

(No. 95.)



1869.

T A S M A N I A.

**INSOLVENCY AND CRIMINAL JURISDICTION.**

**PETITION FROM MERCHANTS AND TRADERS,  
LAUNCESTON.**

Laid upon the Table by the Attorney-General, September 23, 1869; and ordered  
to be printed with the names.



*To His Excellency CHARLES DU CANE, Esquire, Governor and Commander-in-Chief  
of the Island of Tasmania and its Dependencies.*

The humble Petition of the undersigned Merchants, Landholders, Traders, and others residing in  
the Northern Division of the Island.

MOST RESPECTFULLY SHOWETH :

THAT in the month of June, One thousand eight hundred and thirty-nine, an Act was passed by the Legislative Council, intituled "An Act to make provision for the more effectual Distribution of Insolvent Estates," containing a proviso for the appointment of two Commissioners to preside at the several Meetings held under the Act, to be respectively styled "The Commissioner of Insolvent Estates for Hobart Town," and "The Commissioner of Insolvent Estates for Launceston," the former having Jurisdiction in Insolvencies declared in the South, and the latter in those declared in the North.

That the first Commissioner of Insolvent Estates for Hobart Town was an English Barrister of long standing at the Bar; and such office has since been filled by professional men of good legal repute up to the passing in 1867 of the Act of the Colonial Legislature, 30 Vict. No. 6, intituled "An Act to confer Jurisdiction upon the Judges of the Supreme Court in cases of Insolvency."

That the first appointment of Commissioner of Insolvent Estates for Launceston was conferred upon a Layman, and has continued up to the present time to be held by a Layman.

That various Acts for the Recovery of Small Debts have from time to time been passed by the Legislature, the Courts having Jurisdiction to the extent of Thirty Pounds, presided over by a Commissioner and a Jury. That the appointment of Commissioner at Hobart Town has invariably, as in Insolvency, been conferred upon Members of the Bar, whilst the corresponding office in Launceston has, with one exception, for a short period, when it was held by the present Solicitor-General, been conferred upon a Layman.

That in 1857 an Act was passed, intituled "An Act to amend the Law relating to General Sessions of the Peace," by the second Section of which the Governor in Council was empowered to appoint Recorders for the Colony, the qualification for such office being "persons who at the time of the commencement of the Act held the office of Chairman of any Court of General Sessions, or being Barristers of England or Ireland, Advocates of Scotland, or Barristers of the Supreme Court of Tasmania of not less than Five years standing.

That the appointment of Recorder for Launceston, having Criminal Jurisdiction, with a few exceptions, to the same extent as the Judges of the land, was conferred upon a Layman.

That in 1867 the Legislature repealed the then existing statute relating to the Recovery of Small Debts, and passed "An Act for the more easy Recovery of Small Debts and Damages." That under this Act, in Hobart Town, claims not exceeding £10 are recoverable before a Court presided over by the Stipendiary Magistrate or any Two Justices. Claims above that amount and to the extent of £50 are heard and determined before a Judge of the Supreme Court and a Jury. In Launceston the sole Jurisdiction is vested in a Layman to the extent of £30; assisted in cases above £10 by a Jury.

That Insolvency is now a component part of the Supreme Court in Hobart Town, and administered by the Judges of the land, who also exercise sole Criminal Jurisdiction. In Launceston the Insolvency Law is administered by a Layman.

That the efficient administration of Justice in every department of Criminal and Civil Legislature, we respectfully submit, is superlative to all considerations of a monetary or economical nature.

That in Launceston the arrangements for the administration of Justice in the minor Courts are universally regarded as ineffective, imperfect, and highly unsatisfactory.

That an immediate assimilation of the practice in Launceston to that which now obtains in Hobart Town in respect of the said Courts, and especially with regard to Insolvency and Small Debts Jurisdiction, together with the establishment of a system affording speedier and fuller means for ascertaining the existence of Deeds of Assignment, Mortgages, and especially Bills of Sale, &c., is absolutely necessary for the protection of the Commercial and other interests of the Northern Colonists.

Your Memorialists therefore humbly pray :

That Your Excellency will be pleased to direct that the necessary steps be taken for placing the Insolvency Jurisdiction of Launceston on the same footing as it exists in Hobart Town, under the provisions of the 30th Vict. No. 6. Also for placing the Small Debts Jurisdiction at Launceston on the same footing as it exists in Hobart Town, by vesting the Jurisdiction up to £10 in the Stipendiary Magistrate or Two Justices of the Peace, and from that amount up to £50 in one of the Judges of the Supreme Court.

Also, that Your Excellency will be pleased to direct that the necessary steps be taken for the trial of all Criminal Offences at Launceston, with the exception of those triable summarily, before one of the Judges of the Supreme Court.

And Your Excellency's Memorialists, as in duty bound, will ever pray.

DuCroix, Nichols, and Company, merchants and landowners—Mr. Nichols, J.P.	J. Paybody, grocer and tea dealer.
James Robertson, merchant, landowner, and J.P.	Alexander Webster, ironmonger, landowner, Alderman, and J.P.
John Crookes, merchant, landowner, and J.P.	James Jno. Hudson, stationer and J.P.
J. H. Brand, grocer and tea dealer.	Arthur Horne, landowner.
P. O. Fysh and Company, merchants.	Irvine and McEachern, grocers, tea dealers, and wine and spirit dealers.
Bell and Westbrook, auctioneers and landholders.	Stephen Hopwood, stationer.
Samuel Bennett, draper.	Robert Jones, landowner.
Walch Brothers and Birchall, stationers.	J. Ferrell, butcher.
Landon Fairthorne, druggist and landowner.	Thomas Fuller, draper.
John Toane, miller.	William Stewart, baker.
J. S. Hadfield, draper and landowner.	Joseph Kennedy, butcher.
W. and J. Hart, ironmongers and landowners,—Mr. W. Hart, Mayor of Launceston, and J.P.	Anthony Hart, grocer, tea dealer, and landowner.
John Mitchell, grocer and tea dealer, and landowner	Samuel J. Sutton, baker.
P. T. Keon, draper.	Henry Vallentine, grocer and tea dealer, and wine and spirit dealer.
Thomas Jones, grocer and tea dealer.	J. T. Cramp, draper.
Lewis Cohen and Company, merchants.	Edward Arnold, tinsmith.
R. P. Dix, chemist and druggist.	George Horder, butcher.
Donald McQueen, grocer, tea dealer, and landowner	Alexander Rankin, landowner.
James Roberts, grocer and tea dealer.	William Smith, general dealer.
J. and F. Castley, ironmongers—Mr. J. Castley, landowner.	James Matthews, pawnbroker and landowner.
Frith and Jobson, drapers.	Edward Lindus, dealer.
Thomas Edginton, corn factor.	Henry Valentine, dealer.
McPhail and Weymouth, grocers and tea dealers.	John Farrell, tallow chandler.
Overell, McMillan, and Hopkins, drapers.	J. McLaughlin, grocer and tea dealer.
Smith and Poole, drapers.	Thomas Bass, draper.
Thomas Corbett, ironmonger and landowner, and J.P.	John Cartledge, corn factor.
Williamson and Thomas, drapers.	John Stephens, dealer.
James Fish, boot and shoemaker.	William Chick, boot and shoe maker.
George Hubbard, grocer and tea dealer.	W. B. Dean, baker and landowner.
Ditcham, Button, and Company, timber merchants and landowners.	John D. Ranson, landowner, Alderman, and J.P.
William Jones, watch and clockmaker.	Jonathan Ives, dealer and landowner.
Peter Mills, architect and builder.	Joseph Cohen, merchant.
W. C. Dawson, grocer and tea dealer.	W. H. Gibson, landowner.
Augustus N. Spong, chemist and druggist.	Daniel Room, draper and landowner.
George Pyle, general dealer and landowner.	John Murphy, outfitter, landowner, Alderman, and J.P.
Thomas Craw, blacksmith and landowner.	John S. Illman, crockery dealer and landowner.
William Craw, blacksmith and landowner	William Brean, wine and spirit dealer and landowner.

- J. Douglas Hatton, chemist and druggist and landowner.  
 John Dunning, draper and landowner.  
 William Abbott, watchmaker and jeweller.  
 James R. Parker, watchmaker and jeweller.  
 F. J. Button, tanner.  
 Alfred Harrap, merchant, Alderman, and J.P.  
 John Ellis, timber dealer.  
 C. G. Croft, outfitter and landowner.  
 William Harrison, boot and shoemaker.  
 William Bryant, senr., landowner.  
 Samuel Joscelyn, cabinet-maker and landowner.  
 R. Cameron (Clairville), landowner.  
 Robert H. Price, grocer and tea dealer.  
 William Tyson, timber dealer, landowner, Alderman, and J.P.  
 Henry Bennett, painter and glazier.  
 James Bennett, painter and glazier.  
 W. R. Davey, silversmith and jeweller.  
 George Oliver, crockery dealer.  
 Peter Barrett, cordial manufacturer and landowner.  
 John Waldron, cabinet-maker and landowner.  
 James Mathews, watch and clockmaker and landowner.  
 Alexander Rose, landowner and J.P.  
 John Drysdale, builder, Alderman, and J.P.  
 James Peters, merchant and landowner.
- Richards and Son, cabinet-makers.  
 John Fergusson, cooper and landowner.  
 Daniel Judson, landowner.  
 J. H. Barrett, landowner.  
 William Peter, iron founder and landowner.  
 W. H. Knight, iron founder, engineer, and landowner.  
 Joseph Galvin, grocer and tea dealer and landowner.  
 R. Newry, corn dealer and landowner.  
 James Davis, blacksmith and landowner.  
 William Gurr, ship Chandler.  
 R. Pescodd and Son, commission agents.  
 E. Ackerman, general dealer.  
 Samuel Tulloch, merchant.  
 William Flexman, merchant.  
 George Fisher, merchant and landowner.  
 John Tevelyn, saddle and harness-maker and landowner.  
 James Tevelyn, saddle and harness-maker and landowner.  
 Robert Bennell, painter and glazier and landowner.  
 Dowie and Woodgate, tobacconists.  
 Thomas Jones, crockery dealer and landowner.  
 John Fawns, brewer and J.P., landowner.  
 William Gibson, Pleasant Banks, Perth, landowner and J.P.  
 George Ritchie, landowner and J.P.