria, No. 28, recited.
*Circuit and other Courts to be holden within the Colony of New
South Wales and its Dependencies;*" it is, among other things,
enacted, that all Crimes, and all Civil Issues of fact, which shall be tried
or prosecuted within either the Dependencies of Port Phillip or New
Zealand respectively, whether in the Supreme Court, or in any Court of
Quarter Sessions, shall be tried by a Jury of twelve Inhabitants of the
said Dependencies respectively, who shall be subject to such and the like
rules, regulations, and provisions, as to their qualifications, exemptions,
and

and disqualifications, as in the said Act are made and provided with respect to Juries for the Trial of such Issues respectively in the Circuit Courts of the Colony; and whereas, since the passing of the said Act, New Zealand has been formed into a separate and independent Colony, and it is therefore expedient to repeal so much of the said Act as relates to New Zealand: 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, so much of the said recited Act as relates to a provision for Trial by Jury in the Court of the resident Judge at New Zealand, and all and singular the provisions of the said recited Act which relate to the duties of Justices, Sheriff, or Deputy Sheriff, and other Officers, in respect to Juries, or which otherwise relate to the Administration of Justice in New Zealand, shall be, and the same are hereby repealed.

Somuch there-
of repealed as
relates to
Jurors, Sheriff,
and the admin-
istration of
Justice in New
Zealand.

GEORGE GIPPS,

Governor.

*Passed the Legislative Council, this
twenty-third day of February,
one thousand eight hundred
and forty-three.*

FRANCIS L. S. MEREWETHER,

Clerk of Councils.

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.]

Preamble.

6 Victoria,
Nos. 3 & 7.

WHEREAS 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 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

Inhabitants of
Corporate
Cities & Towns
may be wit-
nesses.

rectly 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.

Judges, Justices, and others may act.

II. 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 thereafter 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.

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

III. 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 authorised to make, and *vice versa*, in the same manner as if the said recited Acts had not been passed.

Effect of Warrants of Arrest issued by Justices of the Peace for the Territory, and endorsed by City or Town Magistrates.

IV. 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, 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.

Justices of the Peace for the Colony may act at Courts of Gaol Delivery or Quarter Sessions holden within the City of Sydney or Town of Melbourne.

V. 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,

As to appointment of Assessors.

That

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.

Power of City
or Town
Council over
Market Tolls
and Stalls.

VI. 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.

Ratifying con-
tracts, &c., al-
ready entered
into in respect
to Market
Stalls, Stand-
ings, or Sheds,
in the City of
Sydney.

VII. 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 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.

GEORGE GIPPS,
Governor.

*Passed the Legislative Council, this
twenty-third day of February,
one thousand eight hundred and
forty-three.*

FRANCIS L. S. MEREWETHER,
Clerk of Councils.