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Judges Chambers
Hobart
Tasmania
30 July 1907.

My dear Mr. Irvine,

Since I posted my previous letter to you yesterday it has occurred to me that if you do not secure the rejection of the Bill to amend the Federal Judiciary Act, it would be very desirable that you should endeavour to get an amendment made in it which will permit the Supreme Court of a State to continue the hearing of any case in which the only question that shall arise in regard to the legislative power of the States under the Constitution shall be the power of a State to impose a stamp duty on any document produced as evidence in the case. I may

mention as an illustration of such a question the example of the Stamp duties now imposed by some of the States on bills of lading relating to merchandise imported from one State to another. According to the American authorities such bills of lading are instruments of inter-State commerce and are not taxable by a State. So far as I know, the question has not yet been raised in any court in Australia, but it may be raised at any time in the future, and it would be manifestly ridiculous that a purely mercantile case should be interrupted and transferred to the High Court on the question of the admissibility in evidence of a document not stamped in accordance with the law of a State.

3.

In addition to the desirability of such an amendment in the Bill, if it becomes law, the insertion of it will necessitate the return of the Bill to the Senate and thereby give more time for the States to protest against the passage of the Bill, if any movement should be made in that direction.

I have mentioned the matter to the Premier of this State and I believe that it is his intention to communicate with the Premiers of Victoria and New South Wales in reference to it.

I am
Very sincerely, Yours