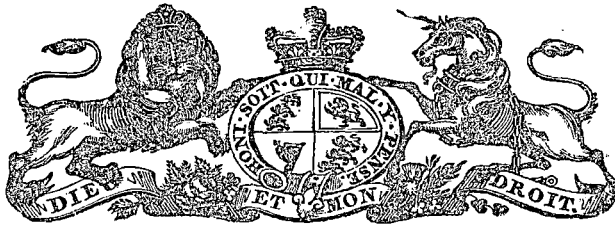


(No. 94.)



1861.

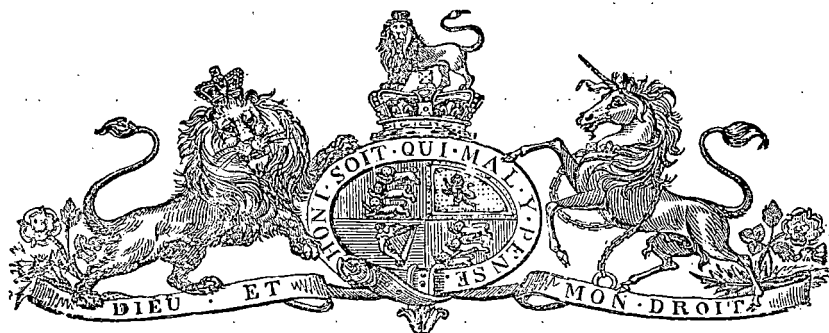
TASMANIA.

BUSINESS OF THE COURTS.

RETURN TO AN ORDER OF THE HOUSE.

(Mr. Henry Butler, 3 September, 1861.)

Laid upon the Table by Mr. Innes, and ordered by the House to be printed,
2 October, 1861.



RETURNS ORDERED

Of the number of persons tried before the Supreme Court during the Year ending 30th June, 1861, specifying their *original* civil condition, and the number of convictions :

Of the number of days during which the Supreme Court sat as a Criminal Court during the Year ending 30th June, 1861 :

Of the number of Cases brought before the Court in Banco, and the number of Sitting days of the Court in Banco, during the Year ending 30th June, 1861 :

Of the number of Cases tried at the Civil Sittings of the Supreme Court, the number of days on which the Civil Court sat, and, as far as practicable, a Return of the time occupied by other duties devolving on Judges not included in the previous Returns for the same period.

A *RETURN* of the Number of Persons Tried before the Supreme Court during the Year ending 30th June, 1861, specifying their civil condition at the time of trial:—

<i>Total number Tried.</i>	<i>Civil Condition at time of Trial.</i>		
	<i>Free.</i>	<i>Free by Servitude, or Conditional Pardon.</i>	<i>Prisoners.</i>
167	24	122	21

JNO. ASTON WATKINS, *Registrar Supreme Court.*

A *RETURN* of the Number of Persons Convicted before the Supreme Court during the Year ending 30th June, 1861:—

Total number Tried	167
Ditto Convicted.....	116
Ditto Acquitted.....	51

JNO. ASTON WATKINS, *Registrar Supreme Court.*

A *RETURN* of the Number of Days during which the Supreme Court sat as a Criminal Court during the Year ending 30th June, 1861:—

Fifty Days.

MEMO.—During Seventeen of the Fifty Sitting Days the Two Judges disposed of cases in separate Courts at the same time.

JNO. ASTON WATKINS, *Registrar Supreme Court.*

A RETURN of the Number of Cases brought before the Supreme Court in Banco, and the Number of Sitting Days of the Court in Banco, during the Year ending 30th June, 1861 :—

Number of Cases	39
Number of days Court sat	28

JNO. ASTON WATKINS, *Registrar Supreme Court.*

A RETURN of the Number of Causes tried at Civil Sittings of the Supreme Court, and the Number of days on which the Court sat, during the Year ending 30th June, 1861 :—

Number of Civil Causes tried.....	33
Number of days Court sat	13

JNO. ASTON WATKINS, *Registrar Supreme Court.*

A RETURN as far as practicable, of the time occupied by duties now devolving on the Judges of the Supreme Court and not included in the Returns No. 1, 2, 3, 4, and 5, during the Year ending 30th June, 1861 :—

UNDER the Equity Procedure Act, the Judges sat in Chambers 43 days, in performance of the duties devolving upon them under that Act, or under the Masters Abolition Act.

A considerable portion of their Honors' time is occupied in the transaction of business not included in the other Returns, but, almost daily arising in the progress of Causes and Matters under the Common Law, Ecclesiastical, Matrimonial, and Grant Jurisdictions; in investigating the Law or Equity involved in cases preparatory to their being heard, and in the consideration and preparation of Judgments after hearing; in preparing reports of Criminal Trials; in travelling, and in the intermediate days, other than Sitting days, unavoidable on Circuit,—for these, and many other duties it is not practicable to furnish any Return of the time occupied.

JNO. ASTON WATKINS, *Registrar Supreme Court.*

RETURN of Trials, &c., at the RECORDER'S COURT for the Year ending 30th June, 1861 :—

<i>Sitting Days of the Court.</i>	<i>Persons tried.</i>	<i>Civil condition.</i>	<i>Convictions.</i>
1860. September 27th, 28th, 29th	Six persons.	One Free, five F.S.	Four.
December 21st, 22nd	Ten persons.	One Free, eight F.S., one unknown.	Six. In one other case Jury not agreed.
1861. April 24th, 25th, 26th, 27th....	Fourteen persons.	Two C.P., one T.L., three F.S.	Six.
June 27th, 28th, 29th	Twelve persons.	Two Free, six F.S., two C.C.P.	Ten.

JOHN WHITEFOORD, *Recorder.*

RETURN of the Number of Cases brought before the Courts of the respective Commissioners of Insolvency in Hobart Town and Launceston, together with the Number of Sitting Days of such Courts, during the Year ending 30th June, 1861.

<i>Place.</i>	<i>Number of Petitions presented for hearing.</i>	<i>Number of Sitting Days.</i>
Hobart Town	83	100
Launceston	107	52

There are not any stated days for the performance of the functions of the office of Commissioner of Insolvent Estates for Hobart Town.

By *The Insolvent Act* he is desired to appoint a time and place for hearing Petitions of Creditors of Insolvents, and of Insolvents themselves, praying for Declarations of Insolvency, as may be requisite; likewise for Meetings of Creditors and for other purposes.

The number of Petitions which have been presented during the Year ending 30th June, 1861, is 83; consequently the number of Sittings held by the Commissioner for the purpose of hearing such Petitions, is 83.

The number of Meetings of Creditors during that period which took place in the course of 50 days; 350.

The number of Orders of Discharge, Warrants of Attorney, 67; in the performance of which duties the Commissioner held 67 Sittings.

The Commissioner is liable to be called upon every moment of every day (Sunday's excepted) for the performance of some duties connected with Insolvency.

F. BROWNE.

Hobart Town, 12th September, 1861.

MEMO.—

THE information required for the House of Assembly by the Memo. of the 6th instant, was the number of Insolvencies during the period named, and also the number of *Sitting* days of the Court, the former is furnished in the accompanying Return, viz., 83, but what is required by the latter is the number of days that the Commissioner has sat in *Court*, without any reference to the number of cases that may, on each *Sitting*, have come before him.

B. TRAVERS SOLLY,
September 1861.

The Commissioner of Insolvent Estates, Hobart Town.

MEMO.—

THE Commissioner of Insolvent Estates is *not* required by the Insolvent Act to hold any "*Sittings in Court*." The term "*Court*" is not to be found in any part of the Insolvent Act. The Commissioner is authorized to appoint any "*time and place*" he pleases for the proceedings in Insolvency. He has sometimes appointed proceedings to take place in the room know as "*the Court of Requests Room*," sometimes in other places as he found convenient. He is unable to state precisely the number of days he has sat in proceedings in Insolvency in the "*Court of Requests Room*," as distinguished from those on which he has sat in proceedings in other places, but they may have been 100 days.

F. BROWNE,
September 30, 1861.

Launceston, 7th September, 1861.

SIR,

I HAVE the honor to transmit herewith, the Return required by your communication to me of yesterday's date.

I remain Sir,
Your obedient Servant,

W. G. SAMS, *Commissioner of Insolvent Estates.*

B. TRAVERS SOLLY, *Esquire.*

September, 1861.

MEMO.—

THE information required for the House of Assembly by the Memo. of the 6th instant was, the number of Insolvencies during the period named, and also the number of *Sitting* days of the Court; the former is furnished in the enclosed Return, viz. 107; but what is intended by the latter is the number of days that the Commissioner has sat in *Court*, without any reference to the number of cases that may on each *sitting*, have come before him.

B. TRAVERS SOLLY.

The Commissioner of Insolvent Estates, Launceston.

28th, September 1861.

THE number of days on which I sat are Fifty-two.

W. G. SAMS, *Commissioner of Insolvent Estates.*

B. TRAVERS SOLLY, *Esquire.*

RETURN of the Number of Cases brought before the Commissioner of Insolvencies for Launceston, from 1st, July 1860, to 30th June 1861 :—

The number of Insolvencies has been	107
The number of fixed Sitting Days	52
The number of hearings on the said 107 cases has been 294, exclusive of the 107 hearings	294

W. G. SAMS, *Commissioner of Insolvent Estates for Launceston.*

RETURN of Process issued out of the Courts of Request in Hobart Town and Launceston, for the Year ending 30th June, 1861, and the Number of Sitting Days of such Courts.

<i>Place.</i>	<i>No. of Process issued.</i>	<i>No. of Sitting Days.</i>
Hobart Town	1173	32
Launceston	963	36

RETURN of Process and Sitting of Court of Requests Launceston, for the Year ending 30th June, 1861.

SITTING DAYS.—Thirty-six Sitting Days during the year, including one day fixed monthly for Taxation of Costs, but exclusive of days engaged in hearing Motions in Chambers and Petitions of Debtors taken in execution for allowance.

PROCESS.—Summonses, 731. Writs, 232. Remarks—The fees collected in the Court during the year, and paid into the Treasury under 6 Vict. No. 9, Sec. 25, (and made applicable by that Law to the maintenance of Courts of Requests,) exceeds £300.

JOHN WHITEFOORD, *Commissioner.*
10 September, 1861.

The Honorable the Colonial Secretary.

RETURN of Process issued out of the Court of Requests, in Hobart Town, for the Year ending 30th June, 1861, and the Number of Sitting Days of such Court, as ordered by the House of Assembly, is as follows :—

Summonses issued in cases to the amount of £30, and not less than £10, as tried before a Jury	185
The like in cases to the amount of £10, and under, as tried by the Commissioner alone	673
Writs of Execution, (<i>Fieri Facias</i>)	303
The like, (<i>Capias ad Satisfaciendum</i>)	12
Subpœna's and (<i>Duces tecum</i>)	27
Sitting days of the said Court during the above period, exclusive of adjournments, to deliver Judgments reserved, and for hearing applications for new Trials. Also to hear applications made by Debtors, confined in the Gaol under the Writ of <i>Capias</i> for Groats, and very frequently Summonses taken out for other minor matters connected with the business of the Court	32

F. BROWNE, *Substitute for J. HONE, Esquire,*
Commissioner of the Court.