

Court Records



DR14150 - Photograph of the Supreme Court, Brisbane, ca. 1888

Research Guide to court records
at Queensland State Archives

Queensland State Archives (QSA) is the official repository for Queensland Government records selected for permanent retention because of their continuing value. The archived public records are from state government departments, state courts, local government authorities and statutory authorities. The records are in our facility at [Runcorn, Brisbane](#), and open records are available for viewing in the Reading Room, free-of-charge.

The main finding aid for records held at QSA is the [Queensland State Archives' online catalogue](#) (known as ArchivesSearch).

The following citation abbreviations are used throughout our catalogue:

ITM	QSA Item (describes the item)
PR	Physical Representation (generally the original or microfilm copy)
DR	Digital Representation (for a digital image)
S	Series ID (for a series of records)
A	Agency ID (for the creating or responsible agency).

Aboriginal and Torres Strait Islander readers are advised that our catalogue contains images, names and voices of people who have died.

Court records

Many court records have a Restricted Access Period of 65 or 100 years. Researchers may apply for access to restricted records through [ArchivesSearch](#). Access to restricted records is granted at the discretion of the responsible agency.

Tips for finding court records

Researchers need to establish which court dealt with the matter, the approximate date and the locality. Refer to the diagram in Appendix 1 to understand the court structure in Queensland.

Search [ArchivesSearch \(the QSA catalogue\)](#), [Index to Criminal depositions 1861-1885](#), and any other relevant [Court indexes](#) available on the QSA website to determine if court records are held at QSA.

If an [online QSA index](#) is available, we recommend researchers search this. The content of online indexes has been sourced directly from original records. Digitised copies of many original registers and indexes are also available in the [QSA catalogue](#), and digitised copies of some microfilmed original records are available on Reading Room computers.

Newspapers are also a useful source of information. Digitised newspapers are on the [Trove](#) website.

Supreme Court

Criminal and civil sittings of the New South Wales Supreme Court on circuit were held in Brisbane from 1850 to 1856. In 1857 a Resident Judge to Moreton Bay was appointed. The Supreme Court of Queensland was formerly established under the *Supreme Court Constitution Amendment Act 1861*. Initially, the Supreme Court, Brisbane held jurisdiction over all of Queensland. However, the Court was later divided into three districts. A map delineating these Supreme Court districts is available in the Reading Room at QSA. Registries were established in the following districts:

- Northern Bowen in 1875, transferred to Townsville in 1889
- Central Rockhampton in 1896
- Southern Brisbane in 1857
- Cairns Registry 1 September 1997

The Supreme Court held wide original jurisdiction (the right to hear cases at first instance in major civil and criminal matters) as well as appellate jurisdiction (the right to hear appeals from a lower court in civil and criminal matters). The Court would go on circuit in which case it was known as the Circuit Court; not to be confused with the District Court on circuit.

Supreme Court records held at QSA date from 1856. These archival records include:

- calendars of court sittings
- change of name by Deed Poll
- criminal depositions
- ecclesiastical files (wills) and Orders and Elections (intestacies)
- equity files
- insolvency and liquidation files
- Judges' notebooks
- Justice of the Peace Oaths of Allegiance
- naturalizations
- writs, including matrimonial writs (divorces)

Right of Appeal lay from the Supreme Court to the Full Bench of the Supreme Court, known as the Full Court. In civil matters appeals went to the Full Court as the highest court of appeal for these matters, and in criminal matters to the Full Court sitting as the Court of Criminal Appeal as the highest court of appeal for these cases.

Supreme Court on circuit

Formally legislated in 1867, Circuit Courts were the Supreme Court on circuit in towns other than those where judges resided. A proclamation on 7 December 1861 had advised Circuit Courts to be held in Ipswich, Toowoomba, and Maryborough, at regular dates throughout the year.

Following the abolition of District Courts under the *Supreme Court Act 1921*, the number of Circuit Courts was increased. With the re-establishment of District Courts in 1959, the number of Circuit Courts was reduced gradually across Queensland.

District Court

District Courts were established by the *District Court Act 1858* with the Governor-in-Council empowered to appoint District Judges. Their jurisdiction continued until 1922 when they were abolished under the *Supreme Court Act 1921*. Under the 1858 Act, the District Court held original civil jurisdictions up to £200 and original criminal jurisdiction; except in certain cases of capital offences including murder and treason which were heard by the Supreme Court. It was possible to appeal to the Supreme Court in criminal and civil matters involving claims exceeding £30. The District Court also held appellate jurisdiction in minor criminal and civil matters of £10 and over. The Court went on circuit in which case it was known as the District Court on Circuit.

Records of the various District Courts include:

- calendars of court sittings
- depositions for civil and criminal cases

- Judges' notebooks (for civil and criminal sittings)
- minute books
- complaints
- writs and summonses.

Court of Petty Sessions

Courts of Petty Sessions were in existence at the time of Separation from the Colony of New South Wales in 1859. The Court held original jurisdiction in minor criminal offences with right of appeal to the District Court. From 1867 the Court could sit as a Small Debts Court, whose functions are described below. The Court could sit as a Police Court and, during the twentieth century, was also the place where a number of other types of court hearings were held such as the Licensing Court, Children's Court, and Coroners Court.

The Clerk of the Court of Petty Sessions often acted as agent for State and Federal Government Departments on matters unrelated to the justice system. It is not unusual to find records received from a particular Clerk of the Court of Petty Sessions about non-judicial matters.

Courts of Petty Sessions records at QSA date from 1844, however not all districts are represented. QSA holdings vary in quantity and content. Under the *Justices Act Amendment Act 1964* the courts known as Courts of Petty Sessions were renamed Magistrates Courts.

The records of the Courts of Petty Sessions include:

- records of the Protectors of Aborigines about Aborigines and Torres Strait Islanders
- bills of sale
- depositions in criminal and civil matters
- electoral rolls
- issuing of licenses, e.g., hotel, club, billiard, tobacconist, slaughterhouse, timber felling, auctioneer
- lease of Crown land
- Magisterial inquiries (inquests)
- maintenance case files
- minutes of proceedings in various Courts held in the CPS
- registration of firms
- registration of aliens
- unemployment benefits
- writs.

Small Debts Court

Under the *Small Debts Act 1867*, the Court of Petty Sessions could sit as a Small Debts Court. Under the Act, the Court held original civil jurisdiction for claims up to £50, with right of appeal to the District Court in any civil matter involving the sum of £10 or over. Small Debts Courts were abolished in 1922 and their jurisdiction passed to the newly formed Magistrates Court.

Court Structure

1921 saw a major change in court structure. Under the *Supreme Court Act 1921*, District Courts were abolished, and their appellate powers transferred to the Supreme Court.

Small Debts Courts were also abolished and their original civil jurisdiction over minor matters, together with the original civil jurisdiction up to £200 of the District Court was given to the newly-established Magistrates Court under the *Magistrates Court Act 1921*. Under this Act, right of appeal to the Supreme Court in civil matters involving claims of £20 or more lay in the Magistrates Court.

The Courts of Petty Sessions retained original criminal jurisdiction over minor offences but with right of appeal to the Supreme Court. For practical reasons, Courts of Petty Sessions hearings were divided into three sections - Police Court, Summons Court and Traffic Court. Police Courts dealt with criminal prosecutions commenced by the police (other than for traffic offences). Traffic Courts dealt with criminal prosecutions commenced by the police in respect to traffic offences. Summons Courts dealt mainly with criminal and quasi-criminal prosecutions commenced by private prosecutors and public officials other than police.

Further changes to the court structure occurred in 1959, when District Courts were reintroduced. Under the *District Courts Act 1958*, the District Court held original criminal jurisdiction for cases where the maximum term of imprisonment did not exceed 14 years and original civil jurisdiction concerning claims up to £1,500 (£2,500 involving a vehicle). It could not deal with matters concerning title to land, a bequest or a will. Appeals in both criminal and civil matters lay with the Supreme Court.

Magistrates Court

In 1965, the courts known as Courts of Petty Sessions were renamed Magistrates Courts under the *Justices Act Amendment Act 1964*. The Magistrates Courts took over the remaining functions of the Courts of Petty Sessions from that date.

Other Courts

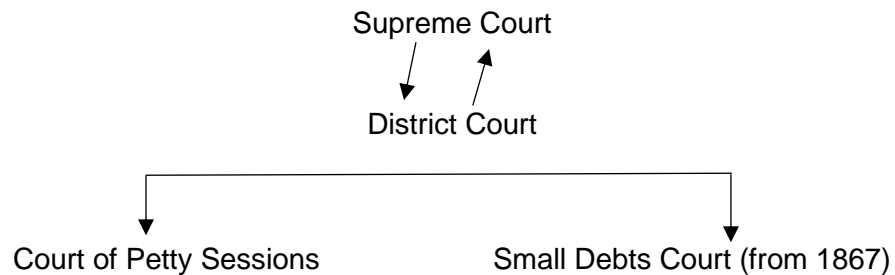
In addition to the basic court structure, a number of specialised courts were set up:

- **Children's Court** - set up in 1907 to deal with matters and offences about children under 17 years of age, e.g. applications for care and control, simple offences.
- **Industrial Magistrates Courts** - set up under the *Industrial Arbitration Act of 1916* to arbitrate in industrial matters. Appeals went to the Queensland Industrial Court. The Industrial Conciliation and Arbitration Commission took over most of the arbitrator functions of the Industrial Court in 1961.
- **Coroners Court** - set up in 1861 to inquire into certain types of death, e.g. violent, sudden or unnatural death, death in prison or mental hospital and later, for disappearances. Inquests were also held in cases of fires and mining accidents. Search the online index, [Inquests 1859-1902](#) for fires and mining accidents during these years.
- **Licensing Court** - set up in 1912 for the issuing of licenses including liquor, victuallers, billiards, bagatelle. In 1935 control of liquor licenses was assumed by the Licensing Commission. Further information on liquor licenses in the [Research Guide to Hotel records](#).

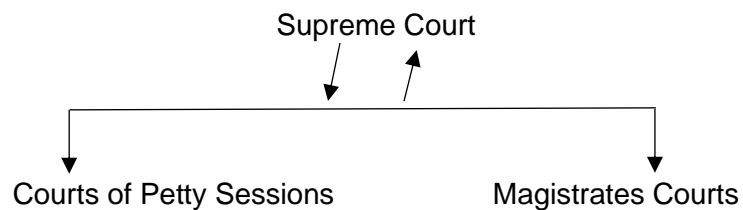
Other judicial or quasi-judicial bodies include Fair Rents Court, Land Court, Local Government Court, Mining Wardens Court and Valuations Court.

Appendix 1 - Court structure in Queensland

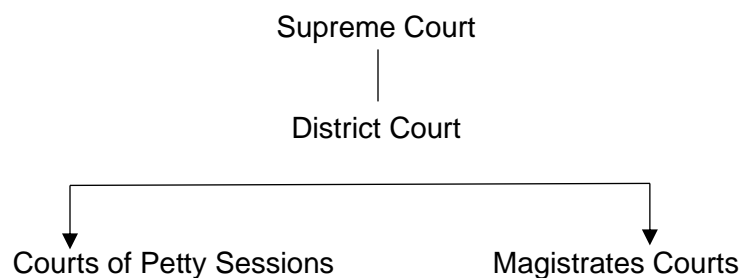
Court Structure 1858-1922



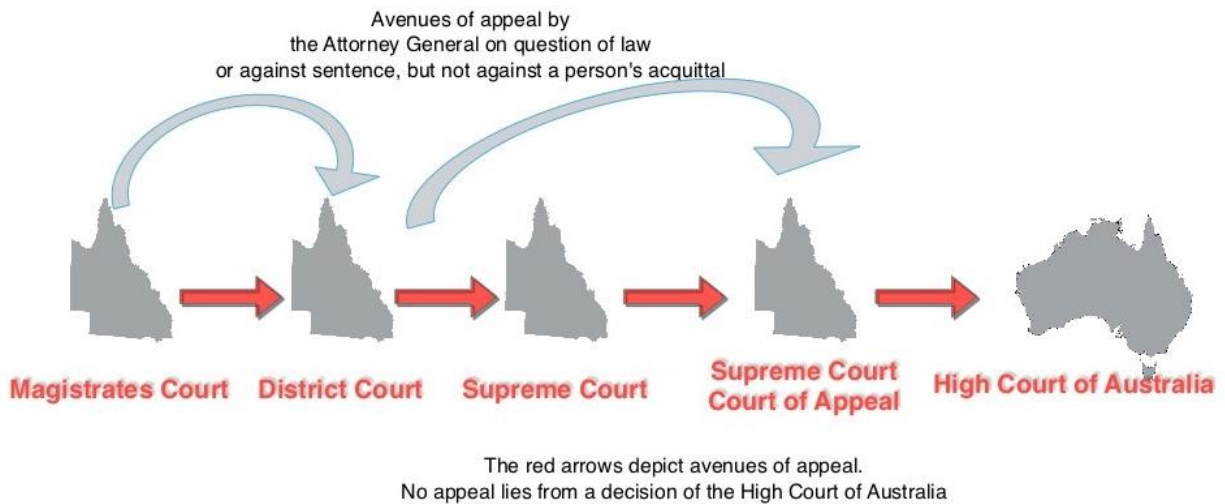
Court Structure 1922-1959



Court Structure 1959-1965



Court Structure 1965 - present day



This diagram is from the Queensland Law Handbook, available at <https://queenslandlawhandbook.org.au/the-queensland-law-handbook/the-australian-legal-system/the-court-system/> accessed 28 October 2021

Note: The Court of Appeal hears appeals from specialised courts including Children's Courts, Planning & Environmental Courts, Land Courts, and the [Queensland Civil and Administrative Tribunal \(QCAT\)](#), an independent, accessible tribunal.

Further information on Queensland court structures is available on the [Queensland Law Society](#) website under *Understanding Queensland's court system*.

Need more information?

Check our online catalogue [ArchivesSearch](#).
Phone us on (07) 3037 6777 or you can [email](#) an archivist.