

# Comet Tales & Walking Trails



## **COMETVILLE COURT HOUSE**

### ***SITE 2***

### **COMETVILLE**

In 1878, Cometville was the end of the railway line to the west, reaching here officially on 1st March of that year. Three bridges had to be built over the Comet River and its two anabranches, ensuring the town would be here for some time.

The *Morning Bulletin* of 29<sup>th</sup> April 1878 reported that

“Today’s government gazette notifies that the Comet Township has been appointed a place for holding courts of petty sessions. Mr John O’Rourke of the railway line, Comet River and Mr Horace Wills, of Cullinlaringo Station, have been appointed magistrates”.

### **COURT OF PETTY SESSIONS HELD IN LOCAL HOTEL**

The town had a growing population of 1500 people with all Court of Petty Session appearances at that time held in Huston’s Royal Mail Hotel.

The committee of the Comet Progress Association asked for a suitable building in the township to hold court sittings.

**Queensland State Archives**  
**COURT OF PETTY SESSIONS, COMET**

**QA07064**

26/04/1878 - 02/07/1881

List Series



**Establishment:**

Under the First and Second Charters of Justice (proclaimed in 1787 and 1814 respectively under the authority of Imperial Act 27 George III) justices of the peace appointed by the Governor were granted summary jurisdiction to hear petty criminal matters in the first instance without a jury.

The powers of justices of the peace and of police magistrates to sit as petty sessions were ultimately codified in the New South Wales Acts of 1835 (2 Victoria 2) and of 1850 (14 Victoria 43). This latter New South Wales Act ultimately formed the basis of the Queensland Justices Act of 1886, which legislated for the appointment by the Governor in Council of districts for the holding of courts of petty sessions. The Court of Petty Sessions, **Comet** was proclaimed by the Governor in Council on 26 April 1878.

The Court of Petty Sessions, **Comet** was abolished by gazettal proclamation dated 2 July 1881.

**Functions:**

Under a number of further Acts, the establishment of a place for the holding of a court of petty sessions was deemed to establish a number of further courts, for example, magistrates courts, fair rents courts, small debts courts. This agency definition will however be concerned purely with the court of petty sessions sitting as this court.

Courts of petty sessions had petty criminal jurisdiction and jurisdiction for summary actions of ejectment between lessors and lessees. Petty criminal jurisdiction is a complicated matter of law involving numerous Commonwealth and State statutes but can be briefly described as jurisdiction over summary trials of simple offences and committal proceedings for indictable offences sent to the Supreme Court.

In practice, if not in statute, courts of petty sessions were divided into three courts: police court (prosecutions commenced by police), summons court (prosecutions and proceedings for ejectment commenced by private prosecutors) and traffic court.

**Creation Sources:** Queensland Government Gazette 1878, Vol XII, No 59, p. 981

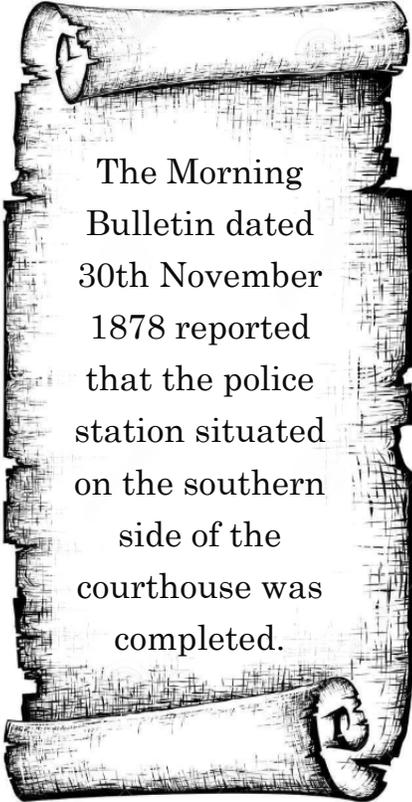
**Abolition Sources:** Queensland Government Gazette 1881, Vol XXIX, No 2, p. 5

**Other Sources:** Imperial Act 27 George III; An Act for regulating the police in

## NEW COURTHOUSE CONSTRUCTED

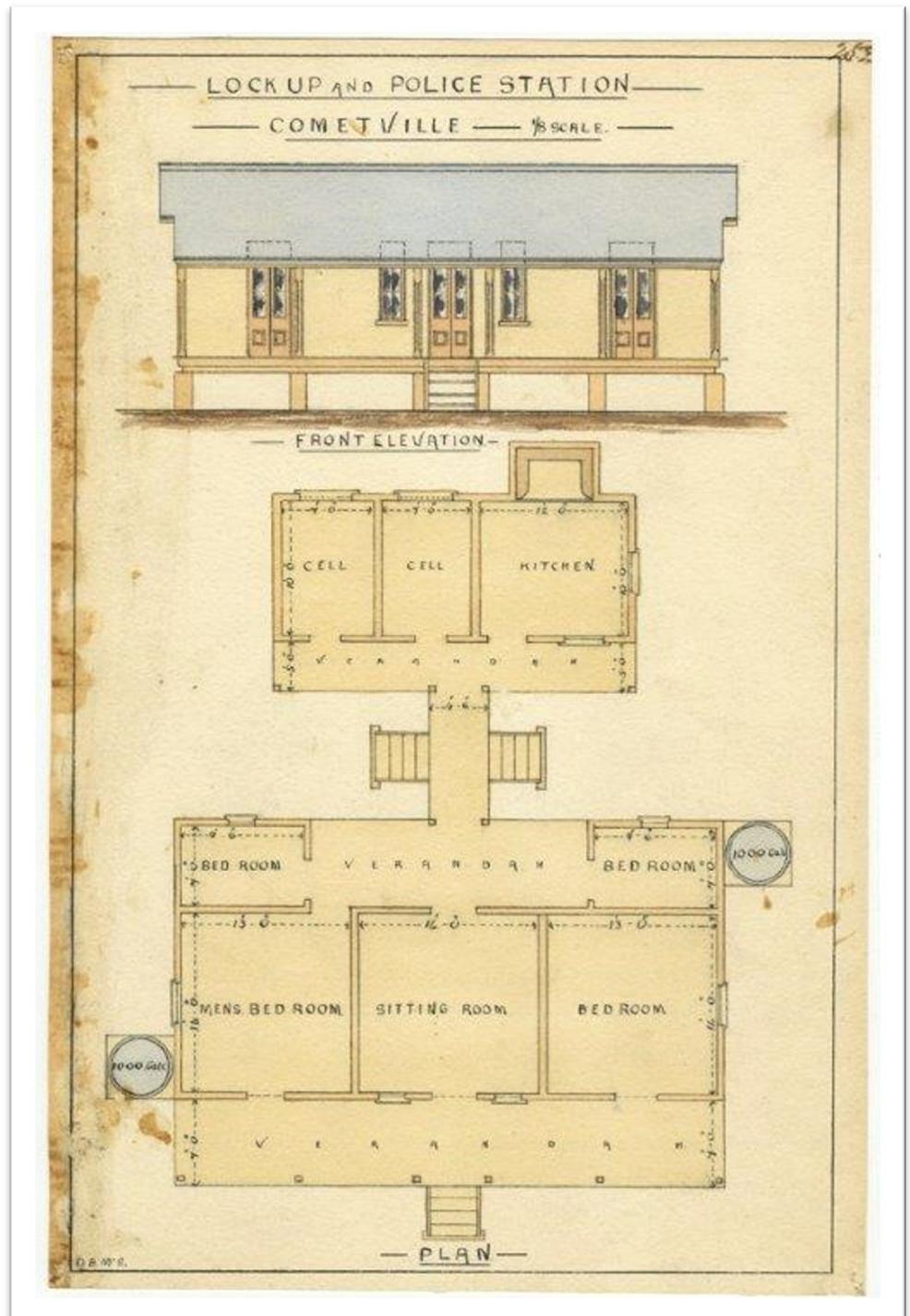
The Court of Petty Sessions Comet was proclaimed by the Governor in Council on the 26th April 1878. Tenders were called and Mr Henry Remilton of Cairns, constructed the building which had a shingle roof and verandahs on each side.

## A NEW POLICE STATION



The Morning Bulletin dated 30th November 1878 reported that the police station situated on the southern side of the courthouse was completed.

In Mr Trevor Kemp's book Comet State School Centenary 1878/79, he states that the railway engineer Robert Ballard drew up the plans for this building. Prior to this, Sergeant Carey conducted all police business in a tent and prisoners awaiting trial were chained to a log nearby. The sergeant's accommodation was also a tent.



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## Comet Police Court.

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BEFORE J. G. Macdonald, P.M., and Frank Taylor, J.P., on the 13th August, the under-mentioned applications for country licenses were considered:—

James McPherson, Mack's West End Hotel, Comet; granted.

Catherine Smith, Rockhampton Hotel, Comet; granted.

John England Kellaway, Kellaway and Lee's Hotel, Comet; granted.

William Huston, Royal Mail Hotel, Comet; granted.

Herman de Zoot, Carriers' Arms Hotel, Comet; granted.

John Burns, Railway Hotel, Comet; granted.

Geo. E. Mitchell, Sandhurst Creek Hotel, Q.N.R., granted.

Geo. P. Shakespeare, Shakespeare Hotel, Comet; adjourned.

Fanny Clark, Walton Creek Hotel, Comet; adjourned.

William Carrington, All Nations Hotel, Comet; adjourned.

Michael O'Rourke, Commercial Hotel, Comet; adjourned.

E. W. A. Godber, North Australian Hotel, Comet; adjourned.

Patrick Burk, Blackwater Hotel, Comet; adjourned.

William Kemp, Comet Hotel, Comet; adjourned—all till the 20th instant.

An auctioneer's license was granted to James Phillips, and carrier's licenses to John Burns, Robert Bell, and William Robbins.

A letter was received from the Comet Progress Association, addressed to the Bench of Magistrates, Cometville, referring to the following resolution, viz.: That the secretary write to the Bench of Magistrate requesting them to have the places of business at the Comet closed on Sunday, and the day generally observed according to law.

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## **HOTELS TRADING SEVEN DAYS A WEEK**

The hotels traded seven days a week and most cases dealt with by the police were for drunk and disorderly behaviour. However, reported in the Capricornian of 24th October 1878, one “Jimmy” a Celestial was charged with assaulting Constable E Hays in the execution of his duty. He was represented by Mr King Yeen, of Rockhampton, who defended the prisoner. The bench, after hearing evidence, considered the case fully proved and sentenced the prisoner to a fine of £3,0,0 (\$6.00) or one month’s imprisonment – the former alternative was accepted.

## **LOST WAGES**

The bridges completed; the railway moved on to Emerald along with most of the population. Those people requested to attend court had to travel back to Comet 40kms away. This caused great inconvenience and in most cases the clients would lose a day’s wages.

## **THE RAILWAY MOVES ON - COURT ABOLISHED**

The Court of Petty Sessions remained in use until it was abolished by a gazettal proclamation on the 2nd July 1881. By this time most of the townspeople had moved on with the railway to Emerald.

The police and police residence were removed to Emerald in 1892. The cell block remained and was used as a school residence for some years until it was relocated to Emerald, with a portion of the building moved to “Hobb’s” block which is now part of “Olive Vale”.

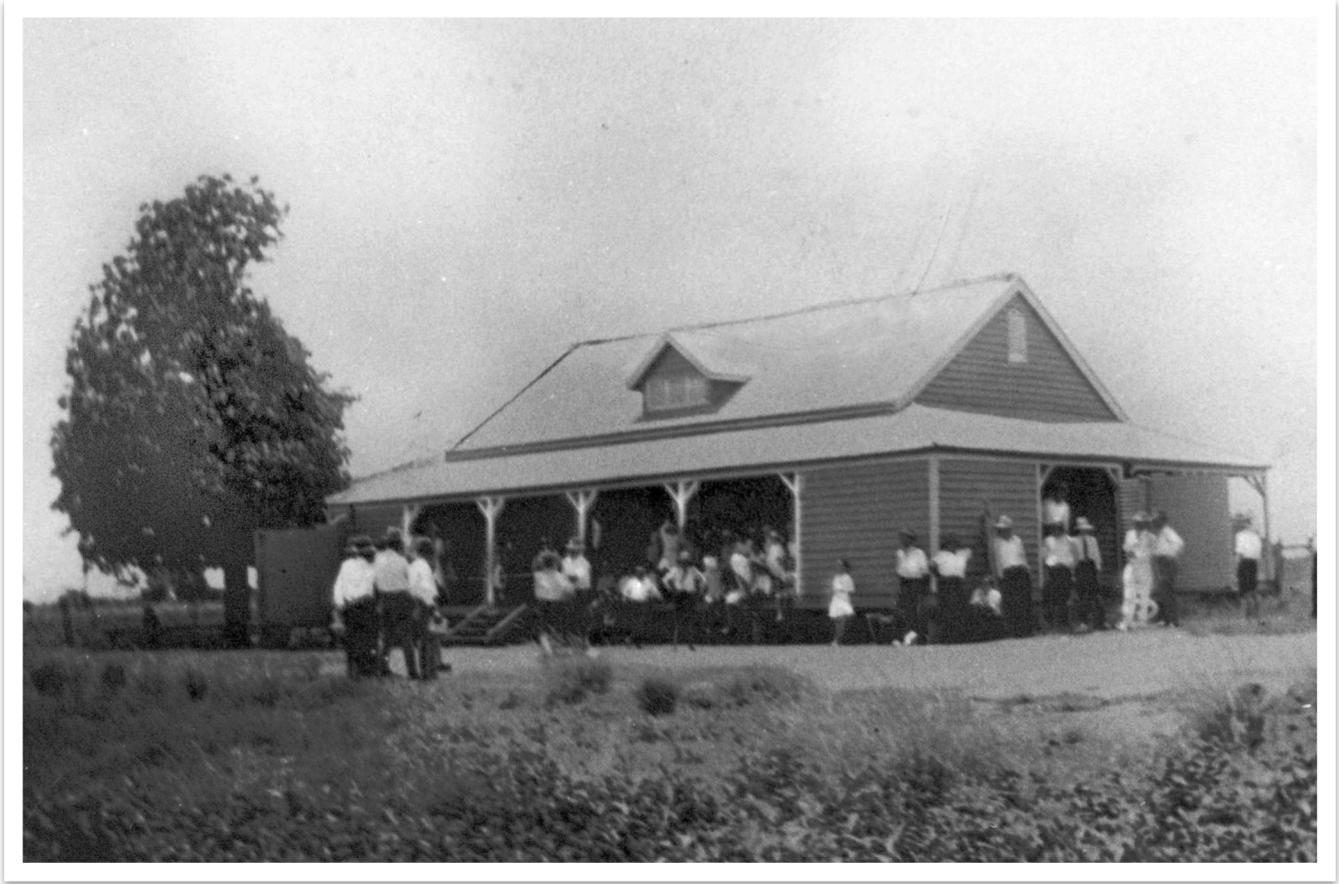
## **COMETVILLE’S FIRST SCHOOL**

The school children were educated in a movable building which had come up the line from Dingo with the railway camp in 1877. This school was situated in Shakespeare Street and bounded on its eastern side by Cable Street. Mr Alan McLeod said it was known locally as The Orchard.

## SCHOOL CHILDREN MOVED INTO COURT HOUSE BUILDING

When the courthouse was built in Emerald, the Cometville building was no longer in use. The school children were moved into the vacant courthouse building after it had been remodelled by Mr Lambert for the sum of £226.0,0 (\$452.00). It stayed in use as a school until 1936.





## **COURT HOUSE BUILDING SOLD FOR REMOVAL**

The old courthouse building had come up for auction and was purchased by the Gindie branch of the Queensland Country Women's Association in 1936 for £175.0,0 (\$350.00). It was removed to its present location at Gindie.

The QCWA branch closed and the building was to be sold. It would have been a very great shame if this piece of Queensland's history and heritage was lost.

The Central Highlands Has Talent Inc. musicians took over the building on 15th August 2014, securing the future of the old Comet courthouse.

This building has a place in the history of the Central Highlands and should be preserved for future generations.

*Compiled by Rosemary McLeod, 2016.*

Acknowledgements:

*Trevor Kemp “Comet School Centenary 1877/8 – 1977/8”.*

Photos:

*National Library of Australia; State Library of Queensland; Rosemary McLeod collection; Trevor Kemp collection.*