

## Legislative Council,

Wednesday, 18th September, 1895.

*Civil Service Commission: report of—Latin expressions in Acts—Associations Incorporation Bill: third reading—Mines Regulation Bill: third reading—Partnership Bill: third reading—Sale of Goods Bill: second reading; committee—Removal of the Workshops from Fremantle—Copyright Bill: first reading—Kalgoorlie Railway Bill: first reading—Crown Suits Bill: committee—Adjournment:*

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 4.30 o'clock p.m.

### CIVIL SERVICE COMMISSION.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I beg to lay on the table a progress report from the Civil Service Commission.

THE HON. D. K. CONGDON: I should like to say that this is not a progress report, but simply a copy of the evidence which has been taken. The Premier asked the Commission to let the members of the Assembly have the evidence, and an endeavor was made to fall in with his wish. It is not, however, a progress report. The Commission had not time to go through this mass of evidence and draw up a report, but that will come later on.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I thank the hon. member for his explanation.

### LATIN WORDS IN BILLS.

THE HON. C. A. PIESSE moved:—"That, in the opinion of this House, it is advisable, and in the interests of good and simple law, that the use of Latin words and expressions in the wording of Bills should be avoided as much as possible, and that, when, used they should be accompanied by an explanation in plain English." He said: In making this motion, I may say that I believe I shall have the support of nine-tenths of the people of the colony. I am sure there are nine-tenths of the people who do not understand Latin, and it is not everyone who has a Victoria or Parliamentary Library to refer to. I am prompted to move this in all seriousness, with the object of either having these expressions removed from our Bills, or of having an English explanation following them. These words are what I may call ornamental. Possibly they may add dignity to our laws, but, at the same time,

they are not needed. The system of using these Latin expressions has now been carried so far that they are even inserted upon small luggage tickets. I do not pretend to know very much about Latin myself, but I think I am as well up in the subject as most hon. members, except those belonging to the legal profession, and, to me, the use of these words seems quite unnecessary. Although most of us may have gone through a course of Latin in our younger days, which we did not like, many of us are unable to say what a given expression means without recourse to a dictionary. I hope the House will go with me and let our Statutes go to the country in English words. Everyone is supposed to understand the law, and, that being so, our Statutes should be so worded that everyone who runs may read, instead of everyone who wants to read having to run to a dictionary.

THE HON. D. K. CONGDON: I beg to second the proposition, and I do so because everyone is supposed to understand the law. I do not see how they can do so when so many Latin expressions are used. I do not object to the use of Latin words, but I wish to see an interpretation given so that everyone may understand them.

THE HON. F. M. STONE: I hope the House will not treat this motion seriously. If it be agreed to, we shall have our Bills filled with nothing but explanations. For instance, take the words *de bonis non*. If hon. members got an interpretation of this, they would find that it meant "goods not." To the legal mind the words are perfectly plain, and refer to goods not administered; but, if we were to have an explanation of this, it would have to be a very long one indeed. Then take the words *non obstante verdicto*, which mean "notwithstanding the verdict." If an explanation were required, a considerable portion of an Act would be taken up, so that it is almost impossible to carry out the object of the motion. These words are well known to those who have to construe Acts. In the case of the words *de bonis non* they would be well understood by a Court of Probate, and, therefore, it seems absurd that we should explain the meaning. I hope the motion will be thrown out.

THE HON. A. B. KIDSON: I cannot help agreeing with the Hon. Mr. Stone, because it seems to me that if we pass this resolution it will have the effect of showing to the public and the outside world that the members com-

posing this House are ignorant. I do not think such a resolution has ever been suggested in any Parliament in the British dominions. All the terms referred to are well known and recognised, so much so that they have almost become Anglicised. The Hon. Mr. Piesse may not have had the same opportunity as other hon. members of learning the meaning of these terms; but I think it would be as well if he took the trouble to make himself acquainted with them before reflecting upon other hon. members.

THE HON. C. A. PIESSE: I am speaking in the interests of the people.

THE HON. A. B. KIDSON: It is not a question of the people, because I believe nine-tenths of them know the meaning of such terms as these, which are almost daily in use. The Hon. Mr. Piesse says he knows as much about these expressions as any other hon. member, but I should like him to speak for himself. I do not think it is fair for him —

THE HON. C. A. PIESSE: I excepted the members of the legal profession.

THE HON. A. B. KIDSON: I am glad the hon. member went thus far. Under all the circumstances I hope the House will not listen to the motion.

THE HON. E. W. DAVIES: I entirely agree with the motion of the Hon. Mr. Piesse. I certainly think if we could put plain English into our Acts we should save people lots of six and eightpences which they now have to pay to find out the meanings of these Latin words. We are here to look after the interests of those who are not here. The Hon. Mr. Kidson does not object to these expressions because it means fees to the lawyers.

THE HON. A. B. KIDSON: I did not mention anything about fees.

THE HON. E. W. DAVIES: I know that, but I knew what the hon. member was driving at. I think, if the motion is agreed to, it will save a lot of money to the people.

THE HON. C. E. DEMPSTER: I shall support the motion, because I consider the law should be made as clear and decisive as possible. We all know that it is not everyone who has received a classical education, and therefore we should have our Statutes in plain English as far as possible.

THE HON. S. J. HAYNES: I cannot support the motion for I think it will bring ridicule on the House. To my mind, the resolution is absurd. The expressions complained of are those which are frequently used, and

they have become almost Anglicised. I do not know about Western Australia, but I am sure any State school child in Victoria would know the meaning of them. I cannot support the motion because, as I have said, I think it will bring disgrace on the House.

THE HON. J. C. FOULKES: This is one of the most innocent of motions that has been brought before the House. It says that it is in the interests of good and simple law, but I do not see how it is going to bring about such. It seems to me that it is a reflection on the intelligence of hon. members. Another place, which consists of 33 members, has passed this Bill to which the hon. Mr. Piesse alluded, with these expressions in it, and now we are going to say that we do not understand it. We would simply be laughed at, and the Minister for Education would be told to send a schoolmaster here to teach us. Not only do we find Latin terms in Bills, but many technical expressions are used. In the Mining Bill there are many terms that I do not understand, and if we are going to have an explanation of one kind of term we must have an explanation of another. Then again, a great many people do not read these Bills. Further, we know that most of our Bills are drafted by the Attorney-General, who takes tremendous pains with his work, and who, I am sure, avoids the use of Latin and technical expressions as much as possible.

THE HON. J. W. HACKETT: I think, perhaps, we are liable to deal a little too hard with the motion of the Hon. Mr. Piesse, for it puts into words (although, if he will allow me to say so, not the best of words) the idea that we wish to reduce the range of technicalities as far as possible in our Bills, and to use, where we can, a simple word to express our meaning, instead of a latinised word or a more learned one. On the other hand, I hardly think that that which has proved a serious grievance to the Hon. Mr. Piesse will come within the range of this resolution. The Bill which excited his wrath was one of a more or less technical character, and, in dealing with such Bills, we must necessarily have recourse to the technical terms which are used in the profession with which we are dealing. For instance, if an Act dealing with agricultural matters made use of the word "terret" how many of us would know what it meant, although it only refers to a part of a harness. In the same way, if we were dealing with matters relating to pharmacy, we should,

under this resolution, have to explain all the terms used, although they would be perfectly plain to those who belong to the profession. Most of the words the Hon. Mr. Piesse has referred to have been used from time immemorial, and they are used because they contain the large body of legal decisions which there is no other way of giving expression to briefly than in this way. I would point out to the hon. member that, if he is going to reform the language of Acts, he must not stop at Latin. In one of the clauses the words "chose in action" were used, but these were not Latin, nor even French, but they go back to the days of Norman-French. Then the word "escrow" is used, which is neither Latin nor French. Again, there is the word "emblems." All of these words we should have to explain, and thus our Acts would consist of nothing but explanations. I recollect in this House a discussion taking place as to what a cattle creep was. I gave one explanation of it, but all hon. members said I was wrong; but it subsequently turned out I was right, as I knew I was, because I had been coached by the Hon. J. A. Wright. As a matter of fact, it means a tunnel through which cattle can pass. Perhaps, after what has fallen from hon. members, the Hon. Mr. Piesse will withdraw his motion.

THE HON. C. A. PIESSE: The Hon. Mr. Kidson seems to think that I have insulted hon. members, but I expressly excluded the members of the legal profession who, of course, have these expressions before them every day, and are, therefore, familiar with them. My motion is intended for the benefit of the public, but, in the face of the discussion which has taken place, and through which, I have no doubt, the same object will be attained as if the motion were passed, I will not press the matter further. By permission of the House I beg to withdraw the motion.

Motion, by leave, withdrawn.

#### ASSOCIATIONS INCORPORATION BILL.

##### THIRD READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) moved that this Bill be now read a third time.

THE HON. C. A. PIESSE: I notice in this Bill that the words "justices of the peace for the colony" are used, but since the passing of the Act of this session, there is a distinction between justices for the colony and justices

for a district. I do not know whether this makes any difference.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I do not think it will.

Question put and passed.

Bill read a third time, and passed.

#### MINES REGULATION BILL.

##### THIRD READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) moved that this Bill be read a third time.

THE HON. J. W. HACKETT: I would draw the attention of the Minister to what I believe is a flaw in the Bill. It is in the definition of a mine. It is provided by the Interpretation Clause that a mine shall be a claim, place, pit, shaft, drive, level, vein, lode, or reef in or by which an operation is carried on for obtaining any metal or mineral by any mode or method whatever, or any shaft, level, or plane being sunk or driven for the same purpose. It has been pointed out that there would have to be a manager under this for every shaft or drive.

THE MINISTER FOR MINES (Hon. E. W. Wittenoom): I think that is purely technical. At all events it can be remedied in another place.

Question put and passed.

Bill read a third time and passed, and transmitted to the Legislative Assembly.

#### PARTNERSHIP BILL.

##### THIRD READING.

This Bill was read a third time and passed.

#### SALE OF GOODS BILL.

##### SECOND READING.

THE HON. F. M. STONE: I do not propose to take up the time of the House by going through this Bill, clause by clause. It is a Bill taken from the English Act of 1893, and it embodies all the law relating to the sale of goods. I have gone through the Bill with the English Act, and it is a facsimile of it, and seems to me a very good Act to place on our Statute book. I move that the Bill be read a second time.

THE HON. C. A. PIESSE: I beg to move, as an amendment, that this Bill be read a second time this day six months. I have gone through it carefully, and although it may apply in England, I cannot see how it can be worked here.

Amendment not seconded.

Question put and passed.

Bill read a second time.

#### IN COMMITTEE.

Clauses 1 to 58 agreed to.

Clause 59—"Savings":

THE HON. C. A. PIESSE: This clause says: "the rules of common law including the law merchant." I should like to know what that means.

THE HON. F. M. STONE: The law covering certain mercantile transactions. It is a well-known term, but to explain it fully would take a long time.

Clause agreed to:

The remaining clauses and schedules were agreed to, and the Bill reported.

#### REMOVAL OF RAILWAY WORKSHOPS FROM FREMANTLE.

THE HON. D. K. CONGDON moved, "That in the opinion of this House it is not desirable that the Railway Workshops should be removed to the Midland Junction." He said: I rise with a certain amount of diffidence, and a larger amount of regret, to propose this resolution. I say diffidence, because in the past I have not been in the habit of making long speeches; but I hope that hon. members will now allow me a little latitude, in order that I may put the claims of Fremantle in this matter as fully before the House as I can; and I say regret, because I find myself on this occasion in opposition to the Government. Up to the present time I have felt it my duty to afford such support to the Government as I could conscientiously do, and I feel sorry, therefore, to be compelled, from a sense of duty, to act in opposition to them at the present moment. I am forced to do so, however, because I think the province which is represented by the Hon. Mr. Kidson and the Hon. Mr. Davies and myself, is being unfairly treated in this matter.

THE HON. R. G. BURGESS—You have got a million and a half of money for harbor works.

THE HON. D. K. CONGDON: I have nothing to do with that, but I say, as regards the removal of the Workshops, I think the Government are treating the Province we represent unfairly, and for this reason. Some years ago, a distinct public promise was given by the Engineer-in-Chief, in the presence of the

Governor of the day, to the people of Fremantle that if they would give up their Recreation Grounds which had been reclaimed at the expense of the people, the Workshops would be retained at Fremantle. It was pointed out by the then Engineer-in-Chief that the Workshops, although at that time of very little moment, in the future would grow, and be of immense importance to the town. On that condition, and on that understanding, the land was given up to the Government for the purpose of building a Railway Station upon. Now that the shops have grown into importance, it is proposed that they should be removed to the Midland Junction, and for the reason that it is said there is no other site available. When this matter was first mooted, the representatives of Fremantle were asked whether they could not find a site, and this they agreed to do. One was found and, after a lot of trouble had been taken, the Engineer-in-Chief said it was not as suitable as the Midland Junction site. Hon. members will recollect that some two and half years ago a Commission was appointed to enquire into and report on the condition and organisation of the Railway Workshops at Fremantle. The members of it took a considerable amount of evidence, but the report of the members composing it was of a divided nature. The majority reported on the desirability of the removal, but how that report could have been arrived at on the evidence which was taken, I cannot understand. First of all not only the Commissioner, but the then Engineer-in-Chief, Mr. Wright, admitted that Mr. Mather, the Locomotive Superintendent, was a most capable and experienced servant, and yet Mr. Mather told the Commission that, in his opinion, Workshops could be constructed in the present locality as need arose for them. In question 11, Mr. Mather was asked: "Suppose it were decided to remove the Workshops to Guildford, or to some other suitable position, are you in accord with the plans as proposed by Mr. A. Smith?" He replied: "No, the removal of the Workshops to any site, if a more suitable one were found, would mean to some extent the duplication of the machinery to keep the work going. The plans, as per Mr. Smith's proposal, are based upon a scale far too elaborate for practical requirements, inasmuch as those plans anticipate a period when more than double the work will be required, and which until such a time arrives, will be a loss and a serious one at

that, to maintain. The carrying out of the plan, to put it shortly, is in two parts. First, by the removal of the Shops, the incidental yearly expense in carriage of coal, stores, etc., is incurred, represented by an approximate sum paid by the locomotive branch to traffic of £2,111. And secondly, by the loss of interest, which will be represented by the unnecessary departure from practical utility which the said plans advise. The loss in so far as my reference is concerned, means the absence of adequate returns from the large expenditure of £40,500 (leaving siding estimate out of the question) which is necessitated by Mr. Smith's plan. Then Mr. Mather in question 12 is asked: "Do you think, supposing that all the repairs, &c., necessary on the Great Southern and Midland Lines gravitate into Government Workshops, that there is sufficient area at Fremantle to meet the increased demand for buildings, machinery, &c. In your answer please take into account the suit of having a line of wharves from Arthur's Head to the railway bridge?" He replied: "I do; and considering that the wharves must run as shown in chart, in many places several chains in width from the existing shores of the river, and the traffic, which such structures induce, would be carried out principally upon them, I do not think their existence will be any bar to the extension of our Workshops, and their necessary adjuncts of sidings, &c., in that vicinity. As I before mentioned, according to the plan showing the point to which the reclamation of the river shore will extend, there will be between existing main line and wharves sufficient room for a road for cart traffic, twenty lines of rails for sidings and stock depots, together with large receiving sheds, say seventy feet wide, leaving a good margin for the largest discharging cranes to work in. In short, there is ample space." In the next question he was asked about the area, and he said there was sufficient to erect shops upon which would be capable not only of doing the repairs for our own railways, but also of making the repairs for the Great Southern and Midland railways. Then the evidence of the Hon. J. A. Wright consistently supports the views of the Locomotive Superintendent, — first, as to there being no necessity for the removal of the Workshops, and, secondly, as to there being plenty of room for future expansion and development of the service; this will be seen by answers to ques-

1190 to 1201. Another witness (Mr. John Davies General Traffic Manager) was asked (Question 873) "Have any reasons suggested themselves to you in favor of the Midland Junction site as regards the junction of lines?" His reply is, "I do not see that the junction would affect the Workshops at all, neither would the position of the Workshops affect the grades;" — showing that the removal of the Workshops would not be beneficial to one or the other, or that the traffic would not be affected. Then the Hon. Mr. Wright, who, I would remind hon. members, is at the present time the consulting engineer to the Government, gave the following evidence in reply to questions 1189 to 1201:

"1189. Do you think the machinery is ample for all their requirements?—Ample.

"1190. Do you consider the presence of the traverser objectionable?—I think it is a very good feature in the shops. But it must be remembered that these shops were built originally solely for engines, and it was for want of other space that the carriage portion was brought in, and half the space of the shops used for that purpose, which must always be a source of danger from fire, owing to the large amount of wood work about. My impression is that the carriage shop should be removed altogether from there. The traverser, in my opinion, is absolutely necessary, or else an overhead crane, with the expansion of the shops.

"1191. Are you of opinion that sufficient area exists at the present site for future expansion and the development of the service?—Decidedly I am.

"1192. Even taking into consideration the possible expansion?—Every possible expansion.

"1193. Do you take into account the reclamation of the foreshore when you say that?—"To a certain extent I do. But, even without that, there is plenty of room—heaps of room.

"1194. Would not these Workshops interfere with the wharfrage accommodation required in connection with the new harbor works?—"I don't think so; they would only occupy a narrow strip; they would not take up very much space; and there is lots of room about there. But I would have the carriage shop removed. You do not want stone buildings for your carpenters' and waggon shops; only where there are steam hammers at work and

"heavy weights that is where you want a stone building—solely for Locomotive Workshops, for erecting and renewals. A great deal of space now occupied by the Workshops is taken up by the place for making boilers, blocking, and things which could be done away with if you got your things from England. You would then have still more space. The only advantage to be gained, and the only reason I think which Mr. Allison Smith recommended the removal of these Shops to the Midland Junction, was that it is just where the changes of grades occur, and they would therefore be able there to alter the type of engine required to take heavy trains up the bank. But that might be done at Guildford, and the engine would have only four miles further to run from there to Chidlow's Wells than she would from the Junction. Possibly another consideration in favor of the removal of the shops to this locality, would be that it would take the men away from the seductions of the beer shops and grog shops at Fremantle. But I think myself that the shops at Fremantle are in their proper place and where they ought to be, and that there is ample room there for future extension to any extent you require.

"1195. By Mr. Quinlan: Provided there is no construction work undertaken?—Even with that, to a limited extent.

"1196. By Mr. Samson: We have been told that the present Workshops are too low, that the water gets into the pits; would it not be possible to avoid this by raising the level to the shops? You could not do that without raising the whole of your road. As for the water getting into the pits, there is no necessity to blow off an engine over a pit.

"1197. By the Chairman: Then the running shed is very inefficient?—That would have to come down at any cost.

"1198. There is a general complaint as to the shops at present not providing adequate accommodation for the work required? Because they are filled up with all sorts of which were never intended to be there."

"1199. Another complaint is that there is no room for future extension?—I do not agree with it; I think there is any amount of room.

"1200. By Mr. Congdon. You have seen the plans of the proposed extensions?—Yes.

"1201. And you still think there is plenty of room?—Any amount of room."

Could anything be stronger than that? Then Mr. C. T. Mason, who was Commissioner of Railways, and who for seven years was the Chief Engineer in the colony, in answer to Question No. 707, says:—"I never gave the question a thought with the idea of having the Workshops removed. The shops were there, and it never occurred to me that it was desirable to remove them." And he says, in answer to the next question:—"All things being equal—that is, the cost of land, space, available accommodation, and everything else—it certainly is advisable to have the Workshops at the terminus of a railway. I am speaking generally, not of Fremantle alone." In the face of this we find that the Government having purchased land near the Midland Junction, now wake up to the fact that the shops are not in their proper position, and that there is no room for their extension. Having bought the land, it seems as if they now think it necessary to show that they have good cause for the purchase, but surely, in fairness to Fremantle, it was incumbent on the Government to have made every effort to have retained the shops there, even at a sacrifice bearing in mind the promise which was given to the people under which they gave up their Recreation Ground. To remove these shops now is, to my mind, both an unfair and an unstatesmanlike proceeding. There were 13 witnesses called before the Commission, and out of these five of them who were professional witnesses all said that there was no necessity to remove the shops, and that the whole of the extensions required could be carried out on the present site. Five others had no opinion on the subject, they being heads of departments, and Mr. Turner said that he thought the removal would be necessary, but not until we had 200 engines. Under these circumstances the members representing the West Province feel it their duty to bring the matter before this House, and I think most hon. members will agree that although Fremantle must suffer, the injury would not be nearly so great if the removal were made to another site within the district. A large expenditure has been going on in connection with these shops for some twelve or fourteen years, and it is now to be stopped. I do not mean to say that Fremantle will die out because this expenditure is taken away, but a great injustice will be done. One site has

been recommended at Claremont, another at Richmond, and a third at Rocky Bay, and I think the Government, in fairness to the people of Fremantle, might have made the removal to one of these localities, instead of taking the shops a distance of 23 miles away. The amount expended in wages at these shops is £16,742 a year, and the withdrawal of so large a sum is likely to be felt very seriously in the town of Fremantle. Another reason why I gave notice of this motion was that I think it is unusual, if not unconstitutional, to pass a resolution on such a subject as this in another place, and then for it not to be sent here. Another reason was, and I gathered this from the debate which took place in another place on the subject, that I did not consider it altogether advisable, seeing the rapid progress we are making in railway development, that we should build one large shop at which to centre all the work. Our railways are being extended all over the country, and it will be necessary to have shops at the different *termini*, and that being so, I cannot see why Fremantle should not enjoy in the future the benefits she has derived from these shops in the past. I must confess myself that I have come to the conclusion that the present site is insufficient, and will be required in the near future for the purposes of the harbor works, but, because I say this, it does not follow that the shops should be removed from Fremantle altogether. Quite the reverse. Having given a promise to the people in years gone by, the Government should have tried everything in their power to have retained the shops, at all events, within the district. I was much disappointed with the debate which took place in another place on this subject, because no argument was adduced in favor of the removal, except that it was for the good of the colony. That may be, but I should like to know whether it is for the good of the colony to increase the cost of haulage that the removal to the Midland Junction will entail. The Hon. Mr. Wright says it is desirable that the shops should be kept at the port, and all the authorities agree with him. In the other colonies all the experts hold the opinion that Railway Workshops should be kept at the port, if it is possible. Then there is a certain amount of unfairness to the employees through the removal. The men have been allowed to believe that the shops will remain, and they have gone to the financial institutions and borrowed money with which to build

their houses. Now they have to remove, and still retain the responsibilities which they incurred, which is not only a hardship, but a great injustice to these men. The only thing I have to say further is that I hope the Government will reconsider the question, and will make every effort to find a site within the district. I now submit this motion to the favorable consideration of hon. members.

THE HON. E. W. DAVIES: I cordially support the resolution, although, perhaps it may be said, seeing that I am both a native and resident of Fremantle, that I am prejudiced in the view I take on this subject. I regret that one or two hon. gentlemen, who promised to support the Hon. Mr. Congdon, are away. Perhaps they are ill, and I can only hope that it is the cause of their absence. I do not desire to waste any time on this subject, but there is no doubt that there is a general feeling that Fremantle is being unfairly treated in this matter. In the present Ministry we have gentlemen who have done much for the colony, and, who, I believe, will hold office for many years, and I am sorry that they should have taken this action, because in the future, when we come to look back, we shall find that the removal of these shops will be pointed to as the one serious failure of the Ministry. This is a subject I have well studied. I admit I am not an engineer, but I hope I am endowed with a certain amount of common sense, and I say that to take these Workshops twenty miles inland is a wrong way of doing business. We have heard of Vanderbilt and Jay Gould in connection with railways, and I am sure they would not go twenty miles to do business, which they could do within one mile. I wish to impress on hon. members that we have sites at Fremantle which are quite suitable for these shops, but, for some reason or other none, of them have been accepted, and Fremantle is going to suffer. It seems that the Engineer-in-Chief has mainly relied upon the evidence of Mr. Allison Smith, but if we look to the other colonies we shall find that wherever the shops have been removed inland they have afterwards been again taken to the port. I do not think however that any good purpose will be served by arguing or discussing this matter, because I think most hon. members have made up their minds. I shall support the motion of the Hon. Mr. Congdon.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I have listened carefully to the remarks of the hon. members who have spoken,

and I cannot see that any argument has been used against the removal of these shops. The Hon. Mr. Congdon prefaced his remarks by saying that he approached the subject with regret, and I may say that I share with him that regret finding myself, as I do, in opposition to the hon. member, and the other hon. members who represent Fremantle. I feel, however, that I have a duty to perform, and I must use every effort to do it. The consistent support which the hon. members for Fremantle have given to the Government whenever they could conscientiously do so, is, I may say, fully recognised by the members of the Ministry, and those hon. members will therefore understand how reluctant I am to argue against them this afternoon. As representing the Government on this occasion, I present myself as an object of sympathy to both sides of the House. In the first place it is the desire of the Government to act as much as possible in accordance with the wishes of the people of Fremantle, and on the other hand it is our duty to the country to do that which we consider right, so that between the two, I feel that the Government is practically between "the devil and the deep sea." While we try to do what is fair and right for Fremantle, we must consider our duty to the colony as a whole. Hon. members will recognise that it would be much easier for the Government to say to the people of Fremantle that they would endeavor to meet their wishes and continue to hold the support—the willing support—of the hon. members who represent that Province. Certainly it would be much easier than to say, as we have to, that we must take away some of the privileges which Fremantle has so long considered belonged to it. I may say that the members of the Government are both personally and politically opposed to the removal. Personally there is no member of the Government who has not interests at Fremantle, and politically our interests lie there also. So far, however, as the charge which has been made the Government is not acting fairly is concerned, I must challenge it, because I think it will be admitted every consideration has been given to the people of Fremantle in regard to this subject. If the Government are doing what they consider right, even though their actions may injure some particular locality, they should receive the support of hon. members, notwithstanding that the action proposed is at variance with the personal views of hon. members, so long as what the Government

propose to do is for the benefit of the whole colony. I hope hon. members will not think the Government intend to do anything except that which is for the benefit of the whole Colony. There is a certain section of the people in this Colony and I do not make this remark as applicable to members of this House or to the people of Fremantle, who have opposed the Government in this matter, not because they think the Government is acting improperly, but because they feel sure the Government will carry what they propose. If the Government had taken any other course than that which they have, these very people to whom I refer, would be the first to denounce us for not doing what was best in the interests of the Colony. Hon. members must know that a Government cannot go against the opinion of its experts. I do not care anything about the opinion of Mr. Wright, or Mr. Mather, or Mr. Allison Smith, under present circumstances, because they are not in the positions of professional advisers to the Government. We have an expert in the person of the Engineer-in-Chief whose advice we had to ask, and who has told us that the shops must be removed, and it is our duty to follow that advice. If the Government are to be blamed for anything it is for not following out the resolution which empowered them to remove the shops during the recess of last year. That resolution was moved by the leader of the Opposition in the Assembly and it was agreed to, but the Government have not given effect to it because they wished to treat the people of Fremantle, fairly and to give them a further opportunity of bringing their case before the Legislative Assembly. Time was given to them in which to get all the information they could, and the Government, instead of carrying out the work at once, agreed that the matter should be left to the arbitration of the Assembly. That has been done, and now it has been carried by a majority of those who more particularly represent the people than we do, that these shops should be removed, and, therefore, I can hardly think that the people of Fremantle can complain that they have been treated unfairly. We have heard a great deal said about the opinions which Mr. Mather and Mr. Wright gave, but I cannot see why these should be so much better than the one which Mr. O'Connor gave.

THE HON. D. K. CONGDON: Only two gave



evidence in favor of the Midland site, and I quoted four against it.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Unfortunately they are not in the Government employ.

THE HON. D. K. CONGDON: All four were.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): They were asked whether the Harbor Works would interfere with the shops and they said no. We find now that it is admitted, even by the hon. members for Fremantle, that there is no room at the present site for the shops, and the only question, therefore, is where they shall be moved to. In spite of the evidence quoted by the hon. Mr. Congdon it is now admitted that there must be a removal, and the whole question seems to me now simply to resolve itself into one of vested interests in connection with the expenditure of money. I ask hon. members whether the Government should take this into consideration, or allow it to influence them, seeing that they have to look to the interests of the whole Colony. We have a large system of railways in the Colony and the question is where shall these shops be placed so that they can be of most benefit to the Colony? The people of Fremantle and the Government have looked all over the country between Fremantle and Perth and have been unable to find any land suitable for the purposes of these shops. There is no doubt that the removal will affect Fremantle to a small degree, but this ought not to influence the Government in the selection of a site when it is their duty to do that which is best in the interests of the whole colony. I should just like to read to hon. members the reasons which led the Government to decide in this matter as they have done. The Engineer-in-Chief gave the following reasons why the shops should be removed to the Midland Junction:—“(a) That there is nothing like as good a site near either Fremantle or Claremont as at the Midland Junction (b) That to make the site at Fremantle, on Mr. Pearse's land, available, would entail an expenditure of at least £30,000 to begin with, and, this is saved by the Midland Junction site. (c) That the area at Rocky Bay is not likely to be suitable for years, if ever, and will never be as suitable as the Midland Junction. (d) That it has been the general experience of Railways that the shops are, in the first instance, placed at the terminus, and afterwards have to be removed inland. (e) That a large engine depot must be provided at the

Midland Junction, and that it will be most convenient for the heavy engines for the steep grades to be kept there. (f) That the shops should be moved gradually, and the moving should be spread over two years, and that there would always be running sheds at Fremantle, and probably some erecting shops. (g) That the shops being near the sea is very detrimental to the stock. The Engineer-in-Chief further states that in his opinion the Midland Junction is decidedly the best site obtainable, and that he is of opinion that even if a good site existed at Fremantle or Claremont he would still consider the Midland Junction a preferable site.” I may point out that it may take years before the removal is accomplished, and, no doubt, judging from one's common sense, although the main shops may be removed, there will of necessity be a certain amount of construction work always carried on at Fremantle. The Engineer-in-Chief has further advised the Government that the Midland Junction site is the most preferable one that can be obtained, and in the face of that, how could the Government act otherwise than they have done? I ask hon. members whether the Government would be justified in putting aside that advice and locating the workshops elsewhere? What would be said of the Government if they acted against this advice and it subsequently turned out that the site which has been suggested near Fremantle was unsuitable? Would it not be said at once that we had sacrificed the interests of the colony to Fremantle? And I ask hon. members whether any Government dare go against the advice of its professional advisers. Of course, if we do not consider Mr. O'Connor is capable of giving us advice on this subject, it is another matter. We find, however, that even the people of Fremantle do not say a word against Mr. O'Connor's ability when the harbor works are concerned.

THE HON. E. W. DAVIES: I beg your pardon.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I have never heard of it. I believe the people of Fremantle are quite prepared to accept Mr. O'Connor in the matter of the Harbor Works, but when it comes to the Workshops they are not prepared to accept him as an authority. But I say if we are not prepared to accept Mr. O'Connor's advice on this matter, the sooner he is out of the service the better. Then the General Traffic Manager Mr. Davies is imperative that the Railway Workshops should be at once removed from

their present position, and that they should be at once located within their own area, and be separated from the working railways. He further considers that the present position prevents the further developments of the Fremantle Station yard, which urgently requires re-constructing and re-modelling; that there is no room at present for carriage sheds, sorting and train sidings and many other necessary conveniences; that it is getting worse every month, and will continue to do so; that the station is too small to conduct the traffic satisfactorily, and its enlargement is in abeyance until the Shops are removed. This seems to me to be in direct opposition to the evidence which Mr. Congdon has read.

**THE HON. D. K. CONGDON:** The evidence I read was taken two years ago, and Mr. Davies, has probably, since seen the necessity of removing the shops as we all do, but the question is, where are they to be removed to?

**THE MINISTER FOR MINES (Hon. E. H. WITTENOOM):** It shows how things have gone ahead since. That is the advice given to the Government by Mr. Davies, and I ask hon. members whether we could take the responsibility of going against this advice of our professional advisers. The hon. Mr. Congdon said that the land at the Midland Junction had been bought and that then it was that the Government thought of doing something with it. Instead of being blamed in this matter, I think the Government should be complimented for purchasing before they said anything about their intentions, because we all know that we should have had to pay very dearly for the land if we had said we intended to remove the Workshops to that locality before we had secured the site. The hon. Mr. Congdon said the shops were to be removed for no reason.

**THE HON. D. K. CONGDON:** I admit the reason for their removal, but I do not see any reason for their removal 23 miles inland.

**THE MINISTER FOR MINES (Hon. E. H. WITTENOOM):** The hon. member also said that the Government had made no effort to get another site. Every effort was made, and instructions were given to the Engineer-in-Chief that if he could find a favorable site nearer, to do so. The Midland Junction is an excellent position at which to have shops, because three lines of railway converge there. I have only to say, in conclusion, that I hope hon. members will support the Government in the unfortunate position in which they have found

themselves—a position which is, as I have said, “Between the devil and the deep sea.” We don’t care to offend our Fremantle friends on the one hand, and on the other we must do our duty to the Colony as a whole. I hope hon. members will, therefore, vote against the resolution.

**THE HON. S. H. PARKER:** I am sorry to hear the Minister for Mines say that the Government are going to the devil when they go to the Midland Junction. I presume the Midland Junction must be the devil, because I take it that Fremantle is the deep sea, and apparently the Government have been forced to choose the devil in preference to Fremantle. I look on this resolution in a different light to that in which the hon. gentlemen who are concerned in it look at it. It is now some years since Mr. Allison Smith, an expert who was introduced into the Colony, advised that the Workshops should be removed, and said that the Midland Junction was the most suitable site. The Government, upon this, purchased the site, and, in doing so, exercised a wise forethought probably owing to the fact that I, at the time, happened to be a member of the Government. Although the site was purchased, the Government were not prepared to act on the advice of Mr. Allison Smith without first ascertaining whether the feeling of the country was in favor of the removal. They did not act until pressure was brought on them from the Lower House by an Opposition member who moved a resolution similar in terms to that which was recently passed in another place. The resolution expressed the opinion that the workshops should be removed to the Midland Junction.

**THE HON. D. K. CONGDON:** No, the resolution was that the workshops should be removed to some other site.

**THE MINISTER FOR MINES (Hon. E. H. WITTENOOM):** The original resolution was that they should be removed from Fremantle to the Midland Junction, and an amendment to that was carried substituting “to another site” in lieu of “to the Midland Junction.”

**THE HON. S. H. PARKER:** At all events the result was that not only the members of the Government, but those sitting in opposition in another place, came to the conclusion that it was necessary to remove the shops. Even then the Government did not act, but gave the people of Fremantle a further opportunity of having the resolution reviewed. They undertook not to take any steps in the matter

until Parliament assembled, and that promise was carried out. Recently, as hon. members know, the matter was brought before the Assembly and a resolution in favor of the removal of the shops was carried by a large majority. I take it that in matters of policy—although I do not think that this matter can be called by such a high-sounding name as that, because it is a mere matter of detail in the management and working of our railways—the Lower House must guide the Ministry and I think it is unwise for the Upper House to attempt to come into antagonism, unless it feels that it has the majority of the people with it. I take it from the action of the Legislative Assembly, that the removal of these workshops to the Midland Junction site is in accordance with the wishes of the country generally. A large majority of the members of the Assembly who represent the people more directly than we do, because they represent a much a much larger body of electors, favor the removal. Although this matter has been talked of for some years, and although a resolution in favor of the removal was carried last year, no agitation has been manifested against the action proposed to be taken, except at Fremantle, and, therefore, we may take it that the people generally are in accord with the action of their respective members. Such being the case, would it not be unwise for this House to pass this resolution which will have the effect of bringing us into conflict with the Lower House which represents the people generally, while we only represent a comparatively lesser number of electors? Then, looking at the matter in another light, if we pass this resolution what will be the effect of it? The Government are not acting from mere whim or caprice. They are advised by their professional advisers, and are acting at the instigation and wish of the Legislative Assembly. In other words the people of the country say that the Government must move the shops. The Government have not taken the initiative but the people have, and, if the Government desire to hold office they are bound to concur in the views of the Assembly as representing the people. We, in this House, can pass no vote of want of confidence that will have any effect, and, yet by this resolution, we are not only doing that, but are expressing want of confidence in the Legislative Assembly. Whatever we may do in this way, it will have no effect, because the Government will be

bound to act on the resolution of the Lower House if they desire to hold their seats. Under these circumstances to pass this resolution would make up look foolish in the eyes of the country. The people would say, here is the Legislative Council interfering in a matter over which it has no control, and passing a resolution which is abortive, and which the Legislative Assembly takes no notice of. While I sympathise with Fremantle, and while I have no interests at or near the Midland Junction, but have interests at North Fremantle which will be somewhat prejudiced by this removal, still, I feel if I were to join with the hon. members for Fremantle in passing this resolution I shall be holding myself up to the ridicule and contempt of the people of the colony generally. In these circumstances I feel bound to support the hon. the Minister for Mines and vote against the resolution.

The President then left the Chair for an hour.

On resuming.

THE HON. A. B. KIDSON: It is with some trepidation, but with a large amount of confidence, that I rise to address this House on this important question. I say with trepidation because I have been compelled to listen to a large number of expressions from hon. members which lead me to think they are not favorable to this motion. I think, however, that I shall be able to show hon. members that they must come to the conclusion that the removal of these shops is absolutely and entirely wrong, and I hope I shall be able to show this apart from any interest which Fremantle may have in the matter. I ask hon. members to try and divest themselves of the idea that I am one of the members representing Fremantle. I am sorry the Hon. Mr. Parker is not in his place to hear the remarks which I have to make, because, although he said a good deal on this question, he did not state one fact, or use one argument, in support of the removal. One thing he did do, he endeavored to draw what may be termed a red herring across the trail. He endeavored to lead hon. members astray by stating that this motion was unconstitutional and that it would have no effect if passed. And he added, that for those reasons, he was going to vote against it, and he asked others also to vote against it. I hope before I sit down I shall be able to show that he is wrong. I thought these points were going to be brought up, and I took the opportunity of consulting the proper authorities on

the subject, and I am going to tell hon. members what these authorities say. They say that it is perfectly competent for this House to pass any resolution it thinks fit. If hon. gentlemen hold the opinion that it is not desirable, apart from what the Government may say, and apart from what Mr. Parker may say, that these shops should be removed, they are perfectly at liberty to pass this resolution. Then, if this House does pass the resolution, these authorities say that the effect of it will be simply to serve as an intimation to the Assembly that, in the event of any estimates or Bills being sent forward dealing with this subject, the views of this House will be known. I am informed that it is a matter of frequent occurrence in other places possessing the same constitution as ours, to adopt similar motions. I have, therefore, disposed of the argument of the Hon. Mr. Parker, because I have shown that although this resolution may be opposed to the views of the lower House, it will serve as an intimation of what our views are. I shall now deal with the speech of the Hon. the Minister for Mines. I was not surprised at what he said, because he simply followed up what took place in the Assembly. At the same time, it will be noticed that during the whole of his speech, however in any way tackled the real question, but simply brought forward the reasons of the Engineer-in-Chief upon which the Government acted. The first reason given by the Engineer-in-Chief was that there was nothing like as good a site at Claremont or Fremantle as at the Midland Junction. We will admit that, but if we can prove that a site can be made as good, at a reasonable cost, where is the argument of the Engineer-in-Chief? It simply resolves itself into a question of price for making the site. The next reason he gave was that to make a site would cost £30,000. I am going to show, on quite as good authority as the Engineer-in-Chief, that it would cost nothing of the kind. I may say, however, that I do not think the Engineer-in-Chief has put down the lowest figure. As regards Rocky Bay, the Engineer-in-Chief said that site would never do, and this is his third reason. We admit that. Then we come to the fourth reason, that it is the general experience of railways that shops, in the first instance are placed at the terminus, and have afterwards to be removed inland. I absolutely contradict that, and I say that when the Engineer-in-Chief said so he stated what was not a fact.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): What I said was the Government, having received the Engineer-in-Chief's advice, were bound to accept it.

THE HON. A. B. KIDSON: The hon. gentleman is quite right, but I am dealing with the reasons given by the Engineer-in-Chief, and I am going to bowl them over. Then the Engineer-in-Chief says that the Midland Junction site would be the most convenient for the steep grade engines. I cannot go into that because I am not an engineer, although I have always noticed that the Engineer-in-Chief is able, when he wants an argument, to bring forward an engineering one which no one but an engineer can contravert. Although I am not going into the matter, I do not think that is a sufficient reason to base the removal of the Workshops on. Then the Engineer-in-Chief says that he is opinion that even if as good a site existed at Fremantle or Claremont, he would still prefer the Midland Junction. Why? Does he give any reason why? If that is not an *argumentum ad absurdum* I do not know what is. At the same time it goes to show that the Engineer-in-Chief has made up his mind, and what has happened since shows that he is going to carry out his idea no matter what comes of it. I believe the Engineer-in-Chief is one of those strong minded men who says, whatever I say everyone else must do. The Minister for Mines says that the Government are bound to follow the advice of their professional adviser. I disagree with that proposition when the advice is contrary to common sense, and I shall show before I sit down that it is contrary to common sense, because the Engineer-in-Chief says "even if as good a site existed at Fremantle or Claremont, I would still consider the Midland Junction preferable." I say hon. members should pause before listening to advice of that kind. I now come to another point. The Hon. Mr. Parker said that the Government only waited to test the feeling of the country before taking action. Now, according to the votes which were given in the Legislative Assembly on this important question, a majority of the electorates of the colony was adverse to the removal. I can prove that from the figures, and I think that when I have done so I shall have given a complete answer to the views put forward by the hon. gentleman I have mentioned. I have taken the voting and put against it the number of electors represented by each hon. member. Those who voted for

the removal represented 4,940 voters, and those who were in favor of retaining the shops at Fremantle represented 6,747 votes.

THE MINISTER FOR MINES: How do you make that out?

THE HON. A. B. KIDSON: I can give you the names. Those who voted for the retention of the shops at Fremantle were—Mr. Connor, 26 electors; Mr. George, 200; Mr. Illingworth, 340; Mr. Leake, 617; Mr. Marmion, 511; Mr. Moran, 693; Mr. Moss, 799; Mr. Simpson, 505; Mr. Solomon, 927; Mr. Traylen, 180; and Mr. Wood, 1,859; or a total of 6,747. Those who voted for the removal were—Sir John Forrest, representing 262 electors; Mr. Burt, 52; Mr. Richardson, 37; Mr. Venn, 201; Mr. Clarkson, 249; Mr. Cookworthy, 292; Mr. Harper, 251; Mr. Hassell, 362; Mr. Hooley, 37; Mr. James, 1,196; Mr. Lefroy, 107; Mr. Loton, 324; Mr. Phillips, 106; Mr. Piesse, 402; Mr. Randell, 947; Mr. R. F. Sholl, 91; and Mr. H. W. Sholl, 24; or a total of 4,940. There were three gentlemen who did not vote—Sir J. G. Lee-Steere, Mr. Monger, and Mr. Throssell—and I will give the Government the benefit of these. Mr. Monger represents 402 electors, Mr. Throssell, 341, and Sir J. G. Lee-Steere, 227; and if we add these to the 4,940, we get a total of 5,910. On the other side, we had the promises of Mr. A. Forrest, representing 98 electors, and Mr. Keep, representing 129; and if we add these to the 6,747, we get a total of 6,994, as against 5,910. Really, therefore, there was a 1-11th majority of the total electors of the colony in favor of the retention at Fremantle. Before I deal with the main question, I hope hon. members will not come to the conclusion that the Hon. Mr. Congdon was wrong in bringing forward this resolution, because he has only done what his duty to his constituents, and what, in our opinion, is our duty to the colony. Now, with regard to this site at Fremantle, which is the question to which I shall confine myself, I am sorry all hon. members had not have an opportunity of inspecting it, and of judging of it for themselves. I propose now to read a report from Mr. Young. Some hon. members will probably know him, and know that he is a man of some eminence as an engineer. He shows that the site at Fremantle can be made suitable at a small cost—a cost the interest on which is considerably less than the cost of haulage to the Midland Junction. The report is addressed

to the Town Clerk at Fremantle, and reads as follows:—

“St. George's Terrace, Perth,  
“July 19th, 1895.

“SIR,—

“Having been requested to furnish “your committee with a report on an arrangement of Workshops on Block No. 139, “having similar features to the scheme of Mr. Allison Smith, I have the honor to enclose “herewith a plan showing shopping and “sidings so arranged.

“The area of the shops is less than that “shown on Mr. A. Smith's plan, being 107,000 “square feet, as against 140,000 square feet “provided by him. But as I understand that “the latter area is in excess of probable requirements for many years to come, perhaps “the provision I have made will suffice. In “order to show how additional shopping “accommodation might be provided in the “future, I have drawn in, in dotted lines, two “minor blocks of sheds, and shown an arrangement of sidings in dotted red lines, which “allows the sides of the sheds to be utilised, a “through road being kept open down the “middle. These two blocks together cover “an area of 45,000 square feet, making “a total of 152,000 square feet available in the future. I have not attempted to “show store sheds, and other miscellaneous “buildings, which may be placed in the most “convenient spots, nor have I filled in all the “sidings, as it is evident that access can be “obtained by rail to every part of every shop “from both back and front.

“As the slope of the ground increases very “much towards the centre and southern end “of the block, it was necessary, in order to save “expense, to place the Workshops as near to “the road as possible. I therefore adopted the “plan of making the main approach from the “south. Engines with carriages in tow would “thus pass between the blocks to the far end “of the yard and back the carriages on to the “sidings and so into the shops.

“I have given a length of about 500 feet of “straight over the points at the south end of “the yard, and have taken a small block 2 “chains by 2 chains of the Government land “outside the area enclosed by blue border on “general plan accompanying my report of the “10th inst., to get plenty of room, another two “chains of length might be obtained here, if “necessary, before reaching the boundary “of the block.

"I have left a certain amount of land unexcavated which, as in the previous design might serve for the location of officers' residences.

"The extra excavation necessary to provide accommodation for the shops as now arranged, will amount to 43,222 cubic yards of sand, which I estimate will cost £2,970.

"The cost of engineering works will then be as follows:—

Cost of levelling site included in blue border...	£6,747	0	0
Additional excavation ...	2,970	0	0
Cost of levelling 4 square chains at £150 per acre ...	60	0	0
	9,777	0	0
Cost of approach—railway ...	4,950	0	0
	14,727	0	0
If land at lower level be required, add 1½ acres at £100 per acre	150	0	0
	£14,877	0	0

"The excavation to formation level of the ground on which the residences are located would cost an additional £2,830.

"The area required is 43·725 acres, of which 4 acres is Government property. If the triangle of ground at the lower 6ft. level be taken, another 1½ acres will be required.

"The arrangement of sidings has been rather hurriedly made, and can be regarded as a sketch showing the practicability of the scheme.

"I have the honor to be, Sir,

"Your obedient servant,

"E. W. YOUNG, M.I.C.E."

The area proposed by Mr. Young is in excess of that required by Mr. Allison Smith, and, therefore, nothing can be said against the size of the site. I was present when the Engineer-in-Chief met a number of gentlemen at Fremantle to view this site, and a question was directly put to him by Mr. Marmion, which no doubt caught him on the hop. Mr. Marmion asked—"Is it possible to make this site as good as the one at the Midland Junction?" He said—"Yes, it is." He was then asked what the cost would be, and he replied £30,000—the old £30,000, which the Engineer-in-Chief is so fond of making use of. Mr. Young estimated the cost at £21,000, and in view of the attitude taken by the Engineer-in-Chief, I shall ask hon. members to take it that £21,000 would be the cost. Now, what would be the interest on this amount? As far

as I can gather, it would be something over £1,000 a year. Then, what would be the cost of the haulage? I have a memo. here which will give us an approximate idea of what it will be. In Adelaide the cost of haulage to Islington, a distance of 12 miles, is somewhere about £2,000 a year. Here we have to go 23 miles, and, assuming that we only have half the haulage which they have in Adelaide, it will bring the amount to about £1,000 a year, which is the interest on the amount to make the Richmond site available. Hon. members must not forget that, while the cost of haulage will increase year by year, the interest remains stationary. It has been stated that experience shows the Workshops are in the first place located at the ports, and are subsequently taken inland, but, unfortunately, we have had no instances of this given to us. I am going to mention places where this is not a fact, and, as far as I know, I am not aware of any place. In South Australia the Workshops are at Islington. I have taken every opportunity which has been afforded me of ascertaining the views of gentlemen coming from South Australia on this subject, and they tell me that the people there are absolutely dissatisfied with the shops on account of the cost of haulage, and that they would like to get them removed back to the port, but are unable to do so owing to the excessive cost. In another place the Commissioner of Railways mentioned Ipswich, where the Workshops of Queensland are situated. I have it on the best authority that it is intended to remove these to Brisbane. Why? For the simple reason that it costs too much to maintain the shops inland. Then there is New South Wales where the Workshops have been removed to the port. There is one other argument which was used by the Commissioner of Railways to which I will refer. He said that, in the old country, the Workshops were always placed away from the port, and he instanced two cases which upset his argument, because it was shown clearly that the reason why these particular shops had been located inland was because they were most convenient to the material required for repairs. On that point I should just like to read a minute from the Locomotive Engineer of New South Wales to the Commissioner of Railways of that colony. He says: "In considering the position of the main Workshops of the English railways relatively to that of the principal terminus of the railways to which they severally belong, they

"may be divided into two distinct groups, viz. :  
 "those north of London, and those in the  
 "metropolitan district and to the south of it.  
 "Of those north of London there are four  
 "main trunk lines, which have their principal  
 "terminus in London. Of these four lines,  
 "three of them, viz., the North Western, the  
 "Midland, and the Great Northern, run  
 "through mineral districts, which, in the  
 "earlier history of these railways were already,  
 "as they are now, centres of great manufac-  
 "turing industries and population. In the  
 "case of these lines the main Workshops  
 "have, therefore, been located away  
 "from the principal terminus, London,  
 "and are at Crewe, Derby, and Retford re-  
 "spectfully. But in the case of the fourth  
 "line (the Great Eastern), whose main line and  
 "branches lie in the non-mineral and non-  
 "manufacturing district, the principal work-  
 "shops are situated in the suburbs of London.  
 "Having no centres of manufacture or skilled  
 "labor within its territory, apart from the  
 "metropolis, to determine the position of the  
 "Workshops, they have been situated in the  
 "London district, as being, for it, the  
 "principal seat of labor, and the one  
 "most accessible for the materials used." I ask hon. members to consider which in our  
 case would be the most accessible—the Mid-  
 land Junction or the port? There is, I think,  
 only one answer, and that upsets the argu-  
 ment of the Hon. the Commissioner of Rail-  
 ways. I should like to refer to the speech of  
 the Minister of Railways in introducing his  
 motion in another place, because—

THE PRESIDENT (Hon. Sir G. Shenton): The  
 hon. member cannot refer to speeches made  
 during the present session.

THE HON. A. B. KIDSON: Then I will say  
 that it has been stated in another place that  
 the points brought forward in favor of the  
 removal of the Workshops have not been  
 contraverted; but I say every point has been  
 contraverted. It has been proved that a  
 site can be made as good as the Midland  
 Junction site, at the cost of the haulage; and,  
 that being so, what reason is there left for the  
 removal? If any one reason be left, it is that  
 which the Engineer-in-Chief put forward,  
 when he said that even if the Fremantle site  
 were as good, he would still advocate the  
 removal. The Hon. Mr. Parker said that this  
 was a departmental question, but, when the  
 matter came before Parliament in South Aus-  
 tralia, a very lengthy debate took place, and

the money for the removal was only carried by  
 one vote.

THE HON. F. M. STONE: Was the matter  
 discussed in the Upper House?

THE HON. A. B. KIDSON: I am not aware,  
 but while on the question of the Upper House,  
 I may say that, in my opinion, this House has  
 a perfect right to express an opinion on this  
 subject, and a still greater right when it is  
 shown that the majority of the voters of the  
 colony are adverse to the removal. Further,  
 I think this House has a right to intimate its  
 views to another place, when it comes to the  
 conclusion that there is to be a waste of money,  
 or that the best interests of the country are at  
 stake. When this matter first came before  
 the Engineer-in-Chief, he said that 20 acres of  
 land would be sufficient for the Workshops.

THE HON. R. G. BUNGE: How long ago was  
 that?

THE HON. A. B. KIDSON: Nine or ten  
 months. Later on he said 50 acres would be  
 required. On this the people were jubilant,  
 and hunted around for a site of 50 acres.  
 Having found it, they went to Mr. O'Connor  
 and he then said that 80 acres were necessary.  
 Another hunt was made, and the 80 acres, and  
 even up to 100 acres were obtained. They  
 again went to the Engineer-in-Chief, and he  
 said he then wanted 100 acres. The people  
 then thought it was about time to stop going  
 to the Engineer-in-Chief because he had  
 changed his opinion so many times. I may  
 tell hon. members that at the Richmond site it  
 is possible to get 100 acres, and, as I have said  
 before, the interest on the cost of levelling  
 and preparing it would only amount to the cost  
 of haulage to the Midland Junction. In New  
 South Wales a question cropped up as to  
 whether the shops should not be taken to Duck  
 Creek, a distance of 12 miles inland. The  
 Engineer-in-Chief of that colony wrote that  
 even if the land were suitable, the whole of  
 the raw material from England required for  
 the construction and repairs would have to  
 pay freight upon 12 miles of railway before  
 it could be used, and this was considered  
 an objection to the site. Here we have 23 miles  
 miles. Then the Engineer-in-Chief of New South  
 Wales went on to say that a site near the  
 terminal station is far more eligible for Work-  
 shops and running sheds than cheap land of  
 level surface if situated twelve or twenty  
 miles away. Then, referring to the Eveleigh  
 site, the Engineer-in-Chief in New South  
 Wales wrote to the Commissioner of Railways

as follows:—“Notwithstanding the high price which would have to be paid for the land near Sydney, I would strongly recommend that it be purchased for the erection of Workshops and running sheds.” Then, the Engineer for Existing Lines was equally emphatic in his condemnation of a site which was only 12 (not 23) miles from the terminus. He objected, not only because the land was below the level of the existing line, but also because of “its distance from Sydney (12 miles), from which place all stores would have to be conveyed, involving a constant and permanent expense, besides the inconvenience that would be experienced in various ways by being removed such a distance from the terminal station.” I have come to the conclusion, in the face of this, and, in fact, in the face of the whole of the evidence and the arguments which were used in another place, that there is no reason whatever for the removal of these shops; and, that being so, I would ask hon. members not to come to a conclusion blindly, but to judge of the matter independently. I might say, further, that the Government might do what was suggested in one of the daily papers, and that is, before finally deciding such an important matter they might take the opinion of another expert, because I do not consider, after what has fallen from the Engineer-in-Chief, that his is an expert opinion on this subject. Because the Government have the land I do not see why they should injure the town of Fremantle and cause expense to the colony as a whole. If these shops are removed the colony will in the future have to bear the great expense of haulage, which will be an increasing item year by year. If any hon. gentlemen gets into legal difficulties he is not satisfied with one solicitor’s opinion, but he takes the best advice he can get, and I say that where there is a difference of opinion between Mr. Young and Mr. O’Connor, independent advice should be taken. I have not dealt in any way with the question of vested interests, and I do not wish to, because, as soon as such a matter as that is mentioned, everyone comes to the conclusion that self interests are at stake. I am glad, as I have said, that one paper has taken the view that independent advice should be obtained. With regard to the other paper it is hardly to be expected that any other view would be taken except the one that has been taken. This is a matter that should not be

treated lightly, and I ask hon members to consider it seriously, and to come to a decision which will be equitable to both sides.

THE HON. E. McLARTY: It is not my intention to detain the House, but I may say that I cannot support the motion. It would have given me great pleasure to support it, but, after listening to the whole of the arguments, I fail to find that any reason has been shown why these shops should not be removed. When speaking to the Address-in-Reply, I said I thought the Government should act in this matter on the advice of their Engineer, and I adhere to it. It seems strange that there is not sufficient ground between Fremantle and Guildford upon which to locate these Workshops, but I suppose it must be so. I do not think it requires an engineer to say that it is necessary that the shops should be removed, and we are all agreed, I take it, upon that point. The only question is, where are we going to place them, and the Engineer-in-Chief advises us that the Midland Junction is the most suitable site. Before these shops are removed, I hope we shall be using our own coal, which will be a strong point in favor of the Midland site, inasmuch as it will be nearer to deliver the coal at the Midland Junction than at Fremantle. One argument why the shops should not be removed is that a sum of £16,000 or £17,000 is paid in wages every year, and that it is not fair that this should be taken away from Fremantle; but I really do not think that will matter very much. I do not think the Engineer-in-Chief has any feeling in the matter; I believe he desires to get the most suitable and most convenient site. We must bear in mind that we have only one line running to Fremantle. It would alter my opinion very much on this subject if all our railways ran into Fremantle, but we have only one, while at the Midland Junction four lines converge. The matter of vested interests does not weigh with me at all, and I think the Government would be wanting in their duty if they allowed such a matter as this to militate against the general interests of the colony. I may say that it does seem strange to me that the Government have delayed this matter so long, after having the authority of Parliament to remove the shops. I am sure they only did so out of consideration to the people of Fremantle. We have never doubted the Engineer-in-Chief before, and I do not think we should doubt him



in the present instance. Under these circumstances, I cannot support the motion.

THE HON. C. E. DEMPSTER: I have listened to the able way in which this motion has been discussed by the members for the Western Province, and I say that, notwithstanding all this, I think the Engineer-in-Chief is the best authority. He has proved himself a competent and able man since he has been in the colony, and he is carrying out the harbor works in a most energetic manner. It is evident that the present site cannot be retained, and we have the opinion of the Engineer-in-Chief that the most suitable site for the future is the one at the Midland Junction. If the Government did not take that advice they would be doing a wrong thing in the interests of the colony. There are many reasons why the Midland site is a good one, one of which is that most of our lines converge there. Under these circumstances I must vote against the motion.

THE HON. H. MCKERNAN: It does not appear to me that sufficient care has been taken in coming to a decision as to the removal of these Shops. Without going into the details, I may say that when it was considered necessary these Shops should be removed, expert assistance was called in, but, unfortunately, the gentleman who was chosen was one whose credentials cannot be accepted without suspicion. His record up to the time he was called in was one of failure, and at that moment he was in a sea of trouble with the Government of Victoria. It was significant that the Engineer-in-Chief should call him in to give an opinion on the removal of these Shops. It is on Mr. Allison Smith's recommendation that these shops are to be removed to the Midland Junction, and I do not think we should pay so much attention to it as the Government wish us to do, especially when we are told that there is ample room for the shops on land which is situated within the Western Province. The instances of shops having been removed inland and afterwards taken back to the port, are sufficient to warrant us in further considering the matter before we take steps to carry out the removal. Even the Engineer-in-Chief admits that the necessary accommodation could be obtained at a price, and, that being so, I do not see why he should be so strongly in favor of going to the Midland Junction. It simply means he is driving the Government, and that the Government are not taking the

proper precautions. I would urge the Government to hesitate before removing the shops, because I certainly think that, in the future, we shall have to bring them back to the port. I shall support the motion before the House.

The Council divided with the following result:—

Noes...	...	...	...	...	12
Ayes	...	...	...	...	5

Majority against ... .. 7

Ayes	Noes
Hon. E. W. Davies	Hon. W. Alexander
Hon. A. B. Kidson	Hon. R. G. Burges
Hon. H. McKernan	Hon. C. E. Dempster
Hon. J. E. Richardson	Hon. J. W. Hackett
Hon. D. K. Congdon	Hon. S. J. Haynes
(Teller).	Hon. E. McLarty
	Hon. S. H. Parker
	Hon. C. A. Piesse
	Hon. E. Robinson
	Hon. H. J. Saunders
	Hon. F. M. Stone
	Hon. E. H. Wittenoom
	(Teller).

Motion put and negatived.

#### COPYRIGHT BILL.

This Bill was received from the Legislative Assembly and was read a first time.

#### KALGOORLIE RAILWAY BILL.

This Bill was received from the Legislative Assembly and was read a first time.

#### CROWN SUITS BILL.

##### IN COMMITTEE:

Clauses 2 to 21 agreed to.

Clause 22.—"Crown debts show recovered":

THE HON. C. A. PIESSE: By subsection 2 of this Clause the Crown takes priority over private individuals.

THE HON. F. M. STONE: It has been so from time immemorial.

THE HON. C. A. PIESSE: I do not think it is fair. It is going too far.

Clause agreed to.

Clause 26.—"Petitioner to give security for costs in certain cases":

THE HON. C. A. PIESSE: This Clause states that where a person is an uncertificated bankrupt, or has compounded with his creditors, or has no fixed domicile, he shall give security for costs. I do not think this is altogether fair, because a man might have been in the colony only for a short time, and might get injured, and would have no redress.

THE HON. F. M. STONE: He could give security for costs.

THE HON. C. A. PLESSE: He might not be able to do so.

Clause agreed to.

Clauses 27 to 36, agreed to.

Clause 37.—"Limitation of Damages":

THE HON. S. J. HAYNES: I have not fully considered this matter, but I am inclined to the opinion that the amount of £1,000 mentioned in this Clause is not sufficient. It strikes me that, in some cases, £1,000 would be totally inadequate, especially where the person was unaimed for life. I move that progress be reported in order that we may have more time to consider the question.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): This Bill has now been before the House for a week, and this was one of the points I especially mentioned on the second reading. £1,000 seems to me to be a fair limit, when we consider the interests of the public who have to pay these damages. The payment of heavy damages has been a serious matter in the other colonies, and the rates charged on our railways are too small to allow for unlimited risks. In the post office there is a regulation limiting the amount any person can recover if anything is lost in transmission, and the limit is fixed because the charge which is made is so small. In a colony like this I think £1,000 is a fair sum to fix as the limit.

THE HON. S. J. HAYNES: If the rates are not high enough to cover the risk, the Department can easily make a higher charge. I do not see why the Government should be in a different position to a private individual, who has to take the consequences of his negligence. The Hon. the Minister says that the post office has a limit, but I think it is unreasonable to compare a chattel with a life or a limb. I ask that progress be reported.

Motion put and passed.

Progress reported.

#### ADJOURNMENT.

The House, at 9.30 o'clock, p.m., adjourned until Thursday, September 19, at 4.30 o'clock p.m.

## Legislative Assembly.

Wednesday, 18th September, 1895.

*Message from His Excellency the Administrator; Supplementary Estimates—Customs drawback upon Goods Exported—Report on quality of Land and Timber along Bridgetown Railway Routes—Engineering Difficulties, Timber Resources, &c., along Bridgetown Railway Routes—Copyright Bill: third reading—Estimates, 1895-6: in committee—Messages from the Legislative Council: Mines Regulation Bill, first reading; Partnership Bill amendments—Assisted Schools Abolition Bill: second reading—Adjournment.*

THE SPEAKER took the chair at 4.3 o'clock, p.m.

PRAYERS.

#### MESSAGE FROM HIS EXCELLENCY THE ADMINISTRATOR.

##### SUPPLEMENTARY ESTIMATES.

The following Message was presented to Mr. Speaker by Sir John Forrest, and the same was read, and was as follows:—

ALEX. C. ONSLOW,

Administrator,

The Administrator transmits to the Legislative Assembly additional Estimates of expenditure for the year ending 30th June, 1896, to the extent of £20,960, and recommends an appropriation of the Consolidated Revenue accordingly.

Government House, Perth,

September 18th, 1895.

#### CUSTOMS DRAWBACK UPON GOODS EXPORTED.

MR. HASSELL, for MR. CONNOR, in accordance with notice, asked the Colonial Treasurer whether it was the intention of the Government to institute a system of drawback, in the Customs Department, for goods on which duties had been paid and which had to be exported.