

University of Melbourne
August 26: 1907.

My dear Clark,

I am giving very careful consideration to your letter & hope to ~~have~~ have an opportunity of discussing it with Dixie as soon as his several employments will permit.

Meanwhile I should like to know whether this: Assuming that the Commonwealth

Parl. can only invest the State Courts with jurisdiction in matters where they have not already jurisdiction by State law, and cannot take away from them

any of their local jurisdiction, do you consider

that the power to set up & confer jurisdiction upon federal courts is subject to the like limitation

i.e. can be exercised only in regard to matters

of which the State Courts would not have jurisdiction by their own law. In other words, are the federal

courts as well as the federal jurisdiction of the State Courts merely supplementary to the ordinary & local jurisdiction of State Courts?

Ironie \rightarrow We noted your point about the enforcement of the judgments by federal power or by State power under federal authority, but were a little uncertain as to the extent of its application. Suppose a State Court properly

invested with federal jurisdiction; nothing said about the execution of the judgment: who would enforce it - State or U.S. wealth? And if the State would not its officers be acting in pursuance of an authority springing from federal law? My own opinion inclines

as at present to this - that when, under whatever power, a State Court has given judgment, the State laws as to execution would apply, & the State officers in executing it would not in any sense be federal officers or performing a federal function. But as

an incident of their power over jurisdiction & in
order to make it effective, the Commonwealth might
commit execution to its own organs.

I am

Yours very sincerely

W. Harrison Moore.

P.S. Under separate cover I am sending you the circulars
of the Matland Memorial Centre.

C.4/c. 242

University of Melbourne

August 26. 1907.

My dear Clark,

I am giving very careful consideration to your letter & hope to ~~have~~ have an opportunity of discussing it with Sirie as soon as his several employments will permit. Meantime I should like to know whether this: Assuming that the Commonwealth Parl. can only invest the State Courts with jurisdiction in matters where they have not already jurisdiction by State law, and cannot take away from them any of their local jurisdiction, do you consider that the power to set up & confer jurisdiction upon federal courts is subject to the like limitation i.e. can be exercised only in regard to matters of which the State Courts could not have jurisdiction by their own law. In other words, are the federal

C.4/C.242 (2)

Courts as well as the federal jurisdiction of the State Courts merely supplementary to the ordinary & local jurisdiction of State Courts?

Ironie \rightarrow We noted your point about the enforcement of the judgments by federal power or by State power under federal authority, but were a little uncertain as to the extent of its application. Suppose a State Court properly

invested with federal jurisdiction, & nothing said about the execution of the judgment: who would enforce it - State or U.S. ? And if the State would not its officers be acting in pursuance of an authority springing from federal law? My own opinion inclines

as at present to this - that also, under whatever power, a State Court has given judgment, the State laws as to execution would apply, & the State officers in executing it would not in any sense be federal officers or performing a federal function. But as

C.4/C.242 (3)

an incident of their power over jurisdiction & in
order to make it effective, the Commonwealth might
commit execution to its own organs.

I am

Yours very sincerely

Harrison Moore.

P.S. Under separate cover I am sending you the circulars
of the Whitlam Memorial Centre.