

(No. 126.)



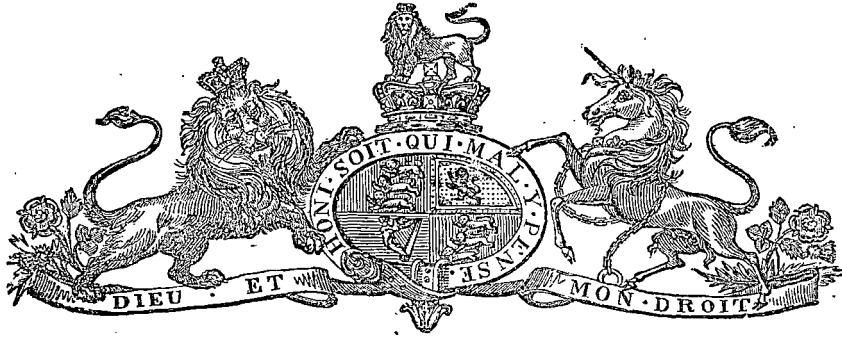
1862.

T A S M A N I A.

P E T I T I O N No. 78.

FOR A BILL TO CONFER UPON THE SUPREME COURT AUTHORITY TO REVIEW THE PROCEEDINGS OF CORPORATE BODIES.

Presented by Mr. Horne, and ordered by the House to be printed,
15 October, 1862.



To the *Honorable the Speaker and Members of the House of Assembly of the Parliament of Tasmania, in Parliament assembled.*

The humble Petition of the undersigned Ratepayers of and residing in the City of Hobart Town, in Tasmania.

RESPECTFULLY SHOWETH :

THAT your Petitioners are incorporated Citizens of the City of Hobart Town, in Tasmania.

That your Petitioners would submit to your Honorable House, that under and by virtue of an Act of the Governor and Parliament, passed in the Twenty-fourth year of the Reign of Her present Majesty, and intituled "Hobart Town Water Act, 1860," the Hobart Town Corporation were empowered to borrow on mortgage a sum not to exceed Fifty thousand Pounds, for the purpose, as therein particularly set forth, of bringing into Hobart Town a supply of pure Water.

That the detailed report of the Receipts and Expenditure published by authority in the Government Gazette for the year ending the Thirty-first day of December, One thousand eight hundred and sixty-one, and appearing on the Fourth day of February now last past, contains under the head of Water Works the following item,—Cost of laying Foundation Stone, £330 5s. 3d.

That the said sum of £330 5s. 3d. was paid and expended by the Municipal Council for the time being on the occasion of laying Foundation Stone, in providing *gratis* meat, drink, and other entertainments for the visitors on the grounds of the Hobart Town Water Works, and not for the purposes contemplated and authorised by the several Acts of the Governor and Parliament of Tasmania regulating the expenditure of the Municipal Funds of the said Corporation of the said City of Hobart Town, but in contravention of such Acts. And the said Municipal Council of the said City had no legal right to expend such money or any part thereof for the purposes aforesaid.

That one of your Petitioners, with a desire that the whole matter should be thoroughly and properly investigated, applied to their Honors the Judges of the Supreme Court, in Banco, for the issue of the Queen's Writ of *Certiorari* to be directed to the Municipal Council of the said City of Hobart Town, to produce books and papers; and if desired to show cause how, in what manner, and by what authority, they expended out of the Water Works Fund the sum of £330 5s. 3d. for the purposes hereinbefore set forth.

That, on the argument being concluded, their Honors decided as follows:—"We find that an Act of Parliament 1 Vict. chap. 26, conferring on the Court of Queen's Bench in England the power of reviewing the proceedings of Borough Councils, has not been extended to this Colony; the application in this form therefore must be dismissed, we having no jurisdiction at Common Law."

That your Petitioners respectfully submit to your Honorable House, that ample security should be afforded your Petitioners to prevent extravagance or misappropriation of Municipal Funds by any Council or Councils for the time being having the power of appropriation or disposition of the same; and that the best guarantee to your Petitioners, and the Citizens generally, against the evils referred to, would be to render the proceedings of the Municipal Councils subject to their being reviewed by the Supreme Court of this Colony.

That your Petitioners therefore pray your Honorable House will give to this Petition your serious consideration, in order to the passing of a Bill having for its object the empowering the Supreme Court of this Colony in its Common Law Jurisdiction to take cognizance of the proceedings of Corporate Bodies in this Colony when properly submitted and brought under review.

And your Petitioners will ever pray.

H. S. Barrett.
William J. F. Andrews.
George Marshall.
Charles Marshall.
S. W. Roberts.
J. Edmonds.
William Short.

David Bowtell.
A. M. Nicol.
H. R. Brett.
D. Hogarth.
Fredk. Robt. Lees.
Joseph Goodwin.
Boyle R. Patey.

R. J. Rogers.
John Doyle.
Edward Moore.
William Jones.
William Walker.
J. Watchorn.