

*Moreton Bay Judge.***No. XXXI.**

An Act for the appointment of an additional Judge of the Supreme Court and to provide for the more effectual administration of Justice in the District of Moreton Bay until the establishment of a separate Court therein. [30th November, 1855.]

MORETON BAY  
JUDGE.

**W**HEREAS by reason of the increase in the Judicial business of the Supreme Court and of the necessity for providing more effectually for the administration of Justice in the District of Moreton Bay the present number of Judges of the Supreme Court has become insufficient and it is expedient therefore to authorize the appointment of an additional Judge of the said Court And whereas by the Act lately passed "to confer a Constitution on New South Wales and to grant a Civil List to Her Majesty" provision is made for the salary and retiring pension of a fourth Judge of the said Supreme Court for the said District of Moreton Bay but it is not at present expedient to authorize the appointment of a Resident Judge for Moreton Bay exclusively or to establish a separate Court for that District Be it enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof as follows:—

Preamble.

1. In addition to the present Judges of the Supreme Court there shall be appointed one other Judge of the said Court who shall be appointed by the Governor by commission under the Great Seal of the Colony in the name and for and on behalf of Her Majesty and from and after the issue by the said Governor of such commission the person thereby appointed shall be and be deemed a Judge of the said Court to all intents and purposes and shall be entitled to the salary and pension so as aforesaid provided for the Judge for Moreton Bay Provided always that no person shall be so appointed unless he be a barrister of England or Ireland or of this Colony of not less than five years standing And provided further that so soon as a separate Court shall have been established for the District of Moreton Bay and it shall be deemed expedient that a Judge should be resident therein it shall be lawful for the Governor to appoint the Judge hereby authorized to be appointed to reside in the said District as the Resident Judge thereof.

One additional Judge of the Supreme Court to be appointed.

2. Until it shall be thought fit to appoint a Resident Judge and to establish a separate Court for the District of Moreton Bay Circuit Courts shall be held at such place or places in the said District and at such times (not being less than thrice in each year) as the Governor with the advice of the Executive Council shall appoint and the Judge before whom such Court shall be holden shall in addition to the powers and jurisdiction now by law appertaining to Circuit Courts have whilst within the said District the powers and jurisdiction of the Supreme Court and of the Judges thereof collectively or individually with respect to all matters arising or pending in the District but not so as to affect any act done in Sydney during such period by the Supreme Court or any Judge thereof.

Circuit Courts until Resident Judge appointed.

Powers of Judge on such Circuit.

3. Until such appointment of a Resident Judge at Moreton Bay or the establishment of a Court of Quarter Sessions therein every Circuit Court sitting at Brisbane shall while so sitting have within and for that District all the jurisdiction and powers of a Court of

Quarter Sessions jurisdiction.

*Railways.*

General or Quarter Sessions of the Peace for the purposes of appeals and the return of summary convictions to such Courts and otherwise.

Appointment not to affect number of Judges in Banco at Sydney.

4. Notwithstanding the addition hereby authorized to be made to the number of Judges of the Supreme Court it shall not be necessary at any time for more than two Judges to be actually sitting in Sydney in Banco or for more than two Judges to join in the making of any general rule or in the doing of any other act in any case where but for the passing of this Act two Judges only would have been sufficient.

Judges may appoint Commissioner for issue of summonses &c.

5. Until such appointment of a Resident Judge and such establishment of a separate Court at and for the said District it shall be lawful for the Judges of the Supreme Court or any three of them to appoint from time to time by commission under the seal of the said Supreme Court some fit person residing at Brisbane or within five miles thereof to be a Commissioner of the same Court for the purposes hereinafter mentioned which Commissioner shall (subject to such general rules as shall be made in that behalf from time to time by the Judges or any three of them) have power to issue writs of summons in actions and writs of *habeas corpus* for the arrest of any defendant therein in cases where by law an arrest is now allowed in an action and writs of *subpoena* for witnesses in any cause or case (civil or criminal) to be tried within the said District.

Writs to be executed by Bailiff without reference to Sheriff.

6. Every such writ of *habeas corpus* shall be directed to the Sheriff or his Deputy and shall be executed (without other authority) by the Sheriff's Bailiff to whom the same shall be delivered who shall have in respect thereof all the powers and perform all the duties of the Sheriff but nevertheless the Sheriff shall not in such cases be personally responsible.

Limits of District of Moreton Bay.

7. For the purposes of this Act the District of Moreton Bay shall be taken to comprise the Police Districts of Brisbane Ipswich Drayton Warwick Maryborough Gayndah Surat Tenterfield and Tabulam and any other Police Districts that may be established to the northward of any such District.