

thought matters of this ſort ſhould be ſubmitted to the learned Judges.

THE COLONIAL SECRETARY: If it would ſuit the convenience of the hon. member, he would let the committee ſtage be taken next week or the week after.

HON. R. S. HAYNES: There was no neceſſity to defer it too long.

THE COLONIAL SECRETARY: Then let it be taken next week.

Ordered, that the Committee ſtage be an order of the day for 2nd Auguſt.

ADJOURNMENT.

The Houſe adjourned at 6.20 o'clock until the next day.

Legiſlative Aſſembly.

Wednesday, 26th July, 1899.

Appropriation Meſſage re Supply Bill. Petition: Franchise to Women. — Question: Flaſh Lights at Rottneſt, Miſleading. — Question: Pilot Service, Increate. — Question: Rocket Life-saving Apparatus, Rottneſt. — Question: Signal Code, Rottneſt. — Question: Night and Tide Signals, Fremantle Harbour. Motion: Commonwealth Bill, Adult Male Franchise (withdrawn). — Motion: Harbour and Pilot Services, Fremantle; to Reorganise (Amendment paſſed). — Contagious Diſeaſes (Bees) Bill, firſt reading. Midland Railway, to Inquire: Council's Reſolution conſidered (adjourned). — Adjournment.

The **DEPUTY SPEAKER** took the Chair at 4.30 o'clock, p.m.

PRAYERS.

APPROPRIATION MESSAGE RE SUPPLY BILL.

Meſſage from the Governor, preſented by the **PREMIER** and read, recommended appropriation from revenue and loan funds for the purpoſes of a Supply Bill, £850,000.

Ordered, that the Meſſage be conſidered in Committee of Supply at the next ſitting of the Houſe.

PETITION—WOMEN'S FRANCHISE.

MR. WALTER JAMES preſented a petition praying for the early introduction of legiſlation for extending the Parliamentary franchise to women.

Petition received and read.

QUESTION—FLASH LIGHTS AT ROTTNEST, MISLEADING.

MR. HIGHAM asked the Premier, Whether, in conſideration of the many adverſe reports made by maſter mariners and others, he had decided to prevent in future the practice of burning flaſh lights at the Rottneſt Lighthouse, ſuch lights being thought liable to miſlead maſters of veſſels entering the port of Fremantle.

THE PREMIER (Right Hon. Sir J. Forreſt) replied:—The Chief Harbour Maſter has reported that he does not conſider the flaſh light or "flare up" at Rottneſt Lighthouse ſhould miſlead a careful ſeaman. Nevertheless the Government has given inſtructions to diſcontinue it for the future.

QUESTION—PILOT SERVICE, INCREASE.

MR. HIGHAM asked the Premier, Whether it was true that, although three pilots are provided for Rottneſt, one had been abſent for ſome eighteen months. If ſo, what provision was being made for the ever increate ſhipping entering Fremantle.

THE PREMIER (Right Hon. Sir J. Forreſt) replied:—In conſequence of the increate in the river harbour traffic, one of the Rottneſt pilots has been doing duty at Fremantle. The pilot ſervice has not been impaired thereby, but as the traffic is increate, another pilot will ſoon have to be provided.

QUESTION—ROCKET LIFE-SAVING APPARATUS, ROTTNEST.

MR. HIGHAM asked the Premier, Whether it was the intention of the Government to provide a rocket life-saving apparatus to be ſtationed at Rottneſt.

THE PREMIER (Right Hon. Sir J. Forreſt) replied:—The Government intend at once ordering a complete rocket apparatus, and the pilot crew will be periodically exerciſed to uſe it; alſo, a ſecond party will be taught in caſe of the pilot boat being abſent from the iſland.

QUESTION—SIGNAL CODE, ROTTNEST.

MR. HIGHAM asked the Premier, Whether the code of signals recommended by the recent Marine Court of Inquiry had been provided.

THE PREMIER (Right Hon. Sir J. Forrest) replied:—The code of flags which has hitherto been used at the Pilot's Lookout Tower has been transferred to the lighthouse, and a second code will be supplied to the signal station at once.

QUESTION—NIGHT AND TIDE SIGNALS. FREMANTLE HARBOUR.

MR. HIGHAM asked the Premier, Whether he was prepared to institute systems of night and tide signals in connection with the river harbour at Fremantle.

THE PREMIER (Right Hon. Sir J. Forrest) replied: Inasmuch as all vessels entering the river harbour are obliged to employ a pilot, neither tide nor night signals appear to be necessary. If, however, they should be found requisite, they will be provided.

MOTION—COMMONWEALTH BILL, MALE FRANCHISE.

TO INCLUDE EVERY ADULT MALE.

MR. VOSPER (North-East Coolgardie), moved:

That, in the opinion of this House, no reference of the Commonwealth Bill to the suffrages of the electors will be satisfactory unless provision is first made for the inclusion on the rolls of every adult male entitled to the franchise.

The virtues of the referendum, he said, had been pretty well canvassed in the House, and, like other members, he was one who was pledged to its adoption as soon as possible. Yet it would be well if time were allowed to the public to mature their ideas on a great question like federation between now and when they would be called on to express an opinion. If a referendum were taken now, the opinion of only a comparatively small section of the population would be obtained, while the central idea which, underlying the referendum, was that the question should be submitted, as far as possible, to the whole people. In the settlement of the federal question, every adult person who would have to live under the constitution was entitled to have a voice; and there could be no

proper referendum unless everyone qualified were given an opportunity of recording a vote. This motion committed neither the House nor the Government to the principle of the referendum, but merely affirmed that before a referendum, it was desirable there should be some revision of the electoral rolls, or some additions to the electoral machinery, in order that everyone might have a vote; and surely that was a reasonable proposition. He had received information from the Inspector of Parliamentary Rolls, showing that 42,936 persons had the franchise; while, from a letter sent by the Registrar General, he learned that the number of male adults in the colony was 83,000. It could be taken that at least 75,000 of those men had been in the colony over 12 months, seeing that the increase of population in the last few years had been comparatively small; so that only about 8,000 of the total number of male adults were not at present entitled to be on the roll. The Government contemplated bringing in an Electoral Reform Bill this session; and for the sake of allowing people to form a clearer idea of the Commonwealth Bill, and also in order that there might be a true instead of a partial referendum, the referendum should not be taken before electoral reform had been accomplished. He did not desire to commit the House to anything beyond the proposition that, if there had to be a referendum, it ought to be a complete referendum, and that it should not be taken until the law had been so amended as to have the largest number of persons possible on the roll.

MR. ILLINGWORTH (Central Murchison): While not agreeing entirely with the view presented by the last speaker, he had no doubt the principle of the motion was one which might well be adopted. He would particularly like to read to hon. members an extract from the conditions of the referendum, adopted in Victoria and issued to every elector along with the Federal Bill. The conditions were:

6. (1.) Any holder of an elector's right in force on the date for the said submission, whether his name is or is not on any electoral roll, may record his vote at any polling booth in Victoria. 7. (1.) Any person whose name is entered on any roll of ratepaying electors for the Legislative Assembly in force

on the date of such submission may vote at any polling booth in Victoria, provided that (a.) He answers absolutely in the affirmative the following question, which the returning officer or deputy returning officer is hereby required to put to any person tendering his vote under the provisions of this section, viz.:—"Is this polling booth at which you tender your vote more than three miles from any polling booth at which you are entitled to vote for the election of a member of the Legislative Assembly?" (b.) He has obtained from the registrar of a division of a district on the ratepayers' roll of which his name is entered and shall deliver up to the returning officer or deputy returning officer a certificate in the form of the Third Schedule to this Act. (2.) Any such person may upon application made at least three days before the date of the said submission in writing or personally obtain from the registrar of the division of the district on the ratepayers' roll of which such person's name is entered a voter's certificate on making an application therefor in the form in the Fourth Schedule to this Act or to the like effect.

It would be seen that in Victoria there was no attempt to carry out the ordinary rules of election, for an elector could vote anywhere.

THE PREMIER: And vote two or three times, perhaps.

MR. ILLINGWORTH: Whether the elector was on the roll or not, provision was made for him to record his vote. There were two systems of voting in Victoria, one on the ratepayers' roll, and the other by "electors' right," and a "right" could be taken out at any time and a vote recorded on it, whether the name of the holder was on the roll or not.

MR. VOSPER: It was not desired to go so far here.

THE ATTORNEY GENERAL: In Victoria, the name must be on the roll.

MR. ILLINGWORTH said he was only pointing out that, for the referendum in Victoria, the ordinary rules of an election were not going to be carried out, and that an attempt was being made to secure all the votes that could reasonably be expected. For various reasons, not more than one-third of the people entitled to vote in Western Australia were on the roll; and assuming for the sake of argument, and to prevent unnecessary friction afterwards, that it was the people's own fault they were not on the roll, it was only reasonable to say that all the people, and not merely those who are now entitled to vote, should be able to record their opinion by the referendum. At the

same time, he was afraid the motion was not very necessary for other reasons, and that probably the people would never be asked to vote; but if the question did go to the people, all should have a voice.

THE PREMIER: Whether they had been in the colony a day or a year?

MR. ILLINGWORTH: That was not the intention of the motion, nor was it his assertion. Twelve months' residence was recognised as entitling a man to a vote; and if it was the intention of Parliament to give the franchise to women, it was only consistent that women should vote on the referendum; therefore, in that view, the word "adult" might have been used in the motion.

MR. VOSPER: The motion was confined to male adults, in order to avoid contentious matter.

MR. ILLINGWORTH: The effects of federation would not be felt by the people of this colony for years to come. As in the case of the fixing of standard time, people would wake up to find little or no difference; and federation would not work the revolution talked about. People who during the next four or five years would make their homes here, had a right to a voice in the settlement of the question; and it was for the Government to devise the means of arriving at the opinion of the whole adult population. This was a simple matter of saying "yes" or "no"; and if the vote were taken on one day throughout the whole colony, the chance of repeat-votes would be very small indeed. This was not like a contest between individual members, when feeling sometimes ran high.

MR. VOSPER: Feeling was pretty high now.

MR. ILLINGWORTH: People would not be at all likely to vote twice, and, in any case, there would probably be as many double votes on one side as the other. It was to be hoped the Government would see their way to support the motion and take the necessary steps to have the idea—because it was only an idea at present—carried out.

THE PREMIER (Right Hon. Sir J. Forrest): This motion was hardly necessary at the present time.

MR. ILLINGWORTH: That was so.

THE PREMIER: In the first place, an Electoral Bill was going to be introduced.

MR. ILLINGWORTH: But that was not the reason the motion was unnecessary.

THE PREMIER: The Electoral Bill would provide facilities for persons to enrol themselves as electors; and when the Federation Enabling Bill was presented to the House to refer the Commonwealth Bill to the people, it would include any provision that might be thought desirable for placing on the rolls all persons entitled to the franchise. This had been the procedure in the other colonies, where special provisions had been made in the Enabling Bills to facilitate the enrolment of persons entitled to vote. That being so, there was no necessity to pass a motion of this kind, unless we wished to express an opinion beforehand. There was not much harm in the motion, if it were worded differently, because if the Federation Bill was to be referred to the electors of the colony, there must be provision in the Enabling Bill to facilitate the enrolment of electors, so that they might have opportunity of voting; and as that would have to be provided in the Enabling Bill for this colony, there was not much use in expressing an opinion at the present time. If the mover thought there was some virtue in the motion —

MR. VOSPER: It was only so that the matter might not be overlooked.

THE PREMIER: It could not be overlooked, because all members would have their say on it.

MR. ILLINGWORTH: But when?

THE PREMIER: The Enabling Bill would not be here until it got here, and then the provisions would be open to the scrutiny of every member.

MR. ILLINGWORTH: Would this be one of the provisions?

THE PREMIER replied that he could not say at present. He knew that in all the Enabling Bills in the other colonies there had been some provision for enabling all persons entitled to the franchise to vote on the question; and some of those Bills seemed to him to have gone too far, by going into highways and byways asking people to vote, and the people could vote anywhere and in any place.

HON. H. W. VENN: That was because they would vote all on one day.

THE PREMIER: Yes; but some of the electors for Wellington, as an ex-

ample, might be found voting among the pick-and-shovel men of North Murchison, and there would be no means of distinguishing one set of voters from others. If the mover thought it necessary to press the motion, he would be prepared to move an amendment which would have the effect he had indicated; for we knew that before the Federation Bill could go to the people, an Enabling Bill must be passed through Parliament, and he was willing to do all he could to facilitate the enrolment of all persons entitled to the franchise.

MR. VOSPER: Move the amendment.

THE PREMIER: Perhaps the assurance he had given would make that unnecessary.

MR. VOSPER: Very well.

THE PREMIER: The hon. member's intention was clear, and everyone was in accord with it. There was no doubt that what was desired in the motion would be done in preparing the Enabling Bill, and every member would desire that it should be done. As it had been done in all the other colonies, there was no reason why it should not be done here. In fact, as far as he was concerned, he would be glad to give an assurance that it should be done when preparing the Enabling Bill.

MR. VOSPER asked leave to withdraw the motion.

Motion, by leave, withdrawn.

MOTION — HARBOUR AND PILOT SERVICES AT FREMANTLE.

TO REORGANISE.

MR. HOLMES (East Fremantle) moved:

That, in the opinion of this House, the harbour and pilot service at Fremantle and Rottnest should be reorganised.

In speaking recently on the Address-in-Reply to the Governor's opening Speech, he had stated that vessels were allowed to occupy berths at Fremantle seventy to eighty days for loading timber, while at the same time other vessels with general cargo, representing a value of forty or fifty thousand pounds, were allowed to lie out in the stream unable to secure berths. He had given one instance of a ship laden with general cargo which was kept sixteen days waiting for a berth, although a vacant berth was practically available the

whole time; and it was only when pressure was brought to bear on the authorities, and they became reasonable, that the vessel was allowed to go into that berth and remain until the cargo was discharged. Other vessels had been kept waiting for a berth a whole month. These statements had not been refuted in the House, for the reason that they could not be, because the statements were founded on facts. It was unnecessary to point out that this must have a disastrous effect on the port of Fremantle in many ways; and it should not be the wish of any member of this House to retard the progress of the harbour works or the administration of harbour affairs at Fremantle. At the time these statements were made, he did not think any member of the House, except the Minister in charge of the department, had any idea that such a state of things existed in connection with the pilot service at the port of Fremantle when the recent shipping disasters occurred; and the revelations since made must have been a surprise to a majority of the people in the colony. Years ago, when Fremantle was only a small shipping port, it was considered necessary to have no less than three pilots at Rottnest; yet to-day, when the shipping had increased to an enormous extent, the retrenchment recently carried out, or some other such cause, had reduced the three pilots to two. At the same time there were no less than five pilots in and about the harbour at Fremantle, and it was a mystery to understand how they filled up their time. There was the instance of a large British vessel being wrecked at Rottnest within the last fortnight, and the pilot in charge at Rottnest could not communicate with the vessel or with the port of Fremantle; and although money for providing a telegraph cable had been voted in the Estimates for last year, yet the cable had not been provided, and the authorities appeared to be waiting for the results of the experiments in wireless telegraphy which were being carried on in more advanced parts of the world. When the vessel struck off Rottnest, at 7 or 8 o'clock in the evening, the pilot on shore had no means of communicating with the vessel or with the port; and when he did communicate with the harbour master early next morning, some hours more

elapsed before the harbour master reached the scene of the disaster; and having got there, although supplied with a steam yacht and a lifeboat, he did not think it necessary to go in the vicinity of the ship to rescue survivors.

THE PREMIER: There was not a lifeboat.

MR. HOLMES: The harbour master left the few survivors on the vessel, and steamed for Rottnest with the object of getting a whaleboat said to be there; but if a whaleboat was at Rottnest, why could it not have been sent from Rottnest to the vessel in the first instance? The whole department seemed to be in a state of disorder, and, when trouble did arise, the officers did not know how to get out of it. While the harbour master and his staff were proceeding to secure the whaleboat, a tug-boat went from Fremantle to the scene of the wreck and rescued the survivors. The answers which the Premier had given to-day, in reply to questions of which he (Mr. Holmes) had given notice for Tuesday last, seemed to have been made with the object of postponing this motion.

THE PREMIER: The questions were on the Notice Paper for to-day, and therefore he answered them to-day.

MR. HOLMES: But the questions were put on the paper for Tuesday, and the fact of the answers being postponed till to-day further showed there must be something wrong, and that the department was trying to get out of a difficulty. The answers which had been given were no credit to any of the parties concerned, for they practically admitted that a flash-light was exhibited at Rottnest, and that was, in his opinion, misleading to mariners. The replies went to prove that a reorganisation of the service was necessary. In the case of a complex department, it was difficult to decide exactly what questions should be asked on the floor of the House. He would next refer to the wreck of the "City of York." That vessel sighted Rottnest at 4 o'clock in the afternoon, when she was some 18 or 20 miles from land. She signalled for a pilot, and immediately stood away north on her proper course. The lightkeeper stated that he had advised the pilot, and the pilot said that he had gone off at 7 o'clock at night. The particular lightkeeper who advised the pilot at 4:30 went

off duty at 6, and another lightkeeper relieved him. As soon as the latter came on duty he was told that there was a vessel in the neighbourhood requiring a pilot, and he decided to challenge the vessel, which he did by showing a flashlight from the foot of the lighthouse. All master mariners and other authorities at Fremantle were agreed that a flashlight signal, in any other part of the civilised world, was used on pilot boats, and on pilot boats only, and then only when the pilot boat was in clear water; and the flashlight signified to the master of the in-coming ship that he could come on to where the pilot boat was at the time. The last-mentioned lightkeeper in his evidence said that, later on, when a rain storm came up, he lost sight of the ship, and not being able to pick her up again for 20 minutes, he sent up another flashlight. This was answered by the ship's captain with a blue light, that being a proper signal to make to a pilot boat. The mate of the vessel in his evidence said that, when they saw land at 4 o'clock, they stood clear of it and waited until 7 or 8 p.m., when they received a flashlight, which they understood to come from a pilot boat; that they immediately altered their course and stood for the light, and that the captain even ordered a ladder to be let down so that the pilot might come on board. And yet the light was on shore! By this means the captain and his ship, and a number of British sailors, were lured to destruction.

MR. WOOD: What did the boatswain do?

MR. HOLMES: The captain of a ship did not take instructions from his boatswain. The lightkeeper stated that at 6.40 p.m. he challenged the ship by making a "flare-up" from the base of the lighthouse; the ship replied to the "flare-up" by burning a blue light, and he then communicated with the pilot, and gave another "flare-up" to let the ship know that the pilot had been communicated with and that she could come in to where the pilot was generally taken on board. Such were the instructions somebody had given to the lightman, but how the master of the ship was to understand that such was the custom at Rottnest, when no such custom obtained in any other part of the world, and when there

was no indication of the the truth in the sailing directions, no one seemed able to explain. The chief harbour master, Captain Russell, said in his evidence:

The vessel was sighted at 4 o'clock. I do not know why the pilot did not go off till 7 o'clock. The "flare-up" was the response to the pilot signal.

The same witness further said:

There is no other place from which a reply could be given.

Captain Russell continued that there was no note of this fact in the sailing directions, and said:

If the pilot had been between the ship and the light, the pilot would not have flashed, because he would not have been in open water.

And yet, immediately behind where the pilot was supposed to be, there was this man on the land sending up a flash at intervals of 20 minutes, and luring the vessel to destruction. Captain Russell said the instruction to pilots was that they were never to flash until they were in positions where incoming vessels could safely approach them; and yet here were the officers of the department luring this vessel on to the rocks. And the result of the investigation was that the department was "whitewashed" and the innocent captain condemned. The pilot in his evidence said that he never used the flash light until he was in clear, open water; and that the light was an indication from him that the ship could come on to where the pilot boat was. Mr. Mason—the gentleman who acted in the capacity of prosecutor, and defender, and perhaps "whitewasher" of the department—presided. Captain Russell, who ought to have been, nominally, one of the defendants, was allowed to occupy a seat on the bench, and apparently to ask questions. Mr. Mason said:

As to the "flares-up" upon the lighthouse, they were given to warn the "City of York" that she was in foul ground.

And this in the face of the statement of the harbour master! Mr. Mason continued:

The captain, knowing he was in foul ground, should have been extra careful before he approached the place.

In any other part of the world the captain would have had no care whatever, nor any responsibility on his shoulders, with a pilot immediately ahead of him.

THE PREMIER: That was incorrect. What about the lead?

MR. HOLMES said he would come to that presently. The sailing directions said that—

MR. WOOD: That ships must not come into waters shallower than 30 fathoms.

MR. HOLMES: Yes; the directions undoubtedly provided that any depth less than 30 fathoms was foul water. He was, however, in a position to prove that the pilot never went into more than 15 fathoms of water, and that ships had to come to him there. The pilot at Rottnest boarded all his ships in from 10 to 15 fathoms of water.

THE PREMIER: The directions did not say the ship was not to use the lead.

MR. HOLMES: But the evidence showed the captain did use the lead, and that he found he could not touch bottom at 30 fathoms.

MR. WOOD: What was the last sounding taken?

MR. HIGHAM: What about the soundings which gave 20, 15, and 7 fathoms?

MR. HOLMES: It had evidently been admitted that the captain was a capable and careful officer. He was in his right place in the ship, looking out for danger, and was in his right course till that course was altered by this flashlight; and when he found himself in foul ground, with a pilot signal ahead of him, what was the man to do but keep on his course? If he had altered his course, knowing he was in foul ground, and had struck some reef, what would have been said then? The responsibility would have fallen upon him.

THE PREMIER: Had he not a chart?

MR. HOLMES: No doubt he had; but the man got his pilot flash signal, and unfortunately did not get a pilot. Had he been at any other port he would have got a pilot, but at Fremantle he got a flashlight from the lighthouse, which the Harbour Master said should have been flashed from the pilot boat, and only then when the pilot boat was on safe ground. And yet, in the face of that, the chief magistrate at the inquiry said that the flash was a signal that the captain was in danger. Hon. members would be unable to understand the position from the evidence before them, and it was therefore certain that the captain, who knew nothing about the port, could

not be expected to arrive at a correct conclusion from those misleading signals. Moreover, in every other port of consequence there was a life-saving apparatus. A rocket was fired which carried a line on board the ship. There was nothing of the kind at Rottnest. There was not even a gun for use as a danger signal; nothing to tell the mariner that he was approaching the reef. Such facts undoubtedly justified the motion, and showed that the department required reorganisation. Although there were two pilots at Rottnest, there were only a whaleboat and a lugger there, whereas at Fremantle officers of every description had steam launches, some of which cost a lot of money. The steamer "Penguin," which was built to take the health officer to Rottnest and *vice versa*, cost some thousands of pounds, and a large amount was required to keep her going with a full staff on board.

THE PREMIER: The "Penguin" was a harbour department boat.

MR. HOLMES: The "Penguin" was given to the health officer.

THE PREMIER: Not at all! The boat belonged to the harbour department; the health department boat was the "Waratah."

MR. HOLMES: That was because the "Penguin" was too big for the health officer, and if the harbour department had the "Penguin" doing nothing at Fremantle, was it not reasonable to suggest that in case of storms the boat should be sent outside, as was done at other ports, so that vessels might be warned and not lured to danger and destruction as seemed to have occurred in the case of the "City of York"?

MR. GEORGE: That would be going out of the ordinary "groove," and would never do.

MR. HOLMES: Unless something was done to get out of the ordinary "groove," it was hard to say what the end would be. In the face of all these facts, the finding of the marine court of inquiry was as follows:

After full inquiry into the circumstances of this casualty, we find that the British ship, "City of York," became a total wreck off the island of Rottnest on the night of the 12th July, 1899, in consequence of the gross negligence and want of judgment by her master, Philip H. Jones, but inasmuch as the said master was unfortunately drowned, we are of opinion that there is no case for investigation,

and by the power vested in us under 51 Victoria, No. 6, Section 2, all proceedings in this matter shall cease and determine.

And no doubt, the harbour authorities were very glad the matter had been determined. Everything went to prove that the captain of the "City of York" took every precaution and did his best under the circumstances, and though when he found himself in difficulties he might have shown a want of judgment, there was nothing on the facts to warrant a verdict of "gross carelessness," which had been arrived at to screen the harbour department, and to saddle with blame an unfortunate dead man who could not answer for himself.

THE PREMIER (Right Hon. Sir J. Forrest): Everyone must feel great sympathy for the unfortunate men who had lost their lives, and also for those who had been otherwise injured by the wreck of the "City of York" at Rottnest. Every disaster of the sort was a great misfortune, not only to those who had suffered at the time, but to those who suffered afterwards. But why a motion of this kind should be adopted without inquiry, passed his comprehension, and it would certainly be very unfair to the department.

MR. GEORGE: Let there be an inquiry.

THE PREMIER: That was another matter; no inquiry had been asked for.

MR. HOLMES: The motion could be amended to that end.

THE PREMIER: Notice would have to be given of a motion for an inquiry. The motion censured the harbour department and the pilot service, on statements made by the member for East Fremantle (Mr. Holmes), but it was not likely the House would pass the motion.

MR. HOLMES: Hon. members would not pass the motion if the Premier told them not to.

THE PREMIER: It was not according to the traditions of the House to pass votes of censure without investigation, and at the present time a Royal Commission was sitting to inquire into the port and harbour arrangements at Fremantle, and he hoped very shortly to be in a position to place before the House the conclusions of that Commission, which he had no doubt would take recent events into consideration.

MR. HOLMES: Those events were outside the jurisdiction of the Commission.

THE PREMIER: The hon. member seemed to know a lot about everything, and no doubt knew exactly the powers and scope of the Commission; but the "shoemaker ought to stick to his last," and the hon. member would do better to listen and not interrupt. The question as to whether the officers of this ship were to blame or not, had been investigated by a competent tribunal, and if the decision of that tribunal did not meet with the approval of the House, the matter could be dealt with by means of an inquiry. Notwithstanding the report of that tribunal, the hon. member for East Fremantle (Mr. Holmes) felt justified in telling the House that the unfortunate captain of the ship took every precaution; but more than this statement by the hon. member was necessary before the House could come to such a conclusion. With a little knowledge of navigation, at any rate with more knowledge than that possessed by the hon. member, he was aware that the very first duty of a captain, when nearing a coast and on seeing a light—and even before he saw a light he ought to use the "lead"—the very first duty was to find how far he was away from the light. Very often on approaching a coast, the distance could be ascertained with little if any trouble, by means of the "lead." The captain had the bearing of the lighthouse to give him the direction, and the "lead" showed the depth of water, and on most coasts very closely the position of the ship: but if the depth were regular for some miles, it was not possible to find out how far the ship was from the light by means of the "lead," and, therefore, other means must be taken. Those means, as all knew who had any acquaintance with the subject, was to put the ship on a course as far as possible in the direction of a right angle from the direction of the light, and then, after going a few miles, the captain had a base from which he could calculate with the greatest precision the distance from the lighthouse. That was the proceeding of every mariner on approaching a coast, and no one would think of keeping a course straight on to a light, without knowing how far the light was away. If a captain did keep straight on to a light

under the circumstances, the most probable event was that his vessel would run ashore. If the captain of the "City of York" had used a "lead" and had taken a cross-reckoning in the way described—if he had only gone a couple of miles on a right angle from the direction of the light—the distance could have been calculated precisely.

MR. GREGORY: What about the flare?

THE PREMIER: The flare was in the direction of the lighthouse; and it was remarkable that this vessel should always have been in the direction of the light. There was a light above and a flare below, and it would appear suspicious to anyone that the flare should keep the same position for so long a time. A light on a moving boat must have been first on one side and then on the other, but this flare was continually in the same position; and this alone should have warned the captain that it was a fixed object ashore.

MR. GREGORY: On a stormy night?

THE PREMIER: It was not stormy in the afternoon, when the lighthouse was sighted from the ship.

MR. HOLMES: They saw the flare from the ship.

THE PREMIER: Anyone seeing a flare or any other light, keeping in the same position, must come to the conclusion that it was a fixed object, and not on a movable boat. He was not defending the flash-light, but, as a matter of fact, it had been there years and years, long before the present Harbour Master came; and it was curious that all the captains and trading people who came to Western Australia had never noticed any danger. The flare had been there for twenty or thirty years or more, and now when an accident had happened, it was at once discovered this was a dangerous signal. He himself thought it was not a good thing to have this "flare-up," which might cause a mistake, but at the same time a captain ought not to be misled, because any mariner must come to the conclusion that it was fixed.

MR. GEORGE: But the pilot boat was anchored, and a fixture.

THE PREMIER: Was it likely that a pilot boat would anchor on the way to a ship?

MR. GEORGE: But the pilot boat waited until ships came up.

THE PREMIER: The rocks were charted, and this should have warned the captain to be very careful, knowing as he must have done that the direction of the light would take him on the rocks. In regard to the management of the department, no doubt a great many improvements might be made, and he looked forward to the report of the Royal Commission for information and suggestions made on the evidence of shipping people and the principal merchants at the port.

MR. GEORGE: How long had the Commission been sitting?

THE PREMIER: Two or three months, and they had, he believed, nearly got to the end of their report. He was the Minister in charge of the harbour service, and very few complaints came to him; and, therefore, he had been astonished at recent remarks by the member for East Fremantle (Mr. Holmes) as to delays to shipping. Delays had never been brought under his notice by the people concerned; and he must say that when he did have complaints, he always looked into them and tried in every way to expedite the business of the port.

MR. GEORGE: The Minister could not hear and see everything.

THE PREMIER: But the Minister could always listen to complaints, make inquiries, and have things done to improve the accommodation.

MR. HOLMES: The motion only brought the subject under the notice of the Premier.

THE PREMIER: Although improvements might be necessary, he could not think that at this juncture—because when a great disaster had occurred was not the time to find fault without every justification—the department deserved the censure implied in the motion. A great deal had been heard about the "Penguin" not being so quick as another boat in rescuing those unfortunate sailors; but as a matter of fact, no harm resulted. And hon. members had not been told anything about the "Penguin" going out at night a little while ago, and being navigated through the Challenger Passage, to the rescue of a number of men hanging from the masts of the "Sepia," and then being brought home through a very dark night, round the south of Rottnest into Fremantle again.

MR. GEORGE: That only showed the pluck of the men and their attention to duty.

THE PREMIER: A good deal had been said about the tugboat rescuing men from the ship that was wrecked, before the harbour master attempted to do so; but had the hon. member said anything about the brave men on the pilot steamer finding their way, in the dead of night, through the Challenger Passage, and rescuing sailors whose lives were imperilled? These men went forth and performed brave actions, and did this when opportunity occurred, as other people might do; though he was glad to say there had been few wrecks, and very few disasters resulting in loss of life, off the coast of Fremantle. Unfortunately there had been two lately, and one of these was similar to that which occurred years ago, when a ship got on the Murray reef and was lost, and neither passengers nor crew were ever heard of, the only evidence of a wreck having occurred being the washing up of two or three bodies and some spars. No one would wish to blame those who had lost their lives; but members might depend on it that very few wrecks occurred which were not caused by want of knowledge, or judgment, or care, on the part of some one in charge of a ship; and these disasters, in many cases, would be avoided if the persons concerned could have an opportunity of going through the same over again. Wrecks occurred in stormy weather sometimes through a chronometer being a little out, perhaps a few seconds of time, sufficient to place a mariner perhaps 20 or 30 miles further eastward than he expected to be, and the mariner unfortunately ran on a reef in a dark and stormy night. In the case of the "City of York," that disaster was most extraordinary, for while he did not want to blame anyone, he thought that was an accident which ought to have been avoided, for the ship had a lighthouse in view from half-past four in the afternoon, and she struck in sight of the lighthouse. One would have thought that a mariner having any knowledge of navigation would have been able to pick up the position of his ship, or at any rate would have kept her from running on the rocks.

MR. HOLMES: She might expect a pilot, after waiting three hours.

THE PREMIER: A captain generally had to provide for the safety of his ship and crew, as the first consideration; and the pilot would be the second consideration. It was not unusual to put off a ship's head at night and wait till the morning, before attempting to run into harbour. If the hon. member had moved for a select committee to inquire into the matter, he (the Premier) would have felt it his duty not to oppose such a motion. Indeed, the more investigation the better. But when the hon. member wanted him to pass a vote of censure on the harbour and pilot service at Fremantle and Rott-nest at the present time, he certainly could not agree to it, for he did not think it was reasonable, or just, or fair, and he was surprised at the hon. member in having put the motion in its present form. The hon. member would never get the members of this House to censure any one, until a careful investigation had been made.

MR. GEORGE (Murray): The mover had done his duty in bringing this matter before the House, notwithstanding what the Premier had said. He (Mr. George) moved as an amendment:

That all the words after the word "that" be struck out, with a view to the insertion of the following words:—"a Select Committee of this House should be appointed to inquire into the working and organisation of the harbour and pilot service at Fremantle and Rott-nest."

This was not the first time there had been a feeling of discontent with the management of the Fremantle harbour, and also the pilot service there; for he had known several instances during the last nine years wherein the conduct of those services had been called in question in such a manner as to bring the matter before the notice of those who were responsible to Parliament, and through Parliament to the people, for the efficient working of those services. A commission of inquiry into marine affairs was sitting at the present time; but he understood it was inquiring only as to how the harbour facilities could be improved for commercial purposes. The mover of this motion had made two grave charges, either of which should be sufficient to cause investigation. He had made a charge in almost specific words that certain ships could obtain berths and facilities for loading at Fremantle, whereas

other ships could not obtain berths or facilities to the same extent. If that charge was true, it needed investigation; or, if the charge was merely a mare's nest, we should ascertain the facts.

MR. HIGHAM: Ancient history!

MR. GEORGE: These statements were not ancient history to a great number of people in the colony. No harm would result from inquiry, but rather a considerable amount of good. The other grave charge was in reference to the pilot service at Rottneest. The Premier had referred to that ancient proverb about the cobbler sticking to his last; but his own opinion, after reading the evidence taken at the inquest held on the bodies of shipwrecked sailors, was that the verdict of the jury appeared to be cruel and unwarranted. His opinion was that those sailors were lured on to their death, and were as truly murdered as would have been the case in the old time of the wreckers on the coasts of the old country, or any other place. He did not accuse those men who turned the flare-light on with having deliberately murdered the unfortunate seamen who were lured to their death, because, perhaps, the pilots were acting under bad instructions, or they exceeded their instructions. Still, he had no doubt those unfortunate seamen were brought to their death through that flare-light. These two charges were sufficiently grave and serious to require investigation. There was a feeling outside that the gentlemen who conducted that inquest were too friendly with those officers who might otherwise have been called upon for their defence. As to the "Penguin" having rescued men in the darkness, the men on that steamer no doubt did their duty as they always would, and he supposed they also did their duty in regard to the recent wreck; but possibly their instructions were wrong, and that was what the House should find out by inquiry.

MR. SOLOMON (South Fremantle) seconded the amendment, and said the mover (Mr. Holmes) was to be commended for bringing this serious matter before the House. The port of Fremantle had already been stigmatised as dangerous; and unless inquiry were made into the recent disasters, that bad impression would be deepened. There was not a braver set of officers than those in the

pilot service at Fremantle and Rottneest; but the time had arrived when the increase of population and the increase of shipping required the exercise of greater vigilance for protecting life and property. It was not enough to use vigilance when a vessel was in sight; but there should be some means of protection in the event of any strange vessel approaching the harbour at Fremantle during stormy weather. It was a serious question whether the loss of the "Carlisle Castle" could not have been prevented with proper arrangements for the protection of shipping off the coast of Fremantle. The increased importance of the port, and the increased value of the cargoes consigned to Fremantle, rendered necessary far greater vigilance on the part of the harbour authorities than they had hitherto displayed. There had been much discontent with regard to the shipping arrangements of the port, and he (Mr. Solomon) had several times had complaints made to him with regard to the matter touched on by the mover of the motion; but he had been under the impression that the Commission now sitting would have inquired into such matters, and he hoped that, as a result of this amendment, the Commission would be instructed to thoroughly investigate the whole of the service of the port, so that when the Commission reported to this House, something might be done to show the mercantile community at home and abroad that we are keeping pace with the march of civilisation, and that the stain which had hitherto rested on the port as a dangerous harbour might be removed. That could be done only by properly organising the pilot service, so as to minimise the danger to the utmost extent.

MR. HIGHAM (Fremantle) said he would not oppose the amendment. The arguments in the speech of the member for East Fremantle (Mr. Holmes) on the Address-in-Reply, in which severe strictures were made against the harbour and railway departments for partiality, neglect, and delay, had been brought up again on this motion; but the hon. member overlooked the fact that shipping had been admitted to the portion of the harbour now in course of construction at considerable inconvenience to those in charge of the works, and if shippers

did not get all the conveniences they desired, they ought to be thankful for what they did receive. The complaints of the hon. member were ancient history, and referred to grievances which had been remedied in response to the efforts of such bodies as the Fre-mantle Chamber of Commerce and the Shipping Association.

MR. HOLMES: Not with regard to the berthing of vessels.

MR. HIGHAM: Undoubtedly they had; and to-day there was no complaint with regard to berthing accommodation.

MR. HOLMES: There had been yesterday.

MR. HIGHAM: There were 13 vessels at present in the harbour, and there was room for another. When the complaints of the associations he had mentioned had been fairly sheeted home, adequate redress had been forthcoming. With regard to Rottneest, the answers to the questions asked in the House to-day gave an assurance that all requirements would be fairly well provided. The discontinuance of the flash-light was, of course, to be commended: no doubt it did lure the master of the "City of York" to destruction, though ordinary precautions should not have been neglected.

MR. ILLINGWORTH: Why condemn the man?

THE PREMIER: The captain undoubtedly was guilty of an error of judgment.

MR. HIGHAM: One of his questions asked in this House had not been answered: whether the Premier was prepared to place a complete copy of the depositions on the table of the House. If he, after reading the depositions taken at the trial, had thought further action necessary, he would have moved on the lines of the amendment now proposed. It was unwise, however, to go hastily to work on a question such as this, on which some members felt rather warily. [THE PREMIER: Hear, hear.] The discontinuance of the flash-light, the distinct promise that a cable service would be instituted as soon as possible, the promise of an additional pilot for Rottneest—all these things satisfied him that the Premier realised the necessity for looking more closely into the working of the department, and that an amendment in the service would take place without special

inquiry. Such inquiry could not properly be made by the Commission of which he (Mr. Higham) was chairman; for it had nothing to do with the working of any department, having been appointed to inquire into the laws affecting the mercantile marine and the navigation of the colony; and, seeing that the harbour master was a member of that Commission, it would not be fair to refer to that body the task of inquiring into that officer's department.

MR. HOLMES: But why was a verdict given against the captain of the "City of York?"

MR. HIGHAM: The court had been accused of partiality in respect to the harbour master and the pilot on duty at the time of the disaster. In reply, he would only say that Messrs. Lilly and Mason, the two gentlemen who sat on the bench, were well known to every hon. member, and surely no one in the House would say that either of those gentlemen was likely to be in the slightest degree biassed by personal considerations.

MR. GREGORY: What about the other man?

MR. HIGHAM: Who? Captain Russell?

MR. ILLINGWORTH: What about Captain Jones?

MR. GREGORY: The captain of the ship was first murdered, and was then accused of having committed suicide.

MR. HIGHAM: It was a trivial incident that Captain Russell should have had a seat beside the bench at the inquiry, because the head of a department usually occupied a similar position, and had the privilege of asking questions in the interest of his department. It had been said that much more use might be made of the "Penguin." Possibly so; but it could hardly be wise for the department to send such a steamer outside of Rottneest looking for ships that wanted a pilot, unless it was first ascertained that the ships were there.

MR. HOLMES: How could that possibly be known?

MR. HIGHAM: By waiting for signals.

MR. HOLMES: Signals could not be perceived from inside the harbour.

MR. HIGHAM: Had the "Penguin" been outside of Rottneest, her presence could not have prevented this disaster.

The hon. member interjecting evidently did not know the geography of Rottnest, or he would understand that the pilot could not have reached the "City of York" much sooner than he did, admitting that he did not leave as soon as he ought to have done. The pilot, however, had been at work the whole of the previous night on the German mail steamer "Darmstadt," and had reached the island during the morning. Naturally he required some rest before resuming duty. Moreover, seeing that the vessel was sighted at the far western extremity of the island, it was neither likely nor necessary that the pilot should hasten out to sea to pick up such a vessel.

MR. GEORGE: There should have been an extra pilot.

MR. HIGHAM: Undoubtedly; nevertheless, Pilot Abrahamson had been censured for the delay.

THE PREMIER: The pilot expected the vessel to come round to the east end of the island.

MR. HIGHAM: Undoubtedly. Had the vessel continued the course she was steering when first sighted, she would have passed round to the north of the island in safety. However, the flare-light was burned, and the captain altered his course, and stood towards it.

MR. VOSPER: That indicated that he was deceived rather than that he erred.

THE PREMIER: How could he be deceived when he had a chart?

MR. HIGHAM: The evidence proved that the captain obtained soundings varying from thirty fathoms down to five, and also that he had full sailing directions as well as charts; therefore, knowing that he was to the westward of the island, the captain could not possibly be acquitted of all blame. The practice of burning a flare-light was admittedly a bad one, and was to be discontinued; but the captain was liable for his share of the blame.

MR. HOLMES: But not all the blame.

MR. HIGHAM: While reform might be necessary in some respects in the harbour department, many grievances pointed out by the shipping and mercantile community in the last few months had to a great extent been remedied, and there was not so much necessity for an inquiry as the member for East Fremantle (Mr.

Holmes) seemed to think. Still, a select committee might do good in the way of suggesting reforms, and for that reason he would support the amendment.

MR. RASON (South Murchison): If the motion were carried, the mere wording of it would amount to a vote of censure on the Harbour Master, and still more would the motion be a vote of censure if the remarks of the hon. member (Mr. Holmes) in moving it were borne in mind. Captain Russell was a painstaking and diligent officer, who had done the best he could with the means at his disposal; but the sting to Captain Russell, especially, was in that portion of the hon. member's remarks where, if he meant anything, he meant that Captain Russell, by not taking a few men to the wreck by means of the "Penguin," had been guilty of cowardice.

MR. HOLMES: That was not meant by the remarks.

MR. RASON: If negligence to do with a dinghy what another boat's crew had done with a dinghy—if there was any necessity for the action at all—did not amount to cowardice, then it was difficult to say what did. But surely the hon. member did not intend to convey that the Harbour Master was guilty of both negligence and cowardice.

MR. HOLMES: He was guilty of negligence, at all events.

MR. RASON: Captain Russell was a late officer of the Royal Navy, and such a man was not likely to be guilty of cowardice, and, in any case, he (Mr. Rason) had reason to know that Captain Russell was the last man in the world likely to lay himself open to such a charge. It might be taken that Captain Russell recognised that these unfortunate men were in no very grave situation of danger, and undoubtedly his judgment was correct, because some poultry and a cat were removed alive from the wreck days afterwards. The means at the disposal of the Harbour Master had not been all they might, and the progress made by shipping at the port of Fremantle must be remembered. It was a progress beyond all reasonable expectations, and it might be that the accommodation of the harbour department had not equally progressed. The member for East Fremantle (Mr. Holmes) had gone a long way out of his course to level charges

against one of the most deserving officers in the employment of the Government to-day; but there could be no objection to the amendment.

MR. HOLMES: With the consent of the House he desired to accept the amendment.

MR. JAMES (East Perth): There were no doubt matters connected with the harbour service deserving the consideration of the House. As to the finding of the court of inquiry, that being a court of competent jurisdiction, a tribunal recognised by law, consisting of men whom hon. members knew personally and respected, it must be taken that the members of the court, just as much as hon. members, were actuated by a desire to protect as far as possible the reputation of the unfortunate captain now dead. The finding somewhat hurt his (Mr. James's) feeling, as perhaps it hurt the feelings of all; but he felt sure that the tribunal would not have come to the decision it did, unless fully justified by the facts. It was most undesirable to cast a doubt on the competency of the tribunal, or to assume that the members of the court were not actuated by the same feeling as hon. members when considering a matter affecting the reputation of a dead man. But the facts disclosed at the inquiry were such as to call for some inquiry into the organisation or control of the department; and an inquiry could be asked for without casting reflections on the officer who was at the head of the department, and who was worthy of hon. members' respect and esteem. Although not prepared to accept all the deductions of the member for East Fremantle (Mr. Holmes), still he was glad that the matter had been brought forward, because there was imperative need for some inquiry. Already, he understood, some of the practices called in question at this inquiry had been discontinued; but everybody was apt to be wise after the event, and if this particular event showed there had been bad practices, the whole of the blame should not be placed on the shoulders of the officer in charge of the department, who might have complaints against the responsible authorities for not receiving all the assistance and financial aid he had asked for. That might or might not be the case, and no doubt, if a select committee were appointed,

the harbour master would have an opportunity of stating his views. What he (Mr. James) got up to say was, that the tribunal which inquired into this matter was a competent tribunal, consisting of conscientious men just as sympathetic as hon. members, and who, in arriving at their decision, did so only because they were compelled by the facts. He had absolute confidence in the integrity, and also in the humane sympathy of the members of the tribunal. He thanked the member for East Fremantle (Mr. Holmes) for introducing the motion, and bringing about an inquiry into what, so far as human conduct could be judged, were not altogether excusable mistakes made in connection with the department, and of which this particular case was one of the manifestations. That no reflections were intended by that hon. member was shown by his acceptance of the amendment, which would secure his object; and it was to be hoped the House, in passing the amendment, would not doubt the sincerity, integrity, and sympathy of the members of the tribunal who gave their decision in a manner which hon. members, as laymen, were not qualified to call in question.

MR. LEAKE (Albany) said he was glad the member for East Fremantle (Mr. Holmes) had decided to accept the amendment, because it was much fairer that the motion should come in the form for an application for inquiry. He was certain the member for East Fremantle (Mr. Holmes) was the last man to condemn anyone unheard, and he was not to be blamed for making a slip as to the particular form of his motion. The hon. member objected to a decision come to by an important tribunal, which he considered had drawn a wrong conclusion from certain facts placed before them, and practically condemned unheard an unfortunate man now dead, and he held that what led that tribunal to come to a certain conclusion was a practice which, to say the least of it, was faulty, and in that the hon. member was supported by the Premier, who admitted that the flare was a bad practice. He (Mr. Leake) had not gone so closely into this matter as was perhaps necessary to enable him to express a definite opinion, but he did know that this flare was evidently foreign to the ordinary experience of mariners, and

was capable of misleading, and had misled them, and there had yet been no explanation as to why this flare was necessary. He himself had always understood it was used for the purpose of signalling from the lighthouse to the look-out head; but what its real object was he did not know, unless it was to signal to the pilot boat.

THE PREMIER: There was a telephone from the lighthouse to the pilot station.

MR. LEAKE: On the last occasion he was on the island the flare-light was used; and, at any rate, there seemed some necessity for an inquiry, departmental or otherwise. No one who spoke in support of the motion had any intention of branding the harbour master or his crew as cowards, and any suggestion in that direction would be almost cowardice in itself. There was no desire to create ill-feeling, but simply a desire to have proper inquiry. Before he sat down he would refer to a peculiar circumstance which seemed to have arisen in regard to the motion. A number of questions had been asked that night by the member for Fremantle (Mr. Higham), apparently in anticipation of this motion, though it was understood that notice of these questions had been given for the previous Tuesday. These questions were given notice of in conjunction with another question as to the motion to have the depositions of the marine inquiry laid on the table of the House; but for some reason or other, and apparently without the concurrence of the member for Fremantle (Mr. Higham), an alteration had been made in the date on which the questions were replied to.

MR. HIGHAM: The alteration was made with his concurrence.

MR. LEAKE: Then no doubt at somebody's request.

MR. HIGHAM: No; it was at his own desire.

THE PREMIER: It was not a request made by himself, because he knew nothing about the change.

MR. LEAKE: No doubt the change was made at the request of the member for Fremantle (Mr. Higham), in order to anticipate the motion of the member for East Fremantle (Mr. Holmes).

MR. HIGHAM: The member for East Fremantle tried to anticipate him (Mr. Higham).

MR. LEAKE: Then, after all, there was not so much harm done as might be thought, since it appeared to have been done merely with the idea of checkmating a move on the other side. The member for East Fremantle (Mr. Holmes) was to be complimented on having brought this matter before the House; and an inquiry would go a long way to remove what might possibly be a false impression as to what had been done. It would elucidate the truth and clear away a little unpleasantness.

At 6:30 p.m. the **DEPUTY SPEAKER** left the Chair.

At 7:30, Chair resumed.

MR. WOOD (West Perth): The amendment for a select committee was an attempt to bring to bear too large an engine on this question. A departmental inquiry would better serve the purpose. Members of the pilot service at Fremantle and Rottnest had arduous duties to perform, and it should be remembered that Pilot Abrahamson had a very hard task on the night before the wreck of the "City of York." Pilots were only human, and if the service was short-handed, the number ought to be increased. It had been pointed out that there were no less than five pilots in and about the harbour of Fremantle, and this was only another example of that centralisation which was too common in all departments of the public service connected with this or any other Government. The same complaint was made often regarding the centralising of the police force in the chief centres, when their assistance was required elsewhere. Any change to be made should be in the direction of dispensing with ornamental officers, retaining the practical men, and putting them in places where their services would be of most use. Much had been said in this debate about the wreck of the "City of York," and the blame had been put on certain shoulders. It might have been true that the flash-light at Rottnest did mislead those who were navigating the ship, and caused it to run on the reef. But we must remember also that if the captain of the ill-fated ship had acted according to the sailing instructions, he would have perceived that

in approaching within 30 fathoms he would be in shallow water. There must have been a great error in judgment committed by the captain; and another error of judgment was that he attempted to make a port during a gale, which was proverbially a dangerous thing to do, especially in dirty weather, such as prevailed on that night. He ought to have kept well off the coast.

HON. H. W. VENN: What about the proverb, "Any port in a storm?"

MR. WOOD: That did not apply in such a case.

MR. KINGSMILL: No one who knew the coast would attempt to go to Rottnest in bad weather for shelter.

MR. VOSPER: He got permanent shelter.

MR. WOOD: That was so, unfortunately. And all would deplore that the tribunal which investigated the cause of the wreck found it necessary to bring in that verdict. It seemed to him at the time that the reputation of a dead man was sacrificed for the purpose of whitewashing those who lived through the trouble; but, while thinking thus of the men who formed that tribunal, we must agree that the decision was arrived at after careful investigation. If that decision could be reversed now, he would be glad to see an inquiry made for the purpose; though he did not know whether an inquiry by a select committee of this House, or a departmental inquiry, could reverse that verdict.

THE PREMIER: No.

MR. WOOD: From long experience, he knew that the tribunal which sat on this case was, in its findings, almost omnipotent; for, although repeated efforts had been made by captains at Fremantle, whose position was affected by the verdicts of this tribunal, and who had appealed to the Board of Trade, yet in no case had the finding of that tribunal been reversed. The member for East Fremantle (Mr. Holmes) had challenged his interjection that a captain did not ask advice from his boatswain; but it appeared, from various accounts, that the captain of this ship did refer to the boatswain, because the boatswain had been to Fremantle once or twice, while the captain had never been there before. Seeing that the amendment was for a select committee, as distinguished from a depart-

mental inquiry, he intended to vote for the amendment.

MR. KINGSMILL (Pilbarra): In the absence of the amendment, he would have voted for the motion; but he would support the amendment as being more valuable. The Premier in his speech had failed to point out why the system of signalling by flare-lights should be peculiar to Western Australia, seeing that it was a source of danger to incoming vessels, and why the system was necessary in conjunction with such an excellent lighthouse as that at Rottnest. The "flare-up" was the usual signal made by a pilot; and the captain of the unfortunate vessel, after signalling for a pilot for about three hours, was quite justified in taking the first flare-light he saw for the light of a pilot boat. The Premier might also have told the House how far sailing directions held good when a captain saw the flare-light from a pilot boat, and how near a captain was justified in approaching what he considered to be an outcoming pilot.

THE PREMIER: Undoubtedly a master had no right to approach a pilot boat which he knew to be in a dangerous place. A captain must always know where his ship was.

MR. KINGSMILL: Then no notice was to be taken of pilot boats?

THE PREMIER: Not when they were in places of danger.

MR. KINGSMILL: Then neither the pilot nor his signals were to be attended to! The committee would do good if it pointed out the necessity, which the Premier had admitted, for more pilots at Rottnest.

MR. HOLMES (in reply): Several speakers had made it appear that he wished to cast reflections on certain officers connected with the pilot and harbour service at Fremantle. He had put the facts as they appeared to him, and he was perfectly justified in so doing. If the result of the inquiry proved that the officials were correct in their finding, and that no one connected with the unfortunate circumstances was to blame, none would be more pleased than he.

THE PREMIER: Surely it was not intended that this committee should try to find fault with the court which had decided this case. That would be altogether foreign to the intentions of the House.

MR. MORGANS: The committee's work must be defined.

MR. GEORGE: The committee was to inquire into the working and organisation of the harbour and pilot service.

THE PREMIER: That should be understood. He would not support the appointment of a committee which would attempt to impugn the decision of the court.

MR. GEORGE: The court was not mentioned in the amendment.

THE PREMIER: The hon. member (Mr. Holmes) referred to the finding of the court.

MR. HOLMES: To the officials.

THE PREMIER: So long as the committee was not appointed to report that the House was not satisfied with the finding of the court, he would support the amendment. The committee was to be appointed to investigate the pilot and harbour services at Fremantle and Rottneest, with a view to making them more efficient. Although select committees gave a good deal of trouble, and involved considerable expense, and therefore ought not to be appointed except upon necessity; still, he always believed that a department which could not bear investigation could not be in a very good state, and therefore he never opposed inquiry into a department. Though of opinion that no good grounds had been shown for this inquiry, he would not oppose it.

MR. HASSELL (Plantagenet): The amendment might well have been made applicable to the whole of the colony. There had recently been a wreck in King George's Sound (Albany), in circumstances which had not been satisfactorily cleared up.

THE PREMIER: The alteration proposed would be somewhat extensive.

MR. KENNY (North Murchison): The marked features of the debate appeared to be "flare-ups" and wrecks; and if the debate continued much longer, there would be a "flare up" in the House and about thirty wrecks. Better appoint the committee, and have done with discussion.

Amendment (Mr. George's) put and passed.

MR. LEAKE moved that the words "at Fremantle and Rottneest" be struck out. The recent wreck of an Italian ship at Albany had caused a good deal of trouble and discussion locally, and this

select committee might as well clear up that mystery.

MR. ILLINGWORTH seconded.

Further amendment put and passed.

A ballot for a select committee having been taken, the following members, in addition to the mover (Mr. George), were elected:—Messrs. Hassell, Higham, Holmes, and Solomon.

Ordered, that the committee have power to send for persons and papers, and to sit during any adjournment of the House; also to report on 9th August.

CONTAGIOUS DISEASES (BEES) BILL.

Received from the Legislative Council, and, on the motion of the PREMIER, read a first time.

MIDLAND RAILWAY, TO INQUIRE— COUNCIL'S RESOLUTION.

The Legislative Council having passed the following resolution, and requested the concurrence of the Legislative Assembly, the same was now considered:—

That a joint select committee of both Houses of Parliament be appointed, to inquire into and report upon,—(a.) The agreements existing between the Midland Railway Company and the Government. (b.) The most effectual method of securing to the public a guarantee for the safe carriage of passengers and freight over the company's line, and the adjustment of any claims that may be made against the company or its mortgagees. (c.) And generally.

IN COMMITTEE.

MR. ILLINGWORTH (Central Murchison) moved, without comment, that the Committee concur with the message, and appoint members to a joint select committee.

MR. EWING (Swan) seconded.

THE PREMIER (Right Hon. Sir J. Forrest) said he did not rise to oppose the appointment of a joint committee, but he did not gather from the message exactly the reasons for the motion passed by the Legislative Council. In order to ascertain "the agreements existing between the Midland Railway Company and the Government," a committee was not necessary, because the agreements were perfectly well known, contained as they were in two documents to be found on the shelves of the Parliamentary Library. There was the agreement between John Waddington and the

Government, under which the railway was constructed on certain conditions; and there was also an Act of Parliament which authorised the Government to guarantee a loan of half-a-million of money to the company on certain conditions. He was glad to say that the whole of the arrangements between the Government and the Midland Railway Company were provided for in that agreement and in that statute, and were thoroughly well known; and it was a good thing that Parliament knew its position in regard to the company. As to the second paragraph of the motion, he had never received any complaints as to the carriage of passengers and goods over the Midland Railway, though he did not know what the Railway Commissioner might have to say on that subject. So far as he knew, the relations between the company and the Government, as to the interchange of traffic and goods, were very satisfactory, for the company carried goods at the same rate as the Government; and he might go further and say that the relations between the Railway Department and the Midland Company were not only satisfactory, but amicable. He was not aware that there was anything requiring consideration by a select committee, although there might be some reason for the motion. As to the third paragraph, "and generally," he did not know what "generally" meant, except that it might mean anything and everything. There was no necessity for a committee, because no inquiry could alter the position of the Midland Company in regard to the Government. On the other hand, an inquiry might do harm, because if it was sought to investigate matters which really did not affect the Government, that would not be of advantage to the Midland Company, to discredit or disparage which could be of no advantage to this colony. The colony had made this bargain, and must go on with it until means could be found of getting out of it.

A MEMBER: Find the money and buy the company out.

THE PREMIER: That could not be done at present; and it would be better not to harass the company if that could be avoided, because the company were in difficulties already. The only ground of complaint which the Government and the country had against the company was

that they had not utilised the land as much as they ought or might have done; but it was well known that the company had had to compete with the Government, who gave land away and sold at very low prices, and it was never at any time very easy to get money in England for the improvement of an estate in a colony far away. Everyone regretted that these lands had not been more utilised; but it must be remembered that they would not have been utilised any more than at present, if no railway had been built. If the Midland Company had not built the line, the Government would have had to do the work, and then, of course, interest would have had to be paid on the outlay, and the lands would be there to manage as the Government liked. But in those days the building of a railway to Geraldton was beyond the means of the Government, and he must say that the company had never unduly harassed or acted unfairly towards the pastoral tenants on the land, although this was a matter on which the member for Irwin (Mr. Phillips) would be able to correct him.

MR. PHILLIPS: The tenants wanted leases.

THE PREMIER: That might be, but the company had not been very hard landlords. But the whole connection with the Midland Railway Company was a regrettable one. If the appointment of this committee had for its object the investigation of the affairs and relations of the company, for the purpose of seeing how far the Government and the company could meet each other, or how far matters generally could be improved, the motion would have his support. But he feared the contrary was desired, and that really the committee was required not to bless the Midland Company or the agreement, but the reverse. So while not intending to oppose the motion, he would like to have heard the arguments adduced in another place when this motion was proposed there; because, unless this inquiry was going to do some good, it had better not be undertaken. If, however, it would do some good for the company, or the Government, or the colony, all hon. members would welcome that result.

MR. ILLINGWORTH (the mover): This motion came from another place:

and, having been requested to take charge of it here, he had moved it without making a speech, because debate did not appear to be necessary. He would point out one issue which had not been suggested by the Premier as a desirable one for inquiry, namely, that if an accident took place on the Midland Company's railway, there was no one in this country who could be sued to recover damages. The railway was in the hands of an official receiver, and the Commissioner of Railways in this colony would be able to tell hon. members that accidents to goods had taken place on the company's railway; that the Commissioner received a very small portion of the freight for carrying goods over the portion of line belonging to the Government from Fremantle to Midland Junction, and from Walkaway to Geraldton; and that if any damage took place to goods carried over the line, the Government were sued for the damage and had to pay for it, while the company paid nothing, although receiving most of the freight. If any serious accident took place on the Midland railway, resulting in injury to individuals, those persons would not be able to sue anyone in this colony who could be made amenable for damages, and there was no means of getting a remedy for damage done. There should be some lodgment of funds in the colony, which could be attached in the event of any accident taking place on the company's railway. If an accident occurred on the Government railway, the injured person would be able to get compensation; but if an accident occurred on the Midland Company's portion of railway, there was no means of obtaining compensation. He was not prepared to discuss the subject, and he had simply moved the motion formally.

MR. JAMES (East Perth): Before agreeing to this resolution received from the Legislative Council, we ought to be very careful, because by passing the resolution we would, *prima facie*, be giving our support to charges implied in the resolution. If members would look carefully into the wording, they would find a suggestion first that the present method of carrying the public traffic on the Midland railway was insecure and dangerous to life, as suggested in paragraph B. If, on the other hand, the

traffic arrangements were not dangerous, there would be no necessity to have this inquiry, and there was no evidence before us to show the alleged danger. It was further suggested that there were claims existing in the colony against the company which could not be recovered. But, on the other hand, before we branded the company or the debenture-holders with a charge of that nature, we ought to have some definite case against them. The present official receiver was appointed by English Courts, and was also acting by an order of the Supreme Court of this colony. He exercised his powers subject to the laws and the jurisdiction of this colony, and he was liable, in the event of an accident, to the full extent of the assets represented by this company. The difficulty in regard to the resolution was that some persons had claims against the Midland Company, and because they could not obtain satisfaction from the company or the official receiver representing the debenture-holders, this proposal was brought before Parliament in order to enforce claims for which the debenture-holders were not liable. The company and the debenture-holders were subject to the ordinary laws of this country; and why should we have an inquiry into the affairs of this railway, when such inquiry would not be made into the affairs of any other company or other persons who had not paid their debts? He had not heard any complaint in connection with the want of safety to life in travelling over this railway; and if any damage did happen, the official receiver would be liable, as the officer in charge, to the extent of all the assets of the debenture-holders; in fact, to the extent of all the property of which they had the fee-simple. The debenture-holders were not liable for debts incurred by the old company, and we should not be asked to strain the ordinary law in order to make them liable. Why should this inquiry into claims be made to apply to this particular company and to no others? If such inquiry were made in this case by a joint select committee, we might have committees appointed in connection with various other companies, or persons, in regard to whom some difficulty might arise in pressing for the settlement of claims, and a practice might arise of retaining a member of Parliament for the

purpose of collecting such debts. It might be desirable to inquire as to what the company were doing towards settling their lands; but the inquiry proposed in this motion certainly ought not to be made on such evidence as was before us.

MR. EWING: Inquire into the subject generally.

MR. JAMES: It was not desirable to appoint a roving commission such as that suggested, for it might have no end. What charges or what accusation would the company have to meet, if a committee were appointed to make a general inquiry? We ought to know what was the object of the resolution, and what good it would be likely to do. The substance of the resolution suggested that persons could not be carried safely over the company's railway, and that if an injury were suffered there was no means of obtaining compensation; but, before making such a charge, there should be a strong case to show that these people were deliberately violating the laws of the country and refusing to pay their debts. If the motion were reduced merely to the appointment of a committee to inquire into the sale and settlement of the Midland Railway Company's lands, he would support that.

MR. EWING (the seconder): The legitimate objects of the resolution should be to ascertain as far as possible the position of the Midland Railway Company in regard to the settlement of their land. It was desirable to know whether the Government had any power over the Midland Railway Company in regard to the agreement made with them, and whether the company were carrying out their agreement or not. In the terms of the resolution, there was a good deal that was objectionable. Paragraph B looked like an endeavour to cast on the company the slur of not meeting their legal obligations; but he for one did not wish to cast such a slur upon them. As representing a district that was vitally affected by the Midland Railway and the locking up of the company's lands, he would like to see a full inquiry into the position the company held towards the Government in regard to the engagements they had entered into, and whether the Government were in a position to exercise any right over the company. Also to find who had the present control of the

Company's lands, whether the lands were registered in their name or in the names of private individuals.

THE PREMIER: The Government had 2,400,000 acres of the land.

MR. EWING: Speaking for people in his district who were closely affected by the locking up of these lands, their desire was to see the lands thrown open to settlement; and if there was any power in the hands of the Government by which that could be done, it was desirable to see that power exercised. If there was any such power, the sooner members of this House obtained definite information on that point the better, so that they may shape their course accordingly. We should find out whether the lands had been vested in the names of private individuals, so that it was impossible to get at lands that were locked up.

THE PREMIER: How could we get at them?

MR. EWING: We wished to see further if the company were in a position to sell those lands. He was led to believe that large areas were vested in private individuals, and that if a person did deal with the Midland Company with regard to land, the company could not give him a title. The information on this point might be wrong, but he desired it to be inquired into.

THE MINISTER OF MINES (Hon. H. B. Lefroy): The resolution passed in another place did not appear to be in a suitable form, and the mover in this House had not given reasons why it was brought here. For himself, and speaking as a representative of the Midland district, he was interested in the throwing open of the company's lands, as were certain other hon. members; and he could not forget that for about thirteen years all lands between here and Geraldton had been locked up from selection by this company; that persons who had been anxious to settle in the district had been driven from it and had to settle elsewhere. As the Premier had stated, the agreement made between the Government and the company was open to the inspection of members. He believed the hon. member who introduced the subject in another place (Hon. R. S. Haynes) appeared to be under the impression that there were certain claims made against

the company which they refused to pay, and that the company tried to pass them off on the shoulders of the Government. But he had never heard of anything of this sort in his own experience; and when he, as holding land in the district, had had any claim against the company, he found them always ready to settle it. It was only natural that if goods were lost in transit between Fremantle and Geraldton, and compensation was claimed for them, the company would require proof that such goods were lost over their portion of the line before they would consent to pay for them, because the goods might have been lost between Perth and Midland Junction, or between Walkaway and Geraldton. As to accidents on the company's railway, he believed the company were prepared to pay for any damage that occurred over their portion of the line. If it was proposed to inquire into the reason why the great area of land granted to the company was locked up from settlement, there might be some reason in the resolution; but at the same time everything was provided for under the agreement which had been made between the Government and the company; for the company had to maintain the railway and the rolling stock; power was given to the Commissioner of Railways to require defects to be remedied, and he had power to stop the running of trains until such defects were remedied. The Commissioner also had power to enter for the purpose of inspection, either by himself or by his deputy. It was obligatory on the company to report accidents, and in this respect the Commissioner of Railways had all necessary power, which no doubt he exercised. He (the Minister of Mines) had heard that inspectors had reported on the line to the effect that everything was all right. It could not be right to harass this company, and the Government and the country would gain no credit either here or elsewhere if they attempted so to do. At the same time, this colony had suffered very materially by the locking up of these lands between Perth and Geraldton, and those who controlled this concern pursued a very shortsighted policy, for surely it must be in the interest of the company to promote settlement, and thereby increase the traffic on their line. However, it was not

for outsiders to say how a company should manage its property. Of course the company in the past had asked exorbitant prices for its land, which no settler could pay and yet compete successfully with those who acquired land more cheaply elsewhere; and if any legitimate means could be adopted to induce the company to throw open these lands, either by purchase or otherwise, he would do everything in his power to assist such a movement. The purchase of such a large concern was, however, a very big question, and should be approached with the greatest caution. The member for the Irwin (Mr. Phillips) had given notice of a motion, which, however, had been postponed for a week. That motion would give an opportunity for a full discussion of this subject, and on its adoption a committee might be appointed to inquire into the matter; but it was not obvious what a committee such as that contemplated in the motion now before the House could do. Parliament already had full power under the present agreement to inquire into the working of the railway. If it were necessary to inquire why the company would not sell their lands, possibly a committee might be appointed for that purpose: still, it was impossible to force the company to sell. No doubt the only thing the country could do would be, when occasion offered, to try to secure this large tract of country and the railway as well; that, however, would involve a considerable expenditure. An hon. member in another place had stated that the company considered they had been very badly treated by this Government, and that he had heard people in London speaking very strongly on the subject, maintaining that the company had been unfairly dealt with when the Mining on Private Property Act was passed by Parliament, in that the same conditions were not allowed to the Midland Railway Company in regard to their land as were granted to the Hampton Plains Company. The cases were not analogous, but totally different. Those people in London, before abusing the Government and the Parliament of this country, ought to look at our laws to see why these things were done. (MR. KENNY: Hear, hear.) The Hampton Plains syndicate acquired their land under conditions entirely different from

those under which the land of the Midland Railway Company was taken up; in fact, when the agreement was first made with the Hampton Plains syndicate, and the land was sold to them, it was arranged that they should have a right to all the gold in the land; but the home Government, Western Australia being at that time a Crown colony, would not agree to that, and insisted on retaining the right to the gold, though giving the syndicate a permit to mine for gold in consideration of a royalty. The Midland Railway Company, on the other hand, acquired their land in the same way as any man might acquire freehold property at the present day, with the full right to minerals reserved to the Crown.

MR. VOSPER: That was the case with every title deed.

THE MINISTER OF MINES: Exactly. There was a special agreement with the Hampton Plains syndicate; and, when the Mining on Private Property Act was passed, the land belonging to the Midland Railway Company was naturally placed in the same position as the land of other private owners. Moreover, the Hampton Plains land was useless for any other than mining purposes. It was not agricultural land. The Midland Railway Company's area was, on the contrary, distinctly agricultural. The arrangement made last session with the Hampton Plains syndicate would undoubtedly be for the benefit of the country; and if the land of the Midland Company turned out to be largely auriferous, it would even be for the benefit of the colony to make a similar arrangement with them. But the two concessions were wholly different; and he took this opportunity of making these remarks, because it was not right that people in London or elsewhere, who posed as authorities, should endeavour to take away the fair fame of this colony. Before doing so they ought to inquire closely into matters which it was evident they did not know so much about as they would like to make people believe. The reasons given elsewhere for the appointment of this committee did not appear to be sufficiently weighty; nor did it appear that even the people who lived on the Company's land, between Perth and Geraldton, desired to see the company harassed in any possible way. Those

people received every courtesy and every reasonable attention from the railway officials—quite as much as they did from the Railway Department, and had no desire to injure the company. But if anything could be done to open up this land for settlement he would be among the first to move in that direction. The Premier, in dealing with a matter of this kind, had a very difficult task before him, and it was eminently a matter which should be left as far as possible to the Government. No doubt it was a very good thing for the House to express its opinion that these lands should be acquired, if it were possible to acquire them on reasonable terms; but, though it might be to his (Mr. Lefroy's) interest and to the interests of his constituents that the property of the company should be purchased, he would never sacrifice the interests of the country at large to private considerations. If such a bargain were ever made, Parliament should undertake it as business people; and the Midland Railway Company should disabuse their minds of the idea that they were going to "make a big thing" out of this concession from Western Australia. He certainly would never consent to the purchase of this land, except on proper and reasonable terms. He had frequently been approached on this subject by those whom he represented, and he had told them they must wait; that the Government had not forgotten this problem, but knew well what was in the interests of the country, and that we must not rush headlong into such a transaction. It was undoubtedly a crying shame that this large tract of country should be locked up, and those who kept it standing idle deserved little or no consideration, for they had made no apparent attempt to dispose of the land.

MR. ILLINGWORTH: They would not even lease it.

THE MINISTER OF MINES: The management of the railway, which appeared by the motion to be the principal bone of contention, did not leave much to find fault with; and he (the Minister), if he met with an accident on that line, expected that he would be able to sue the company as common carriers, just as he could sue anyone else. It was surely

ridiculous to say that no one was responsible for such accidents.

MR. ILLINGWORTH: Two lawyers said so.

THE MINISTER OF MINES: The thing seemed to be unnatural. Someone must be responsible. Surely a judgment against the company could be obtained, and their rolling stock sold to satisfy that judgment. If the House saw fit to pass the motion he would not oppose it; but on this occasion he thought it necessary to give his views on the matter, and to state what he thought of the motion and of the company.

MR. VOSPER (North-East Coolgardie): Like other hon. members, he was considerably "fogged" when he saw the motion on the Notice Paper. No one could peruse the report of the proceedings in another place in connection with this subject without recognising that an inquiry such as was asked for might have considerable value; and all must admit that supposing those statements made in the Upper House to be true, there was undoubtedly a case for inquiry. It was stated in another place, on the motion for the appointment of this committee, that if a person took a through ticket from Perth to Geraldton, he travelled a few miles over the Government railways and a very long distance on the Midland Company's line; and yet, if an accident occurred, the Commissioner of Railways was liable for the whole of the damages, even though the accident took place on the portion of the line owned and controlled by the Midland Company. Similarly with goods, for any damage, the Commissioner of Railways, and not the Company, was liable. He knew of no parallel to this state of affairs anywhere in the world. One hon. member, speaking in another place, declared that there was one case where a parcel of acids had exploded and set fire to some other goods on the Midland Company's line; and the Government had to pay the damages.

THE ATTORNEY GENERAL: Because the Government made the contract.

MR. VOSPER: The position was, of course, perfectly clear, and he thanked the Minister for supporting his view. But it seemed strange that, because the Commissioner of Railways made a contract, in pursuance of which he carried the goods some 10 or 12 miles only, the

Government should be liable for an accident which occurred on the 200 or 300 miles of railway owned by the Midland Company.

THE ATTORNEY GENERAL: The Government would then have their action against the company.

MR. VOSPER: But according to the legal authorities who explained this matter in another place, the receiver of the company was the only person who could be sued. What was the use of suing a bankrupt corporation? One hon. member went so far as to say that anyone who attempted to sue the receiver, or to issue an order of execution against him, would be charged with contempt of court. This statement had been seriously made by a gentleman learned in the law, and most of his remarks had been confirmed by another lawyer who occupied a high and esteemed position in the colony. Moreover, members in another place had been told that, even if it were possible to get behind the receiver, there were behind the company, which was described as a bogus company, two distinct sets of debenture-holders, who had formed themselves into a limited liability company for the purpose of seeing what they could obtain from the Midland Railway Company. Who was liable for claims that might arise—the official receiver, the defunct company, the first set of debenture-holders, the second set, the limited liability company which was composed of all three, or were all four liable? At all events it was said that the Government could be made liable for accidents which occurred on a portion of the railway entirely out of their jurisdiction.

THE ATTORNEY GENERAL: No.

MR. VOSPER: The provisions of the contract would not relieve the contractor from the liability imposed on him by law; but as regards the freight from Perth or Fremantle, the Commissioner himself became the contractor with the consignor; and if the Commissioner chose to delegate portion of that contract to the company, that act did not relieve him from liability.

THE COMMISSIONER OF RAILWAYS: The company and the Government were joint contractors, and in the event of an accident both would have to pay, the damages being assessed between them on a mileage basis.

MR. VOSPER: But could such moneys be recovered from the company?

THE COMMISSIONER OF RAILWAYS: Yes; there had never been any difficulty whatever. He would explain the matter.

MR. VOSPER: That placed a different complexion on the subject, but from the statements made in another place one would have some reason for supporting the motion. With regard to the land, he confessed he was not much more enlightened than other hon. members. If by any means these lands could be set free and turned to public account, they should be utilised; but the question of buying such lands or of buying the railway should be approached with considerable caution. The story of the Midland Railway was a matter of ancient history, very little of which was known to hon. members or to the public. And it had also been stated that certain persons in London connected with the company were traducing the colony and complaining that they had been badly treated. If that were the case, the question for hon. members to consider was whether a useful purpose would be served by appointing the committee. If some scheme could be devised by which the land could be acquired; if the respective liabilities of the Midland Company and the Railway Department in regard to the transit of goods could be definitely and clearly settled, and facts and evidence could be produced to disprove the statements of the persons who were traducing this Government in London, the committee would serve a useful purpose. He spoke tentatively, neither advocating nor opposing the motion; but when a question was in doubt, an inquiry was always likely to be of service, and that being so he saw more reason for supporting than opposing the motion, which could do no harm and might result in a certain amount of good.

THE COMMISSIONER OF RAILWAYS (Hon. F. H. Piessé): It was difficult to see what benefit could result from the appointment of a select committee to enter into the matters mentioned in the motion. Under the agreement, there had been an inspection of the Midland line and rolling stock carried out under his authority, and this had shown a satisfactory condition of affairs. Most of the rolling stock, the inspection

of which had not been quite completed, was in such a condition as to be quite safe for travelling, and any repairs or desirable improvements suggested to the company were always readily carried out. It had been stated in another place that the company repudiated claims for goods destroyed in transit over their line towards Geraldton; but he knew of no repudiation of any just claim. When the Midland Company acted as joint contractors with the Government, any damage proved to be entirely the fault of the Railway Department had been paid for by the Government; but where there was doubt as to whose was the liability, claims were adjusted on a mileage basis. For instance, the distance from Fremantle to Midland Junction was 24 miles, and from Walkaway to Geraldton, 18 or 20 miles, and, these two mileages taken together, showed the length of the Government line over which freight would travel. The length of the Midland line was 270 miles, and that was their proportion on a mileage basis, the company getting so much freight for carrying goods on a mileage basis, and claims being adjusted on the same basis as between the Government and the company. He had information which showed beyond doubt that the Midland Company had met their obligations in every case, and he knew of no instance in which the department had had any difficulty with the company in regard to claims. The only occasion on which there was a little difficulty was about three-and-a-half years ago, when an accident occurred at Midland Junction. There was an inquiry, the result of which was that the company and the Government were held jointly liable, and the claims were adjusted, and in most cases met in the proportions agreed upon. On the whole, the Government and the company had worked well together, and there was very little cause of complaint; indeed no cause of complaint of which he was aware. Probably the hon. members who brought forward this motion in another place were smarting under what they thought was a ground of complaint, in that they had been asked to pay railway fares over the Midland Railway, while they considered they should, as members of Parliament, be allowed to travel free. Where these complaints originated there was certain spleen

or spite, and there might be a feeling that the company were acting in a way which, perhaps, was not altogether fair to members of Parliament, who had hitherto enjoyed the privilege of free travelling. But other hon. members had been called upon to pay railway fares; and if this motion were the outcome of the complaints to which he had referred, it would have to be looked into very carefully and cautiously before a committee was appointed. To condemn the company in the way in which it had been condemned in another place was very unfair, because he was sure the accusations brought forward could not be supported. He could produce evidence that the company had made every endeavour to meet the Government, and had done all in their power to meet their obligations.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): The motion placed hon. members in a dilemma, seeing that they were asked to appoint a select committee to act in conjunction with a similar body appointed by the other Chamber; and to refuse the request might be regarded as an act of discourtesy. No member would like the inference to be drawn that the Legislative Assembly had refused to act in concert with the Legislative Council. The next point for consideration was whether there was sufficient material before hon. members to justify the appointment of a select committee. The first paragraph of the motion was determined by a reference to the statute on the subject under the contract, which was open to everybody's inspection. The second paragraph was the key-note of the whole position, and hon. members after hearing the Commissioner of Railways must surely understand that there was no ground for the suggestion there made. The rolling stock was in good order and condition and the line was safe, and this they had from the Commissioner, who was responsible for the carriage of passengers over the line, and took care that the Midland Company carried out their duties. As to the "adjustment of any claims that may be made against the company or its mortgagees" he would remind hon. members that much as they might object to the policy of the company in not leasing or selling their lands in such a way as to help the

development of the colony and the traffic of the line, care must be taken to do nothing unfair. Much as hon. members might object to the policy of the official receiver of the company in his late action in regard to Parliamentary passes, they must act fairly and honourably, discarding all those little considerations in the endeavour to do justice between the company and the public. Was there any evidence to justify an inquiry, when it was seen that the member who had charge of the motion in another place had not taken care to supply the member for Central Murchison (Mr. Illingworth) with grounds to support the proposal? Hon. members must take care that they were not made the engine to gratify the spleen or personal malice of some hon. members in another place.

MR. ILLINGWORTH: That was an insinuation which ought to be withdrawn.

THE ATTORNEY GENERAL: Was this a real and *bona fide* application for an inquiry?

MR. ILLINGWORTH: The Attorney General had made an insinuation against another place.

MR. VOSPER: The other House had passed the motion, whatever might have been the motive at first.

THE ATTORNEY GENERAL: And in that way hon. members were put in a dilemma.

MR. ILLINGWORTH: The Attorney General should not make insinuations.

THE ATTORNEY GENERAL: There was no necessity to make insinuation.

MR. ILLINGWORTH: But the Attorney General had done so.

THE ATTORNEY GENERAL: However unpopular the Midland Company might be, care must be taken not to do anything that would have the effect of harassing them.

MR. PHILLIPS: The company were unpopular because of their land policy.

THE ATTORNEY GENERAL: There was no doubt about that; but if the company were harassed it would look as though the Government were trying to force them to make a sale and sacrifice their land, and hon. members must not lend themselves to any act which would bear such a construction. Any dealings for the purpose of taking over the land must be fair and just, and it would neither be honourable nor right to force

this company into a sacrificing sale. Much as he regretted that the action might be considered a want of courtesy, he saw no ground at present for the appointment of a select committee. Perhaps the hon. member who had submitted the motion would desire the debate to be adjourned, so that in the meantime he might be furnished with sufficient information to enable him to show why a committee should be appointed.

MR. KENNY (North Murchison): No one travelling from Perth to Geraldton could shut their ears to the loud and lengthy complaints made against the company, and what had been said of the company in another place justified the appointment of a select committee. He neither held a brief for nor against the company, but where there was so much smoke there was certainly very likely to be some fire. He was a great believer in having committees of inquiry and in letting in the light of day on questions of this kind, and did he hold a brief for the company he would urge that every possible investigation should be made. If the company were as satisfactorily conducted as had been said, they had nothing to fear; but if, on the other hand, the company were in the position as stated both inside and outside Parliament, the sooner the facts were known the better, and, therefore, he strongly supported the appointment of a committee.

MR. PHILLIPS (Irwin): In another place, grave charges had been made against the Midland Railway Company, and for the sake of the company a select committee should be appointed, although he was doubtful if much good would result. As the last speaker had said, where there was smoke there was fire, and for the sake of the company, the Government and all concerned, the sooner the matter was sifted the better it would be for them and for the colony.

MR. MITCHELL (Murchison): The only way of dealing with the Midland Railway, in a manner satisfactory to the country, would be for the Government to buy the line right out; and he hoped the colony would be in a position to find the money, now that there was to be a dividend tax, with federation of course, and, as one member suggested, women's suffrage. He travelled over the line fre-

quently, and could say that the accommodation and the civility were equal to what he found on railways elsewhere. There was certainly great dissatisfaction about the locking up of these extensive lands; more especially in regard to the shutting up of the coal lands in the Irwin district, samples of which coal appeared to him equal to any he had seen from the Collie. This motion proposed to interfere unnecessarily with the company, and in its present form he would not support it.

MR. MORGANS (Coolgardie): After listening to the arguments of the member for East Perth, which carried much weight, it was an unfortunate circumstance that the motion was made in this House in the absence of those reasons which had been stated when the matter came before another place. Several points had been raised, but one had been overlooked with regard to the responsibility and liability of the company. It was true that if an accident happened on this railway, the trustee of the debenture-holders could be sued; but could an execution be put in against the company's assets without the consent of the Government who held a mortgage over the company's property? That was an anomalous position for a company to be in; and it appeared to him that nothing less than an Act of Parliament would alter that position and make the company's assets liable for any such claims. But it would not be right to alter the conditions under which the company carried on their business, as those conditions appeared to be perfectly lawful, and in accordance with the agreement existing between them and the Government. Seeing that this request to join in appointing a select committee had come from another place, we must take it that the arguments placed before members in the other House were such as would satisfy those members; and it appeared to him this House should give courteous attention to the request coming from the other House, by joining in the appointment of a committee.

MR. GEORGE: Then why debate it?

MR. MORGANS: If the committee had been first proposed in this House, he would, with the information before us, have opposed it; but, under the circumstances, we must assume that the other

House had good grounds for passing that resolution and requesting us to concur in it. If we agreed to do that, what harm could come to the Midland Company? He was not aware of any harm that would result; therefore it would be better to assent to this motion, and join in appointing a committee as requested by the other House.

MR. QUINLAN moved that progress be reported, and leave asked to sit again.

Motion put and negatived.

MR. CONNOR (East Kimberley) supported the motion for the appointment of a committee, for several reasons. Firstly, there was a grave feeling of unrest among the public, and he believed that in the case of any accident happening on the company's railway, there would be no means of obtaining redress, and while that state of things existed, it should be to the company's interest to ask for inquiry, so as to show their *bona fides*. One of the most serious drawbacks to the development of this country was the fact that some of its best land had been locked up by this company during many years; and people elsewhere on coming here pointed to this fact as a serious hindrance to the proper development of the country. The sooner a change could be effected in that respect the better, and this inquiry might be the means of showing how that could be done. He did not agree, as suggested by one member, that this motion was brought before members in another place through pique consequent on certain members being deprived of their free passes over that railway.

MR. GEORGE (Murray): The general usage in a matter of this kind, instead of debating it, was to agree to do what the other House requested this House to do; but by passing this motion we might land ourselves in a dangerous position, for there was a contract between the Government and the Midland Railway Company, and if that contract gave the company any privileges, we should not endeavour by means of this inquiry to take away those privileges. To do so would be an injustice, such as would operate injuriously against this colony in the opinion of persons outside. As to the working of the traffic, he heard a number of complaints from persons when he travelled over the company's line; but they were the same kind of complaints as

were made in regard to other railways. In fact, the public never would be satisfied with the working of railways, and it was the habit of people everywhere to grumble about railway rates and management. Most of the complaints he heard from people along this line appeared to him to be trash; and if the Government of the colony were running that railway, there would be the same kind of complaints against their management. Did not members of Parliament criticise and complain continuously? Some complaint was made also about pilfering on that line, but the same complaint was made about every railway in the world. If the company had failed to carry out the conditions of their contract, then "go for" the company.

A MEMBER: The committee would inquire into the matter.

MR. GEORGE: But the Premier had stated there was nothing to complain of, except that the Midland Company had been unfortunate.

MR. DOHERTY: What about the land which was closed up?

MR. GEORGE: If the land had been granted to the Midland Railway Company under certain conditions, Parliament had no right to upset those conditions.

MR. DOHERTY: Undoubtedly Parliament had, so long as the development of the country was interfered with.

MR. GEORGE: If the hon. member owned a tract of sand and did not use it, Parliament might just as well take steps to upset his contract. If the hon. member agreed to that doctrine in its entirety, he would be a land nationalist, which he was not.

MR. DOHERTY said he would agree to the contention.

MR. GEORGE: Then he was pleased to see the hon. member was not in favour of land nationalisation. He (Mr. George) would not agree to the proposal for a joint select committee, for the inquiry did not seem to start from a right point. Though he would make no aspersions on the motives of the movers in another place, he must at least say that he had heard hon. members grumble most terribly at the fact of having to pay their fares on the Midland Railway line.

THE COMMISSIONER OF RAILWAYS: The allusion by the member for

East Kimberley (Mr. Connor) to a remark which he (the Commissioner of Railways) had made as to the reason why this motion had been brought forward in another place led him to state that he (the Commissioner) had no wish to impute motives of any kind. He would like to withdraw the remark, for it might be thought it had been made with some such intention.

MR. CONNOR: That was why he had mentioned the matter; because he thought the Minister had said something which he did not mean.

MR. KENNY (North Murchison): In order to clear the atmosphere in relation to the company's lands, he would move that the following words be added to the motion after the word "generally": "and into the land policy of the company, and how much of the original grant or concession at present remains the property of the said company."

MR. JAMES (East Perth): Before the hon. member moved that amendment, would he permit him to move another?

[MR. KENNY: Very good.] He had no objection to the fullest inquiry into the conduct of this company. He regretted that the Government had exempted the company from the operation of the Rural Lands Bill; but he would like to say a word on paragraph (b.) of the Message, which carried with it an imputation that ought not to be levelled against this company unless for the strongest reasons. The concluding words of the paragraph, stating that the inquiry was to deal with "the adjustment of any claims that may be made against the company or its mortgagees" were surely objectionable. It was not an inquiry as to whether there were any claims, but the committee was to report on the most effective way of securing an adjustment of claims. This House could not deal with that question, which must be settled according to the laws of the country. However, as many members appeared to think that there should be an inquiry, he intended to move that paragraph (b.) be struck out, and the following words inserted in lieu thereof:—

(b.) The person or corporation controlling the local management of the railway and the extent of the liability of such person or corporation.

He did not like the words "and generally," for it seemed most undesirable that a joint select committee should be given so much scope. What general subjects of inquiry could there be other than those defined in the first and second paragraph of the motion?

MR. KENNY: That could not be known until the inquiry had been held.

MR. JAMES: Was it fair for the House to go on what lawyers called "a fishing inquiry" in connection with this company, not knowing what the complaint was, but on the off-chance of finding some ground of complaint?

MR. EWING: An ordinary motion to inquire into their affairs would be quite sufficient.

MR. JAMES: Undoubtedly; because, if that motion were passed, hon. members might ask what were the grievances against the company. Why should a roving commission like this be appointed? If there were any other definite subjects of inquiry, let them be named in the motion. If it were desirable to inquire into the administration and disposition of the company's lands or into their railway policy, that could be done; but would not that include everything? The proposed general inquiry would give a scope to the committee much more extensive than was warranted by any of the objections raised against the company. The company were entitled to know what were the charges levelled against them—not in detail, but, broadly speaking, upon what particular matters Parliament wanted information.

MR. EWING: Was that usual?

MR. JAMES: Undoubtedly; a person was entitled to know the charge against him before he came to trial. One had never yet heard of a man charged with an offence who was asked to come to court, and informed that he would be told there of the nature of his offence after the evidence against him had been heard. Could any hon. member point to one precedent where the resolution appointing such a committee of inquiry had wound up with the words "and generally?"

MR. KENNY: It would have been well had such been the practice in the past.

MR. JAMES: It was desirable to follow precedents, for such precedents were devised by older and wiser heads than ours. The words "and generally" were very wide.

MR. ILLINGWORTH: But the words referred to the previous paragraphs.

MR. JAMES: If so, the words were useless.

MR. EWING: It was desired to find out all about the company.

MR. DOHERTY: Why limit the scope of the inquiry?

MR. JAMES: Not because he cared a whit about the company, but because the company, when an accusation was brought against them, were entitled to have an idea of what the accusation was.

MR. ILLINGWORTH: There was no accusation.

MR. JAMES: And even Parliament had no right to make these rash accusations against a company without one tittle of evidence or justification.

MR. KENNY: This was not a charge; it was an inquiry.

MR. JAMES: The hon. member would pardon him if he disagreed very strongly with that statement. When such a motion was brought forward, it implied in substance that the company did not look after the safety of their passengers.

MR. ILLINGWORTH: That was not implied.

MR. JAMES: That was clearly implied by paragraph (b), and there was also an accusation implied in the final words of that paragraph to the effect that the company did not pay their debts, and that those debts required adjustment.

MR. EWING: No; the motion read: "any claims that may be made against the company."

MR. JAMES: It was a question of the adjustment of claims. He would appeal to the member for the Swan (Mr. Ewing): what power had this House to establish machinery for the purpose of adjusting such claims?

MR. ILLINGWORTH: The motion did not seek so to do.

MR. JAMES: He would ask the member for the Swan, why should this House seek to inquire into "the most effectual method of securing to the public a guarantee for the safe carriage of passengers and freight over the company's line, and the adjustment of any claims that may be made against the company?"

MR. EWING: The hon. member read those words by themselves, but they must be read with the context. The

motion sought to inquire into and report upon a method of securing the adjustment of claims that might be made.

MR. JAMES: Well, that required that the House should, if this resolution were to be operative, create certain machinery for adjusting such claims. What else could it mean? The committee could not adjust the claims, nor could the House. Who was going to adjust the claims? This was not a question of ascertaining the amount of certain liabilities, for such amount was absolutely fixed; and the member for the Ashburton (Hon. S. Burt) would bear him out on that point. The liabilities arising in connection with this company were just as determinate as liabilities attaching to any hon. member.

MR. ILLINGWORTH: That was not the subject.

MR. DOHERTY: Why object to the inquiry?

MR. JAMES: Did the public require to be satisfied as to how the liabilities of the company were to be discharged? The person liable was the official receiver.

MR. DOHERTY: Was the receiver liable for the past action of the company?

MR. JAMES: No; no trustee in bankruptcy was liable in that way, and no committee could make it otherwise, except by passing a law to the effect that the ordinary common law of this country should not apply to the Midland Railway Company.

MR. DOHERTY: Was it not the duty of Parliament to protect the public?

MR. JAMES: It was not the duty of Parliament to interfere between mortgagor and mortgagee, and to say that, because the mortgagee had seized, he should be responsible for the debts of the mortgagor. If the hon. member thought it equitable that the House should make *ex post facto* legislation for that purpose, let him say so.

MR. RASON (South Murchison) said he was not aware that it was within our power to make any amendment in the resolution which had been sent here from another place. We must agree to the message or not. It would be unbecoming, at all events, on the part of the Assembly to make an amendment in a resolution which had been passed in another place, and on which we were asked to take action.

MR. JAMES: We were not bound to agree, surely?

MR. RASON: If he were wrong in his opinion he could be corrected. He agreed with the member for Coolgardie (Mr. Morgans) that another place having made a request to us, it would be an act of grave discourtesy on the part of this House to say: "We have received your request, but we decline to accede to it." We should have to give some reason for non-compliance with the request, and as yet he had heard no reasons why the request should not be granted. The only argument had been that we should not in any way harass the Midland Railway Company; and he could not see how the appointment of a select committee to inquire into any of the matters mentioned in the message would in any way harass the Midland Railway Company. If everything in connection with the Midland Railway Company was as it should be, there could be no harassing in demonstrating that fact to the public. We knew it was impossible to shut our eyes to the fact that there was a considerable amount of unrest, dissatisfaction, and suspicion on the part of the public as to the Midland Railway Company, and if a select committee could remove that suspicion, and set the public mind at rest, the committee would do good work. If everything in connection with the Midland Railway Company was satisfactory, the select committee would demonstrate it.

MR. JAMES: And if not?

MR. RASON: Then the sooner some steps were taken in connection with paragraph (b.) the better. The hon. member for East Perth (Mr. James) had misinterpreted paragraph (b.) by insisting that the paragraph meant an adjustment of any claims or proceedings, or the appointment of some machinery for the adjustment of claims. The hon. member was mistaken. Paragraph (b.) should be read in conjunction with the previous portion of the resolution. If only out of courtesy to another place, we were bound to agree to the request, or give good reasons for not doing so.

MR. QUINLAN, in supporting the amendment moved by the member for East Perth (Mr. James), said he felt that the terms of the message were rather extraordinary, considering that the Gov-

ernment, or the country, were the mortgagees of this company; and to set in motion any machinery for adjusting claims against the company was, to his mind, an unheard of thing. It was a usual condition between mortgagee and mortgagor that, as long as the mortgagor complied with the conditions of the mortgage, the mortgagee had no right to interfere; and it was rather taking an extreme step, at any rate it would be in private life, to appoint machinery for the adjustment of claims. All we could ask of the mortgagors was that the conditions of the covenant be complied with.

MR. KENNY: Parliament were not the mortgagees.

MR. QUINLAN: The Government were the mortgagees.

MR. KENNY: That had nothing to do with it.

MR. QUINLAN said he knew something about mortgages, and it would be taking an extreme step if any mortgagee interfered with a mortgage as long as the covenants were complied with. He concurred in the opinion which had been expressed by the member for East Perth (Mr. James), and which to his mind would meet the case. If we possibly could obtain any information as to the company's concession, by all means have a committee. He was very much afraid the committee would not serve any good purpose, and only for the words which he disagreed with in the message from another place, he would be inclined to vote for the appointment of the joint select committee out of courtesy only, but he objected to the wording of the message, and he preferred the amendment which had been moved by the member for East Perth, or that the message from another place be disagreed with entirely.

MR. ILLINGWORTH: If there was one thing more than another that proved that the motion ought to pass, it was the extended debate which had taken place, and which was quite an unusual thing in the circumstances. He knew it was quite in order to have a debate of this kind, but it was not usual, except on some important matters, for the Committee to debate at any great length the question of the appointment of a select committee to work in co-operation with a committee from another place. By entering into a lengthy discussion hon. mem-

bers proved that there was something that required inquiring into. With some diffidence, he came into direct collision with the member for East Perth. Paragraph (b) stated distinctly what was required to be discovered, and the most effectual method of securing to the public a guarantee. The member for East Perth had overlooked the word "guarantee." What was asked for was not that the select committee should find some means of adjusting the claims, or of inquiring how the company carried its passengers or freight, but that there should be some guarantee somewhere on behalf of the company that when a claim had been adjusted, and when a verdict had been given in the court, somebody could be levied on for the verdict. All that was intended by the members in another place was that there should be, somewhere in the country, something to satisfy a claim; and what members in another place wanted to discover was how the claim could be guaranteed. Were we going to take it upon ourselves to say that we would not appoint a committee to co-operate with a committee appointed from another place. We could do so, but if we did not appoint members to serve on the committee, we should require to show some reasons for taking that course. Had any reason been given why a committee should not be appointed from this House? Every member who had spoken had shown that there was something which required explanation, and that some light required to be thrown on the dealings of the company. If a person sued the Midland Railway Company and obtained damages in the Supreme Court, could that person obtain the proceeds of the verdict, and, if so, how and where? That was what the public wanted to know. As far as he was informed, and his information came from two legal gentlemen of standing in this country, there was nothing to satisfy those damages. We wanted some guarantee or to discover some means of obtaining a guarantee by which any claim made against the company could be satisfied, not that we should take means for adjusting the claims, the ordinary courts of the country could adjust the claims, but if the Court gave a verdict where was a person to get the money from? There should be some guarantee that the verdict of the Supreme Court would be respected. If

the information which he had, and he was only going on information received, was correct, what object could there be in striking out paragraph (b) of the message? If under paragraph (c) it was intended to specify or to limit the scope of the committee, he should be prepared to accept the amendment, but he saw no reason why we should strike out paragraph (b). If the member for North Murchison (Mr. Kenny) moved the amendment which was intimated, he would be prepared to accept it. The discussion which had taken place in Committee was of an unusual character, taking into account that we were considering a motion from another place; and it was usual to pass such motions without much debate, generally without any. The very fact that this question had given rise to an extended debate of over two hours showed that there was something at the bottom of it all, and something which required inquiring into. He hoped the Committee would see their way to concur in the message from another place; but he hoped hon. members would not take the extreme course of refusing to confer with a select committee of another place.

HON. S. BURT: By reason of certain observations made elsewhere by legal gentlemen, he recognised that there was some doubt as to whom it would be possible to bring an action against in the event of damages to a person or to a person's goods on the line of the Midland Railway Company: that was what was at the bottom of this matter. That was what was urging the member for Central Murchison (Mr. Illingworth) to vote for the select committee, and not out of courtesy to another place. He did not think very much discourtesy would be shown if we could not see our way to agree to a committee being appointed.

MR. ILLINGWORTH: Then it was to be hoped the Legislative Council would repay us by refusing the federal committee.

HON. S. BURT believed he would satisfy the hon. member for Central Murchison.

MR. ILLINGWORTH: The hon. member must not send in a bill to-morrow, then.

HON. S. BURT: The members in another place had appointed their own committee, and that committee could make an inquiry just as well, without the assistance of members of this House,

as with it. Whether it was competent for us to move an amendment to the message which had been forwarded to us, was for the Chairman to decide. He had a doubt about the point, and would like to see the motion amended in the direction suggested by the member for East Perth (Mr. James). He did not think it did any good either to the Parliament or to the colony to make charges which possibly could not be supported; and it appeared to him charges had been brought forward without any adequate grounds against those people with whom we had made agreements. We might have made bad agreements, which at the moment might have been considered advantageous to Western Australia; but if we now saw matters in another light, it did us no good, but in fact a great deal of harm, in London, to be continually nagging and questioning the motives of those with whom we had contracted. In this House he had heard very strong language used in regard to the Midland Railway Company; but, happily for them, he might say, the company could not be abused on this occasion, because they were not on the *tapis* this evening. Their property was held by a gentleman who was the agent and receiver for the mortgagees. The matter had been before the Supreme Court, and he thought that, if the receiver injured him, that gentleman would pretty sharply have to show cause why he should not pay him. One knew the way to get at him, and so would everyone else who took legal advice on the subject. (General laughter.)

MR. GEORGE: Would the hon. member tell the House?

HON. S. BURT: The Committee could ascertain all they wanted to, in two minutes. He was given to understand it was said elsewhere that the Midland Railway Company, meaning of course the receiver, would not pay claims when goods were damaged, but left them to the Commissioner of Railways. He could not believe the hon. gentleman paid a claim he ought not to; and, indeed, we knew it was very difficult to make him pay what he should. The Commissioner of Railways would be satisfied of the justice of any claim before he paid a sixpence; and what did that gentleman tell us? He said the statement made was an error,

and that the receiver had all along adjusted any claims made, and paid them. It was not true that if one made a contract at Fremantle for goods to be carried to Geraldton, and they were injured, we could only come upon the Government for compensation. Of course, as was the case with all companies, those who issued the ticket paid the claim, but it was adjusted by those with whom they contracted. If we entered into a contract with the receiver, and it was proved that goods were lost, it would be new to him that we could not make him pay for them. Here was a man-in-possession running a railway in this country over something like 300 miles, and yet people were found to believe that we could not sue him! The thing was ridiculous: he could be sued the same as any other man.

MR. MORGANS: If judgment were obtained, could the amount be recovered?

HON. S. BURT: There would be a better chance now than before, when everything was mortgaged, because the receiver was liable to the full extent of the assets. We could not touch the company while the official receiver was behind them, but when he came to the front, and everything he held was free, we could sue.

MR. MORGANS: The rolling stock, the lines, and the land were mortgaged to the Government.

HON. S. BURT: The rolling stock was not mortgaged, he thought.

MR. MORGANS: Yes.

THE PREMIER: There was always something in hand.

HON. S. BURT: So far as he knew, no claim had been made against the receiver. He thought the facts, which had been mixed up somewhat, were these. There were claims against the Midland Railway Company and not against the mortgagees in possession; and the mortgagees having swept away the railway company's assets, there was nothing to recover. When a claim was made against the company and an attempt made to recover, the receiver appeared on the scene, and said, "I am receiver for the mortgagees: your claim against the company has gone." That was so, but he (Mr. Burt) very much questioned whether there was any case in which a claimant had been debarred from suing the mortgagee in possession for a wrong or breach

of contract by the mortgagee in possession. It was of no use to sue the new man for the debts of the old, and neither the committee nor the Government could give any guarantee that the assets of the new man, the mortgagee in possession, were to be liable for the debts of the old company. He did not see the value of the suggested committee, unless it was to be on the lines proposed by the member for East Perth (Mr. James), namely, to get information as to the land policy of the company. What the report of the committee would be, he did not know, but no doubt it could not alter any one of the agreements entered into or the Act in connection with them. Then there was the question of guarantee; but he said the law was ample guarantee.

MR. ILLINGWORTH: An assurance company had to give a guarantee.

HON. S. BURT: We made a life assurance company give a guarantee, because every year a person paid a premium, and it was desirable that a guarantee should be given so that the person would know that after he had paid for, it might be, 40, 50 or 60 years, money would be forthcoming. We did not make fire or marine companies give a guarantee, the contract being for 12 months only. Was not the motion an imputation on the company, or the gentleman running the traffic, that he was not doing what he ought to? In the first place it was suggested that he ran unsafe carriages, and, in the second, that he did not pay the claims; but he had safe carriages and did pay claims. What was the use of having a committee of 14 members when we were satisfied, from the reply of the Commissioner of Railways, that there was nothing to inquire into? If the House desired not to refuse the appointment of the committee, he would ask them to, if possible, amend the motion in the direction suggested by the member for East Perth (Mr. James), and have their report as to the land policy of the company. However much the land policy of the company might be regretted, some reason could be seen for it, when the Government sold land at 10s. an acre on terms extending over 20 years, and further gave any man, on his arrival in the colony, a grant of 160 acres, with money to start operations with. What chance, under

these circumstances, had the company or the debenture-holders of selling the land? Was it likely that people would give possibly £2 an acre for the company's land, or that the company could get a price satisfactory to the receiver, in the face of this competition by the Government?

MR. LEAKE (Albany): If any member of the community happened to be in the unfortunate position, in relation to this company, of trying to get "blood out of a stone," it was to be feared the House could not help him; at any rate, that seemed to be suggested by the speech of the member for the Ashburton (Hon. S. Burt). A person who tried to enforce a claim against the official receiver of the company seemed to be placed in much the same position as a person with a claim which could be proved in bankruptcy under an ordinary trading contract; and it was apparent that members were talking a good deal in the dark on this subject. He moved that progress be reported, in order that hon. members could come better prepared to discuss the question.

Motion put and passed.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 10-20 p.m. until the next day.
