

1903.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

No. 2.

WEEKLY REPORT OF DIVISIONS IN COMMITTEE.

WEEK ENDED 26TH JUNE, 1903.

TUESDAY, 23RD JUNE, 1903.

No. 3.—*Judiciary Bill*—Clause 41 (*as amended*)—

41. (1) The jurisdiction of Federal Courts the **High Court** in matters not mentioned in the last preceding section shall be exclusive of the jurisdiction of the several Courts of the States, except as provided in this section.
- (2) **In such matters** the several Courts of the States shall within the limits of their several jurisdictions, whether such limits are as to locality, subject-matter, or otherwise, be invested with Federal jurisdiction **in all matters in which the High Court has original jurisdiction, or in which original jurisdiction may be conferred upon it, except as provided in the last preceding section, and** subject to the following conditions and restrictions:—
- (a) except as hereinafter provided Federal jurisdiction shall not be exercised by a superior Court of a State otherwise than as a Court of first instance;
 - (b) except as hereinafter provided every appeal from a decision of a Court or Judge of a State exercising Federal jurisdiction, not being an appeal from one inferior Court to another inferior Court, shall be brought to the High Court;
 - (c) provided nevertheless that in any suit in the Supreme Court of a State which cannot be removed by a defendant into the High Court as of right, the Supreme Court shall have appellate jurisdiction as well as jurisdiction as a Court of first instance;
 - (d) wherever an appeal would lie, but for this Act, from a decision of any Court or Judge of a State to the Supreme Court of the State, an appeal from the decision shall lie to the High Court;
 - (e) Wherever a decision of a Court or Judge of a State is declared by the law of the State to be final, the High Court may, if the decision is given in the exercise of Federal jurisdiction, grant special leave to appeal from the decision to the High Court.
 - (f) The Federal jurisdiction of a Court of summary jurisdiction of a State shall not be judicially exercised except by a Stipendiary or Police or Special Magistrate, or some Magistrate of the State who is specially authorized by the Governor-General to exercise such jurisdiction.

—(Attorney-General.)

Amendment proposed—That the following new paragraph be inserted in place of omitted paragraphs (a) (b) (c):—

(aa) every appeal from a decision of the Supreme Court of a State, or any other Court of a State from which at the establishment of the Commonwealth an appeal lay to the Queen in Council, [shall] be brought to the High Court.

—(Attorney-General.)

Amendment upon amendment proposed—That the word “shall” in line 3 of the proposed amendment be omitted, with a view to the insertion of the words “may, at the option of the appellant,” in place thereof.

—(Mr. Higgins.)

Question—That the word proposed to be omitted stand part of the proposed amendment—put.
The Committee divided—

Ayes, 24.		Noes, 23.	
Sir Edmund Barton,	Mr. Mauger,	Mr. Joseph Cook,	Mr. A. McLean,
Mr. Batchelor,	Mr. O'Malley,	Mr. Winter Cooke,	Mr. Paterson,
Mr. Chapman,	Sir John Quick,	Mr. G. B. Edwards,	Mr. Poynton,
Mr. Hume Cook,	Mr. Ronald,	Mr. Glynn,	Mr. Bruce Smith,
Mr. Crouch,	Mr. Sawers,	Mr. Hartnoll,	Mr. Sydney Smith,
Mr. Deakin,	Mr. Spence,	Mr. Hughes,	Mr. E. Solomon,
Mr. R. Edwards,	Mr. Tudor,	Mr. Kennedy,	Mr. Thomas,
Mr. Ewing,	Mr. Watkins,	Mr. Kirwan,	Mr. Thomson,
Mr. Fisher,	Mr. Watson.	Mr. Knox,	Mr. Willis.
Sir John Forrest,		Mr. Manifold,	<i>Tellers.</i>
Sir Philip Fysh,	<i>Tellers.</i>	Mr. McCay,	
Mr. L. E. Groom,	Mr. Fuller,	Sir Malcolm	Mr. Conroy,
Mr. Kingston,	Mr. McDonald.	McEacharn,	Mr. Wilks.

And so it was resolved in the affirmative.

No. 4.—*Judiciary Bill*—(continued)—Clause 53 (as amended)—

53. (1) A Justice of the High Court, if disabled by permanent infirmity or by incapacity from the performance of the duties of his office, shall be entitled to retire [upon a pension] to be continued during his life at a rate—

* * * * *

—(Attorney-General.)

Amendment proposed—That the words “upon a pension” in line 2 be omitted.

—(Mr. Mauger.)

Question—That the words proposed to be omitted stand part of the clause—put.

The Committee divided—

Ayes, 20.		Noes, 29.	
Sir Edmund Barton,	Mr. Paterson,	Mr. Batchelor,	Mr. A. McLean,
Mr. Chapman,	Mr. Sawers,	Sir Langdon	Mr. O'Malley,
Mr. Conroy,	Mr. Skene,	Bonython,	Mr. Page,
Mr. Winter Cooke,	Mr. Bruce Smith,	Mr. Hume Cook,	Mr. Poynton,
Mr. Crouch,	Mr. Thomson,	Mr. Joseph Cook,	Sir John Quick,
Mr. Cruickshank,	Mr. Watson,	Mr. G. B. Edwards,	Mr. Ronald,
Mr. Deakin,	Mr. Willis.	Mr. Fisher,	Mr. E. Solomon,
Sir John Forrest,		Mr. Fowler,	Mr. V. L. Solomon,
Sir Philip Fysh,	<i>Tellers.</i>	Mr. Hartnoll,	Mr. Thomas,
Mr. Glynn,		Mr. Isaacs,	Mr. Tudor,
Sir Malcolm	Mr. Ewing,	Mr. Kennedy,	Mr. Watkins,
McEacharn,	Mr. L. E. Groom.	Mr. Kirwan,	Mr. Wilks.
		Mr. Mahon,	<i>Tellers.</i>
		Mr. Mauger,	
		Mr. McCay,	Mr. Fuller,
		Mr. McDonald,	Mr. Salmon.

And so it passed in the negative.

WEDNESDAY, 24TH JUNE, 1903.

No. 5.—*Judiciary Bill*—(continued)—Postponed clause 52—

52. (1) There shall be paid to the Chief Justice a salary at the rate of Three thousand [five hundred] pounds a year, and to each other Justice a salary at the rate of Three thousand pounds a year.

* * * * *

—(Attorney-General.)

Amendment proposed—That the words “five hundred,” in lines 1 and 2, be omitted.

—(Mr. Hartnoll.)

Question—That the words proposed to be omitted stand part of the clause—put.

The Committee divided.

Ayes, 29.

Mr. Bamford,	Mr. Mauger,
Sir Edmund Barton,	Sir Malcolm
Mr. Chapman,	McEacharn,
Mr. Winter Cooke,	Sir William
Mr. Deakin,	McMillan,
Mr. G. B. Edwards,	Mr. Page,
Mr. R. Edwards,	Mr. Paterson,
Mr. Ewing,	Mr. Skene,
Mr. Fisher,	Mr. E. Solomon,
Sir John Forrest,	Mr. Spence,
Mr. Fowler,	Mr. Thomson,
Sir Philip Fysh,	Mr. Watson.
Mr. L. E. Groom,	
Mr. Higgins,	<i>Tellers.</i>
Mr. Isaacs,	
Mr. Knox,	Mr. Hume Cook,
Mr. Mahon,	Mr. Manifold.

Noes, 21.

Mr. Batchelor,	Mr. Ronald,
Mr. Brown,	Mr. Sydney Smith,
Mr. Joseph Cook,	Mr. V. L. Solomon,
Mr. Fuller,	Mr. Tudor,
Mr. Glynn,	Mr. Watkins,
Mr. Hartnoll,	Mr. Wilks,
Mr. Hughes,	Mr. Willis.
Mr. Kennedy,	
Mr. Kirwan,	<i>Tellers.</i>
Mr. A. McLean,	Mr. McCay,
Mr. O'Malley,	Mr. McDonald.
Mr. Phillips,	

And so it was resolved in the affirmative.