

1903.

## THE PARLIAMENT OF THE COMMONWEALTH.

No. 46.

VOTES AND PROCEEDINGS  
OF THE  
HOUSE OF REPRESENTATIVES.

WEDNESDAY, 19TH AUGUST, 1903.

1. The House met pursuant to adjournment.—Mr. Speaker took the Chair, and read Prayers.
2. PRINTING COMMITTEE—SEVENTH REPORT FROM.—Sir John Quick, Chairman, brought up the Seventh Report from the Printing Committee.  
The Report was read by the Clerk, and is as follows :—

## REPORT.

The Printing Committee have the honour to report that they have dealt with all the Papers laid on the Table of the House since the last sitting of the Committee, and beg to recommend that the following Papers be printed :—

## Presented Papers—

Federal Capital Sites—Supplementary Report of Royal Commission *re* Dalgety.

The Committee recommend that the necessary copies be obtained from the Government Printer, Sydney, and circulated.

Electoral Act 1902—Report of the Commissioner (Mr. William Houston) appointed to distribute the State of New South Wales into Divisions.

## Petitions—

From the Federated Seamen's Union of Australasia, praying that the Conciliation and Arbitration Bill may be amended so as to equally apply to all vessels engaged in the Australian coastal trades.

A similar Petition from the Australasian Institute of Marine Engineers.

JOHN QUICK,  
Chairman.

House of Representatives,  
Committee Room, 19th August, 1903.

Sir John Quick moved, by leave, That the Report be agreed to.  
Question—put and resolved in the affirmative.

3. PETITIONS.—Mr. Deakin presented a Petition from certain electors of Victoria praying that, in view of the recent drought and the consequent emigration of many workmen, speedy provision may be made by the House for the passage of an Iron Bonus Bill, which will give substantial encouragement to private enterprise in developing the iron industry.

Petitions, praying that, in the measures proposed to be passed by the House for the government and control of British New Guinea, it will be enacted that the introduction, sale, and manufacture of intoxicating liquors shall be absolutely prohibited, were presented as under :—

## By Mr. Hartnoll—

From about 60 electors of The Don, Tasmania.

From about 65 electors of Penguin, Tasmania.

From about 100 electors of Forth, Tasmania.

Petitions severally received.

19th August, 1903.

4. ELECTORAL DIVISIONS OF QUEENSLAND—PROPOSED DISTRIBUTION.—The Order of the Day for the resumption of the debate on the question—That this House disapproves of the proposed distribution of the State of Queensland into nine Divisions, named Brisbane, Capricornia, Darling Downs, Herbert, Kennedy, Maranoa, Moreton, Oxley, and Wide Bay, and shown on the maps laid upon the Table of the House of Representatives on the 11th August instant—having been read—

Debate resumed.

Question—put.

The House divided—

Ayes, 37.		Noes, 16	
Mr. Bamford,	Mr. McColl,	Mr. Brown,	Mr. Paterson,
Sir Edmund Barton,	Mr. McDonald,	Mr. Conroy,	Mr. Thomson,
Mr. Batchelor,	Mr. A. McLean,	Mr. G. B. Edwards,	Mr. Wilks,
Sir Langdon	Mr. O'Malley,	Mr. R. Edwards,	Mr. Willis.
Bonython,	Mr. Page,	Mr. Fuller,	
Mr. Chanter,	Mr. Phillips,	Mr. Hartnoll,	
Mr. Clarke,	Sir John Quick,	Mr. Kingston,	<i>Tellers.</i>
Mr. Hume Cook,	Mr. Ronald,	Mr. Kirwan,	
Mr. Deakin,	Mr. Salmon,	Mr. F. E. McLean,	Mr. Joseph Cook,
Mr. Fisher,	Mr. Sawers,	Sir William McMillan,	Mr. Glynn.
Sir John Forrest,	Mr. Skene,		
Mr. Fowler,	Mr. Spence,		
Sir Philip Fysh,	Mr. Thomas,		
Mr. Higgins,	Mr. Tudor,		
Mr. Isaacs,	Sir George Turner,		
Mr. Kennedy,	Mr. Wilkinson.		
Sir William Lyne,	<i>Tellers.</i>		
Mr. Mahon,			
Mr. Manifold,	Mr. Chapman,		
Mr. Mauger,	Mr. L. E. Groom.		

And so it was resolved in the affirmative.

5. JUDICIARY BILL.—SENATE'S MESSAGE NO. 14.—The Order of the Day for the further consideration in Committee of the whole House of the Senate's Message No. 14, having been read—Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

Mr. Speaker resumed the Chair; Mr. Chanter reported that the Committee had dealt with the amendments.

Mr. Deakin moved, That the Message be recommitted for the reconsideration of amendment No. 14. Question—put and resolved in the affirmative.

Mr. Speaker left the Chair, and the House again resolved itself into a Committee of the Whole.

Mr. Speaker resumed the Chair; Mr. Chanter reported that the Committee had reconsidered amendment No. 14, and had dealt with the amendments as follows:—

SCHEDULE OF THE AMENDMENTS OF THE SENATE TO WHICH THE COMMITTEE OF THE WHOLE HAS AGREED.

No. 1.—Page 2, clause 2, line 36, after "trial" insert "and any proceeding to review or call in question the proceedings, decision, or jurisdiction of any Court or Judge."

No. 2.—Page 3, clause 5, line 2, omit "be."

No. 3.—Page 3, clause 5, line 2, after "either" insert "be or have been."

No. 4.—Page 3, clause 5, line 3, after "or" (*first occurring*) insert "be or have been."

No. 5.—Page 3, clause 8, lines 20–22, omit "as may be granted to him under the King's sign-manual or by the authority of the Lords of the Admiralty of the United Kingdom in matters of prize, or."

No. 6.—Page 3, clause 9, line 34, after "above" insert "except the words, 'So help me GOD.'"

No. 7.—Page 4, clause 16, omit clause 16.

No. 8.—Page 5, clause 18, line 16, omit "same."

No. 9.—Page 5, clause 18, line 16, omit "as a similar," insert "of an."

No. 10.—Page 5, clause 19, line 19, after "Chambers" insert "and any Judge of the Supreme Court of a State exercising federal jurisdiction."

No. 11.—Page 7, clause 31, line 24, after "matters" omit remainder of clause, insert "arising under the Constitution or involving its interpretation."

No. 12.—Page 8, clause 34, lines 15 and 16, omit "not being the Supreme Court of a State."

No. 13.—Page 8, clause 34, line 18, omit "not being the Supreme Court of a State."

No. 14.—Page 8, clause 34, insert new paragraph—

"(dA) of mandamus; or."

No. 15.—Page 8, clause 34, add new sub-clause—

"(2) This section shall not be taken to limit by implication the power of the High Court to make any order or direct the issue of any writ."

No. 16.—Page 8, clause 35, lines 30 and 31, omit "or Judge of the Supreme Court of a State."

No. 17.—Page 8, clause 35, line 31, omit "as a Court of first instance."

No. 18.—Page 8, clause 36, line 37, before "and" insert "whether given or pronounced in the exercise of federal jurisdiction or otherwise."

19th August, 1903.

- No. 20.—Page 9, clause 36, sub-clause (c), line 11, after "State" omit "exercised by a single Judge sitting in Chambers," insert "given or pronounced in the exercise of federal jurisdiction in a matter pending in the High Court."
- No. 21.—Page 10, clause 39, line 5, after "arising" insert "directly."
- No. 22.—Page 10, clause 39, insert new paragraph—  
 "(e) Matters in which a writ of mandamus or prohibition is sought against an officer of the Commonwealth or a Federal Court."
- No. 23.—Page 10, clause 40, omit paragraph (c), insert new paragraph—  
 "(c) The High Court may grant special leave to appeal to the High Court from any decision of any Court or Judge of a State, notwithstanding that the law of the State may prohibit any appeal from such Court or Judge."
- No. 24.—Page 14, clause 59, line 31, omit "may," insert "can."
- No. 25.—Page 15, clause 66, line 17, after "against" insert "the property or revenues of."
- No. 26.—Page 15, clause 67, line 23, after "Commonwealth" omit remainder of clause, insert "or a State, the Treasurer of the Commonwealth or of the State as the case may be shall satisfy the judgment out of moneys legally available."
- No. 27.—Page 16, clause 70, line 33, after "to" insert "a Judge of."
- No. 28.—Page 16, clause 70, line 35, omit "Court," insert "Judge."
- No. 29.—Page 16, clause 70, line 37, omit "Court," insert "Judge."
- No. 30.—Page 17, clause 73, line 14, omit "must," insert "shall."

SCHEDULE OF THE AMENDMENT OF THE SENATE TO WHICH THE COMMITTEE OF THE WHOLE HAS AGREED WITH AN AMENDMENT.

Amendment No. 19, viz. :—

No. 19.—Page 9, clause 36, after line 7 insert "but so that an appeal may not be brought from an interlocutory judgment except by leave of the High Court."

Amendment made thereto :—

After "of" insert "the Supreme Court or."

On the motion of Mr. Deakin the House adopted the Report.

6. MESSAGE FROM THE SENATE.—PATENTS BILL.—Mr. Speaker announced the receipt of the following Message from the Senate :—

MR. SPEAKER,

Message No. 16.

The Senate has passed a Bill for "*An Act relating to Patents of Inventions*," to which it desires the concurrence of the House of Representatives.

The Senate,  
 Melbourne, 19th August, 1903.

R. C. BAKER,  
 President.

7. PATENTS BILL.—Mr. Deakin moved, That the Bill transmitted by the foregoing Message, intituled "*A Bill for an Act relating to Patents of Inventions*," be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time.

Ordered—That the second reading be made an Order of the Day for Tuesday next.

8. CONSTITUTION (SECTION 125) AMENDMENT BILL.—Mr. V. L. Solomon, pursuant to an Order of the House made on the 24th July last, brought up a Bill intituled "*A Bill for an Act to amend Section 125 of the Constitution of the Commonwealth*," and moved, That it be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time.

Ordered—That the second reading be made an Order of the Day for Friday, the 28th instant.

9. HIGH COURT PROCEDURE BILL.—SENATE'S MESSAGE No. 15.—The Order of the Day for the consideration in Committee of the whole House of the Senate's Message No. 15 having been read—Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

Mr. Speaker resumed the Chair; Mr. Chanter reported that the Committee had agreed to the amendments, which are as follow :—

No. 1.—Page 5, clause 14, line 30, omit "their," insert "his."

No. 2.—Page 7, clause 25, line 36, after "had" insert "or continued."

No. 3.—Page 49, the Schedule, Order XXXVII., paragraph 3, line 3, omit "is," insert "are."

No. 4.—Page 67, Appendix, line 8, after "Ireland" insert "and of the British Dominions beyond the Seas."

On the motion of Mr. Deakin, the House adopted the Report.

10. ADJOURNMENT.—Mr. Deakin moved, That the House do now adjourn.

Question—put and resolved in the affirmative.

And then the House, at twenty-nine minutes past ten o'clock p.m., adjourned until to-morrow at half-past two o'clock p.m.

MEMBERS PRESENT.—All Members were present except—Sir Edward Braddon\*, Mr. Cameron, Mr. Winter Cooke, Mr. Cruickshank, Mr. Harper, Mr. Macdonald-Paterson, Mr. McCay, Sir Malcolm McEacharn, Mr. Watkins, and Mr. Watson.

\* On leave.

C. GAVAN DUFFY,  
 Clerk of the House of Representatives.