

The other letter, it seems, is a letter without signature, and appears to be in the handwriting of a person named McLean, who has been referred to by various speakers during the debate. I submit it is rather trifling with the House for an honorable member to say he will place letters on the table, and for the letters, when placed on the table, to be found, the one without signature, and the other with the signature taken off. The honorable member for Moira ought to have more respect for himself than to act in such a way.

Mr. RICHARDSON.—Sir, I am sure the honorable member for Moira (Mr. Hall) had no desire to pay disrespect to the House. I think the charge which the Premier makes against the honorable member a very good reason why there should be some hesitation before the production of letters read in debate is demanded. Because one of the letters has no signature and is supposed to be in the handwriting of a man named McLean whose name has been mentioned in this debate, complaint is made against the honorable member for Moira. Is not that a sufficient reason why the letter should not have been called for?

The SPEAKER.—I think it is a reason why the honorable member for Moira (Mr. Hall) should not have read the letter.

Mr. RICHARDSON.—The Government asked, when the honorable member for Moira was reading the letters, that they should be laid on the table; and the honorable member suggested that the Government in making that request might desire to exercise intimidation. What does the Premier mean when he says that one of the letters was written by the man McLean? The letters contain no information of value to the House. Then I ask, if there had not been some object, why did the Premier show the anxiety he did to see the letters? I consider it trifling with the time of honorable members to call the attention of the Speaker to such letters—letters of no importance.

Mr. GRAVES.—The honorable member for Moira (Mr. Hall) read a letter which I now hold in my hand; and he stated that the views contained in the letter were endorsed by his constituents.

Mr. HALL.—I did nothing of the kind.

Mr. GRAVES.—The honorable member gave the House to understand that the letter was signed by one Brown, and here is the letter with whatever signature it had torn off.

Mr. HALL.—Mr. Speaker, the two letters the Premier has referred to are the two letters

I read to the House. I was asked if I would lay them on the table. I said I would. The letter which has no signature is as I received it. But it is not anonymous, inasmuch as it reached me in company with another letter to which the writer's name was attached. The signature to the second letter was torn off yesterday. After I read the letters they were handed to the press. I cannot understand the great anxiety on the part of some members of the Government to obtain the letters, and, after getting possession of them, to want the names of the writers. If you, Mr. Speaker, think I should give the names, I am prepared to do so. I am not ashamed to mention the names. I don't want to show the slightest disrespect to you or to the House.

The SPEAKER.—The ruling which I gave on a former occasion, with the assent of the House, was that an honorable member should not read a letter or private document unless he intimated his intention to lay it on the table. The honorable member for Moira read two letters, and said he would lay them on the table. He has laid on the table documents which, in my opinion, are not letters. The honorable member has not complied strictly with the rule accepted by himself when he said he would lay the letters on the table. I think that, if the honorable member can supply the names from memory, he is bound to do so.

Mr. McCOLL.—Have these letters been laid on the table formally and officially? I call it an undignified proceeding if any member of the Government has gone to the reporters to get them.

Sir B. O'LOGHLEN.—I did not go to any reporters. The letters were handed to me.

The motion for the adjournment of the debate was agreed to, and the debate was adjourned until the following Tuesday.

The House adjourned at thirty-four minutes past eleven o'clock, until Tuesday, December 5.

LEGISLATIVE COUNCIL.

Tuesday, December 5, 1882.

New Members—Water Supply: Loans to Local Bodies—
Railway Construction Bill: Examination of Witnesses
at the Bar.

The PRESIDENT took the chair at twenty-seven minutes to five o'clock p.m., and read the prayer.

NEW MEMBERS.

The PRESIDENT announced that the writs which he had issued for the election of members to serve respectively for the Melbourne, Southern, North Yarra, South-Western, and Northern Provinces had been returned, showing that Mr. C. J. Ham had been elected for the Melbourne Province; Mr. Donald Melville, for the Southern Province; Mr. George Meares and Mr. F. E. Beaver, for the North Yarra Province; Mr. Francis Ormond, for the South-Western Province; and Mr. D. C. Sterry, for the Northern Province. The President also informed the Council that he had received from the returning officer for the Nelson Province a telegram stating that he had declared James Williamson duly elected for that province, and from the returning officer for the North-Western Province a telegram stating that the writ issued for the election of three members to serve for that province had been endorsed with the names of James Bell, David Coutts, and George Young.

Mr. Ham, Mr. Melville, Mr. Meares, Mr. Beaver, Mr. Ormond, Mr. Sterry, Mr. Williamson, Mr. Bell, and Mr. Coutts were introduced and sworn, and they presented to the Clerk the declaration required by the Act No. 702.

PETITIONS.

Petitions were presented by the Hon. N. THORNLEY, from residents of Warrnambool, praying that the proposed Koroit Railway should be extended to Warrnambool; by the Hon. R. S. ANDERSON, from the borough council of Sale, praying that the proposed railway to Bairnsdale should start from Sale *via* Stratford, instead of from Heyfield *via* Maffra; by the Hon. J. BUCHANAN, from residents of Gembrook, in favour of a horse tramway from the railway at Pakenham to Gembrook; and by the Hon. J. BALFOUR, from residents of Oakleigh and Berwick, and other persons interested in railway extension to Fern-tree Gully, in favour of the proposed Fern-tree Gully Railway starting from Oakleigh instead of Ringwood. Petitions in favour of the proposed railway from Creswick towards Daylesford being extended to Daylesford were presented by the Hon. W. E. STANBRIDGE, from the borough council of Daylesford, and by the Hon. W. A. ZEAL, from residents of Daylesford.

WATER SUPPLY.

LOANS.

The Hon. J. A. WALLACE moved—

“That there be laid on the table of this House a return showing the following particulars:—

The amount of money lent, advanced, or given for waterworks or watersupply purposes to each of the shires, boroughs, and other local or public bodies or trusts (except the Yan Yean water supply) in the colony, the amount each has agreed to pay, has paid, balance of principal due, amount of interest on each such loan or advance, the interest paid, the interest due in each case, with names and amounts respectively; the aggregates of the above details respectively.”

He said he thought such a return ought to be furnished, because he was informed that a great number of the municipal and other public bodies who had obtained loans manifested no desire to pay interest on them. The shire with which he was connected had all along made it their study to pay the interest on their loan, and he did not see why other local bodies should not do the same.

The Hon. R. S. ANDERSON seconded the motion.

The Hon. J. MACBAIN stated that if the motion was carried the Government would take pleasure in complying with its terms.

The motion was agreed to.

RAILWAY CONSTRUCTION BILL.

The House went into committee for the further consideration of this Bill.

The Hon. J. A. WALLACE said he desired to know whether honorable members were still disposed to go on with the Bill without appointing a committee or commission, as suggested by Mr. Campbell, to inquire regarding the different lines? He thought the suggestion of Mr. Campbell was a very good one, which should be favorably considered by the Council. The railway accident which occurred the previous Saturday on the Hawthorn line showed that there was a great necessity for the existing lines being better managed. The cost of the Jolimont accident absorbed the profits on the Hobson's Bay Railway the previous year, and the accident which had just occurred was likely to render that railway a loss during the present year. The Bill proposed to spend the last shilling of the loan available for railway construction, but he certainly thought that, unless there was some alteration in the system of railway management, a sum of £500,000 should be laid aside as an accident fund. He did not say that if the railways had not been under a political head the accident on the Hawthorn line would not have happened, but he certainly thought that the management of the railways ought to be improved.

The Hon. W. ROSS remarked that it was understood the previous Wednesday that evidence would be taken to-day with

reference to the proposed line from Glen Thompson to Koroit. He wished to know whether the witnesses for the line or those opposed to it were to be examined first?

The Hon. F. S. DOBSON stated that the fact of the Bill having been read a second time was, in his opinion, *primâ facie* evidence in favour of the lines proposed. If any of them therefore were objected to, the burthen of proving them undesirable rested on those who objected to them, and consequently he thought evidence should first be called against the Koroit line.

The Hon. P. HANNA observed that although it was true, as the Solicitor-General had stated, that the Bill had been read a second time, it must be remembered that the second reading was passed in the absence of a great many new members who had since then been before their constituents and had learned their requirements. He thought the suggestion of Mr. Campbell, supported as it was by Mr. Wallace, should commend itself to the Council. He (Mr. Hanna) had devoted some time to an examination of the Bill, and he had come to the conclusion that the railways proposed in it would cost £1,500,000 more than the Government estimated. The Bill was calculated to involve the country in a great responsibility, and he had no hesitation in saying that it had political ends. For the purpose of gaining political support, it had been loaded with a lot of lines that would not pay for the grease on the wheels of the trains for the next thousand years. It was the duty of the Council, which represented 100,000 electors who were the backbone and spinal marrow of the country, to take every precaution against imposition and to require the fullest information in connexion with the Bill. He held in his hand an estimate signed by Messrs. Watson and Zeal, but what value was it when those gentlemen admitted that it might be necessary to add 25 or 50 per cent. to their calculations as to the cost of some of the lines? He (Mr. Hanna) maintained that it would be necessary to add no less than 150 per cent. to some of the estimates of those gentlemen. The Council ought not to be gulled or deluded into passing a Bill of such a character as the present one without the fullest inquiry, and therefore he thought the suggestion of Mr. Campbell, or some proposition which would elicit the facts as to each line and its prospects of paying, ought to be adopted.

The examination of witnesses was then resumed.

Messrs. G. H. Mott, secretary to the Hamilton Railway League; William Smith, borough surveyor, Hamilton; Joshua Vines, coach proprietor; J. S. Jenkins, road engineer and surveyor; W. Anderson, M.L.A.; James Duffus, mayor of Koroit; James Bromfield, president of the shire of Warrnambool; Thomas King, produce merchant, Warrnambool; and Andrew Kerr, councillor, Warrnambool, were examined with reference to the Koroit Railway.

At the close of the examination,

The Hon. H. CUTHBERT asked the Solicitor-General whether he proposed to invite the committee to deal with the Koroit Railway at once, as the taking of evidence in regard to the line was now closed? Perhaps it might be considered desirable that the committee should discuss the matter now, while the evidence was fresh in their minds, instead of postponing the discussion until after the examination of witnesses about other lines.

Dr. DOBSON remarked that on a former occasion he expressed the opinion that it was extremely desirable that each of the disputed lines should be dealt with while the evidence concerning it was fresh in the minds of honorable members. The committee, however, had twice deliberately decided that that course should not be adopted, and therefore he intended to adhere to the understanding that none of the disputed lines should be dealt with until honorable members had had time to read the evidence.

The Hon. C. J. HAM expressed his approval of the course indicated by the Solicitor-General. It was desirable that honorable members should have the opportunity of carefully reading and digesting the evidence before they were asked to deal with the disputed lines.

Mr. CUTHBERT said he entirely concurred with the last speaker. It was in order to be placed in possession of the intentions of the Government relative to the different lines that he put the question. Several honorable members were in favour of dealing with each of the disputed lines as soon as the evidence relating to that line was completed; but he was glad to find that the Government had come to the conclusion that the whole of the evidence should be exhausted before the committee were called upon to decide whether any of the postponed lines should be sanctioned. By this arrangement, the new members of the House would have the opportunity of studying the evidence of the Engineer-in-Chief, and considering the estimate of the cost of each

line, which the Railway department had undertaken to furnish, before being asked to come to any determination.

Evidence was then taken at the bar with respect to the proposed Coburg and Somerton Railway.

Mr. Evander McIvor, surveyor, was examined.

At the close of the examination, progress was reported.

The House adjourned at eleven o'clock.

LEGISLATIVE ASSEMBLY.

Tuesday, December 5, 1882.

Management of the Railway Department : Fatal Collision at Hawthorn—Statute of Trusts Amendment Bill—Geelong District Vine Disease Act Amendment Bill—Railways Management Bill—Veterinary Surgeons Bill.

The SPEAKER took the chair at half-past four o'clock p.m.

RAILWAY MANAGEMENT.

COLLISION AT HAWTHORN.

Sir B. O'LOGHLEN rose and said—Mr. Speaker, I regret to have to announce to the House that a very serious accident occurred last Saturday evening on the Hawthorn Railway, near the Hawthorn station, by the collision of two trains. Unfortunately, the accident was attended with loss of life, and with severe injury to a large number of persons. I have the greatest sympathy, as I am sure all honorable members must have, for the sufferings of those who have been injured. The Government will take every possible step to make a full and searching investigation into the circumstances connected with the accident. An inquest has been opened to-day before the city coroner, and the Government will take care that all available evidence is brought forward, in order to ascertain who is the person who should be held culpable for the accident. I trust that the matter will not be discussed in this House while the inquiry is pending.

Mr. GILLIES (who, to put himself in order, moved the adjournment of the House) said—Sir, I am sorry that the Premier did not conclude his remarks by informing the House that the Government intend to have a complete alteration in the present management of the railways. If the honorable gentleman had made an announcement to that effect, there might have been some prospect of accidents on the railways not occurring in future with such frequency as they have happened of late. Probably this

is the best opportunity that the House ever had of bringing itself face to face with the daily increasing difficulties which surround the Government in the management of the railways. The matter is becoming so serious that the attention of Parliament is bound to be drawn to it, and it ought to be dealt with at once. It is of infinitely more importance than the Land Bill. The lives of hundreds of persons may be sacrificed at any moment under the present system of management. The subject is, therefore, of far too serious importance to be disposed of by the Government saying that they intend to have a searching investigation made into the circumstances which led to the recent collision at Hawthorn. Of course there will be a searching investigation into the cause of that catastrophe; nobody imagines otherwise. But much more than that is required. The Government are bound to deal with the matter from a much higher stand-point than they appear to view the matter from at the present moment. I am aware that the Government have placed a notice of motion on the paper for the introduction of a Bill for the better management of the railways; but honorable members know what sort of provision it is intended to make. It is not such as will relieve the Railway department from the gross abuse connected with political patronage. That abuse, I believe, is taking place almost daily. I have heard of the Minister of Railways issuing a circular to the Opposition saying that there are certain vacancies amongst the employés of the Railway department, and asking them to nominate some persons to fill the vacancies.

Mr. BENT.—That is not true.

Mr. GILLIES.—I have been told it on what I consider very good authority.

Mr. MIRAMS.—Do you say that the circular was sent to members of the Opposition?

Mr. GILLIES.—Yes.

Mr. MIRAMS.—You mean members sitting on the Ministerial side of the House?

Mr. GILLIES.—Not at all.

Mr. ZOX.—I never got one.

Mr. MIRAMS.—This is the first I have heard of the circular.

Mr. BENT.—I cannot allow the statement of the honorable member for Rodney (Mr. Gillies) to go uncontradicted. I beg to inform the honorable member that no circular of the kind has been sent to members on either one side of the House or the other.

Mr. GILLIES.—Has no intimation of the kind been given?

Mr. BENT.—Nor has any intimation of the character referred to been given to any honorable member.

Mr. GILLIES.—Of course the rules of Parliament require that I should accept the honorable gentleman's denial; but I may say in justification of my statement that I did not make it hurriedly, but on the authority of a gentleman who informed me that he had seen a communication of the kind I have alluded to. I will not refer to the particulars of the unfortunate accident which occurred the other day, but I must say that I fear that the personnel of the Railway department, owing to the new appointments which are taking place, is becoming seriously deteriorated. I think I am not stating more than is within the cognizance of honorable members who travel on the various railway lines, both suburban and others, when I say that a number of the new appointments are evidently not of such a character as to justify the House and the country in believing that the men appointed are fit for their places. The making of appointments in the Railway department is a much more important matter now than it was a number of years ago. Trains now run—on the suburban lines, at all events—every few minutes, and to work the traffic safely the services of skilled men are required; but men are appointed one day, and commence their work next day, without any training for the duties which they are called upon to perform. In many cases, however, they need probably eight or ten months' training before they are in a position to perform their duties properly. The greatest possible care and attention are required to see that the appointments are made in such a way as to secure the best men for the State; but so long as the railways are under the charge of the Government, and the Government have to comply with applications from various quarters, political appointments will be made. The Government, in fact, are almost compelled to make political appointments. I say that the Government ought to be relieved from the responsibility of managing the railways. I am sure that honorable members on both sides of the House would be delighted to be relieved from the constant applications which are made to them, not only at their places of business but at their private residences, and in the precincts of this House, to ask the Minister of Railways to give persons billets in his department. If an honorable member is unfortunate enough—unfortunate for himself—to obtain a solitary appointment in the Railway department for any person, he

is beset, morning, noon, and night, with applications from others who desire him to obtain appointments for them. To such an extent has the evil grown that it has become indispensably necessary that political patronage in connexion with the railways should be abolished. I hope that the House will not be satisfied unless the Government state that they are prepared to deal with this question, and to deal with it at once. It is a matter of urgent importance. Nothing can be more urgent. I also sincerely hope that the Minister of Railways will pay much more attention to the brake question than he has apparently done lately. Everybody knows—it is said all over the town by persons competent to express an opinion on the subject—that if each of the trains which came into collision on Saturday had been fitted either with the Woods brake or the Westinghouse brake, the catastrophe would have been impossible. I am not in a position to offer any opinion to the House as to which is the superior brake of the two, but I may mention that serious complaints have been made within the last few days by the representatives of the Westinghouse Company, to the effect that the Minister of Railways has not given them fair play. It appears from a letter in one of this morning's newspapers that they said they would be in a position to supply a certain number of brakes in a certain time, but their proposal was not accepted.

Mr. LONGMORE.—The Minister of Railways was perfectly right; the brakes ought to be made here.

Mr. GILLIES.—It would be better to import a thousand railway brakes from England in six weeks, and fit them on the trains, than that the Minister of Railways should be allowed to kill hundreds of people. It is a monstrous idea that, because we are not in a position to manufacture in a moment the necessary number of brakes to protect human life, the honorable member for Ripon would rather see a loss of human life than see the Government import brakes from England.

Mr. LONGMORE.—The honorable member is imputing to me what I never said, and what I never thought of saying.

Mr. GILLIES.—I cannot understand what other inference can be drawn from the honorable member's statement. However, there is nothing clearer than that, if the two trains which came into collision had been supplied with either the Woods brake or the Westinghouse brake, the accident would not have happened; and the House has a right

to know why the trains were not fitted with either one brake or the other.

Mr. BERRY.—Why have we not had the trains fitted with the Woods brake before now?

Mr. GILLIES.—When the honorable member for Geelong (Mr. Berry) was in office, he and his colleague, the then Minister of Railways, had the opportunity of putting on a number of those brakes, but they did not avail themselves of it. It is, however, no use going back to the past. The fact remains that, for a considerable time, it has been recognised that one or other of the brakes ought to be adopted, especially as during the last twelve or eighteen months the number of trains run on the suburban lines has greatly increased. There are now trains every few minutes, and it is necessary that they should be pulled up quickly at every station. It is impossible to run trains so frequently with any degree of safety unless they are fitted up with some much better brake than the hand brake. When the Government undertook to run trains every few minutes on the suburban lines, they should have had them fitted with either the Woods brake or the Westinghouse brake. Was there anything to prevent that being done? What was the insuperable difficulty? There was none. A serious responsibility rests on the Railway department for not being sufficiently active in the matter. There is an idea abroad that one branch of the department will not move at all, or, at all events, that the Minister can scarcely make it move. That ought to be looked to. The public feel that, if the department had done its duty with reference to the brake question, the accident of Saturday could not have happened. I have no doubt that a large amount of compensation will be required on account of the accident. The amount will probably be much larger than the sum which the Jolimont accident cost the country, though that was a serious amount. I think that the payment of the compensation should not be left with the Railway department. That ample compensation will have to be paid there is not the slightest question, and the House, I am sure, will not grudge payment to the unfortunate sufferers by the accident, many of whom may be maimed for life. I submit, however, that the Railway department is not the tribunal to assess the amount to which each person will be entitled. The claims will require to be carefully investigated, and the Government, I think, should appoint an independent board to see that justice is done,

not only to the unfortunate persons who have been injured, but also to the State.

Dr. QUICK. — Without unnecessary expense.

Mr. GILLIES.—I will not say anything about the expense, because I am sure that any reasonable amount which the State may be called upon to pay to the unfortunate sufferers will not be grudged by any honorable member. I hope that, before this debate is concluded, the Minister of Railways will be in a position to inform the House that the character of the Bill which he intends to introduce for the better management of the railways will be a totally different one from that which was indicated in the Governor's speech at the opening of the session. I venture to assert that the one indicated in the Governor's speech will not satisfy this House at all. The Government must be relieved from political patronage in connexion with the railways.

Sir B. O'LOGHLEN.—Sir, I rise to order. I submit that the honorable member is not in order in discussing a Bill which is the subject of a motion on the notice-paper.

Mr. GILLIES.—I merely referred to the Bill. I am not going to discuss it in the slightest degree. The particulars of the Bill are alluded to in the Governor's speech, and I am now telling the Government that, under the new state of things, the House will insist upon their introducing a very different Bill—one which will relieve the Government from the whole of the political patronage of the Railway department. The railways have reached such a magnitude that it is impossible they can be managed properly on the system that they are conducted at present. We find the Minister running over the country banqueting, and seeing which will be the best lines of railway to construct. What can he know about the routes of lines? Nothing whatever. The department, I repeat, has become so large that it is utterly impossible that the present system of management can continue. No satisfactory proposal for railway management will be submitted to Parliament unless the Government are prepared to wholly divest themselves of their political patronage in connexion with the railways. We ought to be able to secure the best young men in the country for the railways; and I believe that would be done if the patronage of the Railway department was in the hands of an independent board, subject to certain regulations sanctioned by Parliament. Every one would then know under what conditions employment could be obtained

in the Railway department, and the appointments would not be at the mercy of a Minister of Railways, or a Member of Parliament. Unless this is done, the country and the House will not be satisfied. I wish to refer to another matter which is of great importance, as it may lead any day to a serious accident. There is an embankment on the railway a little below Spring-street, near Jolimont, to which additions have been made from time to time. There is an old culvert through it, but it is filled up; and the consequence is that, near the embankment, a large volume of water is collected—sometimes, after a flood, it is two or three feet deep. The water soaks into the embankment; and I am informed that a little while ago absolutely the whole of the earthwork where the culvert has been filled up with sand, or some other inferior stuff, sank and left the rails and sleepers standing alone. If that had happened at night, we don't know what kind of an accident might have occurred—hundreds of people might have been killed. Some steps should be taken at once to allow the flood waters to pass underneath the embankment. If an accident happens there, the Government cannot be held irresponsible after the warning they have received. No one holds the Government responsible for the unfortunate catastrophe which occurred at Hawthorn the other day. They could not possibly have prevented it by any individual action on their part, but they are bound to adopt some steps to alter the present system of railway management, and take care that things are put on a better footing, so that such accidents can scarcely happen in future. No doubt accidents will occasionally occur even under the best system, but the Ministry are absolutely bound to take some immediate steps to secure better management of the railways in future than there is at present, and to divorce the department wholly from Government patronage.

Major SMITH seconded the motion for adjournment.

Mr. BENT.—Mr. Speaker, I am not in a frame of mind, after the sad occurrence of Saturday, to discuss this matter to-night. I do not believe that any member of the House will say that I, personally, had anything to do with the accident.

Mr. MUNRO.—That is said outside.

Mr. L. L. SMITH.—That is an ungenerous statement to make.

Sir B. O'LOGHLEN.—It is most unjust.

Mr. MUNRO.—I do not say whether it is unjust or not.

Mr. L. L. SMITH.—It is a shame.

Mr. BENT.—There is no need to display any warmth over the matter. A number of my dearest friends have been injured in the accident. It is known by honorable members that, ever since I have had charge of the Railway department, it has been my sole desire to provide for the safety of the public. What have I done since I have been Minister of Railways? I have duplicated the line to Oakleigh—the very line on which the honorable member for North Melbourne (Mr. Munro) travels daily—and I have had a lump at the South Yarra junction taken away, because I saw that it was dangerous. The honorable member knows that, and he also knows that in the Railway Bill I have provided for bringing in another line at South Yarra, so as to ensure the safe working of the Gippsland and suburban traffic. I have also proceeded to duplicate the Hawthorn line. That line had been worked for 25 years, and it had become almost rotten. When the laying down of the new rails was nearly finished, it was discovered that the Hawthorn bridge was so dangerous that it was a wonder that it had not tumbled into the Yarra. A box with interlocking apparatus has just been erected on the line, and, when I thought everything was in a good state, what were my feelings when I heard of the accident? When I took charge of the department, I found that the line from Kensington to Essendon was a source of danger, and I duplicated it. I also duplicated the line to Brighton. I have done everything mortal man could do to prevent accidents. The honorable member for Rodney (Mr. Gillies) has spoken of political appointments. I will ask any man in the House—I don't care on which side he sits—whether the charge which the honorable member has brought against me is true? Have I ever made an appointment in the Railway department which has not been subject to the approval of the principal officers, who are responsible? There never has been such a strict examination as to the efficiency of the sight of applicants for employment, and a gentleman said to me last week—"I understand you have made arrangements with your medical officer that he won't let the men pass." Take every one who was concerned in the accident on Saturday. The station-master at Hawthorn has been there for many years. He was looked upon as such a good officer that the Traffic Manager and myself were considering only last week whether or not we would promote him. By the people of Hawthorn I am told that he is one of the

best men in the department. He was in the employment of the Hobson's Bay Company for many years. The officer who makes up the time-table was appointed by the honorable member for Stawell. I have not appointed any one over the heads of any officers that have to do with the traffic. I have never exercised any patronage to place men in positions in the department. Nominally I may have had the patronage, but I have practically left the matter in the hands of the Traffic Manager. I have said to him—"Put on competent men." I have sometimes nominated a greaser or a porter—that is the principal extent of my nomination—but all the appointments have been subject to the Traffic Manager. I court the most searching investigation into my conduct since I have administered the department. As to the bridge at Jolimont, I may mention that there was an old bridge there, that it was tumbling down, and that I was advised to close it up. My attention was drawn to it by the honorable member for the Ovens (Mr. Kerferd).

Mr. WALSH.—There was a culvert under that bridge.

Mr. BENT.—And the timber was so rotten that it was a wonder that it did not tumble down.

Mr. WALSH.—The water escaped there.

Mr. BENT.—As I have said, my attention was drawn to the matter by the honorable member for the Ovens. I then wrote to the Engineer-in-Chief, and afterwards spoke to that officer, and I was told that it was perfectly safe.

Mr. WALSH.—The water is 3 feet deep there.

Mr. WALKER.—And it cannot get away.

Mr. BENT.—What have I to do with that? I know the water is there, but am I to overrule the professional men?

Mr. ORKNEY.—The travelling public will have something to do with it.

Mr. WALSH.—Had you the opinion of competent officers that it was perfectly safe?

Mr. BENT.—As I have already stated, when the honorable member for the Ovens called my attention to the matter I wrote to the Engineer-in-Chief, and I also consulted him, and he stated it was perfectly safe.

Mr. GILLIES.—Did he say it was perfectly proper that 3 feet of water should be allowed to congregate there? No engineer could say so.

Mr. BENT.—Suppose I had overruled the Engineer-in-Chief? The honorable member for Rodney made a statement about the

brakes which I did not expect to hear from an old colleague. The Woods brake would have been on all the trains but for the honorable member himself.

Mr. LONGMORE.—That is correct.

Mr. BENT.—What did the honorable member charge me with because I held five shares in the Woods Brake Company, which I did not buy for purposes of speculation? The honorable member says that I have been lax regarding the brakes. I will tell the House what I have done. I had the Woods brake placed on the trains on the Brighton line. I have always said that the Woods brake is a good one. Since I have been in office I have called for tenders for brakes, and I have had numerous sets of brakes made. I have had all the new engines fitted with a steam brake. There was one on the engine of the train from Box Hill, which was one of the trains in the collision at Hawthorn. Every new engine has a steam brake.

Mr. FRASER.—What brake?

Mr. BENT.—The Woods brake, if you like. I make no secret of the matter.

Mr. FRASER.—I want to know.

Mr. BENT.—I say a steam brake—I believe the Woods brake.

Mr. WALSH.—Was it on the train from Box Hill?

Mr. BENT.—It was on the engine. When an accident happens, people know everything after the event; but has any honorable member ever said in the House—"Put the Woods brake on all the trains"?

Mr. MUNRO.—I have.

Mr. BENT.—If so, the honorable member is the only one.

Mr. LONGMORE.—I wonder it has not been done long ago.

Mr. BENT.—What has been done? I have called for tenders, and have been getting the Woods brake made. The Westinghouse people asked if their brake might be allowed to have a show, and I said "Yes." I arranged that both brakes should be fitted to trains on the Brighton line, upon which they should run in competition for twelve months. My object was to determine which was the best; and, being desirous of recommending one for adoption, I asked the Westinghouse people to permit me to call for tenders for making their brake, so that I might give a truthful statement to the House as to the cost of the brakes. The local agent of the Westinghouse brake refused to comply with my request, but said that if I would take a certain number of sets they would supply them by a certain

time. I declined to take any sets on those terms, because I know the cost at which the Woods brake can be got, and I know that it is a good machine. The department is prepared to apply the Woods brake unless as good a one can be obtained at about the same figure. If the House will take the responsibility of saying that the Woods brake shall be applied to all the trains, it shall be done.

Mr. MIRAMS.—That is the thing to do.

Mr. BENT.—But supposing that the House does order the Woods brake to be applied to all the trains, how long do honorable members think it will require to do that? It cannot be done by magic. Did any of my predecessors apply continuous brakes, or were the lines in a better condition before I took office than they are now? I repeat that the Government are prepared to fit the Woods brake to every train, if that is the wish of the House.

Mr. MIRAMS.—You put on the Woods brake, and you will be all right. Never mind what the *Argus* says.

Mr. BENT.—I have not been in a frame of mind to read the newspapers during the last day or two, but my attention has been called to a letter in the *Argus* from the representative of the Westinghouse Brake Company. If the assertion of the honorable member for Rodney about the company's ground of complaint is based on that letter, I have no hesitation in saying that the statement contained in the letter is untrue. My one endeavour has been to hold the balance fairly between the parties—between the Westinghouse brake and the Woods brake. My colleagues know what I have done. I was anxious to call for tenders at once, and not to wait for the result of the twelve months' competition; and ever since I received the letter from the agents of the Westinghouse Company refusing permission to call for tenders for making their brake, I have had under consideration the question as to the best way of giving the brakes a fair trial. One officer recommended me to take the opinion of the House, another to send for the locomotive superintendents of three colonies to report on the brakes, and Mr. Mirs, the Locomotive Superintendent of the Victorian railways, advised me to test the brakes on the 13th and 15th of December. I have decided to adopt Mr. Mirs' suggestion, and I am therefore moving as fast as I can in the matter. No one appreciates more than I do the necessity for having each train fitted with a good continuous

brake to ensure the proper and safe working of the traffic. I repeat that I have done everything mortal man could do since I have been in office, and I will ask—What board, or what body of men, could have prevented what took place on Saturday?

Mr. MUNRO.—Did you allow the special train to be run against the advice of your officers?

Mr. BENT.—I did not; and I am very much obliged to the honorable member for asking the question. I was pressed by outside parties to open the Lillydale line a fortnight ago, and some persons went so far as to complain to my colleagues that I was injuring the district by delaying the opening of the line. In spite of the strongest political pressure which was brought to bear to get the line opened earlier than it was, I said "No." I was guided in the matter by the officers of the department, and I did not allow the line to be opened until the first of the present month, although some persons wanted it opened on the 1st November. As to the special train to Box Hill on Saturday, which came into collision with the Hawthorn train, the running of that train was a pure matter of business, which was arranged by the department.

Mr. MUNRO.—You were not consulted?

Mr. BENT.—Not at all. I knew nothing about it. The ordinary notice was given to the officers four days beforehand, and the arrangements were advertised in the newspapers.

Mr. WALSH.—Why was not the staff system adopted?

Mr. BENT.—The Hawthorn line has never been anything but a single line, and has never been worked by the staff system. None of the men there understand the staff system. The Hawthorn line has been worked on one plan for more than twenty years, and an alteration of that plan would have been more likely than anything else to lead to an accident. In addition to that, we were preparing for the block system and interlocking apparatus, and if we had only had another fortnight that would have been in operation, and there would have been perfect safety. There is a story to the effect that the Hawthorn stationmaster applied for leave of absence on the strength of a medical certificate that his memory was failing him, and that the application was refused. The facts are that he applied for a month's leave of absence upon a certificate from Dr. McCrea, that his application was granted—indeed he obtained leave of absence for a few days over a month—and that he returned of his own accord at

the expiration of the time. I am told that in the history of all railways some of the best officers have at times made mistakes, and this, I believe, is just how the accident on Saturday happened. I do not wish, however, to go into that question, as it is now before a coroner's jury. I want simply to be fair. Whoever may be to blame for the disaster the other day, let them have a fair field and no favour. That is all I ask for myself. No one regrets the occurrence of Saturday more than I do. It is particularly annoying to me for the reasons which I have given. When I heard of it, I might, so to speak, have been knocked down by a feather. No doubt it has caused a shock in the community. I hope, indeed I feel assured, that such a thing is not likely to happen again. But in connexion with all human institutions mistakes have occurred, and will occur. All I can say is, I am very sorry it happened. It was not my intention to make any speech on this occasion. Indeed, I asked the Premier to be good enough to mention the matter, because I did not feel able to do any business. I may mention that some new carriages arrived only on Friday, and I was looking forward hopefully to the facilities which the Railway department would command for enabling the public to travel with pleasure and safety during the Christmas holidays. No one can possibly regard the occurrence with more sorrow than I do. With regard to what the honorable member for Rodney has stated about a "circular" and "political appointments," all that I can say is that whoever gave the information to the honorable member is himself misinformed. All the men concerned in the accident on Friday have been on the railways for years. I did not appoint any one of them. I don't recollect appointing any new man to an office involving responsible kind of work. I can assure honorable members that the making of appointments is not a pleasure to me. On the contrary, I don't like it. The officers will tell you I don't care about the duty of making appointments. It is immaterial to me what action the House may take as to the future management of the railways. Whatever it may be, I shall cheerfully relinquish the making of appointments. I have had trouble enough in that direction since I have been at the Railway department. However, I have tried to do my best, and this under the best advice I could possibly obtain. As to the junketing from place to place to which the honorable member for Rodney has referred, I may mention that I

Mr. Bent,

engaged in it for the purpose of making myself acquainted with the wants of the country, so that I would be in a position to appreciate properly the representations which honorable members might think fit to address to me on railway matters. I assert confidently—and honorable members who have travelled with me will confirm what I say—that I have never spared any time or trouble to make myself acquainted with the needs of the country so far as railways are concerned; and the number of new lines which this House has authorized the construction of is the best proof of my success. The honorable member for Rodney knows that with his own district I took considerable trouble. Certainly, I had no personal object to serve. It would have been easier work to have remained at home and enjoyed myself, and to have sent officers of the Railway department to ascertain the wants of the country. But even then, when localities found fault, the person with whom the responsibility would have rested would have been the Minister of Railways. With regard to the management of the railways, I think that, in view of the coroner's inquest now pending, this is not the time to discuss that subject. I may say, however, that the present system of railway management has been in operation for years. The honorable member for Rodney, when he was in office, could have altered it if he liked. The honorable member will find, when the proper time arrives, that I take as deep an interest in doing away with political patronage as he ever did. In conclusion, I say that, whenever an investigation into the management of the Railway department is desired, I shall be only too happy to facilitate it as much as possible. I do not shrink from allowing my acts to be exposed to the full gaze of public opinion—from letting in full sunshine on all that I have done since I have presided over the Railway department.

Mr. PATTERSON.—Sir, I think that the chief point the public are concerned about is that the smash of Saturday was of a preventable character. It is not sufficient, when a case of this kind arises, for the Minister of Railways to take credit for what he has done in his department, or to extol, as he always does, the changes he has made. All this furnishes no explanation of the great calamity which we have to deplore. Railway accidents have occurred frequently since the honorable member has been in office; yet Mr. Elsdon managed the Hobson's Bay lines for 20 years without one single accident occurring. There are several points to be

kept in view in considering this matter. One is that, although the whole of the traffic was being conducted on one line, the simple precaution of applying the staff system was not taken. If the staff had been used between Pic Nic and Hawthorn, it would have been utterly impossible for the accident to occur. Then, again, if the time-table had been sensibly made out, it would have been utterly impossible for the accident to occur. According to the time-table, the down train started from Melbourne at the wrong time, and could not have reached Hawthorn at the right time. According to the time-table, the special train from Box Hill was to meet a down train at Camberwell, and be at Hawthorn at 6.21 p.m.

Sir B. O'LOGHLEN.—This is a matter which is before the coroner's court.

Mr. PATTERSON.—The question which the coroner has to inquire into is the cause of the death of one of the victims of the disaster, named Thomas; and it is sought to implicate only the station-master at Hawthorn. But justice will not be served by attributing to a station-master's nod the fact of two railway trains coming into collision, and people being killed or injured thereby. It would be impossible, if proper care were observed, for two trains to meet on a single line. All kinds of trains are running every day on the single line which extends from Melbourne to Wodonga, and yet it is utterly impossible, under the system on which that line is worked, for two engines to meet and run into each other. The engine-driver, once in possession of the staff, has a clear course to the next station, and no train can move from that station until the staff is there. I say the staff system is better calculated to avert a collision than the use of a brake to bring a train when at full speed to a sudden stand-still.

Mr. LONGMORE.—You should have adopted Woods' brake when you were in office.

Mr. PATTERSON.—I would not adopt Woods' brake if I were in office now, because I know of a better—the Westinghouse brake. I said both brakes should be subjected to a fair trial, and I was satisfied that the verdict of the public would be that the Westinghouse brake was the easier and better brake of the two. But has the Westinghouse brake been allowed a fair trial? The Minister of Railways stated just now that he had asked the representatives of the Westinghouse Company to submit their brake to competition, but to ask those people to hand over to the Minister the whole of

their sections, after obtaining patents, in order that other people might tender to construct brakes after the Westinghouse pattern, was not a very reasonable request to prefer.

Mr. BENT.—I never asked for their sections. I simply stated that I would call for tenders, and that the representatives of the Westinghouse Company would have the opportunity of saying, as well as others, how much the application of the invention would cost. Of course, it is the policy of the State that as many of these things as possible shall be made in the colony.

Mr. PATTERSON.—But is it not an unreasonable thing to contemplate that other people should tender for the Westinghouse brake? Does not the brake belong to the Westinghouse Company? Would not the people who are the proprietors of the Woods brake resent anything like an attempt on the part of other people to tender for that brake? The thing is an absurdity. The Woods brake belongs to a company, and they are entitled to a royalty for its use. And how can the Westinghouse people be expected to allow other people to apply the invention for which they claim so much credit? Why, in that way, the value of the invention might be destroyed. The Westinghouse brake is to be bought at a price which is well known, and the Woods brake can be fitted at a price also, and that price is known.

Mr. BENT.—The price is not known. They will not give me a price. I asked them for a price, and they said they would write home and ask for it.

Mr. PATTERSON.—I mentioned to the Minister of Railways, some little time ago, that I considered it would be a perfectly fair and safe thing if one half of our railway system were fitted up with the Westinghouse brake, and the other half with the Woods brake. If that were done, I believe it would be seen that the Westinghouse brake is the better brake of the two. But what I wish to address myself particularly to is the question raised by the honorable member for Rodney (Mr. Gillies) of railway management. I believe there will constantly be blunders and smashes—I cannot call them accidents—so long as the Railway department is subject to political control. Therefore, I say, this is the time to take in hand the Bill for the better management of the railways. I would urge that all other business should be placed on one side until that Bill is passed into law. Let the railways be placed under the control of a perfectly independent

board composed of professional men, and men with some commercial knowledge. There was another accident a little while ago, of which we heard very little, though I believe an immense amount of money will be paid on account of it. I refer to the Windsor accident. That was a matter which the Minister of Railways dealt with very tenderly. How was it that one train ran into another at Windsor? The staff at the command of the Minister of Railways seems to be utterly incapable of managing the large system of railways which has now to be worked. I felt that when I was at the Railway department as much as the present Minister of Railways feels it now. I believe that if tramways were in existence, running in the same direction as the suburban railways, not a soul would be induced to go inside a railway carriage, for the reason that, under the present system, people do not consider their lives safe in railway carriages. There is nothing like striking the iron while it is hot. The Railways Management Bill was prepared before the House met; and, if it is not exactly in shape, can be put into shape without much difficulty. What is wanted is to make our system of railway management a workable system by eliminating all political influence from it.

Mr. GRANT.—What about Ministerial responsibility?

Mr. PATTERSON.—What responsibility has the Minister in connexion with the Railway department, as managed at present? None whatever. Twenty accidents may have happened during the reign of the present Minister of Railways, but no responsibility attaches to him. In fact Ministerial responsibility depends largely upon the numbers ranged behind the Government. So long as a majority is there, there is no bad or foolish thing which the Minister of Railways may do that cannot be overlooked, particularly when it is raised into a party question. But it is the interest of every man who has at heart the security of the people, and the well-being of the country, to see that the management of the railways is placed on a proper footing. Why such a calamity as that of Saturday is calculated to put a stop to railway extension altogether. I say that any system of management must be better than the present. I believe the present system is worse than any other which can possibly be conceived. It is grossly bad.

Mr. HUNT.—Why did you not alter it while you were Minister of Railways?

Mr. PATTERSON.—I did alter it. I relinquished altogether the exercise of

political patronage. And because a few gentlemen like the honorable member for Kilmore and the honorable member for Maryborough (Mr. Bowman) could not get what they wanted, they had the impudence to come down to this House and declare that the system was not being honestly carried out.

The SPEAKER.—The honorable member is not in order in using such language about honorable members.

Mr. PATTERSON.—I will soften the language. The honorable members I refer to pleaded in vain for appointments and billets, and in consequence they declared that I was not the man to be at the head of the Railway department. Honorable members who sit around me have said—“Why we can now get things from the Railway department which were denied to us when you were in office.”

Mr. GARDINER.—You always looked after number one.

Mr. PATTERSON.—I know it was asserted that I could always find room for Castlemaine men, but that is an allegation which can be easily seen through. I say again that I relinquished political patronage in connexion with that department—a thing which was never done before. The present Minister of Railways, instead of following that course, resorted to the old bad and rotten system the moment he took office. There is no mistake about it that the Railway department has corrupted this House, and has lowered politics in this country more than the other departments of the State put together. The Railway Bill recently before this House, over which honorable members wrangled for five months, never lowered it so much.

The SPEAKER.—The honorable member is scarcely in order.

Mr. PATTERSON.—I submit that I am not out of order.

Mr. L. L. SMITH.—What, not in saying that the House is corrupted?

Mr. PATTERSON.—I say that politically it is corrupted—its tone is lowered. (“Shame.”) For these reasons I would urge that the management of the railways should be handed over to a board of practical and sensible men, and that the Minister of Railways should be transferred to some other sphere where he would be usefully employed, and where his head would not be so continually troubled and racked by the occurrence of calamities like that which took place on Saturday.

Mr. WRIXON.—Mr. Speaker, I think we shall ill represent, in this House, the

real feeling of the country, if we allow the present discussion to degenerate into a mere conflict about particular Ministers. I don't care to inquire whether one Minister is better than another; but I am firmly convinced that the opinion of the country is that the present system of railway management is thoroughly rotten, and that to that circumstance the catastrophe of the other day is directly attributable. And who are answerable for that system? Why we who sit in this House. And the people outside—who see their relatives and friends dead and dying and maimed—will not be satisfied with our sitting here and talking about political patronage, and sneering at irresponsible boards, and allowing accidents to go on as they have been going on. I am aware that on the best possible managed railways accidents will now and then occur. That is a necessity of railway travelling. The House will be in a position to appreciate the condition of our railways by the mention of one single fact: on the London and North-Western Railway in England, with its enormous traffic, with the millions of passengers which it carries, only one life has been lost during the past three years and a half. And yet on our railways, with a small traffic compared with that on lines in England, we have accident after accident; and, what is worse, these accidents are admittedly owing to some neglect; they are not owing to some fortuitous chance, some extraordinary emergency, something that could not be expected or anticipated, but they are the result of absolute neglect. This is what alarms the public—what sends consternation through the community. And the public are positively defenceless in the matter. If the railways were in the hands of a company, then the public would have some protection, because in a case of accident the company would have to pay handsomely in damages, which damages would come out of the pockets of the shareholders. That is the position of matters in England, and, in consequence, the management is particularly careful. But how is it with us? The money comes out of the pockets of the injured public. When an accident occurs, the damages are paid not by the Railway department, but by the public. Therefore, we have no check like that which exists in England, nor have we the protection of an intelligent management. The Minister of Railways takes credit for the activity he has displayed; but, if he had displayed double the activity, he would still be in the position of the man who did not know the business

he had to superintend. The London and North-Western Railway is under the control of a general manager, a man of eminence in his line of business, who receives a salary of £5,000 or £7,000 a year. But so severe a strain is this officer subjected to that, as a rule, the incumbent of the office is unable to hold his appointment for more than three or four years. Under him there is a traffic manager, who is paid £3,000 or £4,000 a year, an engineer-in-chief, and other officers. All these men are skilled men, and they have their subordinates, who are dealt with summarily if they are guilty of any neglect. Not a single man is employed without satisfactory proof of his fitness; and, by the constant exercise of care and caution, the lives of the travelling public are preserved. But what is the state of things here? Our railway officials are inadequately paid; they are undoubtedly subject to political influence; and the Minister who is put over them—to direct, superintend, and often to interfere with them—is usually a man who can know nothing whatever about the business. He is faced at one time with a question of engineering; at another, with a question of rates; and, at another, with a question of time-tables; and he is supposed to deal with and control all these intricacies, although he may have no special knowledge whatever about them. And all the time we are harassed by persons coming to us and asking us to interfere with him, and he is harassed by our interference. The Railway department thus becomes a perfect political nuisance. Can we wonder then that, time after time, accidents should occur, in addition to the many narrow escapes from accident of which we hear nothing, because they don't actually result in loss of life? I say that we don't want any wrangling between one party and another—between Ministers and ex-Ministers—but we want some security that the railways will be well managed, and that we and our families can be carried with safety along them. The fear is that if something is not done—if some change is not made—things, instead of getting better, will get worse, because unquestionably there is a tendency to deteriorate both in the personnel and the management of the Railway department. With the large number of new lines now being opened—many of them, judging by the Lillydale line, being of exceedingly dangerous construction—the public are looking forward with some alarm to railway travelling in the future; and they ask the House to interpose, to do

something towards putting matters in a business-like position. I say this debate is justified, as a means of getting from the Government justice for the public. There is no disposition to interfere with the inquest—with the ascertaining, by means of the proper tribunal, the persons on whom the blame of Saturday's disaster should be fixed; but now that the public are justly excited, there is a demand that the Government shall do something to remedy the evils of our railway system, and do it promptly. The Government say that they have ready a Bill for the better management of the railways. If they have, let them produce it. I believe the only true remedy is to lease the railways to different companies under stringent conditions; but if that is not possible, no doubt a board of management could be formed that would be able to conduct matters on a more business-like footing than they have been conducted hitherto. That something should be done is what the country has a right to expect from the House and from the Government. In one of the newspapers the results of the recent disaster have been compared to those of a battle. I consider they are much worse. In a battle men go forward with their lives in their hands, prepared to take their chance; but here are unfortunate women and helpless children wounded and helpless—owing to what? Not to some extraordinary catastrophe, not to some act of Providence which nobody could control, but simply to a piece of neglect, which, under proper management, could not possibly occur. I say the motion for adjournment on this occasion is most useful, and is thoroughly justified. It ought to convey to the Government the united mind of the House, which represents the united mind of the country, that they should deal with this matter promptly. Let it be dealt with promptly, and, in order that it may be dealt with promptly, let us sit as long and as often as the necessities of the case demand.

Mr. WALKER.—Sir, I think the Minister of Railways entirely misinterpreted the remarks of the honorable member for Rodney (Mr. Gillies). The remarks of the honorable member were directed not against the Minister personally, but against the system of railway management as being bad. That system has been worked by various Ministers, the honorable member for Rodney amongst others, and it stands to reason that any such system must naturally fail. No man in his senses would place the management of a business in the hands of any one

who had not been specially trained for that business; and why should a different course be pursued with reference to a department of State, a department with which not merely money but the lives of the travelling public are concerned? The speech of the Minister of Railways was nothing more than a detail of what he has done—how he had gone along a railway, and examined this bridge and that culvert, and how he had been engaged in certain negotiations about this brake and the other brake. But what training has the honorable gentleman had to enable him to judge of the qualities of a brake, or to pronounce as to the security of a bridge? And what guarantee have we that his successor may not be much more ignorant on these subjects than he is? I say the system is altogether wrong. As to the taunt which the Minister of Railways addressed to the honorable member for Rodney, of not being alive, when in office, to the faults of railway management, it is altogether undeserved, because, as a matter of fact, when the honorable gentleman was last in office he proposed the system which now finds favour—the system of managing the State railways by a board; but the honorable gentleman was not long enough in office to carry out his proposal. I dare say that the Minister of Railways has been following simply in the footsteps of his predecessor, but I would ask what has been going on in connexion with the suburban lines during the last few months? Why there have been such alterations of the time-table that neither guards nor porters have known whether they have been standing on their feet or their heads? Under such circumstances, it is a perfect miracle that far more accidents have not happened. The time-table, having been unaltered for years—and the railway employes having had, in consequence, the arrangements stereotyped, so to speak, upon their minds—is all at once subjected to alteration, only to be altered a month afterwards, with the result that, after the second alteration, things are worse than ever. I don't know who caused these alterations of the time-table. If the alterations are traceable to political management; if they were made by the political head of the department for the purpose of securing his own popularity—I don't say they were—that is the greatest argument I know for an alteration of the system. I represent the district which has suffered most severely from Saturday's disaster, and I say without the slightest hesitation that, if the staff system had been in operation between Burnley-street and

Hawthorn, that accident would have been simply impossible. I want to know who is responsible for the staff system not being in operation? There is no use in saying that the system is intricate, and needs a little knowledge, because a child can understand it. I repeat that the whole cause of the accident is the fact of the staff system not being in operation. Why should the public be placed in the position of having to depend upon a single man doing his duty, and keeping his faculties clear? The risks that may be run through the individual's memory failing, or his suddenly having to leave his station, are something tremendous. Why should the lives of numbers of people have to depend upon one man doing his duty? I may mention that in older countries it was found necessary to introduce, long since, the staff and block system wherever a single line was used. I do not say one word with regard to the coroner's inquest, or the possible result. I do not attribute the slightest blame to the present Minister of Railways. His sorrow and regret, no doubt, are great; but the sorrow and regret of other members are just as great. As has been said, we should strike the iron while it is hot. The public feeling is now awake to a sense of insecurity with regard to railway travelling, and no better time than the present could be found to deal, in a very radical fashion, with the system of railway patronage and management. I firmly believe in non-political management. I consider the leasing system, if practicable—which I don't suppose it is—the best system. Next best to that, I think, is the management of the railways by a board. Certainly the sooner the working of our railways is taken out of the hands of politicians the better.

Mr. RICHARDSON.—Mr. Speaker, I think it is to be regretted that an important question like this has to be discussed on a motion for the adjournment of the House. The honorable member for Rodney (Mr. Gillies) would have acted wisely if he had submitted a resolution dealing with the question at issue. The House could then have considered the question on its merits.

Mr. FRANCIS.—Such a resolution could not have been proposed without notice.

Mr. RICHARDSON.—But what shall we get by this discussion? Will honorable members who support the view of the honorable member for Rodney vote for the adjournment of the House, and thereby censure the Government; or will the matter simply end in talk? If the latter is the case, the talk will be useless talk. No Government can act in the manner in which

the present Government are recommended to act by such a discussion as has taken place to-night. With regard to the Bill of which mention has been made we know very little about it, and that is very much objected to. To ask the Government to submit that Bill at this particular time to meet this particular crisis, I don't think is wise, nor do I think we are in possession of sufficient information to enable us to deal with it. There can be no doubt that the accident was preventable, yet the Government don't even tell the House that it will be fully inquired into.

Mr. L. L. SMITH.—They have stated most particularly that it will be fully inquired into.

Mr. RICHARDSON.—Probably the honorable member for Richmond (Mr. Smith) and his colleagues shelter themselves behind the fact that there is to be an inquest, but I am speaking of an inquiry different from a coroner's inquest.

Mr. L. L. SMITH.—No; the Government have indicated that there will be an inquiry.

Mr. RICHARDSON.—I noticed that, while the honorable member for Castlemaine (Mr. Patterson) was speaking, the Premier interjected "Fair play," intimating that it was not wise to deal at present with the matter of an inquiry into the whole case. But the inquest will be merely an investigation with respect to the death of an individual, whereas there are other questions connected with the affair in which the public are deeply interested. There is, for instance, the question who is politically responsible for the mismanagement of the Railway department. There can be no doubt that there has been such mismanagement, and that it has lasted a long time. I remember that, some time ago, in speaking of the Jolimont accident, I stated in this Chamber that had it taken place in England some one would have had to stand a trial for murder, and I still hold the same view. That affair was the result of mismanagement, although doubtless it was not possible to establish the fact in the course of a party discussion in the Assembly, or at a mere coroner's inquest; and I venture to say that, had a proper investigation been made into the particulars that surrounded the case, the catastrophe of last Saturday would never have occurred. Measures would have been taken that would have prevented it. Some one is responsible, and ought to be held so, for the death that has just occurred, and for the sufferings that are now being undergone.

No doubt the Minister of Railways feels sorry for the accident—everybody does so—but that remedies nothing. What is wanted is to know where lies the evil that caused the event, and who is to blame for it. The real secret of the railway mismanagement I complain of lies deep, and it is no more to be elicited by means of a coroner's inquest than it can be mended by the Minister of Railways expressing regret. He told us just now that he had done all that mortal man could do; but what inference are we to draw from that statement? Simply that there ought to be some other management of the Railway department than his—that if there was somebody else to control it the result would be better. If the honorable gentleman has done all he can do, and the accident has happened, it is obvious that something more than he can do remains to be done to prevent the destruction of life and property. In no country in the world is there so large a percentage of accidents as there is on our lines.

Mr. BENT.—That is not the fact, as I can prove.

Mr. RICHARDSON.—My assertion is one capable of proof. The honorable gentleman told us that the Hobson's Bay Company's lines were found to be rotten, and he takes credit for having them altered; but what is the argument worth—what are we to deduce from it? These rotten railways were worked by the company for twenty years without accident, yet directly they come under the control of the Victorian Railway department most lamentable disasters accrue. How can that state of things tend to justify the honorable gentleman's management? He referred in the course of his remarks to something that occurred while his predecessor was in office, but when the honorable member for Castle-maine was Minister of Railways what did he do? He found great mismanagement going on, and he sought to make a change. In that spirit he placed at the head of the Railway department the man who had, during the twenty years I have mentioned, so successfully managed the Hobson's Bay lines; but, almost as soon as the present Government came into power, that officer was removed. I admit that the removal took place after the Jolimont accident, the causes of which have never been fully revealed. Officials connected with the Railway department may know the cause of that disaster, but the House does not know it. Indeed, the information cannot be forthcoming until a searching inquiry is made into the whole thing. If the fault rests with

the officers of the traffic branch, it is time they were removed. It is there that the responsibility of the Government comes in. They are blamable if their officers are found not capable. I consider that a competent traffic manager ought to be brought to this country. I don't care what salary the colony gives him, so long as he knows his business—has not only capacity, but railway experience of recent date. Were such a man introduced to the Railway department, he would make a change, and it would be a change for the better. We would know then why these accidents arise—whether the negligence of the traffic branch or the political action of the Minister of Railways is to blame. Without the services of such an official, no railway board could effect the change required. It is absolutely necessary that an inquiry should be made into Saturday's accident, not by railway officers, or by any set of gentlemen outside, but under the direction of this House. It is a fact that men are appointed to the Railway department and placed in important positions there, who are without skill in the performance of their duties, and when the Minister claims to be irresponsible on their account, and that the responsibility rests on the officers of his department, because he acted under their advice in making the appointments, I only see an additional proof that our railway management is very far from being what it ought to be. I trust the Government are prepared to initiate the inquiry that is wanted, or that they will allow the House to do so. It was a motion practically proposing such an inquiry that the honorable member for Rodney (Mr. Gillies) ought to have submitted.

Mr. BENT.—An inquiry has been promised.

Mr. RICHARDSON.—I don't see that the Government have promised anything. They promised an inquiry into the Jolimont accident, but what came of it? What do we know about that casualty? We are aware that men and women suffered from it, but we don't know why. All we have before us of after action on the part of the Government is that they fought out every claim for compensation to the last degree. The Railway department took refuge under the broken tire, but the fact that the tire broke was a proof of mismanagement. Some one is responsible for that dreadful event, and, as I have said, had it occurred in England, some one would have been tried for his life for it, but at that point our conclusions must stop, because we have not the means of

carrying them further. No real attempt has been made to discover the responsible person. I don't think, however, that the House or the country will be satisfied until an inquiry has been made into this later accident, which will reveal from what source it arose, and upon whose shoulders the blame ought to fall.

Mr. C. YOUNG.—Mr. Speaker, the honorable member for Creswick (Mr. Richardson) has indulged in a large amount of virtuous indignation at the inquiries into the Jolimont accident not being more satisfactory, and he has made special reference to the late Government having placed the former manager of the Hobson's Bay lines in charge of the Railway department, but is it not within the honorable member's cognizance that the Legislative Council appointed a committee of inquiry to investigate the causes of the disaster?

Mr. RICHARDSON.—This House knows nothing of that.

Mr. C. YOUNG.—I would like to be told under what the honorable member shelters himself just now. If he is not aware of what the Council did, the Government and every other member of the Assembly are in possession of the information.

Mr. BERRY.—It happened rather late in the day.

Mr. C. YOUNG.—Late in the day it might be, but that ought not to have prevented the honorable member for Creswick from being fully seised of the circumstance that the inquiry was made, and that its want of success was entirely due to the gentleman who was general manager of the Victorian railways at the time of the accident—the Hobson's Bay railway manager the honorable member so particularly alluded to—absenting himself from it. He was summoned to attend it and give evidence, but he did not answer the summons. I don't say why he kept away; I throw no blame on any absent person; but I point out that the want of the testimony that gentleman could have given prevented the Council's inquiry from coming to a satisfactory conclusion. I don't desire to go into the present question at length, because I think the discussion premature, but I will say that I was a good deal amused at the honorable member for Castlemaine (Mr. Patterson) declaring himself as so dreadfully opposed to the exercise of political patronage. Has he forgotten one occasion, when he was administering the post-office, on which, during the interval between the issue of a writ for an election

for Castlemaine and the election taking place, he appointed twenty Castlemaine men to berths in the department which there was no need to fill.

Mr. PATTERSON.—That is not true.

Mr. C. YOUNG.—Men who had no qualification of any kind for the posts assigned to them.

Mr. PATTERSON.—That is not true.

Mr. C. YOUNG.—The honorable member has contradicted me twice, and I suppose I am bound by the rules of Parliament to accept his contradiction, but at the same time I know my statement to be true. Has the honorable member forgotten about the gangs of men who were sent careering about the railway lines with free passes, and about the motto recommended for their adoption, namely, "To vote early and to vote often"? I fancy that if the honorable member had given us a little personal explanation as well as parliamentary precept he would have done better. It seems rather undignified, not to say ridiculous, for him to attempt to pose in this House as one who does not believe in political patronage, when it is notorious that while he was in office he exhausted every means of patronage within his reach.

Mr. LONGMORE.—Sir, honorable members have stated that there must be a fault somewhere to account for the late lamentable catastrophe, but surely the proper way to deal with the subject was for the honorable member for Rodney (Mr. Gillies) or some other honorable member to give notice of motion for a select committee to inquire into the causes of the accident.

Mr. LANGRIDGE.—And expect to get a report next year.

Mr. PATTERSON.—Do you want delays like those of the Police Commission?

Mr. LONGMORE.—I hear what honorable members say, but I am quite sure that in an emergency of the present kind a select committee would get through the business of an inquiry in the shortest possible time, and that then we would not be so much in the dark as we are now. We would have a reliable report before us, and I freely admit that if that report blamed the Government they ought to go out of office. In the early part of the debate the honorable member for Rodney said that I was willing that people should be killed in every direction rather than the Westinghouse brake should be adopted. The honorable member put into my mouth words which I repudiate entirely. Certainly, I am not going to advocate the claims of an outside brake company simply because a man has been killed,

and others have been maimed. The brake question is one that ought to be discussed not at a time when our feelings are hot, but when it can be dealt with calmly, and in the light of a full knowledge of the subject. The death of a fellow man ought not to surprise us into laying a burthen upon the country, for all time, which it is not entitled to bear. When the honorable member for Stawell was at the head of the Railway department, and a colleague of mine, as well as of several other honorable members now sitting in opposition, he was hounded and howled at because he put his brake on two trains. Yet that brake has been tried, and proved by all the scientific men of the day who witnessed the trial to be equal to any brake in the world; and I ask why it has not been adopted?

Mr. MIRAMS.—Because the *Argus* would not have it.

Mr. LONGMORE.—Because the *Argus* would not have it, and because the honorable member for Castlemaine (Mr. Patterson) would not have it. He preferred to go on using a brake of admitted incapacity. The honorable member for Rodney, when he was in office, also refused to put on the Woods brake, although he must know now that had it been in use numerous lives would have been saved. What did I see the other day when travelling by rail in Tasmania? There is a line there with a gradient of 1 in 40 twice in seven miles, yet the train ran the distance at 22 miles an hour, going up and down without its speed being one minute out. That was because of the brake employed. What is the case with us? Our highest grade is 1 in 50 for three miles and under existing circumstances no train arrives at the bottom without being beyond all control. It is utterly impossible with the brakes in use to prevent it careering along at 60 miles an hour. Only the Woods brake, or I admit the Westinghouse brake, would be equal to stopping a train at that point. That is a specimen of how we have gone on. For twenty years, although it has always been known that better brakes could be got, we have been running trains with one brake on the engine, one on the tender, and one on the van, ten or twelve carriages being frequently between each end of the train, and it is a perfect miracle that we have not had from time to time the most horrible smashes ever heard of. Nothing but our working so much on double lines has saved us. When I was in office with the honorable member for Geelong (Mr. Berry) he spoke to me about the Woods brake, and I

told him it was one of the best that had ever been produced in the world, and that we ought to use it on the Victorian lines. Matters went so far that the honorable gentleman was willing, and indeed anxious, that that course should be taken, but the delicacy of the political position prevented the step. The Opposition were howling at us about it, and among them were the honorable members who are now crying out in the conservative corner because a brake has not been adopted. And what is the consequence of our not being allowed to adopt a proper brake? It may have been the lache, or an infirmity of mind on the part of the Hawthorn station-master, that caused those two trains to meet on Saturday last, but had both been fitted with either the Woods or the Westinghouse brake they could have been brought up 500 yards apart.

Mr. PATTERSON.—Why they met at scarcely 500 yards from the station.

Mr. LONGMORE.—The point is that, had every wheel of those trains been under the control of a Woods or Westinghouse brake, the accident might have been averted, and therefore I hold the honorable member for Rodney and the honorable member for Castlemaine, because of their opposition to the Woods brake, as mainly responsible for the calamity. Another thing I don't at all approve of is honorable members pumping up a lot of indignation at the fate of the victims of the collision in order to raise a political question, and create political capital. Look at what the honorable member for Castlemaine has done. He first worked up the Catholics, then the protectionists, and now he goes in for doing the same thing with the Orangemen. He will soon work himself out altogether, and then be without either party or conscience. As for the honorable member for Rodney, the champion of tramways, does he not know well that ten men are killed on the Sydney tramways for every one man killed on the Victorian railways? I want the House to realize that we are not competent to deal with the railway question at this moment, and that it is a shame to turn a terrible railway accident into a matter of party politics. Moreover, I tell the honorable members who aim at getting a railway manager from the old country at £5,000 a year, and also at putting the Railway department into the hands of a board, that we do not want in this colony any more Harbour Trust arrangements, or incompetent officials from abroad at exorbitant salaries. I think we might be very well

content with the talent we already have amongst us. I know of several companies who would not be satisfied until they sent for managers from the home country, and who, in consequence, got the greatest duffers and lost no end of dividends. The Queensland Government sent home for a railway manager, and when they got him they found they had to clear him out. I assert that our railways can be managed within the colony, for we have in our own ranks men perfectly capable of doing the work. We have also a Victorian brake which is as good as any other in the world, and it is the duty of the head of the Railway department to take the best means for its adoption. For us to go on trusting the lives of railway passengers completely to the charge of any individual official will be absurd and wicked, because there is no human being alive of whose mental condition we can always make sure. I repeat that we have already in the Railway department as good men—engineers and otherwise—as the universe can produce, and we ought not to be induced to spend money on bringing out from England or elsewhere persons who may turn out to be absolutely incapable.

Mr. McCOLL.—We sent for Mr. Gordon, for instance.

Mr. LONGMORE.—Yes, that is a case in point, for we have as good engineers in our midst as ever Mr. Gordon can be made out to be. If we want a sample of his work we need go no further than the Melbourne Swamp. What do we find there? All the lines of beauty preserved in order to preserve also the stinks we want to get rid of! This is not the time for a political attack upon the Minister of Railways. Honorable members have no right to be hurling charge upon charge against him, when in the end it may turn out that the cause of the late accident was that a particular man's mental condition was not at a particular time what it ought to have been. I say let us treat the unfortunate affair as an accident until competent men have proved it to be something else. I think the best men would be found in a select committee of this Chamber, and such a body I take it to be our duty to appoint. When it is clearly shown who is to blame, no matter whether the fault rests with the Government, or with any official or officials, it will be time enough to inflict a fitting penalty.

Mr. FRASER.—Mr. Speaker, I think the House is almost unanimously of opinion that our railways should not continue to be managed as they are managed. I am not going to find fault with the Minister of

Railways, or with any one else, but I contend that our whole railway system is a wrong one. It is that and our peculiar method of railway patronage—of appointing persons to places in the Railway department—that has mainly caused, not only the late accident, but almost all our other railway accidents. I know for a fact that all the new appointments made in the department are due to some political agency.

Mr. LANGRIDGE.—You really think so, do you?

Mr. FRASER.—I not only think so, but I believe the Minister of Railways will not deny that it is so. I do not specially blame the present Minister of Railways, because what I complain of has been done by every one of his predecessors, and will be done, unless our railway system is altered, by every one of his successors. My great aim is to induce the House to make a complete and thorough change. The evils of the system of patronage are intensified in the Railway department, where the officers have so many lives in their keeping, and the safety of the travelling public is dependent on the proper management of the railways. We hear rumours from time to time of officers being kept on through political influence who are inefficient, and there is no doubt that under the present system it is almost impossible for a Minister, whose own seat may be at stake, to do his duty fearlessly with regard to the discharge of employéés who are useless, but who are friends of the Minister's political supporters. If the railways were placed under the charge of commissioners who would have the absolute power of dismissing any officer without his being able to apply for a board, there would soon be an improvement in the state of affairs. I, myself, know of cases where men who were found intoxicated when on duty, instead of being dismissed, were merely cautioned and allowed to remain in their employment. Such a thing would not be permitted if the railways were under proper management. I certainly think the House should insist upon some action being taken—either that the Railways Management Bill should be taken in hand and dealt with at once, or else that a select committee should be appointed to inquire into the whole system of railway management. The present system is rotten to the core. In the other colonies we find better management, and much more civility from the railway officials. As an instance of the manner in which the public are treated by some of the officials here, I may mention that

not long ago at the parcels office, when sending a parcel to Queenscliff, I found that I could not properly attach the parcel stamp. When I asked the clerk, who did not know me, for assistance, he at first did not deign to answer me at all, and it was only when I threatened to report him that he threw me a bundle of thread, and told me to "do it myself." When business men meet with such treatment, we can imagine how persons unaccustomed to business are dealt with by officials. I am not speaking, however, against the railway employés as a whole; I believe the department contains as good men as are to be found in any of the other colonies, but they are spoilt by the system. Even the Traffic Manager dare not do exactly what he thinks best for the public safety and the efficient carrying on of the traffic if the political head of the department hints that the proposed course will not suit certain considerations. The same thing is the case with other departmental heads, and, if we brought out a gentleman from England and gave him £10,000 a year, there would probably be no improvement while the present system continues. Indeed, an independent officer who knew his duty would not be influenced by the political head of the department, and would soon throw up the sponge. There is not the slightest use in getting a man from England so long as the humbugging and red-tapism, which form the principal ingredients of railway management in this colony, continue. I am not blaming the present Minister more than his predecessors, although I must say that, if the honorable gentleman had applied himself more to the work of the office than to going about the country, he would have done more good. With regard to the question of brakes, I must express my opinion, from my experience in travelling on the railways of this and the other colonies, that the Westinghouse brake is vastly superior to the Woods brake. The latter is no doubt a good brake to stop a train, but there are difficulties and other objections in connexion with it which do not exist with regard to the Westinghouse brake. The Westinghouse brake is in use on all the principal railways throughout the world, whereas the Woods brake has not yet been adopted anywhere. I wish to say that I have no personal motive to serve in this matter whatever—I am on the best of terms with the honorable member for Stawell—and I merely express my honest opinion in the interests of the public safety. A return prepared in 1880 shows that the Westinghouse brake is in use in

Mr. Fraser.

England, France, Belgium, Germany, Russia, Holland, Italy, Sweden, India, New South Wales, South Australia, Queensland, and the United States.

Mr. PATTERSON.—Yet here it is on its trial.

Mr. FRASER.—The greatest experts of the known world have tested it over and over again in competition with the Smith vacuum and other brakes.

Mr. BENT.—And the Smith brake beat it.

Mr. FRASER.—The Minister does not know what he is talking about. The Smith brake never beat it. The Westinghouse brake is in use in Great Britain on the following railways:—Caledonian, Great Eastern, Great Northern, Glasgow and South Western, Lancashire and Yorkshire, London and South-Western; London, Chatham, and Dover; London, Brighton, and South Coast; Midland, North British, North-Eastern, and West Lancashire.

Mr. PATTERSON.—Yet we're not sure about it here.

Mr. FRASER.—I do not wish to run down the Woods brake. If the Minister of Railways did his duty, he ought to make up his mind to adopt either the Woods brake or the Westinghouse brake. The Minister of Railways said this evening that the Government had adopted the Woods brake.

Mr. BENT.—No. I said that, if the House wished it, the Government would adopt it. I may inform the honorable member that the Westinghouse brake was never allowed to be tried on the Victorian lines until the present Government came into office.

Mr. FRASER.—I must say that the present Minister of Railways has shown great tact—I was going to use a less polite word—in manipulating the honorable member for Stawell.

Mr. BENT.—I submit that the honorable member should withdraw that statement. I know it has been made behind my back, but I will not allow it to be made before my face.

The SPEAKER.—I think the honorable member for Rodney (Mr. Fraser) should withdraw the remark.

Mr. FRASER.—If it is out of order, I withdraw it. At all events it is within the knowledge of honorable members that the honorable member for Stawell is under the impression that his brake will be adopted by the Railway department. Of course if the Minister of Railways thinks that the Woods brake is the best, it is his duty to adopt it,

but if he believes the Westinghouse brake to be the best—and I think he does—then he should adopt that one. I have already shown that the Westinghouse brake is used on almost every railway in the world. The greatest experts have tried to pick holes in it, but they have been compelled to acknowledge that it is the brake which comes nearest of all to meeting the requirements of the Board of Trade. If the honorable member for Stawell and the company which have taken up his brake are so certain of its superiority, why do they not try to have it introduced in other countries? There are numerous private companies who would be glad to adopt the brake if it is the best yet invented. If the Minister of Railways has any doubts about the respective merits of the two brakes, why not, in order to thoroughly test the matter, have the Woods brake attached to say the trains on the Ballarat line, and the Westinghouse brake to the trains on the Sandhurst line, and let the public judge of the two during the next two or three years?

Mr. BENT.—The Westinghouse brake is being tried.

Mr. FRASER.—I have no faith whatever in the trial. It is well known that when the Woods brake was first being introduced, the whole resources of the locomotive department and the Williamstown workshops were brought into requisition to make it as perfect as possible, and, I believe, the brains of the officers were also at the call of the Minister of the day. If the two brakes are to be tested, let the test be made by independent experts. If a fair test cannot be made in this colony, let carriages fitted with the brakes be sent to one of the other colonies, and have the test made there. It cannot be said that the Westinghouse brake has yet had a fair trial in opposition to the Woods brake. I do not say that the Woods brake is not infinitely superior to the ordinary hand brake, and, if both the trains which collided on Saturday had been fitted with the Woods brake, in all probability the accident would not have occurred. There is little doubt, however, that the best brake would not prevent such an accident on a dark night, as the drivers of the respective trains would have no idea of the trains meeting until it was too late to prevent a collision.

Mr. PATTERSON.—Brakes would be no preventative at all in such a case.

Mr. FRASER.—The only preventative is to change the entire system. Since the death of the late Mr. Thomas Higinbotham

there has not been an officer in the department who dares to speak out freely as that gentleman did. In fact, it is not in human nature to expect that men will dare to act independently when it may cost them their position to do so. As I have said, the whole system is rotten. When the Hobson's Bay Company had possession of the suburban lines, every officer knew that if he did not carry out his instructions he would be inevitably dismissed, but that is not the case now. It may be said that the Minister of Railways has not funds to apply efficient brake power to the trains, but the Minister can find money for other things, and surely he can find means to provide for the safety of human life. I trust that either a select committee will be appointed, or that the Government will at once proceed with the Railways Management Bill. The Land Bill may be important, but I think this question is of still greater importance, because a change in the system of railway management would not only result in the saving of a vast amount of money, but in the saving of human life.

Mr. FISHER.—Sir, possibly this question may be of more importance than the Land Bill, but there is this distinction between the two matters—that the consideration of the Land Bill would be apropos of our meeting to-night. In going beyond expressing, in the strongest terms, its sympathy with the unfortunate sufferers by the late disaster, it seems to me that the House is travelling completely out of its province. Honorable members are standing, metaphorically speaking, as chief mourners round the bier of the man who passed away so suddenly last Saturday, yet what are they doing? One honorable member indulges in a favorite hobby, another has a fling at the Minister of Railways, and another at the whole Ministry. Surely such conduct is most inappropriate, and utterly beneath the dignity of Parliament on such an occasion. Nothing has astonished me more to-night than the ungenerous attack which has been made on the Minister of Railways by some honorable members who have themselves filled that high office. None knew better than they the difficulties of the Minister's position, and that it would have been utterly impossible for any Minister to prevent such a disaster as that which has occurred. Under the most perfect system of railway management, such an accident might occur. What, after all, is the origin of the whole thing? One unfortunate man, for a few minutes' time, lost the full possession of himself, a thing which

happens to the best of us at some time or another.

Mr. DUFFY.—I would suggest to the honorable member that it would be much more desirable to follow the course which the House has steadfastly pursued during this discussion—namely, not to enter into the circumstances of the accident, or to discuss who is to blame, until after the inquest has been held.

Mr. FISHER.—I have not the slightest desire to anticipate the inquest, and I was merely saying something in extenuation of what happened in the case of one individual, but I will not pursue the matter any further. My contention is that honorable members should have confined themselves, on this occasion, to expressing their sympathy with the sufferers by the accident. The honorable member for Creswick (Mr. Richardson) stated that the inquest would be only an inquiry as to the death of one man, but, if the honorable member had looked at the evening papers, he would have seen that the barrister who appeared on behalf of the Crown stated that his instructions were that there should be the fullest inquiry into the whole of the surrounding circumstances. Indeed, an inquiry as to the death of the man who was killed involves an investigation into all the causes which brought about that result. I think the honorable member for Rodney (Mr. Gillies) and the honorable member for Castlemaine (Mr. Patterson) would have shown much better taste if, knowing as they do the difficulties of the position of Minister of Railways, they had been ready to offer him some sympathy in his present situation. Surely this is not the time to bring up the question of the relative merits of brakes, or to indulge in side attacks on the Minister of Railways and the Government. I am quite prepared at the proper time to join in any movement to remove the present Ministry, but let it be made in a fair and honorable way. To attempt to throw obloquy on the Minister of Railways, who has been doing his level best in the department, for the melancholy disaster which occurred on Saturday is something we ought all to deprecate.

Mr. HARPER.—Sir, I do not think that this debate should be continued in any spirit of recrimination, or with any intention of anticipating the judicial proceedings which are now pending in connexion with this railway accident. At the same time, I do not agree with the honorable member for Mandurang (Mr. Fisher) that the country merely expects from this House

an expression of sympathy with the sufferers by the accident. I think the country looks to Parliament to see that a system of railway management of which I believe nine-tenths of the community disapprove should not be allowed to continue for a day longer than is absolutely necessary. I regret that this question has arisen on a motion for the adjournment of the House, because such a discussion can have no definite conclusion, and has generally, as in this instance, a tendency to assume the shape of an attack on the Minister in charge of the department concerned and the Ministry generally. I consider that the deplorable accident cannot in any way be shown to be the result of any mismanagement on the part of the Minister of Railways or the Government. I think the accident is directly attributable to the system which has been in vogue in this colony ever since our railways were started—a system which has caused a want of confidence by the public in the management of the railways.

Mr. BERRY.—It never existed before the last year and a half.

Mr. HARPER.—Certainly, before a certain deplorable event which took place in this colony in January, 1878, we did not hear much of the disorganization which now prevails. There is no question but that the Railway department, as well as all other departments, have suffered greatly from that event. During the last three or four years there has been a perceptible declension in the efficiency of nearly every department of the public service. The feeling of the country is that a vast trading concern, which after all the Railway department is, should not be managed by politicians—by Ministers who can be responsible only for the general policy of the department, and not for the details necessary to carry out a complicated system of traffic. Year after year we are adding to the number of our railways, and are constructing cross lines running into the existing railways, so that the traffic is becoming increasingly complicated. Honorable members have referred to the Hobson's Bay lines having been run with comparative immunity from accident by a private company for twenty years; but those remarks do not apply when it is considered that, since the State purchased that system of railways, it has added numerous other lines which run into the old lines, and cause the complications which have led to the present accident. The truth is that the railways of this colony have now got beyond the capability of political management. When we

had only a few lines—most of them double lines—the traffic could be worked under political management with comparative safety ; but now that we have a complicated network of railways, especially near the city, the traffic has got beyond the capacity of the Railway department as at present constituted. I think, therefore, that the country will be disappointed if honorable members do not seize the opportunity of expressing their desire that, at the earliest moment, steps should be taken to alter the system, and render it one in which, at any rate, the public will have confidence. I trust the Government will consider the question in that light, although, as I have said, we have nothing to show that this particular accident might not have occurred under the best possible system of management.

Mr. BERRY.—Yes, we have.

Mr. HARPER.—Of course up to the present we merely know what has been stated in the newspapers, but, as far as I can judge, nothing has yet transpired to show that the accident might not have happened had the railways been under the management of a board of directors or in the hands of a private company. Dependence must be placed upon agents—upon officers—and if an officer becomes suddenly confused at a critical moment, so that he does the wrong thing or omits to do the right thing, an accident may follow; but that is possible under any system. We all know, however, that appointments in the Railway department are as a rule political appointments. (“No.”) Honorable members may say “No,” but the fact is notorious. I myself have never felt anything degrade me as a Member of Parliament so much as to feel impelled to go to the Railway department to ask that men should be employed.

AN HONORABLE MEMBER.—Were you successful?

Mr. HARPER.—I have not succeeded in getting them put on, and I must say I am not sorry for it. Every honorable member knows that he is beset day after day by men who desire to be put on the State railways. Many honorable members exert themselves successfully to get men put on, and the result is that under a political system of railway management it is impossible to rely on securing the most efficient service. Moreover, under such a system the superior officers have not the same control over their subordinates as they would have under a different system. I think, therefore,

the Ministry should look this question in the face, and bring forward the measure they have on the notice-paper for the better management of the railways, and have it discussed by the House. Whether the House agrees with the particular system proposed by the Government or not, at all events honorable members will have an opportunity of bringing their intelligence to bear on the subject, and of aiding the Government to bring about a more satisfactory state of affairs than at present exists. There is no doubt that if we go on, as we are doing, multiplying our railway lines, having political heads who are changed from time to time, and under-paid permanent officers, the results must be most disastrous. In connexion with the subject of payment, I would point out one advantage which would accrue from dissociating the railways from political management. In a democratic country like this, if any Ministry proposed to engage the services of an Engineer-in-Chief or Traffic Manager from England or America at a salary of perhaps £5,000 a year, while the Premier only gets £2,000 per annum, the idea would be scouted. Yet throughout the civilized world men such as those in charge of the great railway systems of the world can command their own terms. A great traffic manager is born, not made—he must have an exceptional combination of qualities which enables him to deal with the most complicated system of railways—but if a Ministry proposed to engage such a man on the only terms on which he could be secured, they would be laughed at. If, however, the railways were altogether outside of political management, and were conducted on purely business principles—first of all having regard to the safety of the public, and, secondly, to the object of making the lines pay—those who had charge of them would be glad to secure the services of the best men they could possibly get. But under the present system that is out of the question. What economy is there in paying £700, £800, or £1,000 a year for services which, if rendered thoroughly by capable men, are worthy five times that remuneration? The country has had to pay £40,000 in consequence of the Jolimont accident, and I am afraid to say what the late accident may cost. If the Government look at the matter in all its aspects they must come to the conclusion that they ought, as soon as possible, to free themselves from what must be a terrible responsibility, and also free members of this House from what I regard as one of the most degrading

parts of the functions which they are called upon to perform, namely, to get men employed in the Railway department who know very little of the duties they undertake, and who may be thoroughly incapable.

Mr. FINCHAM.—Mr. Speaker, in my opinion the Government are decidedly to blame for not proposing to appoint a tribunal to thoroughly inquire into the causes of the sad accident which we all so much deplore. We ought to deplore it all the more because it is the general belief—I think there is scarcely any one who has a different impression—that the catastrophe, disaster, massacre, or whatever it may be called, was preventible, and was the result entirely of downright sheer carelessness on the part of some person. I certainly think that the Government ought at once to announce to the House that they are prepared to appoint a tribunal of greater importance—armed with larger powers—than a coroner's jury to inquire into the whole causes of the accident, and that they will abide by the decision arrived at by that tribunal. I will not be guilty of the indecency of anticipating what the verdict of the coroner's jury will be, but I think it is not beyond justice to say that through the meddling interference of the Minister an officer was removed from the Railway department who was fitted by large experience to carry out the work of extending and duplicating the lines, and that this may be one of the primary causes of the accident. I allude to the late Engineer of Construction. Whatever may have been that gentleman's personal failings and peculiarities, he came out of a searching investigation without blame, in spite of strong prejudices against him; but, instead of being reinstated in the office for which he was well qualified, he, from circumstances best known to the Minister of Railways or to the Government as a body—it may have been by the influence of honorable members outside the House, or through the interference which the press too often exercises with a Government—has been placed in a position where he has no opportunity of doing anything in the public interests. He has become, as it were, to a great extent a drone in the public service, because there is no scope for his ability in the position he now fills. I believe that, if that gentleman had still been Engineer of Construction, he would not have allowed the duplicate rails on the Hawthorn line to remain unused for five or six weeks, but would have had the old rails repaired concurrently with the laying down of the new ones, so that both could be

used as soon as the duplication was completed. If there has been a want of observance and watchfulness on the part of the officer who supervised the duplication—if, from want of the necessary practical experience, he has been guilty of not having the old line repaired concurrently with the construction of the new one—the Government are certainly inferentially to blame for not having reinstated the former Engineer of Construction. May not the neglect of the Government to reinstate that officer be the primary cause of the accident? Had the old rails been repaired concurrently with the construction of the new ones, so that both could be used as soon as the line was duplicated, the sad mishap which occurred on Saturday would have been utterly impossible. I ask the Premier or the Minister of Railways to state how it was that the two sets of rails could not be used for five or six weeks after the duplication was completed?

Mr. BENT.—That is not the fact.

Mr. McKEAN.—The duplication is not completed yet.

Mr. FINCHAM.—A gentleman who is as good an authority as either the Minister of Railways or the honorable member for North Gippsland (Mr. McKean) has informed me that what I state is the fact.

Mr. BENT.—The Hawthorn line has not yet been used as a double line.

Mr. FINCHAM.—I am aware of that. If it had been used as a double line, as it ought to have been, the catastrophe on Saturday would have been rendered impossible. The old line should have been kept in such a state of repair that it could have been used concurrently with the new line; and I complain of the stupidity of the officer who is responsible for that not being done. The Government are certainly to blame for permitting changes to be made in the Railway department which are detrimental to the public interests. Every day some bungling takes place in connexion with one railway or another. Only to-day a train from Oakleigh, by which I was a passenger, was detained at Caulfield for forty minutes, because an engine could not pass over the points, which shows that there is either a fault in the construction of the points or a want of proper supervision. Again, great disorganization prevails in the Railway department. It must be palpable to the most casual observer who pays a visit there that there is such a want of accord between the heads of the department that it is impossible there can be proper management and co-operation. What would become of any

large private carrying firm if some of its principal officials were on such terms with each other that they spoke only when they were compelled to do so from sheer necessity? It is quite impossible for the principal officers of the Railway department to co-operate together in a proper manner, with the feeling which at present exists amongst them; and, when the head officers are disaffected, the disaffection spreads to the subordinate officers, and, instead of rendering diligent service, they become sleepy and negligent. All these things point to the necessity for a full and searching inquiry. I hope that the Premier will prevent further discussion by promising to appoint a board, commission, or some other body to inquire into the whole causes which led to the Hawthorn disaster, and also into the mismanagement and disorganization which pervade the Railway department. The public are disgusted with the present management of the railways, and, in their interest, a complete and exhaustive inquiry ought to be made.

Mr. BOWMAN.—Sir, this is a fruitless debate, which can have no practical result. The Railway department is just what this House has made it, and nothing else. Who is to blame for the unfortunate accident at Hawthorn is a matter *sub judice*, and, pending the investigation which is being held, it ought not to have been made the subject of discussion in this House. If the Government took my advice, they would refuse to reply to any speeches made on the subject. There can be no doubt that if the trains which came into collision on Saturday had been fitted with either the Westinghouse or the Woods brake, the accident which occurred would not have happened; but what justification have the honorable member for Rodney (Mr. Gillies) and the honorable member for Castlemaine (Mr. Patterson) for throwing responsibility on the Minister of Railways? When the honorable member for Rodney was in office, he had the opportunity of introducing the Westinghouse brake, but he did not avail himself of it, and the honorable member for Castlemaine, when he was Minister of Railways, neither attempted to introduce the Westinghouse nor to extend the use of the Woods brake. Those honorable members should be the last to make any complaint about the management of the Railway department. The honorable member for Stavell left the Railway department in perfect order, but it was thrown into disorder by the honorable member for Castlemaine. The latter honorable member, while in office, made 150

appointments of young men from Castlemaine in the Railway and Postal Departments, and this I can prove. Yet the honorable member had the audacity to say tonight that the honorable member for Kilmore and myself made applications at the Railway department for appointments for our friends. I challenge any honorable member to prove that I ever went to that department, or any department, to apply for appointments for any persons. If the honorable member for Castlemaine had been a manly man, he would not have mentioned my name in the way he did in my absence. Before making any such false statement, the honorable member should have remembered that he came over to my house one Sunday evening, and tried to get me to join him in raising the Orange question, with the view of ousting the present Government, but that I said I would be no party to enter on any religious question. The honorable member ought to recollect that Sunday evening very well, from the circumstance that, when he entered the garden, a pet kangaroo ran after him, and he jumped on one of the garden seats, and climbed up a tree, whereupon one of my children came running into the house, and said—"Oh, papa, Mr. Patterson is up a tree." The honorable member had not even the manliness to face a pet kangaroo.

Mr. GARDINER.—Mr. Speaker, I rise to order. I submit that the honorable member is not speaking to the question on which the adjournment of the House has been moved.

The SPEAKER.—The honorable member ought to confine his remarks to the question of railway management.

Mr. BOWMAN.—If a return was compiled of all the appointments made by the honorable member for Castlemaine, it would be found that there were ten Castlemaine men appointed for every one belonging to any other part of the colony. The honorable member also handed over the management of the railway system to Mr. Elsdon—a man who came to the colony as an engine-fitter, and who was a very good tool in the honorable member's hands. As the honorable member has made a statement about me, I may just mention that the honorable member once said to me—"Oh, do not pay any attention to Mr. Elsdon; he does very well for the public; but you shall have appointments for any of your friends." I had appointments for my friends, but I gave in their names in the ordinary way.

Mr. PATTERSON.—Truthful Bowman.

Mr. BOWMAN.—My veracity will compare with that of the honorable member for Castlemaine, who would turn tail on his best friends, and who has sold several political parties in this House—and for what purpose? For office, and nothing else. The honorable member, as I have already intimated, had an opportunity of either introducing the Westinghouse brake or continuing the Woods brake, but what did he do? He not only failed to introduce the Westinghouse brake, but he stopped the introduction of the Woods brake. He has, therefore, no right to blame the present Minister of Railways for not having adopted a continuous brake. As to the recent accident, it is to be regretted that the House, instead of sympathizing with the sufferers, has made it a political question. There is a motion standing on the notice-paper in the name of the Minister of Railways for leave to introduce a Bill “to make provision for the better management of State railways,” and therefore the House has no right to be debating the question of railway management in the way that it has been doing this evening.

Mr. McKEAN.—Mr. Speaker, I can scarcely divine the object of this discussion. Every member who has risen to speak about the accident has introduced a variety of other matters not pertinent to the issue. I think that all that was necessary under present circumstances was an explanation from the Premier as to the accident, because the circumstances which led to the accident are likely to be fully ventilated at the coroner's inquest. The House will then be seised of all the facts, and it can afterwards direct any further inquiry to be made which it may deem necessary. Some honorable members have suggested that a committee of inquiry should be appointed now, but it would be injudicious, in my opinion, to have any committee or board of inquiry sitting while the coroner's inquest is being held. If that course were adopted, one tribunal might to some extent interfere with the duties of the other. While the matter is *sub judice*, the House, I think, should be silent upon it. As to the question of the adoption of a continuous brake, that might be discussed by some honorable member bringing forward a motion affirming that, in the opinion of the House, it is desirable that the Westinghouse brake, or the Woods brake, or whatever brake the proposer of the motion may think most efficient, should be adopted. If honorable members passed a resolution of that character they would be taking upon

themselves the duty of experts, but I do not think that they are competent to decide such a question. It is a matter belonging to the mechanical branch of the Railway department. The Minister should cause experts to inquire into the merits of the various brakes, and have a fair trial of them made, and then select the one which he thinks is most desirable. Is the Minister of Railways responsible in any way, directly or indirectly, for the Hawthorn accident? It has been said that such accidents do not occur in other parts of the world; but, so far from that being the case, serious railway accidents are of frequent occurrence in America, in England, and on the continent of Europe. Not long ago I read of a bridge giving way in America while a train was passing over it, and the carriages fell into the river below, a large number of the passengers being drowned. In Victoria only five passengers have suffered death by railway accidents ever since railways were first started here. That must be regarded as a very small percentage of fatal accidents, especially when we bear in mind that in England many railway accidents have occurred by which ten, twenty, or more persons have been killed. I am not attempting to palliate the circumstances which led to the late accident, but I ask the House whether it can fairly say that the Minister is in any way to blame for it, either directly or indirectly? The honorable gentleman entered office at a time when the railway system was being very largely extended, and no doubt he found the department to some extent disorganized, owing to the death of a former Engineer-in-Chief and other causes; but the fact that he has given notice of his intention to move for the introduction of a Bill to provide for the better management of the railways shows that he is anxious that their management should be placed on a broader and more secure basis. The House ought to support the Minister in endeavouring to accomplish that object. I do not think it is fair that, under cover of a motion for adjournment, a slap should be given at the Minister in the way that some honorable members are now attempting. If they think he is not fit for his position, and that some scheme for the better management of the railways should be brought forward immediately, let them submit a motion for the appointment of a non-political board of three or five gentlemen to manage the railways on commercial principles, and for the functions of the Minister to be confined to representing the department in this House. A scheme of that sort might probably work well, but I

think honorable members ought to wait until they see the Bill which the Minister has given notice of his intention to introduce. This debate will show the country that the House is keeping a watchful eye over the Railway department, but I don't think that the discussion ought to be prolonged in the spirit in which it has been carried on by some honorable members.

Mr. LANGRIDGE.—Sir, I certainly regret the time that has been occupied over this debate, and that but little good is likely to result from it. Almost every honorable member who has spoken appears to think the Railway department is mismanaged in consequence of the political patronage exercised in it by Ministers and by members of this House. I can hardly credit that such is the case; and I can only imagine that those members who declaim so loudly against political patronage in the department must have had a large hand in that patronage. For myself, I may state that, though I have been a member of the House for many years, I do not believe that during the whole of that period I have been instrumental in obtaining employment in the Railway department for more than half-a-dozen men; and I am proud to say that, during the seventeen months that the present Ministry have been in power, not half-a-dozen men have asked me to obtain employment for them of any kind in the Government service. I think we make a great mistake in continually running down the officers of the various departments. Although, like the rest of us, the public servants have their faults, I believe that in the Government service we have some of the cleverest men to be found in any part of the world. With respect to the Railway department, I have always held that the Minister of Railways should confine himself to carrying out the policy of the House, and interfere as little as possible with the general management of the railways. We must recollect during the last few years great and important changes have taken place in the department. First, there was the death of Mr. Higinbotham, then the retirement of Mr. Elsdon, and now we have as Engineer-in-Chief Mr. Watson, a gentleman who has always borne the highest reputation, but one thing I particularly notice is that frequently gentlemen come back into the Railway department who at one time had to leave from some cause or another. Whether it is wise or not to restore officers after they have once been removed is a question upon which different opinions may be entertained. I am sure that no honorable member will say that

the Minister of Railways has had anything to do with the unfortunate accident which occurred on Saturday. No one can blame him for it, but, being the political head of the department, he must expect to bear a good deal of obloquy in connexion with it. I give the honorable member credit for being an energetic Minister of Railways, but he seems to have somewhat mistaken his functions. He ought to occupy a position similar to that filled by the chairman of the directors of one of the large railway companies in England, instead of rushing about the country looking for sites for railway stations, and deciding the exact routes which lines shall take. How is it possible that he can possess the exact knowledge to enable him to determine such matters?

Mr. BENT.—Then why did you take me over the Alphington line?

Mr. LANGRIDGE.—There was a general scramble, and I considered it only right that when we had a Railway Bill under discussion authorizing the making of 800 or 900 additional miles of railway, I should call the Minister's attention to a line through my district which was sanctioned two years ago, but has not yet been completed. As to the Hawthorn accident, I think that a select committee of the House should at once be appointed to inquire into the cause of it. I am surprised at the Premier expressing the opinion that the House ought not to make any inquiry into the subject until after the coroner's inquest had been held. The fussy way in which the coroner's inquest over the Jolimont accident was conducted landed the country in an enormous expense; and I am afraid if the present matter is left entirely to the coroner the country will be again involved in a very large expenditure. Surely a board of half-a-dozen competent men, or a select committee of this House, could be appointed to make a thorough inquiry into every case of injury caused by the present accident, and present a report as to the amount of compensation which ought to be paid. That would save the enormous waste of public money that will be incurred if the compensation is decided in the law courts. I have not the slightest doubt that if a board of four or five gentlemen, in whom the country has confidence, were appointed to go over the whole case, and decide as to what amount of compensation should be made, good would be done, and the country would not be mulcted in the enormous costs which it has had to bear on previous occasions. Certainly, I believe that with care a great amount of money may be saved.

Already the disaster of Saturday promises to be a regular harvest for medical men. They never were more busy. And it should be recollected that, no matter what the case is, a nice lot of fees soon arise in connexion with it. With regard to the accident itself, I do not desire to say a word. I was sorry to hear what I have heard, because it appears to me that there is an attempt to put the whole blame on the shoulders of one unfortunate man. My opinion is that we ought to have a proper inquiry, and that it should be independent of the Government.

Mr. ZOX.—Sir, it must be a matter of sincere regret to all of us that an accident like that of Saturday should have taken place—an accident which, as far as human foresight can tell, could have been prevented. I deprecate venturing to suggest, while the case is *sub judice*, who is to blame in the matter; but I must say that, while the Railway department is managed as it is, it will be difficult to fix the blame on the proper shoulders when accidents of the kind occur. I say that a department cannot be properly managed when the head is in the hands of subordinates—when he has to depend entirely upon them for advice and assistance. Long before I became a member of this House, in the first political speech I ever made, I advocated that the Railway department should not be a political department, but that it should be managed by two or three qualified men on purely commercial principles. Had that been done, not only would there have been economy in the working of the railways, but accidents like that which we have now to lament would have been a matter of impossibility. That accident has cast a gloom over the whole city of Melbourne. I never heard such indignation as has been expressed to-day by merchants and men of every grade. And with reason, because this terrible disaster took place in broad daylight, when accidents should be reduced to a minimum. It is under these circumstances that I ask the Government to postpone the further consideration of their Land Bill, and to bring forward their Railways Management Bill—a measure in which every man, woman, and child in the country is interested. I consider there should be a rigid inquiry into the circumstances connected with the disaster—not an inquiry with the view of throwing the responsibility upon some subordinate officer, or of saving the State the payment of compensation to which sufferers from the accident are entitled, but such an inquiry as will put the blame upon the shoulders of those who

should bear it. It is all very well for the honorable member for North Gippsland (Mr. McKean) to say that accidents upon the railways are few—that since the railways have been established only five lives have been lost. I say those lives never would have been sacrificed had proper management and supervision prevailed. The disaster at Jolimont was no accident in the proper sense of the term. Neither was the terrible business of Saturday. If I choose to put my hands in the fire, and burn them, that is no accident. I never depreciate colonial ability; on the contrary, I am always disposed to encourage it. Still I say, in view of the rapid strides made in every walk of life in the old world, and particularly in connexion with such things as railways and railway management, it is absolutely necessary for us, if we do not send to the mother country for properly qualified men, to send our own men to Europe to make themselves acquainted with the latest improvements. At present we are behind the age. But human life must not be sacrificed simply because the Railway department is not administered in a proper manner. I believe that, had it not been for the jealousy which arose in connexion with Woods' brake, the whole of our railway rolling-stock would by this time have been fitted with proper brake power. I care not what brake is employed—whether it be the Woods, the Westinghouse, or any other; all that I say is that it is our duty to throw feelings of jealousy aside, and do the best we can to protect the lives of the travelling public. I want our railways to be so managed that the people of Victoria can feel that they may travel along them with confidence and security.

Mr. BARR.—Mr. Speaker, I think it is somewhat to be regretted that so much time should be taken up with what is really a fruitless discussion. For many years we enjoyed a strange immunity from railway accidents. At all events, the percentage of accidents was very small. But when the State purchased the Hobson's Bay Company's lines, the percentage rose almost immediately. Then the Railway department was suddenly placed under the control of a gentleman who had never been in it before. The mismanagement of the Railway department culminated when Mr. Elsdon was the head.

Mr. PATTERSON.—If he had been there now, this accident would not have happened.

Mr. BARR.—If the credit of the good management of the Hobson's Bay lines

while they were in the hands of the company is due to Mr. Elsdon, I can only say that the gentleman did not show the same capacity for organization when he was placed at the head of affairs in Spencer-street.

Mr. FRANCIS.—He had then a much larger charge.

Mr. BARR.—I think he was very much over-weighted. A department like the Railway department, and particularly as lines are being extended week by week, should work like one harmonious machine, and, under proper supervision, it would do so. How that proper supervision may be brought about, I do not like to indicate; but I think the Ministry would do well to have such an inquiry as would disclose not only the cause of the recent catastrophe, but also the cause behind the cause, so to speak—the reason why the department seems so demoralized. I think that no personal blame attaches in any way to the Minister of Railways. In my opinion, one thing which is very likely to bring about accidents is the long time that officers in charge of small stations are on duty. This and the monotonous character of their occupation are very apt to result in a confusion of ideas, under the influence of which a man may start a train before its proper time, and so cause a serious accident. Therefore I would suggest that those to whom the proposed inquiry is remitted should address themselves to the question whether a man's brain and nerves can stand the constant strain involved in the performance of certain duties connected with the Railway department, and whether it would not be better to have a more frequent change of shifts. I recently read an interesting article called "Jack in the Box," which related to the work that had to be performed at railway stations in England, and which went to show that men who have to perform such monotonous duties as those of pointsmen require constant waking up to prevent them making such a mistake as might result in the sacrifice of an entire train. I hope that in future we shall have an improvement, not only in the general management of our railways, but also in the position of our station-masters, pointsmen, and signalmen, because it is on the vigilance of those men that the safety of railway passengers materially depends.

Mr. McCOLL.—Sir, the conduct of the honorable member for Rodney (Mr. Gillies) reminds me very much of the bushman who, after lighting his pipe, throws away his match unextinguished, utterly regardless of the evil results which may flow from the carelessness,

because the honorable member, after initiating an exciting but fruitless debate, is now absent from his place, apparently indifferent as to how the debate may terminate. Both that honorable member and the honorable member for Castlemaine (Mr. Patterson) show not only an utter want of sympathy with the Minister of Railways, but an eager desire to serve their own selfish interests in political life without the slightest regard for the interests of the country. Of course, the railway catastrophe of Saturday is something to mourn over. But let honorable members recollect that

"There's a divinity that shapes our ends,
Rough-hew them how we will."

Let them also recollect that

"God moves in a mysterious way
His wonders to perform."

Bearing these things in mind, and also the fact that no blessing comes to a country except in the train of war or some other great trial, let us hope that this misfortune will be followed by a great blessing, as I believe it will be. Let us hope that it may lead us to bestir ourselves in conserving that element which is absolutely necessary for man and beast, and for the ultimate prosperity of the whole colony. It has been said that commercial principles should guide the management of the railways, but a blush of shame has come upon me pretty often of late when I have seen the railway stations covered with advertising sign-boards. Those advertisements are absolutely placed on the very roof of our national buildings, and I say they ought to be removed.

Mr. L. L. SMITH.—Mr. Speaker, I merely rise to give a total denial to the following statement, published by the *Age* newspaper, this morning:—

"Mr. L. L. Smith will invite the House to resolve that the victims of Ministerial incompetence shall not be entitled to compensation in future! Perhaps even Mr. L. L. Smith may find that it is not safe to jest over open graves."

I am sure that this statement must have been written and published under some misconception. Never at any time have I stated, publicly or otherwise, that I would invite the House to do anything of the kind here indicated. I never thought or dreamed of such a thing. As to jesting "over open graves," it is very painful to have anything of that kind said about me, especially after my recent bereavement. I never indulged in any jest over the matter, and therefore I say the publication of such statements is much to be deprecated.

Mr. NIMMO.—Sir, I fail to perceive any practical result that can possibly arise from

the proceedings in which we have been engaged. The honorable member for Rodney (Mr. Gillies), in the course of his remarks, attempted to connect the Minister of Railways with the Hawthorn accident; but I was glad to observe that subsequent speakers failed to perceive any connexion whatever. I regret that such unfortunate innuendoes should be indulged in. When the evidence connected with the recent accident has been weighed, considered, and pronounced upon by competent authorities, then will be the time for this House to adopt some course of action. I concur in the expressions of regret which have been used that such an accident as that of Saturday should take place at all. But railway accidents take place in all parts of the world, although clever mathematicians have demonstrated that a railway carriage is, after all, the safest place in which a man can be. Since 1876, there have been three serious railway accidents in this colony; and I would like to know how any Minister, or any board, could be held responsible for any one of those accidents? With regard to the accident of 1876, I happened to be in the carriage that suffered the greatest damage, and I was the only passenger who escaped without any very serious injury. All the compensation I had was a new hat to replace a damaged one, though Mr. England claimed £8,000. That accident was caused by a single engine running into the train; and it was put forward as an excuse for the driver of that engine that he had had a glass of beer and a quarrel with his wife, and had come from home to his work in a very bad temper. That man ought to have had 14 years in Pentridge with hard labour. A man who muddles his brains when he has responsible work to perform—work upon the proper performance of which depend the lives of fellow creatures—should be punished.

Mr. GRAVES.—What punishment did the man get?

Mr. NIMMO.—A mere nothing. Practically, no punishment at all. Now I would like to know how a board of experts, or a Minister of Railways, could have prevented that accident? The honorable member for Richmond (Mr. Smith) will recollect a certain railway official who came to him once, and indulged in certain threats with regard to Mr. Nimmo, for having referred to him in the House. That man is now dead. When he was alive he had a most important duty to perform. He had to look after the wheels of the various carriages. It came to my knowledge that that man spent his time

in drinking beer instead of attending to his duties. He allowed things to go to wreck. Mr. Elsdon had the most implicit faith in that man, who practised deception every day of his life. This neglect of duty culminated in the Jolimont accident; but unless these facts were brought under the knowledge of the Minister, how could he be in a position to prevent accidents? A great deal has been said about brakes. But there are other things to be considered. One of them is the time-table. There is no use in having a time-table unless it can be thoroughly understood and strictly observed. I hope honorable members will insist upon a thorough inquiry into the working of the Railway department, with the view of ascertaining whether the various branches are discharging their duties with due regard to the public safety. I believe the Minister of Railways does his best in the circumstances in which he is placed. I regretted very much to hear the honorable member for Rodney throw out the remarks of a disparaging character which he did to-night. I cannot understand his object. If the honorable member had moved a resolution expressing sympathy with the sufferers, I could have understood it; but what is to come out of the present discussion I am at a loss to know. Had the honorable member proposed a vote of want of confidence in the Minister of Railways I could have seen the meaning, whatever I might have thought of the wisdom, of the proceeding. But to move the adjournment of the House without any particular object, and with the result of wasting the whole night, is a thing very much to be regretted. While I sympathize with the sufferers, I hope none of them will be found to take advantage of their position to obtain public money in an unreasonable manner. When I met with the little accident I have already referred to, a man called upon me and tendered me advice. He said—"I was in the train two years ago when it met with an accident, and I got £800 from the company; now you buy a pair of crutches, and walk about as if you were bowed down, and put in a good stiff claim; you are a magistrate and a councillor, and you can claim £1,000 very easily, and the company will give it you." I told my adviser that I was surprised a man of his years—he was a gray-headed man—should come and counsel a person to make a claim of such a character. I was quite ashamed of human nature when he gave me such advice. I hope and trust the Government will appoint a board that will thoroughly inquire into all the facts of

the case that has occurred. For my part, I fail to see that the Minister of Railways is in any way connected with the accident.

Mr. BERRY.—Sir, it is not my intention to continue the discussion, except so far as to say that I do not believe that when the reports of to-night's debate are read outside people will think the House very much in accord with public opinion, or in any way truly alive to the real question at issue. What I rise for is to ask the Minister of Railways whether the Government propose to defer their intended inquiry until after the close of the coroner's inquest?

Mr. BENT.—Yes.

Mr. BERRY.—Then they will take a course which I think very objectionable. In the first place, the coronial inquiry will probably be greatly delayed. Already the coroner has adjourned it for eight days. It must be remembered that both he and the jury have other duties to perform than those we have immediately in view. Therefore, if the investigation intended by the Government is not to take place until the inquest is over, I am afraid there will be a miscarriage of justice, and a disappointment of the public expectation. Again, I think the Government inquiry ought to be undertaken by persons outside the Railway department—by gentlemen of position, totally unconnected with railway officialdom, and possessing the full confidence of the country. Thirdly, there is a matter which I hope the Government will clear up. I have very carefully read the official reports upon the accident, and it appears to me that there is an explanation of it to which none of them point, but which ought to receive attention. I notice from the time-table—one published by authority—that the Hawthorn train that was, so to say, the cause of the accident leaves Melbourne on ordinary days of the week at 6.7 p.m., and on Saturday at 6.3 p.m., arriving at Hawthorn on the former days at 6.21 p.m., and on Saturdays at 6.14 p.m.; and doubtless that arrangement was present in the mind of the officer who framed the special time-table for the Box Hill train, inasmuch as it would allow of a seven minutes' interval between the two trains. But, as a matter of fact, the Hawthorn train on Saturday last left the Melbourne station at 6.7 p.m., and was bound therefore to reach Hawthorn at 6.21 p.m. What I wish to make clear is that the Hawthorn train that met with the accident started from Melbourne at the correct time for ordinary days, but not at the correct time for Saturdays, whereas had it kept the proper time it would

have been at Hawthorn at 6.14 p.m., and the accident would not have occurred.

Mr. WALKER.—But the time-table the honorable member quotes from is wrong.

Mr. BERRY.—No; it was the starting that was wrong. The time-table was what the officers had to go by, and it was departed from. With such a practice permitted what railway passenger could deem himself safe?

Sir B. O'LOGHLEN.—I will explain the misunderstanding under which the honorable member for Geelong (Mr. Berry) labours. It is quite true that the little book time-table he quotes from is published by authority, but, nevertheless, it is not the time-table by which the officials of the Railway department are guided. A special service time-table, similar to the one I hold in my hand, is given every month to every station-master, guard, and porter in connexion with the Victorian Railways, and according to it the Hawthorn train that met with the accident had to leave Melbourne at 6.7 p.m. Apparently a clerical error has crept into the time-table the honorable member refers to. The time in the service time-table appears also in the time-tables published in poster form.

Mr. BERRY.—Nevertheless, I hope the point I have raised will not be lost sight of. It now appears important that evidence should be taken as to which of the time-tables was before the officer who prepared the special time-table for Box Hill. If he had one time-table before him he must be absolved from all blame, whereas if he had the other he would seem to be chargeable with having arranged to bring two trains together at Hawthorn without the intermission of an instant.

Mr. BENT.—Mr. Speaker, I may state that the question of the time-table was under the consideration of the Cabinet to-day, and that the whole of the circumstances just mentioned by the honorable member for Geelong (Mr. Berry) were thoroughly gone into. Of course, however, it is not for Ministers to say in public anything about the affair. For themselves, they simply wish a fair field and no favour. The matter of the inquiry that is to be held—when and where it ought to be entered upon—also came under discussion. The Government are going to have the fullest investigation. At present they blame no one, but they are anxious that the right shoulders for blame should be found.

Mr. BERRY.—A good deal of blame has already been thrown upon one person.

Mr. BENT.—I have never thrown any that I know of. I don't at present wish to

cast the shadow of blame on any one. In order that none of the officials concerned in the remotest way in the accident may be taken by surprise, or not have the fullest opportunity of defending themselves, I have caused all of them to be suspended for the present from the performance of their duties.

Mr. R. CLARK.—Engine-drivers and all?

Mr. BENT.—Yes, the whole lot.

Mr. FRANCIS.—Sir, the House having learned through the press that the honorable member for Geelong (Mr. Berry) has suffered in his domestic relations by the accident on Saturday last, I desire to assure him that, beyond the ordinary interest we naturally feel in that calamity, we have deep sympathy with himself personally. I wish also to say that I quite agree with the expression of opinion we have heard from both sides of the Chamber that to make this lamentable casualty the occasion for a political demonstration—for a radical change in our political affairs, or in the political management of any department—would be a great mistake. It would be legislating, as it were, in hysterics. I think we should await the result of the coroner's inquest before we proceed to any issue of that nature. In the first place, that result may be of great value to us; and, secondly, we might by precipitately reaching at conclusions inflict great injustice. We will better show ourselves men of experience and judgment if we endeavour, at the present juncture, to temporarily restrain popular condemnation, and to proceed in the usual way. At the same time, I endorse the recommendation generally made that the Government should deem it to be their duty to pursue in the way they think most fit a strict investigation as to whether they cannot, by some change in our present railway system, and also in the law of the land, render accidents of this terrible kind less frequent than they have been during the last two years. I am aware that the Government have some intentions on the subject, but, nevertheless, I think it a proper time to inform them of what must be well known to the Minister of Railways, namely, that had the Service Government remained in office, they would, directly their reform proposals were disposed of, have gone on with a measure to reform railway management so as to place it altogether beyond political control. Their idea was that it ought to be placed in the hands of an independent board. So the Premier and his colleagues, especially the head of the Railway department, may feel assured that if they undertake to make a change

in the same direction they will have no little sympathy from at least one quarter of the House. I think that, with the remembrance of the recent calamity freshly before us, neither side of the House should desire anything as much as to deal calmly, deliberately, and dispassionately with any proposals the Government may make to meet the case.

Mr. KERFERD.—Mr. Speaker, I fancy that my honorable friend, the member for Warrnambool, hardly appreciates the gravamen of the charges that have been made in relation to the accident. I take it that we would not at all represent public opinion if we had not accentuated the present position by the debate of to-night. There is a strong sensation on the subject among the metropolitan community, and, when we consider the connexion between our railway system and the whole public, we must expect the feeling to have its ramifications all over the colony. I have no desire to offer, on the present occasion, any opinion with respect to the accident. I quite approve of the restraint in that regard which has been exercised to-night all over the House. There can be no doubt that the expression of any such opinion would be injurious to some person concerned. Nevertheless, I say unhesitatingly that the Premier ought to deem it of the first importance that there should be the fullest inquiry into the whole matter of the catastrophe at the earliest possible moment, and that the investigation should be made by persons entirely indifferent to the public service and to the Government themselves. It should, besides, be of the most searching character. With anything short of that, the country will not be satisfied. I fully endorse the honorable member for Warrnambool's expression of sympathy with the honorable member for Geelong (Mr. Berry). We all feel especially sorry for him because he is one of ourselves. I again press on the Government that it is urgent that the inquiry they have in view should be entered upon immediately, and that it should be conducted by citizens who stand high in the estimation of the public, and are utterly independent of the Government or of any official or political consideration.

Mr. WHEELER.—Sir, I was in hopes the debate would have closed before now. Much, however, as I wish to see it brought to a conclusion, I cannot refrain from remarking that I don't think the honorable member for Rodney (Mr. Gillies) introduced the subject in a way exactly fair or generous towards the Government. For example, he laid great stress on appointments in the

Railway department having been made by virtue of political patronage, thereby leading the House and the country to infer that the late accident was attributable to such appointments. That was scarcely a proper way of putting the subject before the Chamber. I remember very well that, while the honorable member was Minister of Railways, a very serious railway accident occurred which led to the loss of at least £10,000 worth of property.

Mr. R. CLARK.—By what was it caused?

Mr. WHEELER.—By a flood.

Mr. R. CLARK.—Then there can be no analogy between the two accidents.

Mr. WHEELER.—Well, I think the honorable member for Rodney might have shown more generosity. The honorable member for Castlemaine (Mr. Patterson) has also had a great deal to say to-night about railway management and political appointments, but was it not he who re-appointed Mr. Ford, so much against the wishes of the late Mr. Thomas Higinbotham that I believe his strong feeling in the matter was one of the causes of his death? I quite agree with there being a searching inquiry in connexion with the late accident, and I have no doubt the Government will see that one is entered upon, but the thing ought to be undertaken in the proper way and at the proper time. I also concur in the railways being placed in the hands of a non-political board or commission. Until that is done, I do not believe our railways will be thoroughly safe to travel upon.

Sir B. O'LOGHLEN.—Mr. Speaker, I would not have risen but for the tone of the remarks of the honorable member for the Ovens (Mr. Kerferd). I do not understand on what ground the honorable member undertook to lecture the honorable member for Warrnambool.

Mr. R. CLARK.—It was no lecture at all.

Sir B. O'LOGHLEN.—Well, I did not like the style or direction of the honorable member's remarks. He seemed to think that, because the public mind is agitated on account of the late accident, some fresh course of action ought to be immediately decided upon—that a change in the conduct of the Railway department, which cannot but be a matter requiring the gravest and most serious consideration, should be promptly made.

Mr. KERFERD.—And this is your little lecture.

Sir B. O'LOGHLEN.—I think it is called for.

Mr. KERFERD.—Let us see which of us is considered, out-of-doors, to be in the right.

Sir B. O'LOGHLEN.—I pay regard to what public opinion will be in the end, not to what it happens to be in a moment of excitement because of a most unfortunate and calamitous occurrence. Altering the leading principles of our system of railway management is a matter for deep and anxious deliberation rather than for excited and precipitate action. I am not now arguing for or against placing the management of the railways in the hands of a board, but I beg to point out that there is a good deal to be said on both sides of the question. For my own part, I think that if, at the present juncture, the House had devoted itself this evening to its ordinary work, the outcome would have been more advantageous to the country. What can be the result of the present debate? The honorable member for Rodney (Mr. Gillies) began it in a most offensive tone. He said that he would not attack the Minister of Railways, but, nevertheless, he did attack him, and, as he moved the adjournment of the House, the consequence has been a discussion of six hours, which can only end where it began. At the same time, the Government have all along declared that the matter of the late accident should be made the subject of a thorough and searching inquiry. But that inquiry cannot take place until after the inquest. The two investigations cannot proceed contemporaneously. An inquest by the coroner into the cause of the death of the unfortunate person who was killed by the casualty of Saturday, and a second inquiry by the Government into the same thing, together with a variety of other circumstances, cannot be undertaken simultaneously except at the expense of injustice to some one and an outrage of the principles of British law. Besides, it is quite possible that the result of the inquest may be a full and clear exposure of the cause of the accident.

Mr. JAMES.—But the inquest stands adjourned for eight days.

Sir B. O'LOGHLEN.—Its adjournment for eight days more, or for eight days on the top of that, would not justify us in taking a course which would work injustice. I, for one, will be no party to any proceeding of the kind. Furthermore, I don't see why the inquest should not be over within a very short time. That there was gross negligence somewhere is patent to the world, and in their inquiry as to who is responsible for that negligence the coroner's jury will have

every facility placed in their way. All the testimony that can possibly be afforded by the Government will be promptly tendered. Indeed, from what I know already of the facts of the case, I think it will be found that, after the coroner's inquest into the immediate cause of the accident, there will be no need for any other. Of course I am aware that there are other charges in connexion with the case which the coroner's inquest will not touch, although they will have to be closely investigated, but I wish to point out that inasmuch as the cause of the accident was undoubtedly negligence, and the verdict of the jury will probably indicate some one as guilty of the negligence, it is essential, in the interests of justice, that the criminal part of the business should be disposed of before the other part is entered upon. I think even the honorable member for the Ovens will agree with me so far.

Mr. KERFERD.—You are talking of one sort of inquiry, while I have referred to another sort.

Sir B. O'LOGHLEN.—If the honorable member's remarks related to an inquiry which would be from the first a no-confidence proceeding, he had better shape his course accordingly. If he simply wants to get to the bottom of the facts connected with the late accident, I fancy he must agree with the lines I have laid down.

Mr. LAURENS.—Sir, there is another aspect in which the late accident may be viewed, namely, that which it assumes from a financial stand-point. I find from the last report of the Railway department that the profits of the Hobson's Bay lines for 1881 amounted to 1·39 per cent., although, when they were in the hands of the Hobson's Bay Company, they were paying 10 per cent. The state of things last year was said to be due to the Jolimont accident, so I suppose that, inasmuch as the recent disaster is so much greater, the profits for 1882 will be reduced to nothing at all. Looking at the present matter all round, and especially viewing it in the light that the Jolimont accident may be supposed to have put every suburban railway official on the *qui vive*, I cannot but think that our railway management is capable of a very material improvement, and that we ought to set about inquiring at once into the direction the change ought to take. It may be good policy to wait until the inquest is over, but we ought to wait no longer.

Mr. GARDINER.—Mr. Speaker, I think our experience of the last fifteen months

ought to have led us to make arrangements by which the accident of last Saturday would have been avoided. Only a day or two after the Jolimont accident the Government promised that the affair should be made the subject of the fullest inquiry, but what was the result? No inquiry at all worth speaking of. Are we to have the same thing over again? All we are asked to do now is to lock the stable door when the steed has been stolen. I am afraid that when this debate goes forth to the public it will be seen that, under the guise of sympathy, many selfish interests have been brought forward in the House. I trust the press will also take note that one of its pets moved the adjournment of the House, and made use of the occasion, while posing before the public as a sympathizer with the sufferers by this unfortunate accident, to advocate the interests of a certain company. Honorable members have suggested that, if the railways were managed by a board, political patronage would be done away with; but it is well known that men who hold responsible positions on boards, and who have the power of making appointments, are just as much subject to political and social influences in the appointments they make as Ministers of the Crown. The other day a competitive examination took place for candidates for the police, and judges were appointed, and no political influence was to be brought to bear—but what happened? Men who, in the first instance, failed in their examination were enabled, by the use of political influence, to get a second trial. I am quite aware that it is degrading to Members of Parliament to have to wait on those who administer the various departments for the purpose of asking for billets for constituents. With respect to the Railway department, I have always expressed my reluctance to do anything of the kind, because in that department the employés have the lives of thousands in their charge, and it is necessary that they should be good, trained, and reliable men. I think it is greatly to be deprecated that this unfortunate occurrence should have been used by certain gentlemen in this House for the purpose of a political move. Is this a fit subject on which to attempt to oust a Ministry? The amount of sympathy expressed by some honorable members would lead one to imagine that they were almost angels, but we can see beneath their professed sympathy that they are merely whited sepulchres, and that they are hungering after office. The honorable member for Castlemaine (Mr.

Patterson) should have been the last to say anything about the administration of the Railway department. I remember when he was Minister of Railways, and I had to wait upon him with reference to some little local matters, it was impossible to get any satisfaction from him. He and his Engineer-in-Chief (Mr. Elsdon) appeared to have a system of signs by which they mutually understood each other, and played into one another's hands, so that an honorable member who wanted anything for his constituents had to fight two instead of one. After visiting the department once or twice during the régime of the honorable member for Castlemaine, I came to the conclusion that I would never go to it again while he was Minister. The honorable member for Rodney (Mr. Gillies) has frequently taunted honorable members on this (the opposition) side of the House with wasting time, but I trust the public will bear in mind that the whole of this evening has been wasted owing to that honorable member moving the adjournment of the House, and bringing forward debatable matters which ought not to have been introduced on such an occasion.

The House divided on the question "That the House do now adjourn"—

Ayes ...	...	...	...	4
Noes ...	...	...	...	43

Majority against the motion 39

AYES.

Dr. Quick,
Mr. Richardson.

Tellers.
Mr. James,
" Williams.

NOES.

Mr. Anderson,
" Bell,
" Bent,
" Bolton,
" Bosisto,
" Burrowes,
" Cameron,
" Carter,
" Cook,
" Cooper,
" Dow,
" Fisher,
" Francis,
" Gardiner,
" Gibb,
" Gillies,
" Grant,
" Graves,
" Harper,
" Hunt,
" Kerferd,
" Langdon,

Mr. Laurens,
" Levien,
" Longmore,
" McColl,
" McLean,
" W. Madden,
" Mason,
" Mirams,
" O'Callaghan,
Sir B. O'Loghlen,
Mr. Shiels,
" Toohey,
" Walker,
" Wallace,
" Walsh,
" Wheeler,
" A. Young,
" C. Young,
" Zox.
Tellers.
Mr. R. Clark,
" L. L. Smith.

STATUTE OF TRUSTS
AMENDMENT BILL.

This Bill was received from the Legislative Council, and, on the motion of Mr. KERFERD, was read a first time.

LANDS DEPARTMENT.

Mr. W. MADDEN (in compliance with an order of the House dated May 30) presented a copy of Mr. Eaton's report on the irregularities in the accounts of the late Accountant of the Lands department.

VINE DISEASE ACT AMENDMENT
BILL.

Mr. C. YOUNG moved for leave to introduce a Bill to amend the Geelong District Vine Disease Act 1881.

Mr. BENT seconded the motion.

Mr. LONGMORE remarked that after large sums—perhaps amounting to £20,000 or £30,000—had been spent in eradicating the vines in the Geelong district, it appeared that the owners of the vines would not now take the trouble to dig up the few shoots that were springing from the old roots. It was a perfect scandal that the House should have to vote money for such a purpose. Instead of bringing in a Bill to assist these men to eradicate the shoots, the Government should introduce a Bill to enable the owners of former vineyards to be prosecuted if they did not carry out the work themselves. (Mr. C. Young—"Wait until you see the Bill.") He knew that the Minister of Agriculture was employing a lot of men to march through the district to try and find some shoots of vines. The House should protect the revenue from the rapacity of these vigneronns, who had already been paid a great deal more compensation than they were entitled to.

The SPEAKER.—It is an unusual course to discuss a Bill at this stage. As the Bill has not yet been submitted to the House, I cannot tell whether the honorable member is speaking to it or not.

Mr. LONGMORE remarked that he would reserve any further remark until the second reading of the Bill was proposed.

The motion was agreed to.

The Bill was then brought in, and read a first time.

RAILWAYS MANAGEMENT BILL.

Mr. BENT moved for leave to introduce a Bill to make provision for the better management of the State railways. He observed that the Bill had been on the notice-paper for a long time, and was part of the policy announced by the Premier at Lancefield. It could not therefore be said that the Bill was submitted in consequence of the late railway accident.

Sir B. O'LOGHLEN seconded the motion, which was agreed to.

The Bill was then brought in, and read a first time.

VETERINARY SURGEONS BILL.

Mr. L. L. SMITH moved for leave to introduce a Bill intituled "the Veterinary Surgeons Act."

Mr. C. YOUNG seconded the motion, which was agreed to.

The Bill was then brought in, and read a first time.

The House adjourned at eleven o'clock.

LEGISLATIVE COUNCIL.

Wednesday, December 6, 1882.

Nelson Province Election—North-Western Province Election—Amendment of the Land Tax—Mr. T. Langdon, M.L.A.—Railway Construction Bill: Examination of Witnesses at the Bar.

The PRESIDENT took the chair at twenty-five minutes to five o'clock p.m., and read the prayer.

PETITIONS.

Petitions were presented by the Hon. J. A. WALLACE, from persons interested in the proposed line of railway from Warragul towards Neerim, objecting to the substitution of Drouin for Warragul as the starting point of the line, and alleging that the Buln Buln Shire Council were unanimously in favour of the Warragul route; from the Buln Buln Shire Council, denying the statement in the previous petition that they were in favour of the Warragul route, and asserting that they were unanimously in favour of the route from Drouin *via* Jindivick; from residents of the King River district, shire of Oxley, in favour of the construction of a branch line from the North-Eastern Railway to Moyhu; from the Avon Shire Council, in favour of a direct line from Sale to Stratford; and from residents of Stratford, in favour of Stratford being connected with the Bairnsdale Railway, so as to avoid the detour *via* Maffra and Sale. A petition was also presented by the Hon. D. MELVILLE, from the president of the Heidelberg Shire Council, showing poll taken in the district in favour of the decision arrived at by a majority of 154 votes in favour of the Alphington and Heidelberg Railway passing through Ivanhoe, and terminating at a point between the Austin Hospital and the New Road, Heidelberg.

NELSON PROVINCE ELECTION.

The PRESIDENT announced that the writ which he had issued for the election of a member to serve for the Nelson Province had been returned, showing that Mr. James Williamson had been elected.

NORTH-WESTERN PROVINCE ELECTION.

The PRESIDENT intimated that the writ which he had issued for the election of three members to serve for the North-Western Province had been returned, showing that Messrs. James Bell, David Coutts, and George Young had been elected.

Mr. Young was introduced and sworn, and presented to the Clerk the declaration required by the Act No. 702.

LAND TAX.

The Hon. P. RUSSELL asked the Solicitor-General if it was the intention of the Cabinet, after further consideration, to ask Parliament to amend the Land Tax Act this session?

The Hon. F. S. DOBSON said he could only repeat the answer he gave to the same question the previous week—namely, that the state of public business rendered it impossible for the Government to say what measures they would be able to proceed with during the remainder of the session.

MR. T. LANGDON, M.L.A.

The Hon. J. BELL moved—

"That a message be transmitted to the Legislative Assembly requesting that leave be given to Thomas Langdon, Esq., a member of that House, to attend, if he think fit, to be examined as a witness, and to give evidence before the committee of the whole Council on the Railways Construction Bill."

The motion was agreed to.

Subsequently a message was received from the Legislative Assembly, intimating that the leave requested had been granted to Mr. Langdon.

RAILWAY CONSTRUCTION BILL.

The House went into committee for the further consideration of this Bill.

The examination of witnesses at the bar (adjourned from the previous day) was continued.

Messrs. Benjamin Cook, timber merchant, and John Pigdon, contractor, and member of the shire council of Coburg, were examined with reference to the Coburg and Somerton Railway.

Messrs. James Maclean, secretary of the shire of Ararat; George Pinch, member

of the Avoca and Lexton Shire Councils; William Parker, engineer of the shire of Ararat; and Theophilus Nicholls, engineer of the shire of Lexton, were examined with regard to the Ararat and Avoca Railway.

Messrs. James Dodds, secretary of the shire of Grenville, and Joseph Shepherd, storekeeper, Linton, were examined with respect to the Scarsdale and Linton Railway.

Messrs. William Brisbane, saw-mill proprietor; G. B. Halford, professor at the Melbourne University; and Charles D'Ebro, civil engineer, were examined relative to the Beaconsfield Railway.

Messrs. H. L. Galbraith, farmer, Lancefield; Gerard Blackburn, engineer of the shires of Romsey and Springfield; Chas. E. Walder, president of the shire of Kilmore; George Notman, secretary of the shire of Springfield; and Joseph E. Dowling, member of the shire council of Kilmore, were examined regarding the Lancefield and Kilmore Railway.

Progress was then reported.

The House adjourned at twenty-five minutes past eleven o'clock.

LEGISLATIVE ASSEMBLY.

Wednesday, December 6, 1882.

Melbourne Harbour Trust Act Amendment Bill—The Orient Steam-ship *Potosi*—Mr. Joseph Geary—Personal Explanation: Mr. Deakin: Sir Bryan O'Loughlen—Railway Management: Collision at Hawthorn—Employés in Shops Commission—Mr. Langdon, M.L.A.—Geelong District Vine Disease Act Amendment Bill—Reading of Letters during Debate—Melbourne Tramway and Omnibus Company's Bill—Miners' Residences Bill—Land Acts Continuation and Amendment Bill: Second Reading: Ninth Night's Debate.

The SPEAKER took the chair at half-past four o'clock p.m.

MELBOURNE HARBOUR TRUST ACT AMENDMENT BILL.

Mr. ORKNEY presented a petition from the Melbourne Harbour Trust Commissioners, again calling attention to their inability to proceed with certain important works connected with the port and harbour. At the present time, said Mr. Orkney, the wharfage accommodation was not adequate to the demands made upon it. All the berths at the piers in Hobson's Bay and in the Yarra were occupied, and some seven or eight large ships were lying in the Bay awaiting their turn to discharge cargo. As

in duty bound, the commissioners were obliged to come to the House to represent their incompetency to proceed with the works imposed upon them by an Act of the Legislature, which Act required amendment. Both by deputations to Ministers, and by frequent petitions to the House—

The SPEAKER.—Does the honorable member intend to conclude with a motion?

Mr. ORKNEY said he did not wish to move a motion, although it was competent for him to do so, and he was prepared to do so if necessary.

The SPEAKER.—It will be out of order for the honorable member to proceed unless he intends to conclude with a motion.

Mr. ORKNEY said, under the circumstances, he would move the adjournment of the House.

The SPEAKER.—On a motion for adjournment the honorable member cannot present a petition.

Mr. ORKNEY stated that he would waive his right to move the adjournment, and would simply present the petition, and ask that it be read.

The petition having been read by the CLERK-ASSISTANT,

Mr. ORKNEY observed that he thought very scant justice had been done to him and the matter he desired to bring before the House. However, as it was private members' night, he would not detain the House with any observations, as he might do under his privilege as a member of the House and the representative of an important constituency. He would reserve his right for another opportunity. At the same time, he must say that he felt that not only on this but on other occasions he had been partially and unfairly dealt with. It was not often that he sought to address the House, but when he did, somehow or another, some damper was put upon the attempt.

Sir B. O'LOGHLEN said he presumed the honorable member for West Melbourne (Mr. Orkney), in saying he had been unfairly dealt with, did not mean to refer to the chair. If the chair was referred to, the honorable member should at once see the advisability of withdrawing his remarks.

Mr. ORKNEY stated that the remarks he made applied to the custom and practice of the House. Many honorable members were permitted to make statements which were quite irrelevant, but when he ventured to offer a few observations he was stopped.

Mr. NIMMO said he would move that the allegations contained in the petition presented by the honorable member for

West Melbourne (Mr. Orkney) be taken into consideration to-morrow, if not to-night. He was quite sure that, if honorable members were made thoroughly aware of the difficulties which the Harbour Trust had to contend with in providing proper shipping accommodation, they would not hesitate to give their sanction to the Bill for enlarging the powers of that body.

The SPEAKER.—The proper course for the honorable member to take is to give notice of motion for to-morrow.

Mr. NIMMO remarked that, if he gave notice, the motion would be a private member's motion, and, therefore, might not come up for consideration for three months.

Mr. CARTER suggested that an extra night—say the following Friday—should be set apart for the consideration of the Melbourne Harbour Trust Act Amendment Bill. The question ought not to be trifled with any longer.

Mr. GRAVES observed that the Harbour Trust Bill was a most urgent matter. The Harbour Trust was straining every nerve to fulfil its duties, but it could not carry out all it wanted to do without the assistance of Parliament, and the withholding of that assistance meant damage to the trade of the port.

The SPEAKER.—The Bill to amend the Harbour Trust Act is a Government order of the day.

Sir B. O'LOGHLEN said the House was at present in the middle of the debate on the second reading of the Land Bill. When that debate terminated, which he hoped would be on the following Tuesday—he did not see why the division should be delayed further—the Government would be prepared to give every consideration to the petition from the Harbour Trust.

The subject then dropped.

STOCK TAX.

A petition was presented by Mr. FRASER, from residents of Undera, Rodney, against the repeal of the import duty on live stock.

THE "POTOSI."

Dr. QUICK asked the Minister of Customs whether he had received any information of the steam-ship *Potosi*, on her last homeward voyage, going ashore on San Vicente, one of the Cape de Verde Islands? A constituent writing to him from London mentioned that the ship was ashore 24 hours, and he (Dr. Quick) had been given to understand that the fact was not reported to the Customs authorities here.

Mr. GRAVES stated that no report of the circumstance had been made at the Custom-house. He had written to the agents of the Orient steam-ships on the subject, and, on receipt of their answer, he would communicate it to the House.

Subsequently,

Mr. GRAVES stated that he had received the following letter from the Melbourne agents of the Orient Company:—

"Melbourne, Dec. 6, 1882.

"We have the honour to acknowledge receipt of your letter of this day, asking whether the s.s. *Potosi* went ashore at one of the Cape de Verde Islands on her last voyage, as the question is to be asked in the Legislative Assembly. In reply, we beg to state that we have never heard of it, and have no reason to believe that such is the case.

"Your obedient servants,

"GIBBS, BRIGHT, AND Co."

MR. JOSEPH GEARY.

Major SMITH asked the Speaker, as chairman of the Printing Committee, when the Geary papers would be distributed?

The SPEAKER.—I am informed that the papers referred to will be distributed to-morrow morning.

PERSONAL EXPLANATIONS.

Mr. DEAKIN stated that, in glancing over the last number of *Hansard*, he found in the report of his speech on the Land Bill one or two rather serious misapprehensions which he would take leave to correct before they could possibly be quoted in debate. In the first place, he was represented to say—

"The rents collected from agricultural land in the United Kingdom during the past 17 years have placed a sum of £250,000,000 to the credit of the landlords."

What he did say was that the unearned increment obtained by the landlords during that period amounted to £250,000,000 in addition to the rents. In the next place, he was reported to say—

"I altogether refuse to apply the term 'savages' to our Teutonic forefathers."

But he added the explanation, without which the passage was meaningless, that it was from them we inherited our love of freedom, and the main principles of representative government. Lastly, he was represented to say—

"So long as there is private property, there will always be the servility of those who depend upon the landowners of which the honorable member for North Gippsland speaks."

But what he referred to was private property in land.

Sir B. O'LOGHLEN called attention to an error in the *Argus* report of what he said the previous evening with reference to the management of the railways. The *Argus*

represented him as saying "there should be a board," whereas what he said was "there might be a board," indicating that there was a great difference of opinion on the subject.

RAILWAY MANAGEMENT.

COLLISION AT HAWTHORN.

Mr. BERRY mentioned that, the previous evening, he called attention to the fact that, whereas a down train for Hawthorn left Melbourne at 6.7 p.m. every day in the week except Saturday, on Saturday it was timed to leave at 6.3 p.m., when he was interrupted by the Premier with the remark that he was not quoting from the service time-table, and that, according to the time-table in his (the Premier's) hands, a train was set down to leave Melbourne for Hawthorn on Saturday at 6.7 p.m. It appeared that the time-table from which the Premier quoted was the December time-table, but the service time-table for November provided that the down train for Hawthorn should leave Melbourne at 6.3 p.m. The accident took place on Saturday, the 2nd December, and he was given to understand that the altered time-table did not reach the officials until the morning of that day.

Sir B. O'LOGHLEN said he was informed that the service time-table for the month of December reached the railway officials on the morning of the 1st inst.

Mr. BERRY observed that, when the time-table was altered, the alterations ought to be notified to the railway officials two or three days before they came into operation.

Sir J. O'SHANASSY said the usual practice was for altered time-tables to reach the railway officials some time before they came into force, so that they might have the opportunity of making themselves acquainted with the alterations. He was informed that the practice was not observed in this instance.

Mr. CAMERON stated that he saw copies of the December time-table left at the different stations when he was travelling by the special train to Lillydale the previous Friday.

Mr. WALKER asked the Premier what day he would set apart for the consideration of the motion of which he (Mr. Walker) had given notice, affirming the desirability of removing the management of the State railways from political control? He was sure that the giving of facilities for the discussion of the motion would tend, to some extent, to allay the alarm existing in the public mind at the present time.

Sir B. O'LOGHLEN observed that, the previous evening, a Bill to make provision for the better management of State railways was introduced and read a first time. The second reading of the measure had been made an order of the day for the 19th inst. (Major Smith—"Why not next Tuesday?") He was not going to tell the honorable member. The honorable member was not going to put him down. (Major Smith—"I will put you out before you are much older.") He was aware of the honorable member's will, and also of his inability to carry out his will. (Mr. Walker—"When will the Bill be circulated?") As soon as possible.

EMPLOYÉES IN SHOPS COMMISSION.

Dr. QUICK asked the honorable member for Ballarat West (Major Smith), as chairman of the Employés in Shops Commission, what steps the commission had taken to present a report? A considerable amount of evidence was given before the commission, and it would be a rather deplorable circumstance if, for want of a report, the whole of that evidence should find its way into the waste-paper basket.

Major SMITH stated that the cause of the delay in framing the report was the refusal of the Government to enlarge the powers of the commission, which was necessary in order to utilize the evidence already taken. The commission did not want further evidence. He considered that he had been treated most scurvily by the Government. The powers given to the commission were the most meagre that could be intrusted to any body of men.

Sir B. O'LOGHLEN observed that some of the evidence taken by the commission was beyond their powers, and they wanted their powers extended to enable them to report on that evidence. The Government had intimated their willingness to enlarge the scope of the commission, if the commissioners would sit and hear further evidence. The answer given to that offer was that they had already taken sufficient evidence, and had made up their minds, and were ready to report. The Government were of opinion that the commission, if their powers were enlarged, should hear evidence on the whole question.

Major SMITH remarked that the commission were quite prepared—indeed, they had never refused—to take further evidence.

Sir B. O'LOGHLEN said this was the first time the offer had been made.

MR. T. LANGDON, M.L.A.

The SPEAKER announced the receipt of a message from the Legislative Council, requesting that the Assembly would give permission to Mr. Thomas Langdon, a member of the Assembly, to attend, if he thought fit, to be examined before a committee of the whole Council on the Railway Construction Bill.

On the motion of Sir B. O'LOGHLEN, the leave asked for was granted.

VINE DISEASE ACT AMENDMENT BILL.

Mr. BOSISTO asked the Minister of Lands when he thought the second reading of this Bill would be moved? The matter was one of urgency, because the fly from the *phylloxera* arose at the end of the month; and, therefore, unless the matter was dealt with at once, the Bill would be of no service whatever.

Mr. W. MADDEN said the Bill was in charge of the Minister of Agriculture. It would be gone on with at the earliest opportunity—probably on Tuesday.

READING OF LETTERS IN DEBATE.

Sir B. O'LOGHLEN stated that, before the business on the paper was proceeded with, he desired to call attention to circumstances which arose in the House the previous Thursday. In the course of the debate on the Land Bill the honorable member for Moira (Mr. Hall) read two letters. The honorable member declined to name the writers. Afterwards the letters were on the table. He (Sir B. O'Loughlen) read the letters, and he found that one—which was really no letter, because it was not signed—was in the handwriting of an ex-Crown lands bailiff named McLean. (Mr. Hall—"How do you know?") From the resemblance to McLean's handwriting in some correspondence which was before the House the same evening.

Mr. WILLIAMS rose to order. He submitted that there was no question before the chair.

The SPEAKER.—I understand the matter is brought forward as one of privilege.

Sir B. O'LOGHLEN, in continuation, said as to the second letter—the writer of which the honorable member for Moira said, apparently in joke, was a person named "Brown"—when that letter came into his (Sir B. O'Loughlen's) hands he found that the signature had been torn off. He did not want to express himself strongly about this matter, but it appeared

to him that such conduct was trifling with the practice and procedure of the House since the adoption of the rule laid down by the Speaker that any honorable member who read a letter during debate should lay the letter on the table. A document which was a letter, or purported to be a letter, should be laid on the table in an un mutilated state. The honorable member, at a later period on Thursday evening, said that he (Sir B. O'Loughlen) obtained the documents surreptitiously from the *Hansard* reporters. He did nothing of the kind. He obtained them from the table of the House. The honorable member further stated that the signature to the second letter was torn off two or three days before he read it to the House; but, if that was the case, the honorable member should have informed the House of the fact. The action of the honorable member required further explanation, and an apology was due to the House. If his conduct was condoned or passed over, any honorable member could in future follow any particular course he chose in reference to reading letters in the House. He would ask the honorable member for Moira to apologize for what had occurred. (Mr. Hall—"For what?") For an infringement of the practice of the House. The honorable member laid on the table what were practically two anonymous documents, after leading the House to believe that they were two letters which he had received from his constituents. He (Sir B. O'Loughlen) apprehended that such conduct was playing fast and loose with the procedure of the House. He did not wish to press the matter against the honorable member to any great extent, but he submitted that the honorable member ought to avail himself of the opportunity of making an explanation, and apologizing to the House for his action.

Mr. BERRY said he thought that the statement made by the Premier was the most extraordinary one he had ever heard. He could not have believed that even the youngest member of the House would jeopardize his reputation by making such a statement. The object of laying on the table any letter or other document that an honorable member referred to in the course of debate was to place the House in possession of so much of the document as the honorable member quoted. If the honorable member for Moira (Mr. Hall) did not read the signature to one of the letters in question, what power on earth could justify the Premier in saying that the House could demand the name of the writer? The Premier seemed to have been perfectly annihilated by the letters which the honorable

member read. He (Sir B. O'Loghlen) either considered the arguments they contained were very important, or he required a victim who was to be immolated for the public spirit, he had shown in supplying the honorable member for Moira with the information in regard to land settlement which was given in the communications. The very fact that the Premier mentioned the name of an ex-officer of the Lands department, with respect to whom serious allegations were made against the Government, showed that he was endeavouring to obtain another opportunity of still further persecuting a man whom the Government had already persecuted. The statement made the other night about that ex-officer had been contradicted by sworn affidavits, which had been published in the newspapers, and yet no notice had been taken of them by the Government. (Mr. W. Madden—"The official papers can be seen by anybody.") The whole object of the present action of the Premier appeared to be to find out whether the writer of one of the letters read by the honorable member for Moira was the ex-officer of the Lands department whose name the honorable gentleman had mentioned. The Premier wanted the honorable member to declare the name of his correspondent in order that he might be handed over to the tender mercies of the Government.

The SPEAKER.—The honorable member for Moira (Mr. Hall) promised, in accordance with my ruling, to lay the letters on the table. He laid certain documents on the table which I informed him at the time were not sufficient, as they did not disclose the names of the writers. The honorable member then promised to give the names, but he has not done so. I wish the House either to uphold my ruling, or to relieve me from any responsibility in the matter by declaring that any honorable member may in future read letters or documents without placing them on the table.

Mr. BERRY submitted that the honorable member for Moira could make the letters anonymous if he chose.

The SPEAKER.—But the honorable member did not say they were anonymous.

Mr. BERRY said the honorable member for Moira was the custodian of his own honour. He might have no objection to give the sentiments contained in a letter, but he might have good reason for not disclosing the name of the writer. It rested with the honorable member whether or not he would give the name of the writer. No member of the House had ever been treated as it

was now attempted to treat the honorable member for Moira.

The SPEAKER.—I will call the attention of the honorable member to a ruling which I gave on the 10th of May last, when the honorable member for Mandurang (Mr. McColl) read a letter in the course of debate. The Minister of Customs raised the question that the honorable member ought to be called upon to lay the letter on the table of the House, and I gave the following ruling :—

"The question raised is a peculiar one. The rule of the House of Commons is that if a Minister reads from a paper he is bound to lay it on the table afterwards, unless allowing its whole contents to be known would be damaging to the public service."

Honorable members will understand the kind of circumstances under which it might be detrimental to the public service for a Minister to disclose the contents of a document to the House of Commons. For instance, if the paper contained anything affecting the foreign relations of the empire, it might be injurious to give publicity to its contents. I proceeded to say—

"But there is a difficulty in applying such rule to a private member, the House not having the same control over him that it has over a Minister. I think it will be my duty for the future when an honorable member is about to quote from a private document not to allow him to do so, unless he intimates that he will afterwards lay it on the table, other honorable members having the right to see it."

The honorable member for Moira (Mr. Hall) stated at the time that the documents which he read the other night were letters. He did not say that they had no signatures attached to them.

Mr. BERRY remarked that he perfectly agreed with the Speaker's ruling, but it did not contradict anything which he (Mr. Berry) had said. The rule laid down merely required that when an honorable member read a letter he should lay it on the table, so that other honorable members could have an opportunity of seeing what he had read. Laying a letter on the table under such circumstances was merely a formal matter. If an honorable member who read a letter chose to keep the name of the writer secret, had he not a perfect right to do so? Did any one say that an honorable member could not lay a letter on the table without divulging the name of the writer, especially when a member of the Government represented the same constituency as the honorable member who had read the letter, and when there might be a reason for his endeavouring to obtain the name of the writer? He maintained that

the honorable member for Moira complied with the rule of Parliament when he laid on the table so much of the letters as he had read. Supposing that a member received a letter, part of which related to a public matter and part to a private matter, and that he read only the former portion, would it be contended that he was bound to lay the whole of the letter on the table? Such a thing would be monstrous. He (Mr. Berry) protested against the extraordinary action of the Premier. He never heard of such an arbitrary and unconstitutional course of procedure as an attempt to compel an honorable member to disclose the name of a correspondent. If the honorable member for Moira chose to make a letter anonymous, he had a right to do so; and the House might accept the letter for what it was worth.

The SPEAKER.—I desire to remind the House that I laid down the rule to which I have now called attention at a time when there was no party feeling in the matter in the House. That is the best time to lay down a rule. If the House desires to alter the rule, and say that an honorable member may in future read any document reflecting on a Member of Parliament, or a public servant, or a private citizen, I, as Speaker, will act accordingly. As an individual member I shall regret if the House arrives at that determination, but, if it does, as Speaker I will give effect to the decision. As Speaker I am guided by the will of the House.

Mr. GRAVES stated that he desired to remind the House of the precise circumstances which occurred when the honorable member for Moira (Mr. Hall) read the letters in question, the previous Thursday night. While reading one of the letters the honorable member was asked what was the name of the writer, and he said that he would lay the letter on the table. The honorable member was again asked what was the name of the writer, and he replied "Brown." When the letters were laid on the table, it was found that one had never borne any signature, and that the signature to the other had been torn off. The honorable member's action was a gross violation of the Speaker's ruling.

Mr. RICHARDSON considered that the Premier was trifling with the time of the House by attempting to make this matter a question of privilege. The honorable gentleman complained that there was no signature to one of the letters; but how could the honorable member for Moira (Mr. Hall)

give the writer's name when he received the letter without a signature? What did the Premier want to know about the letter? His action showed that he wanted to get not at the contents of the letter, but at the writer of the letter and to intimidate him. (Sir B. O'Loghlen—"No.") The honorable gentleman could have no other object.

Sir B. O'LOGHLEN rose to order. He desired to know if the honorable member for Creswick (Mr. Richardson) was in order in saying that he (Sir B. O'Loghlen) wanted to get at the writer of the letter in order to intimidate him?

The SPEAKER.—Of course it is not in order for an honorable member to impute motives to another honorable member. I would like the House to give its attention to the important question of parliamentary practice which has been raised by the course adopted by the honorable member for Moira (Mr. Hall). If the House wishes my ruling to be upheld, it should insist upon the honorable member complying with it; if, on the contrary, it is the desire of the House that letters should be read without proper responsibility on the part of the honorable member who reads them, I think that it should say so. There ought to be some rule to guide me in the future.

Mr. RICHARDSON contended that the Speaker's ruling had not been infringed. The honorable member for Moira did lay the letters on the table.

The SPEAKER.—The honorable member promised to give the names of the writers.

Mr. RICHARDSON remarked that the honorable member was taken by surprise when he was asked the names of the writers, and promised to give them. He (Mr. Richardson) was not aware that the honorable member had any objection to disclose the names, but it appeared that a correspondent in the *Age* stated that he wrote one of the letters—the letter which the Premier supposed was written by Mr. McLean, late Crown lands bailiff.

The SPEAKER.—The honorable member for Moira (Mr. Hall) should have said so.

Mr. RICHARDSON submitted that the honorable member for Moira had not transgressed the Speaker's ruling, and that he ought not to be compelled to apologize for his action.

Mr. BLACKETT asked if it was competent for the House to dispute the Speaker's ruling?

The SPEAKER.—The House can disagree with my ruling if it thinks proper to do so.

Mr. BLACKETT expressed the opinion that some motion ought to be proposed as the ground for disputing any ruling given by the Speaker.

Mr. RICHARDSON stated that he did not pretend to disagree with the Speaker's ruling; on the contrary, he bowed to it. He, however, submitted that the honorable member for Moira had complied with the ruling, and that the Premier was trifling with the House by raising a question of privilege over the matter. The honorable gentleman's object seemed to be to prevent the Tramway Company's Bill being gone on with.

Mr. HALL said he thought that, the previous Thursday, he fully complied with the ruling given by the Speaker on the 10th May. He desired to call attention to the latter part of that ruling, which was as follows:—

"I think it will be my duty for the future when an honorable member is about to quote from a private document not to allow him to do so unless he intimates that he will afterwards lay it on the table, other honorable members having the right to see it."

It would be observed that the Speaker did not lay this down as a positive rule, for he used the words "I think."

The SPEAKER.—The Speaker has no will except the will of the House. When the Speaker says "I think," and the House assents to his opinion, that is the will of the House.

Mr. HALL thought there was some reason for doubting whether the Speaker was positive as to the rule when he said "I think."

The SPEAKER.—If the Speaker says "I think" so and so, and the House does not dissent, the opinion he expresses is undoubtedly the will of the House.

Mr. HALL said that, whether the communications which he read on Thursday evening were called letters or documents, he, at all events, laid on the table of the House all that he read. As to the signature to one of the letters, he tore it off two days before, having no idea that he would be required to lay it on the table. The other letter had no signature, and if he had put a name to it he would have committed a forgery.

The SPEAKER.—The honorable member need not have read the letter if it had no signature.

Mr. BERRY remarked that honorable members read extracts from newspapers.

The SPEAKER.—If an honorable member reads an extract from a newspaper, the name of the newspaper is stated; if he reads an extract from a book, he gives the name of the author of the book; and if he reads an extract from a letter, he ought to give the name of the writer of the letter, especially when he promises to do so.

Mr. HALL stated that he had looked through the standing orders, and he found nothing in them to compel him to give the names of the writers of any private letters sent to him that he read in the House, or even to lay the letters on the table. Further, he would call attention to the following report of what occurred during a debate in the House of Commons on the 24th March, 1879:—

"Mr. H. SAMUELSON read an extract from a report from a civil engineer. (Cries of 'Name, name.') He did not like to state the name of the gentleman at that moment, as he had left it behind him, and was not quite sure that he correctly recollected it.

"Sir GEORGE BOWYER rose to order. He wished to know whether the honorable member was in order in appealing to a high authority, and then being unable to give his name to the House?"

"The SPEAKER said that the honorable member was quite in order in referring to the document. If, however, he did not give the name of the author, the House could take the authority for what it was worth."

He thought this was a precisely similar case to the one now under discussion. In *May's Parliamentary Practice*, it was stated that—

"A Minister of the Crown is not at liberty to read or quote from a despatch or other State paper not before the House unless he be prepared to lay it upon the table. The same rule, however, cannot be held to apply to private letters or memoranda."

The SPEAKER.—Will the honorable member quote further?

Mr. HALL said he had no objection to do so, because what followed bore out his argument:—

"On the 18th May, 1865, the Attorney-General, on being asked by Mr. Ferrand if he would lay upon the table a written statement and a letter to which he had referred on a previous day in answering a question relative to the Leeds Bankruptcy Court, replied that he had made a statement to the House upon his own responsibility, and that the documents he had referred to being private, he could not lay them upon the table. Lord R. Cecil contended that the papers, having been cited, should be produced; but the Speaker declared that this rule applied to public documents only. Indeed, it is obvious that, as the House deals only with public documents in its proceedings, it could not thus incidentally require the production of papers which, if moved for separately, would be refused as beyond its jurisdiction."

If there was anything further in *May* bearing upon the question of order, he would be very glad to read it, as he had no desire to omit anything which would either support or negative his contention. He thought he had now justified the position he had taken up, and that he had also complied with the Speaker's ruling in every respect by laying the documents on the table as he read them, concealing nothing. He had not shown the slightest disrespect either to the Speaker or to the House. He was sorry that the Premier, as leader of the Government and the House, had thought it worth his while to attack one of the youngest members of the House, and thereby waste a lot of valuable time. He did not know in whose interest the honorable gentleman had done so. The honorable gentleman's action seemed to point to some other motive than any he (Mr. Hall) could conceive. He regretted that the business of the country had been delayed by a matter of such trifling importance. As to the names of the writers, what did they matter to the Premier, so long as he (Mr. Hall) stated that the letters were from reliable persons? If the Premier had looked at the *Age*, he would have seen that a gentleman had admitted that he was the writer of one of the letters. As to the other letter, he (Mr. Hall) could not swear who was the author of it, but he had an idea from whom it came.

Mr. KERFERD said he thought there was a good deal of force in the argument of the honorable member for Moira (Mr. Hall). The honorable member, however, no doubt misled the House, the previous Thursday—perhaps unintentionally, and in the excitement of the moment—for, when he was reading one of the letters, he was asked to state the name of the writer, and he said—"I will lay the letter on the table." The impression conveyed by that statement was that the letter would show the name of the writer; but when the two letters were laid on the table it appeared that one was anonymous, and that the signature to the other had been torn off. To that extent the honorable member had been wanting in frankness. If he had said at the time—"There are no names to the letters," no question would have arisen. If the honorable member expressed his regret that he misled the House, the matter might now be allowed to drop.

Mr. DEAKIN apprehended that the ruling given by the Speaker was one which honorable members on both sides of the House would think it wise to maintain. Indeed,

like all the Speaker's rulings, it was based on the best of reasons. To understand it, however, honorable members must necessarily consider the object of it. The sole reason for requiring an honorable member to lay on the table a private document which he quoted in the course of debate was to enable any other members who desired to reply to him to see the exact words quoted—not a word less nor a word more. It was admitted that the papers laid on the table by the honorable member for Moira (Mr. Hall) contained every word which he quoted. The honorable member, therefore, fulfilled all the requirements of debate, and acted with perfect fairness except in conveying the impression that the letters would show the names of the writers, and on that point perhaps the honorable member's promise was made under some misapprehension.

Mr. WRIXON said the only importance which the discussion possessed was the precedent which it might establish. There was no desire to unduly press the matter against the honorable member for Moira (Mr. Hall), for the honorable member might have fallen into a mistake, but undoubtedly he misled the House by laying on the table letters which had no signatures. The honorable member's conduct was somewhat analogous to the impropriety which a barrister would commit in a court of law if he read what purported to be a letter, and afterwards handed in a document without a signature. Though *May* threw a doubt as to whether the rule requiring a Minister of the Crown to lay on the table of the House a document, which he used in course of debate, also applied to a private member, there could be no doubt that the rule laid down by the Speaker was a wholesome and most excellent one, and that it should be strictly observed. He therefore hoped that the House would unanimously support the Speaker's ruling.

Mr. WALKER expressed the hope that the House would not sanction the reading of anonymous letters. He was the victim of one which reflected seriously on him as a parliamentary representative, and which led to the ruling given by the Speaker on the 10th of May. What was the object of quoting a document in debate? He presumed that the object was that the authority of the author of the document might be given in support of the argument of the honorable member who used it. He did not want to enter into the merits of the present case, but he would point out that if, by any decision that was now given, sanction was lent to the reading of

anonymous letters in the House a very dangerous precedent would be established, and one which would give rise to a very cowardly mode of attack on honorable members or persons outside.

Mr. McCOLL observed, with regard to the remarks of the honorable member for Boroondara, that it was true that he (Mr. McColl) did on one occasion read in the House a letter which was without a signature, because he knew that the person from whom it came was an honorable man whose word he could trust. Every statement in that letter was confirmed, and could not be denied. He might mention in connexion with the letter that so anxious was the Minister of Customs to know the writer of it that the honorable gentleman followed him (Mr. McColl) from room to room in the building, and pressed him through friends, in order to obtain the name of the writer. The Minister thought the writer was in the Customs department, although such was not the case, and the only object he could have in view in trying to learn his name—because the facts were all he had to deal with—was in order to prosecute or punish him.

Mr. GRAVES remarked that it was true that he did try to find out the author of the letter referred to by the honorable member for Mandurang (Mr. McColl), because, as he (Mr. Graves) stated at the time, the statements in it were untrue, and they reflected on himself. Failing that, he asked the honorable member for Mandurang to come down to the Custom-house and satisfy himself as to the facts of the case, and the honorable member did so. The allegation in the letter was that he (Mr. Graves) had turned out the Inspector of Stock in order to make room for a private company. After going through the various rooms in the Custom-house and inspecting the arrangements, the honorable member said—"I regret extremely that I read the letter, because I find I have been misled, and the statements in it are untrue."

Mr. McCOLL stated that what he admitted to the Minister of Customs, when he (Mr. McColl) went through the Custom-house with him, was that the honorable gentleman's arrangements were right. He saw nothing, however, which contradicted any of the statements in the letter. The letter principally affected the honorable member for Boroondara, and every statement in it was confirmed.

Dr. QUICK asked the Speaker whether it was his ruling that a member of the

House could not read an anonymous communication?

The SPEAKER.—Certainly he can; but he should say that it is anonymous.

Dr. QUICK remarked that the ruling of the Speaker of the House of Commons in the case cited by the honorable member for Moira (Mr. Hall) was that an honorable member was quite in order in referring to an anonymous document, but that, if he refused to give the name of the author, the House could take the authority for what it was worth. No doubt the Speaker of the Assembly of this colony, in framing his rulings, paid some respect to the rulings given in the House of Commons, and this seemed to be a case in point.

The SPEAKER.—I intimated the last time this matter was before the House that the honorable member for Moira (Mr. Hall) should, in my opinion, give the names of the writers of the letters from which he quoted. I do not want to press him to give the names, but, if that course is not followed, I will regard the fact as an instruction from the House that in future honorable members are to be allowed to read what letters they please without being compelled to give the names of the writers. (Cries of "No.") Then, if that is not the wish of the House, the honorable member for Moira should be compelled to give the names of the writers of the letters.

Mr. PATTERSON asked what was to happen supposing that the honorable member for Moira (Mr. Hall) could not give the names?

The SPEAKER.—Then he must apologize to the House for having read the letters.

Mr. PATTERSON said he understood that the honorable member for Moira had already expressed his regret for the course he took. He would remind the Speaker of the expression in the ruling of the Speaker of the House of Commons that, if an anonymous document was read, "the House could take it for what it was worth."

The SPEAKER.—I am sorry that the honorable member for Castlemaine (Mr. Patterson) should intervene between the Speaker and the observance of proper order. I simply want a direction from the House as to the course to be followed in future. If the House decides that letters can be read which may, perhaps, slander members of the House, civil servants, or other private individuals, without the authors of the letters being given, of course I will allow such

letters to be read. In the meantime, however, I consider that it is improper to read such letters unless the honorable member who reads them is prepared to give the names of the writers, and so make them responsible to the House.

Sir B. O'LOGHLEN said he begged to move that the honorable member for Moira (Mr. Hall)—(Cries of "Hall.") If the honorable member for Moira wished to rise, he (Sir B. O'Loghlen) was quite prepared to give way to him. If, however, the honorable member declined to rise, it would devolve upon him (Sir B. O'Loghlen), as the leader of the House, to propose a motion to support the ruling of the Speaker.

Mr. FRASER observed that he was sure the honorable member for Moira (Mr. Hall) would rise and express his regret for what had occurred, but the Premier might allow him breathing time. (Cries of "Hall.")

Mr. PEARSON remarked that, before the honorable member for Moira (Mr. Hall) rose, it would be as well to have it clearly defined what the honorable member was expected to do. No doubt the honorable member made a mistake in raising the expectation that he would give the names of the writers of the letters he read, when he did not afterwards do so. The honorable member was bound to express his regret for having done that, but it was quite a different point if it was sought to be established that an honorable member could not read memoranda which were not signed. (Sir B. O'Loghlen—"He stated that they were letters.") No doubt the honorable member made a mistake in describing as a letter what was really a memorandum, and he should express his regret for doing so.

Mr. LONGMORE (who rose amid cries of "Hall") said that honorable members might cry "Hall" for a fortnight, but the minority were not going to be jumped upon by the majority of the House. Authorities had been read which exculpated honorable members from doing any wrong to the House in reading documents which had no signature. He (Mr. Longmore) apprehended that the honorable member who read such a document took the responsibility if it contained anything which was calculated to bring discredit on Parliament. (Sir B. O'Loghlen—"You have only just come in, and don't know what has taken place.") He knew what was apparently about to be done. This was going to be a case of the "iron hand," and the Premier would not be allowed to take the course he apparently intended to take. He (Mr. Longmore) would

warn the Premier against rising to propose any resolution which might affect the position of the honorable member for Moira (Mr. Hall), because, if the honorable gentleman proposed such a resolution, it would be discussed for a month. The honorable member for Moira read the letters which had been referred to altogether in good faith and without desiring in any way to do any injury to the corporate honour of the House. If the letters were unsigned, perhaps there were good reasons why they were not signed. (Sir B. O'Loghlen—"Why did he not say the letters were anonymous?") The honorable member for Moira read the letters in the discharge of his duty, and, even if he made a mistake in his desire to shield those who had written to him, that was no reason why he should now be called upon to make a humble apology to the House. The best course was to allow the matter to drop, and, if it was desired that in future any particular rule of conduct should be followed by honorable members with regard to reading letters, a resolution should be adopted by the House on the subject for the guidance of the Speaker. If such a rule was laid down, it would be obeyed every whit as readily by the Opposition as by honorable members on the Ministerial side of the House. There was no knowing how much a resolution of the character of that which the Premier apparently intended to propose might injure the honorable member for Moira, and the Premier should think a little before moving it. If the Premier did propose a resolution it would be debated until the Christmas holidays, and the honorable gentleman would hear things about his Government that he would not like.

Mr. HALL remarked that he rose for the purpose of preventing any further loss of time, and not from any coercion, because he would not be coerced. He wished, however, to obey the ruling of the Speaker. The Speaker had stated that he (Mr. Hall) promised to give the names of the writers of the letters which he read the previous Thursday, and he believed that he did promise that, if he was asked, he would give the names. He might point out that, up to the present, he had never been directly asked for the names. One of the letters, as was acknowledged by the author in the *Age* of that morning, was written by a gentleman named Knox. With regard to the other letter, he could not be positive about the name, but the name given to him as that of the author of the letter was Graham.

The subject then dropped.

MELBOURNE TRAMWAY AND
OMNIBUS COMPANY'S BILL.

The further consideration of the report of the select committee on this Bill (adjourned from November 29) was proceeded with.

The proposal of Mr. Tucker (see p. 2,623) to omit the portion of the amendment made by the select committee in clause 42 providing that each mile of tramway within the limits of the city of Melbourne should be reckoned as $1\frac{1}{2}$ mile in the division of profits among the local bodies, was put, and negatived without a division.

Sir B. O'LOGHLEN drew attention to the amendment made by the select committee in clause 48 providing for the constitution of a Tramways Board. The clause, as it originally stood, provided that the Governor in Council should nominate two members of the board, but the select committee had reduced the number to one. The other members of the board were to consist of two representatives of the Melbourne Corporation, and one representative of each of the suburban councils which had consented to the construction of tramways within their districts. In the first place, he would point out that this was a private Bill, and it attempted to create what, in his opinion, should be a public department. He did not know whether it was in accordance with parliamentary procedure for such a proposition to be made in a private Bill, but, even if it were, he submitted that it would establish a dangerous precedent for the House to sanction such a proposition as that contained in the clause. In England the Board of Trade dealt with such questions as it was proposed the Tramways Board should deal with, and he doubted whether it was within the province of a private Bill to create what was tantamount to a public department. (Sir J. O'Shanassy—"The Tramways Board can only settle disputes.") The board was to do a great deal more. The Bill provided that the sanction by the board of all by-laws made by the company or the municipalities, gave them the force of law. Practically, the Tramways Board was given powers which should appertain to a public department, and which were exercised in England by a public department—the Board of Trade. The President of the Board of Trade was a member of the Cabinet, and the board had a parliamentary secretary who was a member of the Administration. (Mr. Kerferd—"What has the State to do with this; it is purely a local matter?") The State had everything to do with it. The company had

power to make by-laws and regulations which were to have the force of law unless disallowed by the Tramways Board. (Sir J. O'Shanassy—"The by-laws must be within the powers of the Act.") Very objectionable by-laws might be made within the powers of the Act, and under the Bill the Government and Parliament would be powerless with respect to such by-laws. It was well known that objectionable by-laws had sometimes been made by local bodies, and when they were not *ultra vires* the Supreme Court had ruled that, however objectionable they were, they must stand, and there was no way of dealing with them except by an Act of Parliament. The proposed Tramway Board would be practically a public department, and, as a public department, it should be constituted of responsible Ministers. (Mr. Munro—"Responsible Ministers have quite enough to do already.") That might be so, but if there were more responsible Ministers the work could be more subdivided. He would point out that the proposed power was not even to be given to the local bodies, but to an irresponsible board. (Mr. Carter—"They will be responsible to the local bodies.") When a board was elected from a large number of local bodies, and one member was nominated by the Governor in Council, it would be seen that the amount of responsibility which each member would feel would be infinitesimal. (Mr. Carter—"What do you suggest instead?") He thought the board ought to consist of three responsible Ministers of the Crown, and two or three leading men in public positions, such as the Mayor of Melbourne. If the House was of opinion that there should not be three Ministers on the board—although Ministers in England were members of the Board of Trade—then there might be only one Minister and two leading departmental officers, say the Engineer-in-Chief and the head of the Survey office. It should be observed that, under the agreement between the company and the local bodies, the latter might become the proprietors of the lines, and that, in that case, the action of the Tramway Board would simply mean the owners of the tramways not only making their own by-laws, but also confirming them. Of course, they would never raise an objection to the work of their own hands. Under these circumstances, he thought the best plan would be to entirely alter the scope and shape of the clause. He begged, therefore, to move the omission from it of all the words relating to the constitution of the intended board, with

the view of inserting in their place provisions of the nature he had indicated.

Sir J. O'SHANASSY remarked that he stated some time ago, from memory, that the functions of the Board of Trade in England in relation to tramways were not at all analogous to those with which it was designed to endow the intended Tramways Board, and a subsequent examination of the Imperial Tramways Act showed him that his assertion was correct. For example, according to the Act, the Board of Trade did not trouble itself at all about tramway by-laws, save in the following case:—

“Notice of the making of any by-law under the provisions of this Act shall be published by the local authority, or the promoters making the same, by advertisement. According to the regulations contained in part 2 of the schedule (C) to this Act annexed, and unless such notice is published in manner aforesaid, such by-law shall be disallowed by the Board of Trade.”

So that the sole object of the Board of Trade in the matter of by-laws was to secure a due amount of publicity. There was formerly a somewhat similar relation, under the municipal law of the colony, between the Crown Law department of the Government and the local governing bodies. It would therefore be perfectly correct to say that the amendment just indicated by the Premier would in no way establish the similarity between the Board of Trade and the Tramways Board which he professed to aim at. On the contrary, its effect would really be to endow the Governor in Council with functions which the Central Government ought not to possess. Besides, it was not clear that the amendment would serve any public purpose. Supposing there was ground for fear that under the Bill, as it stood, the company would become too powerful, surely the danger would be greatly aggravated if their action was brought into the region of politics. What the select committee had in view was simply the formation of a tribunal that would fairly represent all the local interests concerned.

Mr. CARTER expressed the hope that the amendment would be withdrawn, because he failed to see why the local bodies, who were at present deemed by the State to be the proper custodians of the streets, should be regarded as disqualified to continue in that capacity when tramways were laid down upon them. If the control of cabs, omnibuses, and other public vehicles of the kind, was fitly in their hands, why should not the control of tramcars stand in the same light? Surely the matter was entirely a municipal affair, and in no sense a national one.

There could be no doubt the interests of the public would be perfectly safe with the Tramways Board, because the municipal members of it would be continually subject to re-election by their constituents. In fact, the constitution of the board proposed in the clause as it stood was one of the few good points the Bill possessed. To ask the Executive to deal with such affairs of detail as the granting of licences to tramway drivers would be like setting a steam hammer to crack a walnut.

Sir B. O'LOGHLEN said he wished to set the honorable member for Belfast right with respect to the powers and functions of the Board of Trade with relation to tramway by-laws. The Imperial Act on the subject contained the following provision:—

“No such by-law shall have any force or effect which shall be disallowed by the Board of Trade within two calendar months after a true copy of such by-law shall have been laid before the board, and a true copy of every such proposed by-law shall, not less than two calendar months before such by-law shall come into operation, be sent to the Board of Trade, and shall be delivered to the promoters of such tramway if the same was made by the local authority, and to such local authority if made by the promoters.”

The Board of Trade therefore possessed absolute power over by-laws relating to tramways.

Mr. KERFERD stated that he saw no reason why the Premier should wish to cast additional work—in the shape of additional duties—upon Ministers of the Crown. Was not their path thorny enough under existing circumstances? Inasmuch as it had been the policy of the Legislature for many years past to divest the Central Government of all control in local matters, by handing them over exclusively to the municipal bodies of the country, it would be most unwise to depart from that rule with respect to the present question. Moreover, would it not be dangerous to render Ministers liable to a vote of no-confidence on account of their action in relation to a local tramway affair?

Mr. LAURENS observed that the object the Premier had in view could only relate to matters of detail with respect to tramway management, because the Government had altogether failed to respond to the challenge made to them from time to time to indicate the tramway lines they objected to. Under these circumstances, he (Mr. Laurens) thought that the Legislature, having, with its eyes open, given the local bodies the control of the streets, ought not to seek to interfere with that authority with regard to tramways.

Mr. WALSH said he was surprised at the action of the Premier, because he would have expected the honorable gentleman to rather desire to relieve the Government as much as possible from jurisdiction in local matters. A Minister of the Crown was ordinarily said to be responsible, but in no sense could he be regarded as truly responsible to the persons most interested in the operation of a Tramways Act, because he would necessarily be entirely beyond the criticism or censure of the ratepayers of any particular locality. It was to be hoped the Premier's crude amendment would be withdrawn.

Mr. BENT thought the expression "crude" was not at all applicable to a proposition the effect of which was to carry out what had been the policy of the Central Government for many years. However, as honorable members generally seemed indisposed to support the Premier's attempt to guard the interests of the public, it was not probable the honorable gentleman would think it worth while to press his amendment to a division.

Mr. NIMMO stated that he was far from regarding the Premier's amendment as at all crude. On the contrary, it embodied a really excellent proposition, because the general community ought to be represented on the Tramways Board in a manner different from municipal representation. (Mr. Gillies—"Apply that argument to the Harbour Trust.") The Harbour Trust was a body entirely apart from a tramway board. The point was that the body that governed tramways would have to deal largely with matters of a general rather than a local character.

Mr. LANGRIDGE remarked that he was unable to support the Premier's amendment, although he would gladly vote for a proposition from the honorable gentleman to throw over the Bill altogether. Had the Government done their duty, the measure would never have reached its present stage. He (Mr. Langridge) would mention that he thought the Governor in Council ought to be able to nominate two members of the Tramways Board instead of only one, as the select committee proposed.

Mr. TUCKER expressed the opinion that the Premier intended to perpetrate a joke. Surely if he thought the proposed Tramways Board would be an improper body, he ought to have given the second reading of the Bill his strenuous opposition. The amendment was simply an attempt to override the principles of local government.

Seeing that the principal part of the Bill had yet to come before the House, he would suggest to the Government the propriety of taking in hand a public measure, which should supersede the company's Bill, and refunding the company the costs they had already incurred. A Bill which dealt with the question from a public stand-point had come down to the Assembly from another place; but the company's Bill dealt with it from the narrowest possible private stand-point—the stand-point of all for the company and nothing for the public. There had been loud protestations from the Government against monopolies, but every division showed that a delightful difference of opinion prevailed on the Treasury bench. He considered it would be folly to pass such an amendment as that proposed by the Premier. In connexion with such matters as tramways, municipal government was far better than any other kind of government, for the reason that municipal councillors had experience in such matters. Honorable members had only to look at the condition of the municipalities around Melbourne, and of the city itself—though that was somewhat behind the suburbs in municipal talent—to be satisfied that there were numbers of gentlemen well qualified to sit on the proposed Tramways Board, who performed a very large amount of arduous work for which, as a rule, they received very little thanks.

Sir Bryan O'Loghlin's proposal was negatived, and the select committee's amendments in clause 48 were agreed to with the exception of that which provided that the Governor in Council should nominate one instead of two members of the board.

Mr. TUCKER inquired of the honorable member in charge of the Bill whether it was proposed to pay the members of the Tramways Board certain fees? (Mr. Gillies—"Yes.") In that case, seeing that the House had increased the number of the board by one, would it not be necessary to increase the total sum which would be payable in fees?

Mr. GILLIES replied in the negative.

Mr. LAURENS observed that, as he understood the last arrangement come to by the local bodies, the members of the Tramways Board were not to be paid.

The committee's amendments in clause 49, and their amendment inserting new clause A, were agreed to.

On the committee's amendment inserting new clause B,

Mr. CARTER proposed that the amendment be amended to read as follows:—

"No person who shall be a member of, or otherwise beneficially interested in the company, shall be capable of being or continuing a member of the Tramways Board, or an auditor, referee, or arbitrator."

The proposal was agreed to.

The committee's amendments in the 1st and 2nd schedules were also agreed to.

Discussion took place on the committee's amendment to insert a 3rd schedule, which was as follows :—

"Fare not exceeding 3d. for any single journey on the following lines :—

"Flinders-street railway station to Northcote-bridge, Clifton Hill.

"Flinders-street railway station to Victoria-bridge, Richmond.

"Flinders-street railway station to intersection of Sydney and Moreland roads, Brunswick.

"Flinders-street railway station to intersection of Flemington and Boundary roads, Hotham.

"Flinders-street railway station to intersection of Nicholson and Reid streets, North Fitzroy.

"Flinders-street railway station to intersection of Johnston and Hoddle streets, *via* Carlton.

"Flinders-street railway station to intersection of Rathdown and Church streets, North Carlton.

"Flinders-street railway station to Hotham Town Hall, *via* West Melbourne.

"Spencer-street railway station to intersection of St. George-road and Scotchmer-street, North Fitzroy.

"General Post-office to Hawthorn-bridge, Richmond.

"General Post-office to intersection of Chapel and Wellington streets, Windsor.

"General Post-office to intersection of High and Carlisle streets, St. Kilda.

"General Post-office to intersection of Bridport and Montague streets, Emerald Hill.

"Omnibus-office to intersection of Beach-street and Railway-place, Sandridge.

"South Yarra railway station to intersection of Toorak and Irving roads, Toorak.

"Esplanade, St. Kilda, to South Yarra railway station.

"Fare not exceeding 1d. for any single journey on following line :—

"Spencer-street railway station to intersection of Flinders and Swanston streets, *via* Flinders-street."

Mr. TUCKER proposed that the consideration of this amendment should be postponed. He submitted that it would be inconvenient to deal with the question of fares until the tramways and branches, provided for in the 1st schedule, with respect to which some alterations were contemplated, had been finally disposed of. Alterations might be made in that schedule which would necessarily govern the House as to what the fares should be.

Sir J. O'SHANASSY suggested that the question of fares could be dealt with on the third reading of the Bill.

Mr. GILLIES observed that the amendment had been before the House some time; and every honorable member had

made up his mind, more or less, on the question of fares. If the schedule were passed now, honorable members would not thereby be precluded from altering it at a subsequent stage if that course were deemed necessary.

Mr. CARTER advocated the postponement of the schedule, as it was likely to be the subject of a long debate which would not terminate that night.

Mr. ZOZ suggested that whatever discussion was likely to arise should be commenced at once.

Mr. GARDINER supported the proposal for postponement, on the ground that public opinion was divided on the question of fares, and because he believed the subject was one which would be discussed at public meetings in the course of a week or so.

Mr. LANGRIDGE said he would move that "2d." be substituted for "3d." in the first line of the schedule.

Mr. TUCKER rose to order. He submitted that his proposal for the postponement of the schedule must take precedence. In the evidence given before the select committee it was estimated that the number of passengers which the company would convey yearly was 30,000,000, and for that number of passengers every farthing meant £30,000. It therefore became a question what reduction of fares should be made. Certainly there was nothing in the evidence to support the proposal that there should be a uniform charge of 3d. He was given to understand that it was proposed to extend the North Fitzroy tramway beyond the terminus at present provided for, along St. George's-road, to the northern boundary of the city of Fitzroy; also to extend the Nicholson-street line to the same boundary; and he thought it only fair to ascertain what other extensions were to be determined upon before dealing with the question of fares. It was only after the lines had been determined upon that the question of fares would properly arise. For that reason he moved that the consideration of the 3rd schedule should be postponed for the present.

The SPEAKER. — The more correct mode would be to move that the debate be adjourned.

Mr. TUCKER moved that the debate be adjourned.

The House divided on the motion—

Ayes ...	...	...	...	16
Noes ...	...	...	...	38
				22
Majority against adjournment ...				22

AYES.

Mr. Carter,	Dr. Quick,
" Dow,	Mr. Tucker,
" Gardiner,	" Williams,
" Hall,	" Wrixon,
" James,	" A. Young.
" Langridge,	
" Longmore,	Tellers.
" McColl,	Mr. Bell,
" McKean,	" W. M. Clark.

NOES.

Mr. Bent,	Mr. W. Madden,
" Blackett,	" Mirams,
" Bosisto,	" Munro,
" Brophy,	" O'Callaghan,
" Cameron,	" Officer,
" Cooper,	Sir B. O'Loghlen,
" Fincham,	Mr. Orkney,
" Francis,	Sir J. O'Shanassy,
" Gibb,	Mr. Patterson,
" Gillies,	" Richardson,
" Grant,	" L. L. Smith,
" Graves,	" Toohey,
" Harper,	" Wallace,
" Harris,	" Walsh,
" Kerferd,	" Wheeler,
" Laurens,	" Zincke.
" Macgregor,	
" McLean,	Tellers.
Sir C. Mac Mahon,	Mr. Shiels,
Dr. Madden,	" Zox.

Mr. LANGRIDGE moved that "2d." be substituted for "3d." He said that at present the ordinary cab fare was 3d. from six o'clock in the morning until midnight, and the company who were the promoters of the Bill were enabled to pay their shareholders large dividends by charging a 3d. fare for long journeys in their omnibuses. He, therefore, thought that the House would be justified in not allowing the company to charge the same fare by their tramcars, considering the great powers and privileges which the Bill would confer upon the company, and the probability of tramcars being worked much cheaper than omnibuses. The company would virtually have the entire control of the streets of Melbourne and the suburbs, and a monopoly of the carrying powers, for the next 21 years. He had seen it stated that in Sydney, where the fare was only 2d., the tramcars realized a profit of 17 or 18 per cent. last year. They were worked by steam motors, but he did not know that the cost was a great deal less than that of horse-power. There could be no doubt, however, that the promoters of the Bill would in a short time ask for authority to work their tramcars by some other means than horse-power. It would be a great mistake for the House to sanction a 3d. fare, but he thought it would have been more convenient to discuss the question of fares after fixing the various tramway routes. It would be reasonable to vary the fares to some extent in accordance with the distance travelled. For instance, he did not think the same fare

should be charged from Spencer-street railway station to Parliament House as to North Fitzroy.

Mr. BLACKETT considered that the honorable member for Collingwood (Mr. Langridge), as one of the opponents of the Bill, was acting inconsistently in proposing that the tramway fare should be 2d., instead of 3d., because one of the arguments against the measure had been that the tramways would compete severely with the cabs and with the suburban railways. If they would compete with a 3d. fare, the competition would be still more formidable if the fare was only 2d. He thought there might be some modification made in the fare, in accordance with the length of the route, although, on the other hand, it might be argued that the fare ought to be uniform on the same principle that postal rates were uniform.

Mr. TUCKER, in supporting the amendment, remarked that the evidence given before the select committee showed that the company expected that the tramways would destroy the cab traffic even with a 3d. fare, and, if that would be the result, it would be no detriment to the cabmen to limit the fare to 2d.

Mr. KERFERD asked that the debate might be now adjourned, in order that the Statute of Trusts Bill might be dealt with.

Mr. GILLIES intimated his willingness to consent to the adjournment of the debate.

Mr. CARTER said he regretted that, only a few minutes previously, the honorable member for Rodney (Mr. Gillies) opposed a reasonable request for adjournment. He also regretted that many honorable members studiously kept out of the House when the Tramway Company's Bill was on. They came in when the division bell rang, and, without knowing anything about the merits of the question at issue, they simply looked where the honorable member for Rodney was, and went and voted accordingly. His (Mr. Carter's) reason for voting in favour of an adjournment on the division which had just taken place was that he thought honorable members would put themselves in a ridiculous position by deciding what the fares should be before they determined the various tramway routes.

Mr. GILLIES mentioned that he promised the honorable member for Ballarat West (Major Smith) that he would agree to an adjournment at a quarter past nine o'clock, in order to allow the honorable member to bring forward a measure that he had on the paper.

Mr. KERFERD stated that the honorable member for Ballarat West (Major Smith) had agreed to give way to him.

The debate was then adjourned until Wednesday, December 13.

MINERS' RESIDENCES BILL.

Mr. RICHARDSON moved for leave to introduce a Bill to make provision for locating miners' residences where mining was conducted on private property.

Major SMITH seconded the motion, which was agreed to.

The Bill was then brought in, and read a first time.

STATUTE OF TRUSTS AMENDMENT BILL.

Mr. KERFERD moved the second reading of this Bill. He said that the object of the measure was to enable trustees under a will to invest the trust funds on real securities. The Bill was a transcript of an English Act.

The motion was agreed to, and the Bill was read a second time, and committed.

On clause 2, declaring it lawful for a trustee, executor, or administrator to invest the trust funds on real securities in the colony of Victoria, when the instrument creating the trust did not expressly forbid such investment,

Mr. FRANCIS said he doubted whether the exercise of the power which the clause gave would be any improvement on the existing practice. At present trustees invested money on mortgage, the usual rule being for them not to advance more on any property than two-thirds of its value; but if a trustee bought property he could not expect to buy it for less than its value, and there would therefore be some risk in connexion with the purchase.

At this stage, the time allotted for giving precedence to private members' business having expired, progress was reported.

LAND ACTS CONTINUATION AND AMENDMENT BILL.

NINTH NIGHT'S DEBATE.

The debate on Mr. W. Madden's motion for the second reading of this Bill, and on Mr. Richardson's amendment that the Bill be read a second time "this day six months" (adjourned from November 30), was resumed.

Mr. JAMES.—Mr. Speaker, if the second reading of the Bill is carried the honorable member for Collingwood (Mr. Mirams) will have an opportunity of bringing forward the

proposition of which he has given notice, and therefore it is not my intention at present to enter into the subject of leasing the Crown lands. The land question is one of very great importance, and I regret that there is not that interest taken in it either in this House or the country that I would like to see. All the exertions which the Government have made have failed to galvanize anything like life into the question. It is quite possible that they may carry the second reading of the Bill, but whether it will ever become an Act of Parliament in anything like its present form is extremely doubtful; indeed, it is impossible that it can become law if the majority who support the Government are true to their convictions on the land question. When a Government bring in a Bill which is one of the leading measures of the session, some ardent advocates of that measure are generally to be found amongst their supporters; but, strange to say, it is difficult to find a single member on the Ministerial side of the House who is in accord with the present Land Bill. In fact, I cannot call to mind a single member who has endorsed the whole of the Government land policy. A number of honorable members have sketched out plans of their own which, in their opinion, are greatly superior to the Government proposal, but many of them have said that if they could not carry their own suggestions they would support the Government scheme as the next best. I don't think it is very complimentary to the Government for statements of that kind to be made by their own supporters. When one honorable member referred to the 3rd clause of the Bill, which contains the leading principle of the measure, the Chief Secretary interjected that it could be altered in committee. From that remark it looked as if the Government intend, if they are pushed, to give way on one of the main features of the Bill. Is that the case—is it the fact that they do not intend to stand by what is generally regarded as a vital part of the measure? Then the question arises—Is it a proper proposal? Is it one which should be adopted by this House? Is it one which, if passed into law, will be in the interests of the people of this country? I am not prepared to say that it will not be; but I do say that an important Bill of this kind—a measure disposing of the remaining portion of the public territory—ought not to be dealt with by a moribund Parliament. In a very short time honorable members must go before their constituents to ask their opinion upon the leading questions of the

day, and, amongst others, the land question. Is it to be supposed that the country has no opinion on this subject? Although at present it may appear to treat the matter with a great deal of indifference, I think we shall find that, if the country has an opportunity of speaking out on the Land Bill before it becomes law, the next Parliament will be in a far better position to deal faithfully with the remaining territory in the interests of the public than this House can do now.

Mr. BENT.—The country wants the Bill passed.

Mr. JAMES.—I differ from the honorable gentleman on that point. I confess I have been unable to find out that the country is anxious to have the Bill passed. It may be; but surely if the people were in earnest in wishing to see the Bill passed they would have displayed a lively interest in behalf of it before now, after all the speeches which have been made on the measure in this House. I believe that the country is hoping that the minority will yet be converted into a majority, and that the Bill will be defeated on the second reading. The Government, if they please, may then dissolve Parliament, and appeal to the country. That would be a perfectly fair course to adopt. I submit, however, that this House has no right to deal with the Land Bill. I don't mean that we have absolutely no right to deal with it, because we have a right to do almost anything; but I ask—Shall we act in the interests of the country if we pass this Bill into law when Parliament will soon expire by effluxion of time? As I have already said, speeches have been made on the Bill by a number of the supporters of the Government, or rather quasi supporters—half-and-half supporters. Amongst them are members who have had considerable experience both as landowners and land legislators, some of whom have urged that the remaining Crown lands should be classified. I believe that the honorable member for Creswick (Mr. Richardson), when Minister of Lands, had an eye to that business—that he wished, in the interest of future selectors, to classify the land, and that he entered upon the preparation of a scheme which he hoped, when perfected, would commend itself to the judgment of honorable members. However, the Government to which the honorable member belonged were ejected from office before he had an opportunity of carrying out his plan, and their places were taken by the present occupants of the Treasury bench. It appears to me that the balance of evidence is greatly in favour of

classifying the lands which yet remain to be selected. It is said that the best lands have already been alienated, and this is the reason why the Government propose that the maximum area of selection shall be increased from 320 acres to 640. They contend that 640 acres of the land which is left are only equal to 320 acres of some of the land already selected. That is all very well to a certain extent, but, while a great portion of the best lands of the country have already been selected, there is a large quantity of land still left which may be said to be of first-class-quality. On the other hand, a very large portion of the 9,000,000 acres which the Minister of Lands speaks of as the area of agricultural land still remaining for selection is second-class, third-class, and land of very inferior quality. I have been at some pains to look into the evidence bearing on this question which has been obtained from time to time, and it shows that the quality of the land varies greatly in different parts of the country. To the north and north-east, and, I believe, in portions of the north-west, there is land of excellent quality, but, in consequence of the nature of the climate, it has not hitherto produced what it might be made capable of producing. A great deal has been said about the land in the eastern parts of the colony, and especially in Gippsland. In that portion of Gippsland known as South Gippsland there is a large quantity of land still unoccupied that will be available for selection very soon, as was demonstrated during the discussion as to the proposed Great Southern Railway. With respect to land further east, say in portions of North Gippsland, in the ranges, and in the Beechworth district, I may mention that last March the Tariff Commission, while sitting at Bairnsdale, took the evidence of a large number of persons as to the capabilities of land in that portion of the colony for cattle, maize, hops, and other products. Amongst the witnesses was a gentleman named Stirling, who designated himself a selector and squatter. He told the commission that he had been in the district for many years, that he had selected 320 acres of land, and that he occupied 100,000 acres as a Crown tenant. Now what evidence did that gentleman give? I don't know that his statement was disproved—I don't know that any witness was called to disprove it—or that there was any doubt on the part of the commission as to the truth of the statement. The evidence of this gentleman shows that a large quantity of the land in the North

Gippsland district is of the poorest possible quality, although there are no doubt river flats and other patches of land of the richest character. One of the witnesses when speaking of the rich agricultural deposits along the rivers and lagoons stated, I believe, that the area of such land in the Gippsland district amounted to about 40,000 acres. If that be the fact, it is surely only a very small area, considering the vast extent of the whole district. When Mr. Stirling was giving his evidence as to the poor nature of the land on which his cattle were grazing—the 100,000 acres he rented from the Crown as a pastoral tenant—the chairman of the commission asked—“Then it takes 50 acres for one head of stock?” to which the witness replied—

“Yes. The land unimproved in a season like the present is utterly worthless. Animals would starve if you did not provide places to keep them alive till there was more moisture and the grass grew again.”

I do not know whether land of that nature is included in the 9,000,000 acres of agricultural land which the Minister of Lands says still remain in the hands of the Crown; if so, the amount of real agricultural land still available is overstated. Again, the Lands Commission of 1878, in the inquiry they instituted, ranged over the country from end to end, and took an exhaustive body of evidence. Amongst the evidence given to that commission was that of Mr. T. W. Cooper, land officer at Sale, who stated that the approximate area of the land in the Gippsland survey district was 9,916,000 acres. He remarked, however, that of this area there were 7,000,000 acres unavailable for selection, leaving only 2,196,000 acres at that time available for selection throughout the whole of the Gippsland district. This shows that the area which would be of any value for selection would be very circumscribed indeed, so that this House should be particularly careful not to rush through a Bill which has for its object the alienation of the land in the quickest possible time. Mr. Cooper was supported in his evidence by the district surveyor, Mr. Thompson, who was asked—“You think 10,000 acres would be little enough?”—that is for a small squatting, to which he replied—

“Yes, I think that even that alone would be no use, but in combination, say, with a selector having his 320 acres, it might be attended with advantage.”

The evidence of these gentlemen goes to show that the area of land available for selection in Gippsland is very limited, although that part of the country has been

paraded as the garden of Victoria. No doubt as I have said, there is good land there, but it is very moderate in quantity. Then take another portion of the colony—the Beechworth district. Mr. Morris, the district land officer there, who was examined by the Lands Commission, stated that his district comprised something like 4,000,000 acres. From what I have seen of the Beechworth district, and I have travelled a great deal through it, I may say that I believe a large proportion of the land there will, by-and-by, be valuable for settlement. Although a large quantity of the land is mountainous and barren, there are many portions of the district which are very rich, and closely resemble the Bungaree soil. Mr. Morris stated that out of the 4,000,000 acres in the district there were about 800,000 acres which were no good, and Mr. Forrest, Crown lands bailiff, expressed the opinion that 1,500,000 acres of the total area consisted of very inferior grazing land. I ask again, considering the limited quantity of agricultural land remaining, is it wise to adopt a system by which the land will become alienated more rapidly than perhaps has ever been the case before in the colony? Adopting the Minister's estimate that there are 9,000,000 acres of agricultural land still available, I find that under the 320-acre system of selection that area would afford selections for about 28,000 or 30,000 selectors. Assuming the present system of alienation to go on, I think that would provide for the requirements of the colony during the present generation, and still leave a nice balance for the coming one. Under the Government proposition to double the area of selection, however, the number of selectors who could take up land would be reduced to 14,000. There would not be land available for even that number of new selectors, because it is proposed to allow every selector under the Land Act of 1869 to take up another 320 acres. The Minister of Lands has also spoken of the system of “family selection,” and no doubt most honorable members—at least those who do not go in for leasing—believe in the principle of family selection within certain limits. Under the existing Act a man can take up 320 acres of land, and his children above the age of 18 can each select a similar area adjoining or as near as possible. Where families are large, no doubt that is a useful provision, but if family selections are allowed at the rate of 640 acres each what will be the result? I fancy this House would hardly be inclined to sanction the selection of 6,000 or 7,000 acres of land

by one family, as would be possible under the Bill. That would be building up large estates with a vengeance. Of course it would be very well for those who would be fortunate enough to get the land, but it would be a great injustice to those who came later on and found the door shut and all the land appropriated. I have calculated that, taking the Minister's estimate of the quantity of land remaining, only one family in 40 would be able to select, and to the other 39 we would have to say—"You may go into the mallee or into the mountains." I would again urge upon the Government the necessity of classifying the land. In fact, I think that, with that object in view, they might very well adopt the amendment of the honorable member for Creswick, and allow the Bill to lapse until the new Parliament assembles. In the meantime the Government would have an opportunity of referring the question of the classification of the public lands to their officers not only in Melbourne but in various parts of the country, and of asking them to bring up a system of classification. If that were done, the question of dealing with the remaining lands could then be considered under much more favorable circumstances on a future occasion. The report of the Lands Commission contains some suggestions which I think are worthy of consideration at this particular juncture. Speaking of the eastern district of the colony, the commission say—

"Throughout all these localities, agricultural settlement has taken place to some extent, and is still proceeding in the narrow valleys and flats, on the banks of streams, on the level grounds, on the rolling lands, and on the lofty plateaux. The maximum allotment—320 acres—however, is too small in these localities to enable the settlers to make a good living; and, if their position is not bettered in some way, they will, in most cases, have to abandon their holdings. The fair agricultural land, however, is too limited in extent to admit of larger agricultural allotments being granted; but settlers can have their position vastly improved in a different manner, viz., by enabling them to take up grazing rights varying from 1,000 or 2,000 up to 10,000 acres each in extent upon the hilly and more elevated regions, either in their own immediate neighbourhood or at distances greater or less, as the case may be, from their agricultural holdings. These grazing rights would enable them to combine pasturage with tillage."

Here there is a distinct statement signed not only by the chairman, but by every member of the commission, that there is not sufficient land left, in their opinion, to extend the area of selection generally beyond 320 acres; and that where 320 acres are not sufficient for a man to maintain his family, facilities should be given for taking up on grazing licences in the more barren parts of the

country additional areas varying from 1,000 to 10,000 acres in extent. With respect to how the pasture lands should be taken up the commission state—

"Here again there was a very marked consensus of opinion in favour of the system of free selection. As several of the persons examined pointed out, if the proposed small runs or grazing areas were to be let by auction or tender, men of small means—that is, the agricultural selectors—whom it is mainly intended to benefit by the new system, would be shut out. The small runs would become aggregated together in the hands of a few wealthy competitors; and the policy of the State in the manifold subdivision of the pastoral lands for the occupation of a numerous body of yeomen graziers would be frustrated."

This brings me to another portion of the Bill, namely, that portion dealing with the mallee country. The Minister of Lands, after stating how it was intended to appropriate the mallee country, said—

"It is proposed that leases of these areas shall be disposed of in a similar manner to the licences for pastoral lands in the open country; but I contemplate submitting an amendment which will allow the smaller areas to be taken up by selectors, so that the persons we design them for—men of small means—may succeed in getting them instead of being outbid by persons of large means."

I quite agree with that proposition, and I only wish the honorable gentleman had gone a little further. I think he would have done far greater justice to himself, and to the people of the colony, if he had made his proposition general, instead of confining it to the mallee country alone. I think I have said sufficient to-night to show that the fair proposition which the Minister of Lands makes with regard to small men in the mallee country should also be extended to the selectors in the other parts of the colony, where there is also a very large quantity of land valueless for agriculture, and where at present such land is almost entirely in the hands of large land-holders. The object of the Bill should be to make the land available for the masses—to settle as many people as possible upon it. The honorable member for Creswick said—

"No reasons have been shown why the mallee should be dealt with in the method proposed in the Bill, and why other portions of the country should not be dealt with in the same way."

Those are the words of a gentleman who has given the land question a great deal of careful consideration, who has been Minister of Lands, and who is himself an occupier of land, and therefore I hope the Minister of Lands will give the honorable member's opinion the attention it deserves. The honorable member also stated—

"If the Government had extended that system to the whole of the Crown lands—if they had

continued the maximum area of selection at 320 acres, and given men the opportunity of either taking up 320 acres or occupying land in the manner I have described—I think the wants of the country would have been met for the present”

It seems to me that that suggestion is prudent, and full of common sense. For my part, I am one of, apparently, a very small minority who see no reason why there should be special legislation for the mallee country. I do not object to the proposition which the Minister of Lands makes of leasing the lands in the mallee in the way he proposes, but why not adopt the same principle all round? Some honorable members profess to know a great deal about the mallee country, but I venture to say that, if the facts were known, there is hardly one of them who has seen more than the outskirts of it. Why does not the Minister of Lands extend his proposal with regard to the mallee to other parts of the colony? The mallee is not so difficult to clear as some other parts of the country. (“Oh!”) I know what the mallee is. It consists of a number of little trees which can be cut down for 5s. an acre. I know that Mr. Skene, the Surveyor-General, has estimated the clearing at at least 30s. an acre, but practical men, with hard hands and sinewy arms, who live in the district, have told me that they can cut down the scrub for 5s. an acre, and burn it off for another 5s.

Mr. W. MADDEN.—The roots must come out.

Mr. JAMES.—I know that cutting down the scrub does not clear the land, but there is a plough, which I have seen at work, which will plough land with the roots in the ground. Practically, the whole of the land is ploughed by this instrument except the portions occupied by the roots, and after the land has been ploughed for two or three successive seasons, the roots will perish, and can then be taken out. I may state that the farmers are jubilant over the success of the new implement, and say that it solves the difficulty. If the mallee can be got under the plough there is no more productive land in the colony, provided that there is a sufficiency of moisture. The same thing cannot be said for many of the mountainous districts in which the Minister of Lands proposes to lease the land by auction, and, unless small men are given a chance of getting 1,000 acres or so in those districts, fair justice will not be dealt all round to the whole of the colony as it ought to be. The honorable member for Collingwood (Mr. Mirams), in the course of his speech, made one statement which I was sorry to hear

coming from that honorable member, and to find also corroborated by the Chief Secretary, a former Minister of Lands. He stated that no selector ought to be allowed to take up land unless he could show that he had sufficient capital, proportionate to the quantity of land he wanted to select, to work it profitably. Does such a statement as that do justice to the class of men generally who have gone on the lands of the country? A man may have in his physical strength and adaptability for the pursuit an amount of capital sufficient, with only a very small amount of money, to pull through all the difficulties of a selector, and are we to say to such a man that we will not allow him to go on the land unless he can produce a certain sum of money? I think the honorable member for Collingwood made such a statement altogether without consideration. I could understand it coming from a squatters' advocate, but it is certainly unworthy of a liberal member of this House. To whom are we indebted for the settlement of the land in this colony but to men who had scarcely a £5 note in their pocket—men who had been beaten at the mines, beaten in the towns, and beaten at every other pursuit until, at last, they cried “We are off to the lands,” and there found at length their true avocation? The present Minister of Lands, when he was land officer in the Horsham district, gave evidence himself before the Lands Commission that men who had started with little or no capital on the land were still holding on, and complying with the conditions of the Land Act as well as those who went on the land with money. It is not money which will enable a man to succeed on the land. Give the honorable member for Collingwood £1,000, and place him on a selection in the bush, and I guarantee we would soon find him back wanting to get into Parliament, or trying to get some other way of earning a living, while, at the same time, a man who understood his business, and went on the land with little or no capital save his two hands and a couple of hardy boys, would succeed. In conclusion, I hope the Government will receive kindly the advice given to them by the honorable member for Creswick, and will withdraw this Bill, leaving the country to decide on the question. If the electors affirm their proposals, it will be so much the better for the Government, and, at the same time, justice will be done to the country.

Mr. GRAVES.—Sir, the honorable member for Ballarat East (Mr. James) asks the Ministry to withdraw their Bill for six

months, in accordance with the proposal of the honorable member for Creswick (Mr. Richardson), but I would remind the House that this measure has been already before the country for a considerable time. As I will endeavour to show, this is no new measure—no “new-fangled idea” — but a measure which has been before the country for ten years. This is a Bill to continue and amend the Land Act of 1869 and the Acts amending the same, and I think that I will show that the alterations and amendments which the Government propose in the present land system — which is generally admitted to have been fairly successful in settling the country—are based upon a correct judgment, arrived at from the experience of the Lands department, of what the country requires. I am extremely glad, at least, that the honorable member for Ballarat East did not go in for the leasing system advocated by the honorable member for Creswick. The latter honorable member urged that the State should keep the land in its own hands, and that men should occupy it from the State as is done at present in some parts of India. He remarked that, in India, where tenants hold from the Crown as leaseholders, they are fairly prosperous, but where they hold as freeholders they are in poverty.

Mr. RICHARDSON.—I did not advocate the Indian system for this country.

Mr. GRAVES.—The honorable member commended the system in India, and unless he advocated it for this country I am at a loss to know why he referred to it. The honorable member for Ballarat East referred to the quantity of Crown land still unoccupied. I believe the Minister of Lands stated that the quantity of unoccupied Crown land amounts to about 30,000,000 acres, which may be divided into three classes—namely, 10,000,000 acres, roughly speaking, suitable for selection; 10,000,000 acres of rough country which is almost unfit for settlement; and 10,000,000 acres of mallee. With regard to the mallee country, the Minister of Lands explained the views of the Government. We do not propose to put it up to auction and give it to large squatters, but that it should be held in comparatively small areas. It is impossible to designate in the Bill what the area should be, in consequence of the difference in the character of the country, but it is proposed that the holdings in the inner mallee shall be such as will carry from 1,000 to 2,000 sheep. Men who have been accustomed to sheep in this country know that the income from 1,000

sheep is, roughly speaking, only about £200 a year. The honorable member for Ballarat East asked why the mallee country should be specially dealt with. The reason is that it is overrun with rabbits and wild dogs, owing to whose ravages it has been denuded of its population, and is now practically unoccupied. I may also mention that I have had a good opportunity of learning the character of the mallee country—early in my colonial life I was interested in that part of the colony—and I have never seen the excellent land which the honorable member for Ballarat East describes as being there. There are some patches of good land, but the greater part that I saw was composed of spinifex ridges and poor barren soil. It would be impossible to settle the mallee in the same way as other portions of the colony, and we, therefore, propose to utilize that district, which is, at present, returning no revenue at all to the Crown, by allowing people to go upon it and improve it, giving them long leases and charging a low rent. The honorable member for Collingwood (Mr. Mirams), speaking of the soil in the Gippsland country, referred to it as worth a very great deal, but I may tell him that his remarks can only, as a rule, refer to patches of river land. Frequently there may be found there blocks fully worth £10 an acre, while the adjoining territory back from the river is almost unsaleable. His argument so far cannot, therefore, be taken to be of general application. I went the other day to look at land in Gippsland, which was as rich as any in the colony, but I found the country half a mile off to be such that no one will take it up. I apprehended, when the present debate opened, that the leasing proposals of the honorable member for Collingwood would get a considerable share of support in certain quarters of the House, but we don't find that to be quite the case. Even among the few honorable members who backed them up, there seems to be little unanimity. For example, the honorable member for Creswick, in advocating that the State should keep the land in its own hands, can hardly be said to propose true leasing. On the other hand, the honorable member for West Bourke (Mr. Deakin), when he propounded leasing with the condition, first, that at the termination of the lease the Crown tenants should get compensation for improvements, and, secondly, that if they took up a reserved tenancy they should pay an increased rent according to the improvement in the value of the land resulting from causes other than and outside

those created by labour or capital, supported his views by referring to the leaseholders in the lowlands of Scotland as a prosperous tenantry. Other honorable members have spoken of leases in perpetuity, but that is not leasing at all. With reference to the condition of the lowlands of Scotland, I have taken the trouble of reading up some of the facts of the case, and I find its satisfactoriness by no means clearly made out. The leases in this portion of Scotland are for 19 years, and the farms are in a thoroughly improved state, but among the obligations imposed on the leaseholders are the strictest rotation of crops, and a great number of other arbitrary stipulations and arrangements that make their position one of the most unsatisfactory kind. In illustration of what I mean, I may refer to the matter brought before the world on April 18, 1872, by the London *Daily Telegraph*, namely, that the Hon. Nesbit Hamilton had suddenly terminated the tenancy of Mr. George Hope, of Fenton Barns, the foremost farmer in Scotland, whose family had been on the estate for a century, and also that of Mr. Sadler, of Ferrygate, the evictions being solely on political grounds. In both cases the tenants' improvements were confiscated without compensation. This occurred in the very district the honorable member for West Bourke cites as evidence of the satisfactory position of leaseholders. Cases of that sort tend much to prove that I am correct in asserting that people come to this colony to go upon the soil—not as leaseholders, but as occupying owners. The best writers on the subject whose works I have read all speak of occupying owners as the bone and sinew of the country in which they happen to be. They improve and work their own soil in a way that would be impossible with them were their tenure a temporary one instead of one for the loss of which, in many cases, money could not compensate them. I notice that the honorable member for Collingwood has republished, in the form of a little pamphlet, the speech on the leasing question which he delivered a few weeks ago, and to which I listened patiently for some five or six hours, but I find that the honorable member has also, as the secretary of a building society, issued another publication which contains a statement to the following effect:—"Shares £25 each, compound interest; every man his own landlord." The honorable member for Ballarat East expressed a doubt as to the right of the Government to propose land legislation at the present time, but does

Mr. Graves.

he bear in mind that a Land Bill has been practically proposed by each of the last three Ministries, who have respectively described the subject as urgently demanding immediate attention? I think I can show, before I sit down, that what the Government advocate is neither more nor less than what their predecessors during the last six years either actually propounded to the House or else clearly indicated to the country. The honorable member might as well have also mentioned that the land law now in existence will expire shortly, and that it will hardly do to let the whole thing fall to the ground.

Mr. JAMES.—The existing Act has been renewed two years running, and the same thing can be done again.

Mr. GRAVES.—Well, the present Administration have to take care that the land of the State does not fall out of occupation, especially in the mallee country. What did the Lands Commission of 1878 say? Their report asserts that unless some assistance is given to the farmers in the north-eastern district, where a selection of 320 acres is not sufficient to maintain a man, the consequences will be disastrous. Therefore, it will not be sufficient for the Government to ask the House to renew the existing land law. It is plainly their duty not only to propose an extension of the holdings, but to press a measure of the kind on the House for adoption at the earliest moment. We would have pushed on the Land Bill long ago, but, as honorable members are aware, progress with the Railway Bill was insisted upon, and Ministers can only bring on business as the House will take it. We wanted the Railway Bill and the Land Bill to be considered on alternate nights, but honorable members refused to allow of the arrangement, although, had they consented to it, we would, I am sure, have made much greater progress. The honorable member for Ballarat East also spoke of honorable members on the Ministerial side as each having different views on the land question. But what about the honorable members on his side? Has not every one of them got his particular ideas on the subject? For example, if I understood the honorable member for Castlemaine (Mr. Pearson) aright, he told us that the existing land system was intended to settle farmers on the land, but it had signally failed to do so, because, out of every eleven persons who took up land three threw up their selections and four transferred them, while the remaining four held to the land and lived on it. Well, what, upon the strength of that, was his land proposition?

To sell the land to the highest bidder at no less than a certain upset price, and to impose a progressive land tax to prevent any one buying too much. So that there is a greater diversity of opinion on his own side than the honorable member for Ballarat East appears to reckon upon.

Mr. HALL.—On what ground then do you expect to get the Bill read a second time?

Mr. GRAVES.—We will endeavour to get the second reading passed. It is our duty to do so. The statement that the land system the colony has been carrying on for the last dozen years has failed is one which cannot, I think, be justified. From my point of view, the system has not been a failure, but a success. I quite admit that it is almost impossible to keep the land occupied solely by the persons whom the State wishes to see placed there, because the power of money prevents it. Over the whole world the vexed question of the land laws exists, and experience goes to show that restraint by means of such laws is practically subordinate to the power of money, not in the sense of money overriding the law, but in that of the natural and inevitable relation between cash and impecuniosity. Still our land system has been fairly successful. The Lands Commission of 1878 stated in their report as follows :—

“With regard to the first branch of the inquiry, viz., as to the permanency or otherwise of settlement under the Land Act, the present aspect of settlement in the localities where land selection has most largely taken place within the last four or five years is that of permanency. Generally speaking the *bona fides* of the great majority of the selectors in taking up land for settlement does not admit of doubt.”

There is indeed ample evidence of the great progress that has been made. Let me call the attention of the honorable member for Moira (Mr. Hall) to what settlement under the existing land system, which the Bill proposes to continue and extend, has done for his district. In 1871, the population of Moira was 3,352 persons, and the grain it produced was 393,851 bushels; but in 1881 the population had increased to 22,772 persons, and the grain produced to 2,466,479 bushels. The honorable member for Castlemaine spoke of 4 out of every 11 selectors transferring their holdings, and the question arises to whom was the land transferred? I have been at great pains to obtain statistics on the subject, and I altogether refuse to accept the statement that the transfers have been to the large land-holders.

Mr. WILLIAMS.—That is uniformly the case in my district.

Mr. GRAVES.—That must be for the main part a pure assumption. It is contradicted by a great deal of evidence. Certainly such is not the case in the north-eastern part of the colony. Let me on this point quote the testimony given by the Minister of Lands of the first Berry Government—I refer to the honorable member for Ripon. Speaking of what the Administration of that day had in view, the honorable gentleman made the following statement :—

“It was their intention in dealing with the public lands to offer every facility to the many to make money from sheep and cattle as well as the few. There were in the hands of the squatters 20,000,000 acres, which were held for the sum of £100,000. On the other hand, there were only 6,000,000 acres in the hands of selectors, who paid eighteen times more for their land than the squatters did before it was taken up. It was the intention of the Government to deal with it during the incoming session.”

Upon a later occasion he spoke in this chamber as follows :—

“The transfers that take place are in almost every instance from one member of a family to another, or from one selector to a neighbour. It is not to be supposed that we can have 5,000 families annually going upon the land and all of them making a living at it.”

And he added that the balance of the transfers constituted something that no honorable member need be frightened of. As for the extension of the area of selection, I may say that I have lived amongst selectors for the last sixteen years, and my experience is that the selector who relies upon his one crop of grain a year can barely keep afloat, while one bad year destroys him. To be successful he must unite stock raising with grain raising, and he cannot do both on 320 acres. To ask a vast number of the small farmers to make the experiment of doing it is downright cruelty. The honorable member for Collingwood told us the other day, to my great surprise, for I thought I knew to the contrary, that Belgium affords great proof of what can be done with the soil under the leasing system. I had always understood that the land in that and other continental countries was very largely in the hands of occupying owners. Perhaps, however, the honorable member will change his tone when I read the following passage from Wallace's *Land Nationalization* :—

“Belgium is another striking example of what can be done under the most adverse circumstances, under the influence of property in the soil. Much of the country consists of loose white sand just like the sands of a sea-shore. This sand has been so greatly improved by laborious cultivation and manure that it cannot be distinguished from soil naturally of good quality.”

Then what does the latest work dealing with

the land question—*The Economics of Industry*, by A. and M. P. Marshall—say of the scheme with which the honorable member proposes to galvanize the colony from end to end? It contains the following passage:—

“While the greater part of the land in England is owned by a comparatively small number of men, the land on the Continent and in new countries is divided among a very large number of the population. . . . Occupying proprietors are a saving class. In countries in which occupying proprietors abound, their savings are very large. For the man who labours with his hands there is no savings bank whose attractions can compare with the land. The magic of property turns sand into gold. The occupying proprietor can give every hour of labour, every penny of capital that he has to spare to his land, and be sure of having the fruits of his exertion and self-denial ever before him. He loves his land, and takes pride in it: his choicest amusement on a holiday is to walk round it, and rejoice in it. Leasing is a very cold-blooded affair compared with the application of earnings to the land by the proprietor thereof, who works over it and lives upon it, who feels that it is all his, and shall be his children's after him. Neither the imagination nor the affections are addressed very powerfully by the leased land. The absence of occupying proprietors is thus a loss to England in many ways, but it were useless to repine at it. All history shows, however, that the hope of purchasing a small piece of land or a cottage and garden, on which he may retire in his old age, is one of the strongest inducements that a working man can have to lead an industrious, temperate, and frugal life. Yet the English working man is practically debarred from this hope. But the greater part of the holdings on the Continent have generally the advantage of being owned by those who cultivate them. It has already been remarked that the occupying proprietor has in land a constant source of pleasure and excitement, and the safest and most convenient of savings banks. He invests his capital and labour in his land, without requiring as high a profit on his capital as the wealthy farmer would, and without expecting as high wages for his toil as would be demanded by the hired labourers. The largest gross produce is obtained in some of those districts in which there is an intelligent and energetic race of occupying proprietors; for their untiring zeal keeps on applying more labour to the land long after the return from it has diminished so far that a capitalist would have ceased from further cultivation. If a vote could be taken from all economists throughout the world, it would probably be given in favour of the system under which the land is owned by its cultivator, whether in large farms, as in new countries, or in small plots, as in old, and this view is now generally adopted.”

I have now nothing more to say of the leasing system, except that it has been introduced here by an honorable member whom we have always regarded as a pretty astute politician—I was going to say agitator; but I apprehend he is not likely to get his notions endorsed by a majority of the community. They, I think, will be rather inclined to regard it as another phase of the cry of “town *versus* country.” He may be able to persuade some of his constituents in

Mr. Graves.

Collingwood that men in this country will contentedly spend the best days of their lives on a leasehold, with the knowledge that as it increases in value apart from their labour and improvements their rent will be raised upon them; but the people of the interior are not likely to be persuaded by any tales to that purpose he can tell them. True some selfish freeholders may go in for stopping selection as likely to enhance the value of their property, but their numbers are bound to be very few.

Mr. MIRAMS.—How long would our land last under the selection proposed in the Bill?

Mr. GRAVES.—Whether the time is long or short, the point is that what the Government propose is identical with what the honorable member for Geelong (Mr. Berry) proposed—no matter how much he is on the balance now—in about the ablest speech he ever made, when he told the electors of Stawell that his Government—

“Were the men who were determined to continue settling people on the lands in the future just as they had done in the past.”

Mr. HALL.—But that is not what the Bill proposes?

Mr. GRAVES.—I think I can show pretty clearly that that, and nothing more, is just what the Bill does propose. (“Adjourn.”) I have some other points to touch upon, and the hour being late, I will move the adjournment of the debate.

Major SMITH said he thought the Minister of Customs ought to have stated previously that he would move the adjournment of the debate. He (Major Smith) felt himself injured by the fact that he had been waiting in the House for an hour in order to have the opportunity of proposing the motion.

The motion was agreed to, and the debate was adjourned until the following day.

The House adjourned at ten minutes past eleven o'clock.

LEGISLATIVE COUNCIL.

Thursday, December 7, 1882.

Assent to Bill—Naval and Artillery Forces—Railway Construction in Gippsland: Proposed Appointment of Select Committee—Railway Construction Bill: Examination of Witnesses at the Bar—Motion of No-Confidence in the Ministry: Adjournment of the House.

The PRESIDENT took the chair at twenty-five minutes to five o'clock p.m., and read the prayer.

ASSENT TO BILL.

The PRESIDENT informed the Council that he had received from the Governor a message intimating that, at Government House, on the 6th December, His Excellency gave his assent to the Mining Companies' Calls and Forfeitures Validating Bill.

NAVAL AND ARTILLERY FORCES.

The Hon. F. T. SARGOOD moved—

"That there be laid before this House returns in the following form:—1. A return of all officers of the Victorian naval forces (exclusive of the Naval Reserve), giving name, rank, length of service in the Royal Navy, rank while in the Royal Navy, date of retirement from the Royal Navy, date of appointment or transfer to colonial service, if passed through the course of instruction as carried out at Portsmouth and Chatham, date of such passing, if qualified in gunnery, and date of so qualifying. 2. A return of all officers of the paid Artillery force, giving name, rank, length of service in the Royal Artillery, in which branch—horse, field, or garrison—rank while in the Royal Artillery, date of retirement from the Royal Artillery, if passed through a course of gunnery at the school of gunnery at Shoeburyness or Woolwich, and date of passing."

He said that, in view of the legislation which would shortly take place with respect to the defences of the colony, it appeared advisable to ascertain the qualifications of the officers indicated in the motion.

The Hon. R. S. ANDERSON seconded the motion, which was agreed to.

RAILWAY CONSTRUCTION IN GIPPSLAND.

The Hon. J. CAMPBELL moved—

"That a committee be appointed to inquire into and report upon the proposed Beaconsfield, Drouin to Poowong, Warragul to Neerim, and Moe to Narracan lines of railway, and upon the relative merits of tramways and railways for the special requirements of those districts; such committee to consist of the Honorables F. T. Sargood, W. A. Zeal, W. Ross, J. A. Wallace, N. Thornley, and the mover, three to form a quorum; with power to send for persons, papers, and records, to move from place to place, and to sit on days on which the Council does not meet."

He said—Mr. President, in bringing this motion before the House I would like, at the outset, to put myself right with the Ministry. It has been mentioned to me that the apparent object of my proposition is to embarrass the Government, but I beg to assure them that nothing is further from my mind than to do anything of the kind. The Government have my very hearty sympathy, and I would be the last man to embarrass them in any shape or way. Since they have been in office they have done good work, and as far as I can I will afford them support. But I was greatly struck, the other evening, with the evidence given by

Mr. Callanan at the bar of the House with respect to tramways. He seemed to me to develop, in rather a striking way, ideas which, although not new, have not been so completely led up to before, when he spoke of tramways which could be constructed for from £120 to £300 per mile. He made out rather a bad case in so far as he was without any definite data to go upon, but since then a good deal of information on the subject has been furnished to us. In the first place, Mr. Alex. Stewart, of the Bass River Saw-mills, Queensferry, in a letter to the *Argus*, has given an estimate that the cost of a tramway, 2ft. 6in. in gauge, would be £299 per mile. He adds—

"This is the maximum cost, and, when constructed, the tramway will be capable of carrying six tons without injury on bogie trucks."

Then Mr. D. Frazer, of Longwarry, Gippsland, saw-mill and tramway owner, states that the cost of a tramway 3 feet in gauge would run from a minimum of £102 to a maximum of £123 6s. per mile; and, lastly, Mr. Trinca, saw-mill and tramway proprietor, also of Longwarry, estimates that the cost of tramway construction would be £144 8s. per mile. These estimates seem to me well worthy of the consideration of the House. I don't suppose the tramways referred to in them to be such as the Government would lay down, but if we were to double—nay, increase sixfold—the highest price I have mentioned, we would still have a price infinitely less than that of the lightest line of railway scheduled in the Bill. I formerly proposed the appointment of a committee of four honorable members to look over railway routes, and the proposition fell through, but I think the position I now take up can be well maintained. For example, the committee I indicate will be composed of honorable members in whom the House has every confidence. I know that objections have been raised to the appointment of a committee at all. That offered by Mr. MacBain I must, however, confess myself quite unable to follow. The notion that there are constitutional reasons against such a proceeding appears to me quite out of the way. I am sure it will be admitted on all hands that this House either has, or ought to have, the power of doing that which will save the country many thousands of pounds, and for which the country, as a whole, would be very thankful. I happened the other day to mention my views about the committee to the Minister of Railways, and he at once said that, were such a body appointed, he would afford them every facility. As to

the objection offered by the *Argus*, to the effect that there are officers of the State available to give us all the information we can want, I think this House would have more confidence in what the proposed committee would, if they were appointed, be able to tell them, than they could possibly place in the evidence of any number of Government officers. Of whom would the committee be composed? One of the proposed members is Mr. Sargood, who, I believe, has special information gathered during his recent travels in the old country. Then there are Mr. Wallace and Mr. Ross, both practical, shrewd, and common sense men. Besides there is Mr. Zeal, who has large professional experience in connexion with railways, and who would be able to keep down exaggerated statements and indicate leading points. Mr. Thornley also is a skilled judge of the matters with which the committee would have to do. As for myself, I would be happy if some one were put in my place. Another objection is that there is no precedent for appointing such a committee. But we are told on the highest authority that British government stretches "from precedent to precedent," and therefore, if the plan commends itself to our judgment, I don't see why we should not make a precedent in its favour. To repeat what I said once before, the course I propose is unquestionably one which would inevitably occur to the directors of any large company placed as we are placed, as the best they could possibly follow. Mr. Cuthbert has pointed out in a very effective way that juries are often far better able to decide the matters remitted to them when they have viewed them in the light of surrounding local circumstances. I know that many honorable members particularly wish to see what I propose carried out because they have a deep sympathy with the needs of Gippsland. I ask the Government to calmly consider and weigh how they will endanger the interests of the selectors of Gippsland if they oppose the very fair proceeding my motion has in view. I don't think it will take more than a fortnight to make the inquiry. The thing might be done during the Christmas recess or perhaps just afterwards.

Mr. PEARSON.—It is more likely it would last two or three years.

Mr. CAMPBELL.—That is quite out of the question. Even if exactly the course I recommend is not the very best open to us, it is highly desirable that some experiment should be made in the same direction. Look

at the hundreds of thousands of valuable acres in Gippsland that are as yet unopened. The land is splendid, and settlement upon it would greatly enrich the community, but if such settlement must wait for railways, it will have to wait a century. Yet, from what we have already gathered, it appears extremely probable that this vast area of fertile soil would be utilized at once if we could open up communication with it by means of tramways. And there are many other parts of the colony to which these remarks are applicable. For example, there is the Australian Alps country. I was amazed, some thirteen years ago, at the splendid land I found in the heart of those mountains. If our labours were successful, we would be the means of conferring an immense boon upon the country. As for the delay the inquiry would necessitate, it need not last over a month, and we might get through the Railway Bill by the end of February. Delay under the circumstances would be a very good thing. Let us remember that to carry out the railways proposed in the Bill cannot take less than six to eight years. Will not the country thank us if we are careful to hasten slowly—to see our way well before us? I take it honorable members of this Chamber, who are mostly men of business habits and experience, are not willing to spend millions with a light heart. We want to look around, and to obtain the fullest information, before we agree to a heavy expenditure. Even supposing we came back from the inquiry indicated in the resolution determined against tramways, the result would be advantageous, because the House would have added to its stock of knowledge. I am satisfied the country will never lose confidence in us, if it finds us always looking upon things from a business stand-point.

The Hon. J. A. WALLACE seconded the motion.

The Hon. F. S. DOBSON.—Sir, I beg to thank Mr. Campbell for the courteous reference he made to the Ministry. Nevertheless, I am compelled to oppose his motion, and I will explain why. Although the proposed plan may temporarily commend itself to honorable members, especially after the able speech on the subject to which we have just listened, they are bound to consider what would follow after its adoption. Perhaps they will look at the matter differently when they see that taking such a course might lead the House into a very dangerous position—one in which it would be exceedingly likely to come to a collision with the other Chamber. The Railway Bill was

introduced elsewhere at an early period of the session, and it was under consideration there for over four months, during which the adoption for particular lines of the system of wooden tramways for horse traffic, which some honorable members fancy, apparently solely in consequence of the evidence given by Mr. Callanan, was considered and decided against. Thus the policy of the Government has been definitely approved of by the Assembly. I may add that it has also been approved of here by honorable members reading the Bill a second time. Under these circumstances it is utterly impossible for the Government to recede from their position, and allow their policy to be dictated to them by this Chamber as opposed to the other. Honorable members will see that a motion like the present in another place could only be accepted by Ministers as one of want of confidence. I apprehend it is for the Government and not for this House to suggest the policy of any department of the State, yet the motion proposes to take the direction of certain railway affairs completely out of Ministers' hands. In other words, honorable members are asked to say that they disapprove of the policy the Government have laid down, and which has not only been adopted, with the concurrence of the country, by the Assembly, but has practically been already sanctioned by this Chamber. In fact, honorable members are invited to carry a motion of no-confidence in the Ministry. But I beg them to pause a moment before they throw down the gauntlet to that extent. It may be in years to come that we shall be the stronger House of the two, but I think it is rather too early for us to deal with motions of no-confidence, such as Mr. Campbell's proposition undoubtedly is. At least Mr. MacBain and I look upon it in that light, and, in all probability, our colleagues will do the same. If it were carried, what would be the result? Would it not be in the first place that the Assembly would be hardened—that honorable members elsewhere would be induced to rally as one man round the Government for the time being, and insist upon their policy being carried out? Have not the Assembly decided against tramways of the kind the motion may be said to have in view? At the same time, what are some of the railways proposed for Gippsland but practically tramways? They are to be light lines laid with second-hand rails, the estimated cost is £1,200 a mile, and the speed to be attained upon them is to be from six to eight miles an hour. Wherein, then, lies the great difference between the

tramways suggested by Mr. Callanan and those which the Government propose? If the difference is not vital, should not honorable members hesitate before they take up a position antagonistic to the Assembly? Is the Council to dictate the policy of the country? The wording of the motion implies that it is to do so. But will the Assembly tolerate the assertion for a moment? It may be desirable to appoint a select committee to investigate particular matters, but certainly not to authorize them to report in the manner proposed in the motion. For the sake of an inquiry it would be perfectly legitimate for a committee of honorable members to go and look at divers railway routes, and obtain information respecting them, and the Government would be much indebted for the information, but it would not do to commission honorable members to take such steps with the view of attacking the Government policy. Things would then assume a much graver aspect. What the Government aim at is supplying certain localities in Gippsland with railways, constructed largely of second-hand material. Upon Mr. Callanan's figures considerable doubt has already been thrown.

Mr. ZEAL.—They are utterly fallacious.

Dr. DOBSON.—The same statement is made in other quarters upon authority as good as that of the honorable member. Mr. Callanan, be it remembered, is not a railway engineer, although he is an extremely expert land surveyor. Therefore, if experienced engineers, like Mr. Zeal and Mr. Thornley, find no material difference between the final cost of the light lines proposed by the Government, and that of the apparently cheaper lines suggested by Mr. Callanan, I hardly think honorable members generally ought to feel themselves prepared to rush into the difficulties that will inevitably follow from carrying the motion.

The Hon. R. S. ANDERSON.—Mr. President, I cannot conceive for a moment why the representatives of the Government—I understand the question has not yet been made a Cabinet one—should consider the present motion to be one of no-confidence in the Government. It seems to me that Mr. Campbell's statement in moving it was sufficient to prevent them from entertaining any notion of the kind. Indeed, the whole surroundings of the case render such a conclusion utterly unjustifiable. What is the position? We find the Engineer-in-Chief stating to us that some of the lines in the Bill are all but, if not altogether, impracticable. With respect to one, we find

that its survey has been abandoned. What consideration, then, can the measure be said to have got elsewhere? Why the entire time it was before another place was taken up in discussing which constituencies should get railways, and in what direction they should go. The question of the practicability of the various railways does not appear to have entered once into honorable members' heads. It is an utterly new doctrine, and I hope it will not be promulgated again, that this House is to simply follow in the wake of the Assembly—to diverge in no way from the lines that House may have laid down. What is the Upper House for? Is it simply to say "ditto" to the Lower House, or is it to form an independent judgment upon the evidence before it, and come to a decision accordingly? With regard to the Bill, we have found—what? That we have not obtained the evidence in relation to the different railways included in it that we consider requisite. Therefore, when it is proposed that a committee composed of honorable members in whom I have the utmost confidence should examine for themselves into the necessities of a particular portion of the country, I, for my part, regard the proposition as one for which I am thankful. I may inform Dr. Dobson that an investigation like that which we are now asked to undertake would not be a novel procedure. I recollect that some twenty years ago, when I was a member of the Assembly, a select committee was appointed to investigate certain matters in connexion with the Yan Yean, and I have no doubt other select committees have been appointed since for very similar objects. Why it is scarcely a month since the Government arranged that the members of both Houses should visit and inspect the Grampian quarry. With such precedents in view, I think it is past the mark altogether to talk of the present motion being one of no-confidence, or of it being an impropriety for this House to attempt to decide matters according to its own judgment because a particular decision has been arrived at elsewhere. The only point at which I hesitate is the length of time the proposed inquiry will take. To a delay of three or four weeks I would not object in the least, but I confess my patience would be tried if I thought it was to extend until the end of February.

Dr. DOBSON.—The Government may not last as long.

Mr. ANDERSON.—It is possible it will not, but this House will last the time,

and the information now in question would be very useful to it. If Mr. Campbell will undertake to say that the inquiry will be finished in a month at the outside, I will heartily support his motion.

Mr. CAMPBELL.—I think the honorable member (Mr. Anderson) misunderstood me. In speaking of February, I was referring to the time when the whole Bill would probably be disposed of. I have no doubt that, if the select committee is appointed, it will be able to get through its work in a fortnight.

The Hon. W. PEARSON.—Sir, I would like to know why the lines in Gippsland have been singled out for this inquiry in preference to the lines proposed for other parts of the colony? I am told that a caucus has been held by certain members of this House, and that they are determined to put out every other line in the Bill, as long as they can get the western and north-western lines carried. (Cries of "Name.") I am informed that Mr. Cuthbert was one of the caucus.

The Hon. H. CUTHBERT.—I most emphatically deny the truth of the statement. I have not spoken to two members of this House against any particular line.

Mr. ZEAL.—I was told it by a member of the Assembly.

Mr. CUTHBERT.—The honorable member should not pay so much attention to what comes from that source.

Mr. PEARSON.—I accept Mr. Cuthbert's denial and withdraw the statement I made, but I must reiterate my objection to the lines in the Gippsland district being exceptionally treated in the manner proposed by Mr. Campbell. It is one of the most important portions of the colony, and has received less Government expenditure on roads and railways than any other part of the country. I can see in the gallery now a number of gentlemen who are prepared to give evidence as to the resources of the district, the quality of the soil, and the difficulties that the inhabitants have to contend with in regard to transit for their produce. I think the Council should hear their evidence, instead of appointing a select committee for the purpose suggested by Mr. Campbell.

The Hon. W. A. ZEAL.—Sir, I think that the House is to be congratulated on the temperate and impartial way in which Mr. Campbell brought forward his motion. I should state that I myself gave the honorable member reason to believe, when the proposal was first suggested, that I would act on this committee, but subsequently I heard the honorable member say that unless

the motion was carried the Gippsland lines would be inevitably struck out.

Mr. CAMPBELL. — The honorable member must have misunderstood my remark. I merely spoke of the danger of the lines being struck out. I simply wished to emphasize the fact that there were exceptional difficulties in connexion with some of the lines, and that therefore they needed to be dealt with in an exceptional way.

Mr. ZEAL.—I accept the honorable member's explanation, but I still think it bears out the position I take up on this question. The honorable member is entirely mistaken in supposing that I am opposed to tramways. I consider that tramways, in certain portions of the country, would be an admirable means of conveying produce to the main arteries of communication, and if a Bill were introduced under the sanction of the Government for the formation of tramways it would receive my hearty support. From my point of view, however, the present motion is an attack upon the Gippsland lines of railway, and I must ask the honorable member to withdraw my name from the proposed committee, because I believe its appointment at the present stage would only have the effect of embarrassing the Government and jeopardizing the Bill. I would also ask every honorable member who believes in fair play to come to the side of the weaker party on this occasion, and to assist a struggling portion of the colony to obtain its fair share of the public expenditure in the construction of works which are absolutely necessary for the struggling settlers in that district. Allusion has been made to the evidence of Mr. Callanan in favour of the construction of tramways in Gippsland, but that gentleman showed, when I examined him, that he had really no knowledge of the cost of constructing tramways. According to the Government officers, it would take £450 a mile for the survey and supervision of the lines proposed, and if that estimate is correct—I objected to it, as honorable members are aware—how are tramways to be made for £120 a mile? A more misleading statement was never made than that tramways could be made for anything like that sum. The commonest kind of tramway for the conveyance of passengers and goods could not be constructed for less than £1,000 a mile, because we have not only to take into account the laying down of the sleepers, but also the equipment of the line with all its necessary adjuncts, platforms, rolling-stock, &c. If honorable members think fit to excise from the Bill the Gippsland lines, on

them be the responsibility, but I will certainly call for a division on the excision of any line in the Gippsland district in favour of which a case has been proved, so that it may go forth who are opposing these lines. In Gippsland the colony has a mine of undeveloped wealth—I was told only the other day that a magnificent tract of country containing thousands of acres of the richest land has lately been discovered to the north of Neerim—and I consider that it would be cruel to drive the struggling race of farmers in the Gippsland district off the land for want of such accommodation as is afforded them in the Bill. I cannot be a party to any scheme which will deprive those agriculturists of their due share of the public expenditure.

The Hon. F. T. SARGOOD.—Mr. President, I do not know which has surprised me most—the position taken up by the Solicitor-General regarding this motion as one of want of confidence, or the statement of Mr. Pearson and Mr. Zeal that there was an attempt on the part of members of this House to deprive Gippsland of its fair share of the public expenditure on railway construction. It is quite within the province of the Council to amend this Bill by striking out or altering any of the lines proposed in it, and I presume that, if the House in its wisdom thought fit to strike out certain lines, the Solicitor-General would not consider such action as a vote of want of confidence in the Government, but merely as an exercise of one of the undoubted powers of the House. If the Government therefore would be content to see a number of lines absolutely struck out, and the people interested consequently deprived of communication altogether, I am certainly at a loss to understand how it can be regarded as a vote of want of confidence for the House to take a step which may result in the Gippsland district obtaining double or treble the length of line the Government propose to give it. As far as I am concerned, I utterly deny the charge that I have any desire to deprive Gippsland of its fair share of the public money. On the contrary, I have always recognised the fact that in Gippsland we have a magnificent province which only wants developing, and it is because I believe that the introduction of tramways will develop the district far more quickly than the railways proposed in this Bill that I think the House should have more information about the subject. There is a great deal of information in connexion with the practicability of constructing tramways in this district

which can only be gained by an examination of the ground. From what I learned in England, and also from my experience during the many years I have been in the colony, I am certainly of opinion that tramways would be a vast boon to many districts of the country. It is not of so much consequence that the farmers should have well-formed railways which will admit of a speed of 15 or 30 miles an hour as that they should have something in lieu of macadamized roads, which are not only costly to make, but to maintain, and which, indeed, in Gippsland are practically impossible to construct. With light tramways, many of which need not be more than 2ft. or 2ft. 6in. wide, large tracts of country might be opened up, and facilities afforded for the cheap conveyance of produce. If the select committee should report in favour of such tramways, Gippsland, instead of regretting any little delay that may occur, will have cause to be grateful to the House, because it will be enabled to get three miles of line instead of one. For these reasons I think the appointment of a select committee would be an advantage, but I would suggest that it would perhaps be advisable to postpone its appointment until we have heard the whole of the evidence in connexion with the Bill.

Mr. WALLACE.—I desire to explain that the object I had in view in allowing my name to be placed on the proposed committee was the direct interest of Gippsland. So far from wishing to deprive Gippsland of any of the expenditure proposed for it, I consider that that district has never had its fair share of the public money, and that it is high time more attention was paid to it; and I will do all in my power to see that it is properly treated.

The Hon. J. LORIMER.—Sir, I am very much surprised that this motion has not been received by the Government in a different spirit. Mr. Campbell, in the course of his remarks, did not say a single word to justify the impression that the motion is directed in a hostile spirit either against the Government or against the interests of Gippsland. As far as the Bill is concerned, I believe the only desire the honorable member has in view is to elicit further information. A most important problem has been submitted to the House, and I am sure no honorable member can feel himself capable of solving it with the information at present furnished. The question is not whether certain lines should be thrown out or not, but how the money available can be best laid out for the benefit of the colony. The

Solicitor-General, it seems to me, himself condemned the Government scheme in relation to the lines referred to in the motion when he stated that these were specially cheap lines—more of the nature of tramways than railways—and could be made of second-hand rails. I was startled by this statement, because I had no idea that the lines were to be made in such a flimsy way. The lines mentioned in the motion extend over 40 miles, and they are estimated to cost £106,564, or on an average of £2,664 per mile. That is by no means the cheapest rate of construction proposed in the Bill—there are other lines which are estimated to cost less—and therefore I cannot understand how these Gippsland railways are only to be cheap lines to run at the rate of six or eight miles an hour as was stated by the Solicitor-General. If the lines are to be of the character described, I think they are not worth the money. For my part, I think Gippsland has been very scantily treated in the Bill. The Avoca and Ararat line is to cost £114,000, and what is £106,000 to a district like Gippsland when £114,000 can be granted for such a very doubtful connecting line as that between Avoca and Ararat?

Mr. MACBAIN.—The £106,000 does not include all the Gippsland lines.

Mr. LORIMER.—I am aware of that, but I am speaking of the particular lines mentioned in the motion. So far from the honorable members who support the motion desiring to do any injustice to Gippsland, we want to do more for it than the Government propose. Even at Mr. Zeal's estimate of £1,000 a mile, we could give 80 or 90 miles of tramway to Gippsland for the cost of the 40 miles of flimsy railway which the Solicitor-General says it is intended to construct. Besides, I am sure that tramways to convey produce at the rate of six or eight miles an hour could be constructed for £500 or £600 a mile. If the motion is adopted, I do not see that it need delay the passage of the Bill by one week; for the matter of that, the inquiry could go on simultaneously with the Bill. Perhaps, however, the suggestion of Mr. Sargood that the motion should be postponed until all the evidence is taken is the best course to adopt, and the House, before finally dealing with the Bill, can then decide whether it is desirable to inquire into the question of tramways. I am decidedly in favour of such an inquiry.

The Hon. W. McCULLOCH.—I trust that Mr. Campbell will accept the suggestion to postpone his motion. Witnesses are now in attendance to give evidence regarding

these lines, and I think that after a witness has been called to condemn the Gippsland lines evidence should be heard in their favour. I am convinced that, when honorable members have heard the evidence which will be produced, they will come to the conclusion that there is no necessity for them to go to Gippsland themselves to inquire into the matter.

The Hon. N. THORNLEY.—I wish to correct the statement that Mr. Callanan was brought here to condemn the Gippsland lines. He was asked to give evidence as an old Government officer, and as the district surveyor of that district, who was acquainted with the physical difficulties of the country. Mr. Pearson asked why Gippsland should be dealt with in the exceptional way now proposed. The reason simply is that the country is an exceptionally difficult one to deal with, because it consists of a series of spurs and gullies. The Government have selected two or three spurs to put expensive lines upon, and the object of the motion is to multiply those lines and afford the struggling farmers, about whom Mr. Zeal is so anxious, two or three times the amount of accommodation provided by the Bill. Very few people will be benefited by the proposed railways, which will reach no distance. Each of them will only serve the people on that particular spur, and persons on other spurs will be left without any accommodation. Moreover, the lines projected by the Government will probably take five or six years to construct, while tramways could be made in a couple of years, and, besides, their construction would afford employment to the struggling farmers who would be very glad to get some work to help them along. I do not wish to deprive Gippsland of one penny of the money provided for it; I simply wish to spend the money to the best advantage.

The Hon. J. MACBAIN.—I think honorable members misunderstood the Solicitor-General in the statement he made. What he intended to convey was that, while he did not doubt the right of the House to consider any question of this kind—it is quite within the functions of the House to do so—it was not always expedient to do what it is in the power of the Chamber to perform. I would ask honorable members whether it would not be most inexpedient to carry a motion of this character, which really strikes at the functions of the Government. I venture to say that, if either Mr. Anderson or Mr. Cuthbert represented the Government in this House, they would take exactly the same

view of the motion that my honorable colleague and I do. Of course honorable members can do what they like, but they must take the consequences of their action. I do not regard the motion as one of want of confidence, because, according to the constitutional practice of England, this Chamber might go on passing votes of want of confidence in the Government, and the Ministry could bid them defiance. I presume, however, that honorable members are not aware that a motion of want of confidence has been already tabled in another place to-day, which may settle the whole of the difficulty. I would point out to honorable members that the lines in the Bill have received the sanction of the Legislative Assembly, and that a large number of them have also been already adopted by the Council, so that really only a few lines remain to be decided upon. I would appeal therefore to honorable members whether it is not inopportune to intrude such a motion as this at the present late stage of the consideration of the question. The question whether tramways or railways should be adopted in this colony has already been fully considered, and the construction of railways has been adopted as the established policy of the country. Many districts have been already supplied with railways, and the people of other localities, who contribute equally to the taxation of the country, consider that they are entitled to have railways likewise. For my own part, I am not afraid to say that I have always been inclined to favour the idea of having main trunk railways with feeders to them on the tramway principle; but that policy has not been adopted by the country. The country has adopted the policy of making railways throughout the colony, and I have no hesitation in saying that the Government could not accept any alteration of that policy by agreeing to the present motion. The proper course for honorable members to pursue, if they think any of the small railways proposed for the Gippsland district are not justified, would be to strike them out of the Bill, and to take the responsibility. The House can then take another opportunity, if it chooses, of appointing a select committee to inquire into the question of tramways. But I would ask honorable members why should railways, at a cost of £3,000 a mile, be constructed in other portions of the colony, and the people of Gippsland put off with timber tramways to cost £150 a mile? Competent men assert that the railways proposed for Gippsland are as justifiable as

any other lines in the Bill ; and I must say I would prefer to take the evidence of practical and experienced men to the opinion of a select committee consisting of gentlemen who for the most part know just as little about railways and tramways as I do myself. I admit that Mr. Thornley has given attention to this question, but I hardly think the other members of the proposed select committee can lay claim to any practical knowledge of the matter. It is quite possible that Mr. Campbell and Mr. Lorimer may be members of a Government some day—I shall be very glad to see them in that position—and I am sure that they will then strenuously resist any motion of this kind, if brought forward with reference to a Railway Bill for which they are responsible. Looked at in its constitutional aspect, the present motion is undoubtedly an undue interference with the functions of the Government. Mr. Campbell states that he does not intend it in that light, and I believe him ; but the honorable member must see that it casts a reflection upon the railway policy of the Government. I think that the motion should be withdrawn ; and, after the Railway Bill is disposed of, honorable members can then consider the question of appointing a committee or a commission to inquire into the question of tramways.

Mr. LORIMER.—It will be too late then.

Mr. MACBAIN.—The motion strikes at the very root of the railway policy of the Government. The political crisis which is threatened by the no-confidence motion, tabled in the Assembly, may stop business in the Council for a time, and I would ask Mr. Campbell not to complicate matters, but to withdraw his motion instead of postponing it. Rather than have the motion postponed, I would prefer the House to divide upon it at once.

The Hon. C. J. HAM.—Sir, it appears to me that the motion is a most unusual one. There is no precedent for Parliament appointing a certain number of its members to peregrinate the country, inspect lines of railway, and turn themselves into amateur engineers. The proper course to pursue in regard to railway matters is to obtain the best evidence which can be procured—in fact, to continue to take evidence at the bar of the House from those who have a practical knowledge of the subject. The course proposed by Mr. Campbell would certainly be an inadvisable one to take, especially at the present time, when its adoption would delay the consideration of the Railway Bill, which the country

is anxious should be dealt with as quickly as possible. The construction of tramways is, I believe, a matter which will have to be considered, but it should be considered apart altogether from the present Railway Bill. If the Bill is passed, the whole question of having tramways as feeders to the railway lines may, at a future time, occupy the attention of the House ; but at present it would be unwise to adopt the honorable member's motion.

The Hon. N. FITZGERALD.—Mr. President, I think honorable members would be glad to hear from the Solicitor-General what decision the Government have come to as to going on with the business before this House.

Dr. DOBSON.—I am aware unofficially that a motion of want of confidence in the Government has been tabled in the Legislative Assembly, but I cannot take any action in the matter at present. As soon as I get official information of the fact, I shall be acting in strict accordance with precedent by moving that this House adjourn until next week, as it would be contrary to parliamentary practice for the Council to continue sitting while a motion of want of confidence is being debated in the other Chamber.

Mr. FITZGERALD.—Under the circumstances, I think that the most judicious course for the Council to adopt would be to adjourn the debate on Mr. Campbell's motion.

Mr. MACBAIN.—Why not divide upon it now ?

Mr. FITZGERALD.—I hope that honorable members will not divide upon it now, because this is not a time when there should be any party feeling in this House. The representatives of the Government declare that they regard the motion as a direct interference with the functions of the Government. That is a question upon which differences of opinion may legitimately be entertained ; but I apprehend that the Government have no desire to push the Council, at this early stage of its reformed career, into the position of supporting another place in antagonism to their policy.

Mr. MACBAIN.—I don't ask that.

Mr. FITZGERALD.—By the honorable member asking for a division on the motion to-night, it would appear as if the Government desired to be either strengthened or weakened by the action of this House. I think that the motion ought to be postponed until we have completed the taking of evidence at the bar of the House in regard to the various lines which are in dispute. I

hope, however, that the representatives of the Government will not propose that business shall be stopped here, pending the decision of the other Chamber on the no-confidence motion, because if they do so the consequence will be that the progress of the Railway Bill will be greatly delayed. Under the circumstances in which we are placed, I think that it would be almost a crime to postpone the business of the House simply for the sake of adhering to precedent.

Mr. CAMPBELL.—I am perfectly willing that the debate shall be adjourned, if it is the desire of the House to adjourn it.

On the motion of the Hon. J. BUCHANAN, the debate was adjourned until Thursday, December 14.

RAILWAY CONSTRUCTION BILL.

The House went into committee for the further consideration of this Bill.

The examination of witnesses at the bar (adjourned from the previous day) was continued.

Mr. J. E. Dowling was further examined as to the proposed Lancefield and Kilmore Railway.

Messrs. John Starr, engineer of the shire of Korong; Samuel Rinder, secretary of the shire of Korong; James Cheetham, mayor of Tarnagulla; Thomas Tatchell, commission agent, and member of the Inglewood Borough Council; and Samuel Deeble, auctioneer, Inglewood, were examined with reference to the Inglewood and Dunolly Railway. Messrs. William Stewart, hop grower, and president of the Narracan Railway League; John Lloyd, farmer, Narracan West; and Elijah Stranger, selector, Narracan West, gave evidence as to the Moe and Narracan Railway. Messrs. Stephen Francis, mayor of Brighton; A. W. Harston, Picnic Point; Nathaniel Bennett, licensed victualler, Retreat Hotel, Brighton Beach; and Thomas Crisp, solicitor, Brighton, were examined in regard to the Brighton and Picnic Point Railway.

At the close of the examination, progress was reported.

THE MINISTRY.

The Hon. F. S. DOBSON stated that, although he had not yet been officially apprised of the fact, sufficient information had reached him with regard to the tabling, in another place, of a motion of want of confidence in the existing Administration to induce him to refrain from submitting the motion of which he had given notice, that the House, at its rising, should adjourn

until the following day. On two previous occasions since the present Administration had been in office, the Council had recognised the necessity for following the constitutional rule that, as soon as a motion of want of confidence was tabled in the Legislative Assembly, it became the duty of the representatives of the Government in the Council to suspend business until that vote was either carried or rejected. The reason for that course was obvious. Supposing the vote were carried, the Government would have either to go to the country or to resign. Consequently, there was no good in the Council proceeding with business until the motion was dealt with. The motion of no-confidence would be debated in the Assembly on Tuesday, and, on the assumption that the debate would terminate that night, he begged to move that the House, at its rising, do adjourn until Wednesday.

The motion was agreed to.

The House adjourned at twenty minutes to eleven o'clock, until Wednesday, December 13.

LEGISLATIVE ASSEMBLY.

Thursday, December 7, 1882.

Portland Free Library—Bacchus Marsh Railway—Lands Department: Residence Areas at Queenscliff—Interim Land Bill—Indecency on the River Yarra—Railway Management: Collision at Hawthorn: Notice of Motion of Want of Confidence in the Government: Adjournment of the House.

The SPEAKER took the chair at half-past four o'clock p.m.

PORTLAND FREE LIBRARY.

Mr. WRIXON asked the Postmaster-General if the Government would grant the use of the old post-office at Portland for the purposes of a free public library? As soon as the use of a building could be obtained, the library would be opened.

Mr. BOLTON said he had no objection to the old post-office at Portland being used for a free public library, though he did not think that it would be a suitable building for the purpose. The matter was one which rested with the Public Works department; but as far back as the month of August last, a recommendation was made to that department that the old post and telegraph offices should be sold for removal, as the site would be required for yard room in connexion with the new offices, especially

in view of the probability of the English mails being at some future time landed at Portland.

BACCHUS MARSH RAILWAY.

Mr. DEAKIN asked the Minister of Railways if there was any difficulty about letting the contract for the construction of the Bacchus Marsh Railway; if so, would he let a contract for making the line as far as Melton, leaving the rest to be let in a separate contract?

Mr. BENT said he signed the papers the other day, and he was not aware that the successful tenderer had not taken up the contract. He would inquire into the matter, and be prepared to answer the question on a future day if the honorable member would repeat it.

LANDS DEPARTMENT.

SALE AT QUEENSCLIFF.

Major SMITH asked the Minister of Lands if he would postpone the sale of land taken up at Queenscliff as residence areas under the Gold-fields Act until the House had an opportunity of discussing the matter?

Mr. W. MADDEN, in reply, read the following memorandum from the Secretary for Lands:—

"This question refers to allotments 9A, 9B, 10A, 10B, section 12, situated in Mercer, Symonds, and Learmonth streets, Queenscliff, and gazetted to be sold by auction on the 27th inst. On the 18th ult. reports reached this office from the district surveyor and from the borough council, to the effect that the allotments had been pegged out as residence area sites under the Mining Statute by certain residents of Ballarat, and recommending that the land, which is of considerable value, should be at once sold by public auction. It is not the intention of the Mining Statute 1865 nor of the Residence Areas Act 1881, that land in such a town as Queenscliff should be held under miner's right or business licence, and steps were therefore at once taken to prevent its occupation in such a manner. An Order in Council was obtained on the 20th ult. whereby the allotments in question were excepted by the Government from occupation for mining purposes or for residence or business under any miner's right or business licence. This order was gazetted on the 24th ult., and determined all rights to occupation of the land. See decision of Supreme Court, *Regina v. Dowling, ex parte McLean*, 2 V.R., (L) 61. No person therefore has any title to any portion of land, the legal estate being in the Crown alone."

He (Mr. Madden) had no intention of altering his decision.

INTERIM LAND BILL.

Mr. ORKNEY asked the Minister of Lands if he intended to introduce an interim Land Bill to continue the Act which would shortly expire?

Mr. W. MADDEN said he begged to call the attention of the honorable member to the first order of the day, which was for the resumption of the debate on the motion for the second reading of the Land Acts Continuation and Amendment Bill. The Government did not intend to introduce any other Land Bill than that.

INDECENCY ON THE YARRA.

Mr. ZOX asked the Chief Secretary if his attention had been called to the gross outrages against public decency which took place on the banks of the Yarra by persons indecently exposing themselves? The river and its banks were favourite places of public resort, and steps ought to be taken to put a stop to the practice to which he alluded. Several of his constituents had requested him to mention the subject to the Chief Secretary.

Mr. GRANT stated that he would bring the matter under the notice of the Chief Commissioner of Police, and request him to take action to put a stop to the practice complained of.

RAILWAY MANAGEMENT.

COLLISION AT HAWTHORN.

Mr. MUNRO.—Mr. Speaker, I desire to call attention to the following motion standing on the notice-paper in my name:—

"That a select committee of seven members, three to form a quorum, be appointed by ballot, to inquire into and report upon the management and working of the Railway department, and specially to report upon the whole circumstances relating to the recent disastrous occurrences at Hawthorn; such committee to have power to call for persons, papers, and records, to sit on days when the House does not meet, and to move from place to place."

I beg to ask if the Premier will allow this motion to be discussed at once, in order that public feeling may be allayed? The feeling outside the House as to the neglect of this Chamber to take any action in the matter is most intense. In fact, the House is said to be neglecting its duty by allowing these things to go on without taking action.

Sir B. O'LOGHLEN.—Sir, I think it would be rather inadvisable to appoint a select committee at present for the purposes contemplated by the honorable member's motion. I submit that when the intense public feeling has subsided will be the proper time for such a committee to be appointed. As for the observations made out-of-doors that this House is held responsible for what has occurred, all I can say is that the

House is not responsible and cannot be held responsible.

Major SMITH.—The Government is responsible.

Sir B. O'LOGHLEN.—The honorable member may take that from a certain paper, but no member will echo it. Whatever may appear in the press, I trust that no other honorable member will make such an observation as that.

Major SMITH.—I make it.

Sir B. O'LOGHLEN.—The honorable member ought to be ashamed of himself.

Major SMITH.—The Premier ought to be ashamed of himself. The Government is responsible.

Sir B. O'LOGHLEN.—I repel the observation. It is most insulting and most unjustifiable.

Major SMITH.—I re-assert it.

Sir B. O'LOGHLEN.—The honorable member is more disorderly than ever. The honorable member is always disorderly—he is always interrupting. The honorable member ought to know by this time what his place is.

Major SMITH.—Go on with the question.

Sir B. O'LOGHLEN.—The honorable member should not make insulting interruptions. Until he knows how to behave himself, he ought to be silent. I was answering the question of the honorable member for North Melbourne (Mr. Munro) when the honorable member for Ballarat West (Major Smith) interrupted me. I say that the intensity of the feeling at present is just the reason why it is inadvisable that a select committee should be appointed now. There is no reason why this House should in any way be held responsible for the recent accident, and the remarks which have been made are merely the effect of the excitement out-of-doors on the subject. I also wish to point out to the House that a select committee should not be appointed to inquire into the matter *pari passu* with the inquiry by the coroner. Practically the coroner's inquest precludes any other inquiry being instituted at present. If a select committee of the House is to be appointed to make any investigation, it should be appointed after the Christmas recess. I apprehend that the House will have a recess of ten days at Christmas, and, in that case, about the beginning of next month will be the proper time to appoint the committee, if the House is so inclined.

Mr. MUNRO.—Do you refuse to allow the motion to come on?

Sir B. O'LOGHLEN.—I am simply giving reasons why I think that the motion should not take precedence of the ordinary business of the House.

Mr. BERRY.—Mr. Speaker, I don't know whether the answer which the Premier has given to the honorable member for North Melbourne (Mr. Munro) is a final one, or whether he merely intends it as a suggestion. In my opinion, the Premier has not risen to the necessities of the occasion at all. What have we to do with the coroner's inquiry? What the public require is that the faults of the Railway department, whatever they may be, shall be rectified at once. As I pointed out the other evening, the coroner may sit for a month before any verdict is given, and even then only the immediate cause of the accident will be arrived at. What we want is the remote cause, from which the immediate cause arose. There is no use in the honorable member for North Melbourne being left to bring forward his motion in the ordinary way, because in that case in all probability it will not come on for discussion for three months. The inquiry ought to be held at once, while the facts are fresh, and while all the papers and memoranda are obtainable. No doubt the public excitement has arisen to a large extent from the refusal of the Government—

The SPEAKER.—Does the honorable member intend to propose a motion?

Mr. BERRY.—I don't want to make a motion, but I want to know distinctly whether or not the Government intend to give precedence to the motion of the honorable member for North Melbourne. I take it that the honorable member means what he says, and that he is bound to make such a statement that the Government cannot refuse to give the motion precedence. If they will not voluntarily give precedence to the motion, steps must be taken to compel them to do so. The House will not be doing its duty unless it adopts that course. The facts already disclosed take away public confidence from the administration of the Railway department.

Sir B. O'LOGHLEN.—Who is the honorable member addressing?

Mr. BERRY.—I am addressing the Premier, through the Speaker. The Premier spoke in such an undefined tone that I wish to give him an opportunity of saying whether it is really his intention, as the head of the Government, not to allow the motion to come on in the spirit in which it was originally placed on the paper, or whether he will allow it to be discussed at

once, with the view to an immediate inquiry. If he will not allow it to be discussed promptly, it will be the bounden duty of the honorable member for North Melbourne to intimate to the Government the full meaning of the motion, in which I will support him; and then it will be the duty of the Government to give it precedence.

Mr. MUNRO.—Sir, I don't know whether the Premier has made his final answer to the question. If he really means that we are not to be allowed to inquire into this business, I shall give a notice that he must be prepared to attend to.

Mr. L. L. SMITH.—Give it at once.

Mr. MUNRO.—I will do it now. I shall propose this motion as a want of confidence motion.

Mr. L. L. SMITH.—That is the way.

Mr. MUNRO.—The country expects this House to inquire into the matter, and it will not be trifled with.

Sir B. O'LOGHLEN.—Mr. Speaker, I ask the honorable member for Geelong (Mr. Berry) whether he endorses the action of the honorable member for North Melbourne (Mr. Munro)?

Mr. BERRY.—Yes.

Major SMITH.—Certainly; all the Opposition endorse it.

Sir B. O'LOGHLEN.—Under the circumstances, the proper course is for the House to adjourn. I therefore beg to move that the House do now adjourn.

Mr. ZOZ.—Sir, I think it will be a very great pity for this House to adjourn when there is so much important business to be attended to. A question like the late railway accident, in which every honorable member is deeply interested, ought not to be argued in heat, or quarrelled over. I will ask the Premier to state a time when he will allow the motion of the honorable member for North Melbourne (Mr. Munro) to be discussed?

Sir B. O'LOGHLEN.—It is to be a motion of want of confidence, and it will be discussed on Tuesday.

Mr. ZOZ.—If the honorable member gets a satisfactory answer as to the time when the question can be brought forward, the whole matter may be settled without an adjournment. The honorable member knows full well that the country expects that we will not discuss the subject on a motion of want of confidence. Let the proposal to appoint a committee of inquiry be argued on its merits. I am as anxious as any honorable member is that there should be a

thorough and impartial investigation into the cause of the late terrible calamity.

An HONORABLE MEMBER.—When?

Mr. ZOZ.—As soon as possible.

Major SMITH.—Adjourn, adjourn.

Mr. ZOZ.—The Major is very anxious to get office, but this is not the time for him to attempt to do so. I hope that the proposal of the honorable member for North Melbourne will not be brought forward as a motion of want of confidence. If the Premier will state a specific time when a select committee will be appointed for the express purpose of making the desired investigation, I believe that the honorable member for North Melbourne will be perfectly satisfied.

Mr. MUNRO.—Mr. Speaker, I desire it to be understood that it is not at my request that the House is asked to adjourn. If the Government would pay respect to the wish of the country, and to the wish of a large majority of the members of this House, the committee might be appointed in five minutes, and there would be no delay of public business. If, however, the Government of their own free will desire to adjourn the House, then we have no other means of getting redress than by adopting the course which I propose. The matter which I desire shall be inquired into is one which is rending the hearts of the people of this country, and yet we are refused access to the papers and documents—we are refused information in any shape or form.

Mr. L. L. SMITH.—When?

Mr. MUNRO.—Now; by the Government. ("No!") My motion proposes that a committee shall be appointed by ballot, so that it would be a perfectly fair committee, and yet we are to be debarred from having an inquiry. If the Government want an adjournment, I shall not object to it; but if they wish to go on with business, all they have to do is to agree to the motion for a committee of inquiry, and the committee can be appointed in a few minutes. The ordinary business of the House can then proceed without any delay.

Mr. L. L. SMITH.—No business can be done while a motion of want of confidence is pending.

Mr. MUNRO.—If the Government will allow a committee of inquiry to be appointed, there will be no want of confidence motion. If, however, they will not do so, we must take the best means we can to compel them to do so. I for one insist upon taking that course at whatever risk or cost. I insist on the country knowing who is responsible for the Railway department being managed in such

a way that men are slaughtered, and that people who travel on the railways are in daily terror of their lives. It is time that we knew something about these things, and how it is that the railway time-tables are always being changed, so that the very men in charge of the lines do not know when the trains ought to go. We are told to wait until after the coroner's inquest is over. If things go on as they have been doing, we shall perpetually have coroner's inquests. I think that the House is bound to insist on the motion which I have tabled being discussed and dealt with.

Sir B. O'LOGHLEN.—Sir, I am not going to discuss the value of the honorable member's motion, but I wish to point out to the House and the country that the Government are responsible for the conduct of business in this Chamber. Therefore, when the honorable member for North Melbourne (Mr. Munro), backed up by the leader of the Opposition, deliberately proposes to take a course of action different from that laid down by the Government, and announces that, if it is not followed voluntarily, the Government will be compelled to follow it; and when—the Government declining to be influenced by that threat—the honorable member gives notice of a motion of want of confidence, which motion is sanctioned by the leader of the Opposition, there is no other course for the Government to adopt than to propose the adjournment of the House.

Mr. BERRY.—Mr. Speaker, I do not believe that anybody, except an honorable member sitting on his own side of the House, objects to the course which the Premier proposes to take, nor do I think that the warmth with which he has spoken is justified. The honorable gentleman will not be dealing fairly with the House and the country if he does not carry out the expressed wish of the House, declared the other evening in a debate which was calm and judicial, almost to a fault. I put a question to the honorable gentleman myself, and I afterwards left the chamber, thinking that silence gave consent, and that the Government would appoint a board independent of Parliament—a board of citizens in whom the country would have confidence—to inquire into the management of the Railway department.

Mr. BENT.—That is what the Premier said he would do.

Mr. BERRY.—He is reported in the papers to have said, and it has not been contradicted, that he declined to take that

course until after the coroner's inquiry. The honorable gentleman repeated that statement to-night when he was asked to allow the motion for the appointment of a select committee to be discussed. It is that which has forced the honorable member for North Melbourne (Mr. Munro) to insist, in view of the strong public opinion, and the strong feeling in this House, that there should be an immediate inquiry—an inquiry at which every official in the Railway department can speak out openly and freely, without fear. That is the sort of inquiry which is wanted.

Mr. BENT.—Who objects to that?

Mr. BERRY.—If the officials in the Railway department find that this House will not protect them—that it will not compel the Government to make a full and independent inquiry at once, or take that course themselves—the men will have their tongues tied, and they will be as much controlled as to the evidence they are to give as it is possible for men to be controlled. Therefore I say it is the action of the Government that has compelled the honorable member for North Melbourne to take the course which he has intimated his intention to adopt. It was within the province of the Premier to give the honorable member's motion precedence, but he has chosen to act otherwise. He has accepted it as a no-confidence motion by the very fact of not allowing it to come on to-day. It is a motion which should have been discussed immediately, or it was useless to give notice of it. The Premier knew last night that it was the intention of the honorable member to move the motion discussed to-day.

Sir B. O'LOGHLEN.—No.

Mr. BERRY.—What is the use of such a motion unless the subject it deals with is discussed at once, when all the facts are fresh in the minds of honorable members? Who can remember all the facts a month hence? Who can tell that all the papers will be presented in their integrity if the inquiry is postponed? From first to last the Ministry have not risen to the importance of this question. One hundred and fifty persons have been injured, and one man has been sent to his grave; but any one who listened to the debate the other night would think that the Minister of Railways was entitled to sympathy, and not the victims who are writhing on their beds in pain. We have no other means than those we are adopting now to force on an inquiry. If ever public opinion was united, it is united now in demanding that there shall be a

thorough and impartial inquiry at once. I don't understand the Government resisting an inquiry. They should have been the first to propose one; they ought to have been the first to urge that there should be a tribunal independent of them altogether, in which the public would have confidence, to make a full and searching investigation. I regret the waste of time. ("Hear, hear," from the Ministerial benches.) But it does not lie in the mouths of honorable members on the Ministerial benches to charge the Opposition with wasting time. Is not the debate on the Land Bill a waste of time? A Minister of the Crown spoke on that measure last night up to eleven o'clock, and then he moved the adjournment of the debate in order to continue his speech to-night, as if the whole object of the Government was to waste time. We are doing no good here; but we shall be doing good if, by an inquiry forced on immediately, we can search into the very depths of the management of our railways, and discover means whereby in future life and limb will be safe.

Sir J. O'SHANASSY.—Sir, as the lamentable occurrence which took place on Saturday evening happened in the neighbourhood where I live, I suppose I may consider myself fortunate that I was not one of the victims. The first thing which struck me when I read of the disaster was that I had fully anticipated not only this particular accident but several others. In April last, when the session commenced, it was foreshadowed in the Governor's speech that a Bill would be introduced for the better management of the railways, but from that time to this I have not seen the measure. If the Government were fully impressed with the importance of this matter, I think that, instead of continuing the sham discussion on the land question, they would at once take up the Railways Management Bill, and have it dealt with. The subject is a very simple one. The public are convinced—and any one who consults the opinion of the public either through the press or through other sources must know that such is the fact—that there is a united feeling that the interference of the Government should be eliminated entirely from the railway system, and that the railways be managed without any political influence. If the consideration of the Bill was now proceeded with, an opportunity would be afforded to give effect to public opinion by a very simple proposition. In order that the railways may be managed without political influence, we will have to get rid of a political Minister at the Railway

department. We must come to the conclusion that not any of us—not even the best of us—are fit to be placed in charge of such an institution as the Railway department, in the first place because we have not the necessary training, and in the second place because, as politicians, we cannot be expected to do otherwise than all politicians do who have the power of patronage in their hands. In regard to the proposed inquiry, I firmly believe that if the honorable member for North Melbourne (Mr. Munro) will confine his motion to asking for an investigation, not as to general management of the department, but as to this particular accident, and the causes which led up to it, and not make a party question of the matter, all honorable members will support him. I cannot see why the coroner's inquest, which is to ascertain the cause of the death of the unfortunate man who was killed in the accident, should prevent further inquiry being made by another tribunal. I am not at all sure that the coroner has the same power that the House has to command the production of every paper that may be required from the Railway department and the examination of every officer whose evidence may be desired. I am also anxious that the Railways Management Bill should be pushed on with as much rapidity as possible. I cannot see why the Land Bill, which has slumbered in the hands of the present Government for two sessions, should prevent other business of a practical and not a political character being proceeded with. If the House wishes to deal with practical matters, it should take up the Railways Management Bill as soon as possible, and it should not be asked to adjourn because the Government treat the motion of the honorable member for North Melbourne as one of want of confidence. Why should I and other honorable members be drawn into a quarrel of this kind? The inquiry is imperatively necessary, and it should not be refused. I hope that the head of the Government will reconsider his decision, and consent to the motion being brought forward without loss of time, in order that an inquiry may take place.

Mr. GRANT.—Sir, the honorable member for Belfast seems to labour under the impression that the Premier has refused an inquiry; but the honorable gentleman simply suggested that the inquiry should not take place until after the coroner's inquest is held.

Mr. WOODS.—The coroner's inquest is only as to the cause of the death of the man who has been killed.

Mr. GRANT.—Would it not be manifestly unfair to have another inquiry of a public character while the coroner's inquest is proceeding? Such an inquiry might create a prejudice against the persons whose conduct will be investigated before the coroner's jury. A sense of fair play ought to induce honorable members not to appoint any committee of inquiry until the coroner's inquest is held.

Mr. BERRY.—Other people may be killed in the meantime.

Mr. GRANT.—It must commend itself to honorable members' sense of fair play and English justice that until the coroner's inquest is over any inquiry of the kind proposed by the honorable member for North Melbourne (Mr. Munro) would be premature.

Major SMITH.—Mr. Speaker, the Chief Secretary appears to forget that the coroner will only inquire into the cause of the death of the unfortunate man who has been killed, whereas the House desires that there shall be an investigation into the whole of the circumstances surrounding the accident. Before the facts are obliterated—before there are any more fires to hide the mismanagement of the Railway department—an inquiry is required. It ought to be held promptly—at once. It need not in the slightest degree interfere with the coroner's inquest. The public mind is united in the opinion that a prompt investigation should take place, and not only the Government, but the whole of the House, will be responsible if it is not undertaken at once. There is a feeling of indignation among my constituents that Parliament should rather be inclined to condone the action of the Government than to make the investigation. I would not be performing my public duty if I did not insist upon an inquiry being made now while the facts are fresh, before any more documents disappear, or any evidence which is now available becomes inaccessible. I would point out to the honorable member for Belfast that before dealing with the Railways Management Bill the House ought to be in possession of the information which the proposed inquiry is intended to elicit, so that we may better understand what kind of a measure ought to be passed. I, however, agree with the honorable member that the Railways Management Bill is of infinitely more importance than the discussion of the Land Bill, which measure will never pass this House. Honorable members will be culpable if they do not insist upon the cause of the late accident and all the circumstances

connected therewith being inquired into while the witnesses have the facts fresh in their minds. I cannot conceive it possible that honorable members sitting behind the Government will burke the inquiry or postpone it on the frivolous pretext that there ought not to be any other investigation until the coroner's inquest is held. It is most extraordinary that three serious accidents should have occurred on the suburban railways within a comparatively recent period, and that the Government some time ago dismissed from the public service the man who managed those lines without loss of life for nearly a quarter of a century. We find the time-tables altered, and competent men who had managed the traffic on the suburban lines for 20 years replaced by men brought from other parts of the country, who have had no experience of the working of that traffic. I say that the Minister of Railways is responsible, and that he must accept the responsibility.

Mr. BENT.—Did I do it?

Major SMITH.—The honorable gentleman knows very well he did it.

Mr. BENT.—No, I did not.

Major SMITH.—If a select committee is appointed we shall get at the real truth—we shall ascertain whether the Minister did not alter the recommendation of his officers, and whether that fact did not lead up to the disaster the other day. Why in Europe and other parts of the world, such a thing as the repair of a railway by daylight is not known; the repairs are always done at night. Another subject for inquiry is how a special train came to be run on a suburban line where the ordinary traffic is considerable. For my part, I would be sorry to be in the position of any supporter of the Government who might seek to prevent this inquiry taking place.

Mr. L. L. SMITH.—Sir, I think the House and the country will see that the rally spoken of last night has come about. The speech of the leader of the Opposition shows that we are going back to old times.

Major SMITH.—Adjourn.

Mr. L. L. SMITH.—Evidently the Major does not like it. No doubt he is disappointed when he found his declaration in mock-heroic style, "We will have it," fall rather flat. It should be distinctly understood—the country will understand—that the Ministry do not refuse any inquiry whatever. All they say is that, while the present public excitement prevails, we cannot have the calm deliberation which should characterize such an inquiry. Moreover, the

Premier is of opinion that, pending the coroner's inquest upon a man who is now dead, it would be improper to institute a second inquiry. But the three honorable members who have spoken from the opposition benches do not like that their action should be resisted in any way, and particularly as they think an opportunity now offers to defeat the Ministry and get on the Ministerial side of the House. That is the main question with them. They fancy they can take advantage of the present public excitement to embarrass the Ministry by a side-wind. But the public will see through the machinations of three or four honorable members who have not disguised their feeling that nothing that the present Ministry can do will satisfy them. Is it not plain what is meant when the Ministry are told—"We will have you out, and have you out at once"? The object of those honorable members in now asking for an inquiry is too plain. It may serve them as a rallying cry, which they are at present without. Honorable members in opposition have not dared to oppose the Land Bill, but they have tried to talk it out of the House. The Premier, as the leader of the House, has laid down the course of business which he desires to see observed; but the honorable member for North Melbourne (Mr. Munro), backed up by the honorable member for Geelong (Mr. Berry), wants to precipitate an inquiry. It is well known that the motion of the honorable member for North Melbourne was devised before honorable members came to this House to-night. The whole thing is cut and dried. The members of the proposed committee are to be balloted for, but is not the list for which honorable members in opposition will vote already in the pocket of the honorable member for North Melbourne?

Major SMITH.—Why not adjourn?

Mr. L. L. SMITH.—Am I to be told, after listening to the Major, that I am not to expose his machinations? Not only have we not refused the inquiry which honorable members in opposition ask for, but we have acquiesced in it. However, honorable members want that inquiry forthwith. They have given notice of a motion of want of confidence in order that the inquiry shall take place now. We say the inquiry should take place not now, but as soon as the public excitement, which at present prevails, has passed away. Already a Bill for the better management of the railways has been submitted to the House. That measure has been read a first time, and we have promised that it shall come on for second reading in a fortnight. The

Bill will be circulated in a few days. Therefore, in a political sense, it is indecent, to say the least, for an honorable member to seek to force this matter upon the Government at the present time. The coroner's inquest is a proceeding with which the liberty of the subject is concerned. It may be the means of criminating one or more persons, and holding them up to public reprobation. And ought honorable members, as Englishmen, as men supposed to be imbued with a love of fair play, to allow the case of those persons to be prejudged? The honorable member for North Melbourne, according to his motion, wants the committee specially to report on the whole circumstances relating to the recent disastrous occurrences at Hawthorn; and if the committee were to be appointed, there would be two juries sitting concurrently. Now is it right or decent for a man who may be accused to have two distinct bodies sitting in judgment upon him at the same time? How could witnesses required before the one court be also before the other court? The whole thing ought to be exposed before the country at large as one of the most indecent attempts ever made to use a public calamity for the purpose of ousting an Administration from office. I say the leader of the Opposition is not doing justice to himself in stating that he endorses such a procedure. I think nothing of the attitude of the honorable member for Ballarat West (Major Smith), who has stated, distinctly and positively, that his desire is, under any circumstances, to get rid of the Government; or of the honorable member for North Melbourne, because he has asserted that nothing the Ministry may do will please him, and that he will assist to put them out as quickly as possible; but I say it is not decent for the leader of the Opposition to seek to get up a rallying cry and to make political capital out of an accident of this kind. When the honorable member for Belfast spoke this evening about the Land Bill, the honorable member for Collingwood (Mr. Mirams) interjected that it was a farce.

Mr. MIRAMS.—It is a farce.

Mr. L. L. SMITH.—If the honorable member for Collingwood were to travel about the country and hear what people have to say as to his leasing idea, he would find that the general opinion is that it is a farce that any debate should take place upon such a subject. Two previous Administrations did not dare to introduce a Land Bill. They shirked doing that which the country wanted. The present Administration, however, said they would carry through a Land

Bill. They brought in one last session, and, at the express wish of the House, they put it off until this session; and now we will stick to it. But honorable members who dare not go before their constituents as men who neglected the Land Bill try to talk it out of the House. In conclusion, I repeat that the country at large will see that the Opposition are taking advantage, in a most indecent manner, of a serious calamity which we all deplore to oust this Administration.

Sir B. O'LOGHLEN.—I beg to ask the honorable member for North Melbourne (Mr. Munro) to hand in his motion.

Mr. MUNRO.—I handed it in last night.

Mr. WOODS.—Sir, it was my intention to have moved the adjournment of the House in order to bring before the notice of Parliament what I consider a scandalously indecent article in the *Argus* newspaper to-day, which reflects upon myself and upon others.

Mr. BENT.—Bring that on when the motion of want of confidence is proposed on Tuesday.

Mr. WOODS.—I may tell the Minister of Railways that the vote of want of confidence has nothing to do with my clearing my own reputation; and I submit that every honorable member should have the opportunity of clearing his reputation.

Mr. BENT.—The motion of which the honorable member for North Melbourne (Mr. Munro) has given notice is a direct vote of want of confidence in myself; and it is accepted as such by the Government. Under these circumstances, will it not be better for the honorable member for Stawell to reserve what he has to say until the motion is debated? I am anxious that there should be no discussion or warmth to-night. The honorable member for Stawell must have heard the honorable member for North Melbourne put his motion as a vote of want of confidence direct. There is no use in talking about it. He has had it in his pocket for some days.

Mr. MUNRO.—Mr. Speaker, I wrote out the motion at the table, last night, and handed it to the Clerk in the usual way. I expected that the Government would allow it to be brought forward this afternoon, when the matter could have been settled and a proper committee appointed in a few minutes. However, the Premier refused to allow it to be brought forward. I then said if I could not bring it forward one way, I would bring it forward another way—namely, as a want of confidence motion. As such, the Premier accepted it, and moved the adjournment of the House.

Sir B. O'LOGHLEN.—The words of the honorable member for North Melbourne were—"I give notice that I move a vote of want of confidence," and it was when those words were used that I asked whether the motion received the approbation of the honorable member for Geelong (Mr. Berry).

Mr. BERRY.—The Premier asked me if I endorsed the motion as one of no confidence in the Government. I said I did, because the Government would not allow it to come on in any other way. Then the Premier moved that the House do now adjourn. The honorable gentleman cannot now hark back, or, if he does hark back, it should be only to allow the motion to be debated forthwith.

Sir B. O'LOGHLEN.—I am not harking back. I only want the honorable member for North Melbourne (Mr. Munro) to hand in his notice of motion.

Mr. WOODS.—No doubt this is "a very pretty quarrel as it stands," but I don't want to interfere in it. If honorable members prefer that I should reserve my remarks on the wanton, scandalous, and villanous attack made upon me, not for the first or the fiftieth time, by the *Argus*, I will do so. It appears that I must be hit through my brake. I regard the *Argus* as responsible for the death of the man who is lying in his grave now. Certainly I regard Mr. Thompson as less responsible in the matter than the *Argus*. Whenever the debate comes on I will show in such a way that this House cannot ignore the evidence that the *Argus* is directly responsible for that man's death. I hold in my hand a record of more than a hundred railway accidents which have occurred in England, with the result of the inquiries instituted into those accidents by the Board of Trade; and I must say I cannot understand the blind fatuity of the Premier in refusing to crushed and mangled humanity the demand which is on every one's lips. I have not at command words to characterize the honorable gentleman's conduct in refusing this inquiry at once. I am positively amazed. The Premier ought never to have allowed the honorable member for North Melbourne (Mr. Munro) to place his motion on the paper. The honorable gentleman ought to have been the first man to ask the House to share the responsibility of an investigation, which should be immediate and searching, into the whole case. What does it matter whether the Government are "in" or "out," or whether certain persons are intriguing to get on the Treasury bench, compared with the importance of an inquiry of this kind which

involves life or death, and which, in the interests of the public, should be instituted without the least delay? I may mention that the day before the occurrence at Hawthorn took place I happened to be coming from Lillydale in the first "special" by which the Premier and other Ministers and Members of Parliament were passengers. We slipped through Hawthorn station at what may be called a moderate speed for going through points, and then I noticed all at once that we were travelling on the down line. I called the attention of the honorable member for North Melbourne to the fact. I said there must be some frightful mistake. I knew there were two lines, but I did not know that only one was being worked. Indeed that queer piece of procedure of first making two lines and then using only one I never knew adopted in any part of the world before. I said—"Munro, we are travelling on the down line; we are in danger of a collision at any instant." The honorable member turned off the matter laughingly, saying—"Oh! it's all right." He did not see the danger I saw. I had scarcely done speaking when the train slipped through the crossing and got on to the proper line, but we were scarcely clear when the down train from Melbourne came sweeping past at the rate of 15 miles an hour. Had we been two seconds later, the special train in which I was travelling would have been cut in two. What I say has verification in the report of the station-master at Hawthorn. With regard to the "special" from Box Hill, he says—

"I sent her through. . . . I thought she would pass the 6.7 p.m. 'down' at Burnley, as did the Ministerial train the preceding night."

The Ministerial "special" escaped by the skin of its teeth. Had the one train been a little later, or the other a little earlier, nothing on earth — not even automatic continuous brakes — would have prevented a collision, compared with which the collision on Saturday would have been small. (Cries of "Adjourn," and "Go on.") I am in the hands of the House. I don't want to injure my case by stating what I have to state, in my own self-defence, to unwilling ears. If honorable members have made up their minds to adjourn I shall certainly reserve my remarks until the House meets again. Under these circumstances I conclude, retaining my right to defend myself at the proper time.

Mr. FRANCIS.—Mr. Speaker, I feel it would be wrong—from the position of responsibility in which honorable gentlemen sitting

on this (the Ministerial) side of the House thought fit, some months ago, to place me—to refrain from saying something on an occasion like the present. I regret that I was not in my place when this discussion commenced, because I would have been glad not to have lost a single word. I am not disposed to make light of the claim of the honorable member for Stawell to be heard in relation to another matter; but it is clear from the remarks of that honorable member and honorable members who preceded him that the present time, when a feeling of irritation prevails—a feeling of irritation which may be justified—is most inopportune for discussing any question even remotely connected with the accident which happened the other day. At the same time, while alive to the fact that we ought not to prejudice the evidence which may be given before the coroner, I think that, if I had been in the position of the Premier, though it might appear to be acting perhaps unwisely, and certainly impulsively, I would have been willing to run that risk rather than prevent delay in the making of an investigation, so long as it was kept clear of the coroner's inquest. Such a sense have I of these repeated accidents that I am sure, if I were in office, my instincts and practice, if not my logic, would have impelled me to institute an inquiry at once. However, it is for the Ministry to decide whether a general inquiry is possible or practicable so long as the case is *sub judice*. I may mention that, the other day, I was travelling in an omnibus in company with Mr. Moss, an officer of the Railway department, who was employed to inquire into the different cases arising out of the Jolimont accident, in which proceedings were taken against the Government. Thinking that the gentleman might be engaged in similar work in connexion with the Hawthorn accident, I asked him if more deaths than one had taken place; and he seemed to indicate that, although there had been only one death, he was afraid that one or two other cases might have a fatal issue. I call attention to this representation to show that the present may not be the only coronial inquiry arising out of the Hawthorn accident. Let us hope in God's mercy that it will. But supposing there are other fatal cases, would there not be a danger of the irritation and indignation under which the community is laboring being wrongly directed, if Parliament, at such a juncture, were to push an inquiry into the whole question? I must deprecate the mixing up of party heat and political temper in a discussion of this kind.

Let me ask whether the appointment of Mr. Thompson, as station-master at Hawthorn, was a political appointment, for which this Government can be held responsible?

Mr. McKEAN.—Is the Postmaster-General responsible for a robbery of mails?

Mr. FRANCIS.—Sometimes. In the best regulated services accidents will happen, and I consider it wrong to make this railway accident a vote of want of confidence matter. Whatever committee may be appointed under such a motion as the honorable member for North Melbourne (Mr. Munro) has tabled must necessarily be tinged by party influences.

Mr. MUNRO.—How?

Mr. FRANCIS.—The committee must necessarily be the appointees of the majority, and if the appointment were to take place after a stand-up fight, is it likely that the committee would be free from party influences? Yet a committee, if its labours are to have anything like profitable result, should be, like Cæsar's wife, beyond suspicion. Besides it is well known that personal considerations of a peculiar kind are bound to be involved in the affair.

Mr. BERRY.—We only want an inquiry.

Mr. FRANCIS.—And I do not want to stop the way of one. All I say is that as long as the state of public business is what it is, and the coroner's inquest is in actual progress, I will be no party to forcing on the parliamentary investigation some honorable members have in their minds.

Mr. MUNRO.—But the coroner's inquest has been postponed for a fortnight.

Mr. FRANCIS.—Only for eight days.

Mr. MUNRO.—One newspaper has stated that the adjournment will run over a fortnight.

Mr. FRANCIS.—Well, I read the coroner's announcement for myself. I am afraid that one section of the press scarcely discusses the accident in a dispassionate spirit. With all the facts before me, I consider the bringing forward of this no-confidence motion as a very unfair mode of attacking the Government. If honorable members want to oust the Government, there are two or three other courses open to them, each of which would be far more fair and manly than the one they adopt. Why, for instance, do they not move a direct motion of no-confidence? I do not say that one could not be moved which I would not support. There are one or two matters upon which I disagree with the Government, and upon which I would oppose them as strongly as any

member of the Opposition. But the immediate appointment of a committee or board to investigate the circumstances surrounding the accident is a very different affair. I say such a committee or board ought not to be appointed in the present excited state of public feeling. I will add that, as far as I can see, the accident is in no way attributable to any political appointments. Under these circumstances, I ask the leader of the Opposition why should he accept the responsibility of supporting so serious a step as the proposing of a motion, the consideration of which will stand in the way of dealing with the Estimates as well as every other kind of public business? How can any Government do the work that properly falls to their share, and properly defend the Treasury when things have come to this pass, that, whenever the minority in this Chamber have the smallest excuse for attacking the Government, all legislation has to be pushed on one side as something which it is utterly impossible to carry? Again, have we not had on the notice-paper for many weeks past a Bill for the better management of our railways, the consideration of which has been kept back by the action of the House in insisting upon absolute precedence being given to other measures? Altogether, this indirect no-confidence motion is out of place and uncalled for. Possibly one portion of the ideas conveyed in it will get some support at the public meetings that are to be held in Melbourne and Hawthorn to-morrow, but it is quite inopportune. Every inquiry of the kind in question that is the outspring of political antagonism is bound to be a failure. It is perfectly true that whenever a railway accident happens in England, an inquiry into the causes of it is immediately held, but the management of railways at home and in this country are two very different affairs. In England there is no Railway department.

Mr. WOODS.—But there is the Board of Trade.

Mr. FRANCIS.—Yes, and, because the Imperial Government are not directly answerable for affairs of railway management, the Board of Trade have an officer—Captain Tyler—whose special duty it is to inquire into the particulars of every railway accident as soon as possible after it has taken place. Railways in England are private property, and the Board of Trade, as part of the Government, does its best to keep a tight hand over them. Of course there must be a searching inquiry into the Hawthorn accident, and doubtless one will be entered upon as soon as possible; but it would be

a mistake to proceed in haste, by taking the matter up before the proper time. I protest now, as I did a day or two ago, against anything approaching to legislation in hysterics. By Tuesday perhaps the House, as a whole, will be in a position to proceed with sobriety.

Mr. LONGMORE.—Mr. Speaker, I agree, to some extent, with the remark of the last speaker to the effect that it is proposed to hasten a little too fast. When we consider the accidents that have taken place on our railway lines, we must deplore them—no right-minded man could do otherwise—but we ought to be careful in attaching the blame of them. The honorable member at present at the head of the Railway department is charged with having had a number of very severe accidents during his administration, but is he to be held responsible for them? For my part, I think altogether too much blame is laid upon him. Is it not patent that it was the merest chance that prevented the Jolimont accident from occurring during the reign of his predecessor?

Mr. WOODS.—It was practically caused by his predecessor.

Mr. LONGMORE.—Certainly that predecessor appointed the Engineer-in-Chief, who was responsible for the proper inspection of the wheel tires, and everything else connected with the working of the lines. So the honorable gentleman has no right to cast up that accident against the present head of the Railway department.

Mr. PATTERSON.—But that Engineer-in-Chief was practically deprived of all his authority and control.

Mr. LONGMORE.—Which did not occur until he had allowed the tires to get worn down to the fraction of an inch. There could be no possible justification for the state of that tire. When I was Minister of Railways a serious accident occurred on the main line. It was caused by the driver of a special train loaded with excursionists from Castlemaine rushing it, notwithstanding that the semaphore arm was up, into a train standing on a siding. The consequence was the telescoping of two or three wheat trucks which were pitched up over the engine, and that some 20 or 30 passengers were severely injured. What would have been thought of the fairness of the House had an honorable member come forward then and said with respect to me what a night or two ago the Major said in effect of the present Minister of Railways, namely—“ You are a murderer ”?

Major SMITH.—I never said a word of the sort.

Mr. LONGMORE.—The honorable member practically said he would bring a charge of murder against the present head of the Railway department.

Major SMITH.—That is your version, not mine.

Mr. LONGMORE.—On the occasion I speak of the House knew of the accident, for I mentioned it in this Chamber, but honorable members never moved in the matter. I admit that we have got before us a state of things that calls for an inquiry.

Major SMITH.—And we will have one, and have it now.

Mr. LONGMORE.—But we don't want an inquiry simply to serve the Major's purposes. The coroner is just now holding an inquest into the death of one of the unfortunate victims of the late accident, and, inasmuch as this investigation will go into every ramification of the Railway department, it will necessarily occupy a considerable time. Under these circumstances, what can we expect from the present discussion or from the discussion we are asked to enter upon next Tuesday in connexion with a motion of no-confidence, and which is bound to last a fortnight if it lasts a day? I have no doubt that in due course a thorough inquiry will be made not only into the condition of the Railway department but also into the changes that might be beneficially made in its management, and I will go so far as to say that it ought to be carried on by professional men, and to be instituted as soon as possible, but the business should not be rushed. The men blamable for the late accident ought not to find themselves before two tribunals at the same time. If matters are to be studied in a truly judicial spirit, they must be approached deliberately and not in the heat of excited party feeling. What has to be kept in view is the best means of preventing the destruction of life and property in the future, not the fishing up of reasons why the control of the railways should be taken out of the hands of Parliament and placed in those of an irresponsible board. We have heard honorable members talk of the advantages derivable from the appointment of irresponsible boards, but what are they able to do? Look at the Harbour Trust, what has that body managed to accomplish? Again, if we appoint an irresponsible railway board do we not hand over to them an enormous political power, which they would be more than human if they did not exercise? In fact, with the Lands department managed

by an irresponsible board composed of conservatives, and with the Education department in the same position, as well as a railway board, Parliament might be set aside altogether. The sooner we have the proper judicial inquiry I refer to the better, but the destruction of life and limb by a railway accident ought not to be made a reason for turning the Government out of office, unless it could be shown that they are guilty of not using the precautions against accident which they ought to have used.

Mr. McKEAN.—Sir, I gather from the tone of the discussion that there is a strong desire that an inquiry into the condition and management of the Railway department should be held contemporaneously with the coroner's inquest into the cause of the late fatal accident at Hawthorn. If that is really the general feeling, I beg to recommend the Government not to lose an instant in employing half-a-dozen of the best detectives procurable to look up particulars in connexion with the subject to be inquired into, and also that, in view of the legal actions that will be brought, the best legal talent of the colony should be secured on the side of the Crown. So much depends in such affairs upon the nature of the evidence offered and the manner in which it is put before the court. But apart from that view, I think a searching inquiry, by say a departmental board, into every matter arising out of the late accident, ought to be made by the Government in such a way that no time would be lost in placing the result of their investigation before us.

Mr. L. L. SMITH.—That the Government have promised shall be done.

Mr. McKEAN.—Then I don't see the ground for this indirect motion of want of confidence. Are the proceedings of Parliament to be delayed simply because certain honorable members want to raise difficulties in the way of the Ministry with the view of embarrassing them? If those honorable members aim at seizing the Treasury bench, I say let them seek to achieve their purpose by a direct method. Let them boldly ask the House to carry a motion openly condemnatory of the Government. I don't like to see matters affecting the interests of the whole country dealt with by a side-wind. When a political party in this Chamber attacks the Administration of the day in order to oust them from office, it ought to exhibit at least some candour and straightforwardness. I urge honorable members not to bring the public business of the colony to a full stop

by means which will simply give extra weight to the demands for compensation that will be set up in connexion with the Hawthorn accident, not only by those actually injured, but also by schemers who will pretend to have suffered from it. In the first place, the really injured will be encouraged to enlarge their claims; and, secondly, the passengers who were in no way injured will be tempted to indulge in the misrepresentations that were so successful in connexion with the Jolimont accident. It is notorious that several of those who got verdicts against the Government on the latter account ceased, directly they received their money, to show the smallest sign of ill-health. In one case of the kind, a party who had obtained compensation admitted to me that he had sustained no injury whatever. I ask the honorable member for North Melbourne (Mr. Munro) to seriously reflect upon the possible consequences of his motion if he persists in carrying it further. It will mean delaying public business for a little longer than this evening.

Mr. MUNRO.—Why you told me not long since that you would support such a motion.

Mr. McKEAN.—I don't hesitate to say that, if I saw in the House the material of which a better Ministry could be made, I would go in at once for turning out the present Ministry. I would also do the same thing if I thought my action would result in a dissolution, because I would be very glad to see the House dissolved. It must, however, always be a question which side a dissolution would favour. Those who go in too hurriedly for an appeal to the constituencies are apt to get what they don't want. A complete illustration of that sort of thing has been recently afforded in New South Wales. Sir Henry Parkes was too quick in going to the country. Had he waited there would have been a reaction in his favour, but as matters stand he finds himself in a minority, and the other party will come in. If the motion of the honorable member for North Melbourne succeeds—I don't believe it will—what will be the result? Supposing the electors are appealed to, what will they say? May we not hear on every hand that the Government have brought in a Bill for the better management of the railways, and also that the Minister of Railways had no more to do with the Hawthorn accident than the Postmaster-General had to do with the late post-office robbery? Do we not all know that railway accidents constitute something that is necessarily attendant upon modern

civilization, and also that they are inconceivably less productive of injury to life and limb—taking the average of cases—than the accidents that happen with coaches, cabs, buggies, and other vehicles? I ask honorable members generally to reflect seriously upon what I have pointed out to them, and also upon the harm that will arise from delaying the consideration of the Estimates, stopping the progress of the Railway Bill elsewhere, and interfering with the progress of affairs in a variety of ways. I ought also to mention how the action of the House may affect the feelings of the juries that will be empanelled to try the compensation cases, and induce them to award greater damages than they ought to do. As for the discussion indulged in this evening, it is inopportune, ill-advised, and it ought to cease.

Mr. BENT.—Sir, I would not have said anything on this occasion but that there are one or two matters regarding which I think the House would like to have some information. The Jolimont embankment was referred to on Tuesday evening by the honorable member for Rodney (Mr. Gillies) and the honorable member for East Melbourne (Mr. Walsh), and on the following morning I sent a memo. to the Engineer of Existing Lines on the subject. To-day I received the following reply:—

“Memo. in reply to the minute of the honorable the Minister of yesterday’s date:—1st. I have carefully examined the Jolimont embankment, which is perfectly safe. The water against the embankment causes it to consolidate sooner than it would otherwise have done, but precautions are taken to preserve the levels of the permanent way, and, as the bank has been widened by stiff clay and shale from the cuttings on the south suburban lines, there is no danger of the sand filling, which was put in place of the bridge in the line of Gisborne-street, being washed away. The water level on the upper or northern side of the embankment is only 2 feet 3 inches higher than that on the south side. I have taken steps to bring the water across from north to south by syphon, but it cannot be lowered below the water level in the Yarra, which is the outlet. I have communicated with the city surveyor with a view of draining the water from the side cutting pits on the south of the embankment by a culvert or pipe drain through the reserve near the corporation baths. It is intended to fill up the low ground on the north side of the railway to the level of the present embankment and to utilize the space for sidings, which are required in connexion with the Prince’s-bridge station.”

I also instructed Mr. Greene to have a special examination made of all the bridges, because, as honorable members are aware, there was a heavy flood on Tuesday which might have caused some damage. On this subject Mr. Greene states—

“An examination of the bridges and works is made daily by each foreman of platelayers, besides a frequent periodical examination by

skilled inspectors of works in accordance with rules and special instructions; and in view of the possible damage to the line by local storms, I asked the Engineer of Maintenance to address circulars to the district inspectors, of which I attach copies. I believe all reasonable precautions are taken against accidents to the permanent way through the failure of works.”

The honorable member for Geelong (Mr. Berry) referred to the time-tables not having been delivered until the morning of the 2nd inst., and I therefore requested the Traffic Manager to inform me of the exact dates. His reply is that the service time-tables for the south suburban lines were sent on the 30th November, and typographical copies of the special time-table were sent to the stations all the way to Hawthorn on the 29th, and to the stations beyond Hawthorn on the 1st.

Mr. BERRY.—They should have been sent a week before.

Mr. BENT.—Perhaps a month? With regard to the motion which the honorable member for North Melbourne (Mr. Munro) has given notice of, I have not the slightest doubt that it was intended before to-night to bring it forward as a motion of want of confidence. The honorable member for Geelong, the honorable member for North Melbourne, the honorable member for Creswick (Mr. Richardson), and the honorable member for Ballarat West (Major Smith) are all “in it.”

Mr. BERRY.—That is perfectly untrue.

Mr. MUNRO.—You could easily get out of the difficulty by letting the motion go.

Mr. BENT.—I am perfectly indifferent to the result of the motion. I may state, however, for the information of the House that I had a consultation with the officers of the department this morning, and that I decided to recommend my colleagues to appoint an independent board next Monday to make a searching investigation into the whole of this affair. That information will be found in this evening’s papers, so that it cannot be said I took that course in consequence of the motion of the honorable member for North Melbourne.

Mr. ZOx.—Why did you not say that?

Mr. BENT.—The Premier was asked to reply to the question of the honorable member for North Melbourne the moment he entered the chamber, and before he had any opportunity of consulting with his colleagues.

Mr. BERRY.—You were here, and had an opportunity of speaking.

Mr. RICHARDSON.—Do you want a victory for yourself personally?

Mr. BENT.—I court the fullest investigation. I am not charged in connexion with

this affair. At all events, there has been only one man in this House—shall I call him a man?—who made any charge against me personally, but can that honorable member look me in the face and say, apart from all party considerations, that I am to blame?

Major SMITH.—There has been official blundering somewhere, and you are responsible.

Mr. BENT.—There may have been official blundering, yet no honorable member was justified in saying to me what the honorable member for Ballarat West did. I can understand the Opposition desiring to oust the Government on a fair issue—no one would blame them for that—but I cannot understand an unfortunate occurrence of this kind being selected as a subject for attack. Talk about “the hart panting for the water-brook,” why the honorable member for Ballarat West, week after week, has been saying—“We will have them out soon.” Certainly, however, I have no reason to complain of the honorable member when I remember that he has not said half as many hard things against me as he did against his own colleague, the honorable member for Castlemaine (Mr. Patterson). I repeat that I court inquiry, and the best proof of that is that I have arranged to ask my colleagues to appoint an independent board. Why should I fear an inquiry? Even supposing the present system of railway management is bad, am I to blame for it? I refuse to take the matter in a personal light at all. The honorable member for Ballarat West referred to the appointments I have made, but not one of the officers who is charged in connexion with this matter was appointed by me.

Major SMITH.—You put a new man, Mr. Moore, from another part of the colony in charge of the line.

Mr. BENT.—The honorable member is wrong once more. The Inspector of Trains, Mr. Gill, has been in the Hobson's Bay Railway department ever since it was initiated, I believe.

Mr. LANGRIDGE.—Is not Mr. Moore over him?

Mr. BENT.—Mr. Moore is the Traffic Superintendent, and, although I don't know him, I am informed that he is one of the best officers in the department. I am told that he was formerly the respected station-master at Ballarat West, and he has been in the service for many years. I am surprised at the honorable member for Ballarat West talking thus about appointments when he himself the other night complained that the officers of the Education department

were complaining about the whole lists of appointments he made when he was in office. Let me tell the honorable member that there is such a thing as indecent haste in trying to get on to the Treasury bench. It is admitted that if the blame of this sad affair is sheeted home to any one it means manslaughter, and, if that is the case, are these people to have two trials at the same time? Then how can the witnesses be in two places at once? If all that is wanted is an inquiry, the motion that has been tabled should be withdrawn.

Mr. MUNRO.—Not a bit of it.

Mr. BENT.—I never thought it would be. Honorable members will not come to a vote on the Land Bill, yet they make use of this melancholy occurrence to get up an attack on the Treasury bench. I make them a present of all the honour and emoluments they will get out of such a proceeding—using a dead man's body to step into office. If all that is wanted is a fair and impartial inquiry, the Premier has already stated that such an inquiry will be held.

Major SMITH.—We do not want a board that you will appoint.

Mr. BENT.—All the appointments by this Government have been the best ever made in the colony, from the judges downwards. They were made irrespective of creed, party, or colour. I would remind the honorable member for Ballarat West that it was during the régime of his late colleague, the honorable member for Castlemaine, the officer was appointed under whose charge the railways were when the Jolimont accident occurred.

Mr. PATTERSON.—The accident occurred in your time.

Mr. BENT.—If I ran down the tires of the carriage wheels in nine weeks, I must have been very clever. I say, if a political fight is to take place, let it be upon some principle—upon some fair issue. This is not an attack on the Government; some gentlemen simply want to make a personal attack upon myself. I have no wish to enter into a discussion of the question at this stage, and I will avoid saying anything about the accident until the proper time, but I would be sorry to allow it to be said without contradiction that the Government had refused an inquiry, when the fact is that a searching investigation is to be held—an inquiry which I arranged to recommend to my colleagues before this motion was brought forward to-day. The fact is that some honorable members on the opposition side of the House do not want to do any work.

Dr. QUICK.—This House is not fit to do any work.

Mr. BENT.—I looked forward to the passing of the Land Bill, the Water Conservation Act Amendment Bill, and the Estimates before Christmas. I must say that I never heard of a more un-English proceeding than the tabling of the motion of the honorable member for North Melbourne at a time when a number of men are practically on their trial before a judicial tribunal. Although in England the Board of Trade holds inquiries on accidents of this kind, the inquiry is invariably postponed until after the coroner's inquest. The proceeding of the honorable member for North Melbourne is contrary to all good feeling, and I can hardly understand it being supported in any British community. The least the honorable member can do for his own credit is to withdraw the motion.

Mr. MUNRO.—I could not think of it.

Mr. BENT.—I am only speaking for the honorable member's own credit and for the sake of the Opposition. I have no fear of the result. I know there are some gentlemen on that side of the House who will not follow him in such a motion.

Mr. BERRY.—Then the sooner we know them the better.

Mr. BENT.—The honorable member has let the secret out. It is admitted that this is a political move made over a deplorable railway accident. Under such circumstances, what inquiry and what evidence would affect the decision of the honorable members who are taking part in this matter? They are determined to vote against the Government, right or wrong. This is made purely a matter of politics.

Major SMITH.—What else are we here for but politics?

Mr. BENT.—But let us have fair and honorable politics. I make the honorable member a present of such politics as this. The public will now be able to value at its true worth the sympathy of the three honorable members who are taking the most prominent part in this affair. They do not care for the poor sufferers by this melancholy accident; they are simply making an attempt to get on the Treasury bench, and wish to provoke a debate which can only become a political wrangle. This is what honorable members call "policy."

Major SMITH.—Our policy is to prevent railway accidents in the future.

Mr. BENT.—The honorable member's object is to get on the Treasury train, and to prevent accidents to himself. But I may

tell the honorable member that he is not "in it." I trust that, when the motion comes on, there will be a sufficient instinct of fair play among honorable members to cause them to decide that nothing shall be done until the coroner's inquest is over.

Mr. PEARSON.—Sir, as Ministers have attempted to show that there is something contrary to practice in moving for a select committee upon an administrative casualty of this kind, it is important to inquire what has been the practice of the Imperial Government on such matters, and I have found two or three cases which bear distinctly on the question. In 1855, when the people of England were shocked by the news that hundreds of men were dying in the Crimea, although the management of the army and navy was a matter peculiarly belonging to the Crown, as a special privilege Mr. Roebuck moved in the House of Commons for a select committee to inquire into it.

Mr. GRANT.—Was there a coroner's inquest being held?

Mr. PEARSON.—Lord John Russell did not shelter himself under the plea that court martials might be proceeding on generals, or departmental boards on officers. He wrote to the Premier, Lord Aberdeen, that he did not see how such a demand for inquiry could be resisted. When the Government did attempt to resist it, they were beaten by two to one, and the Ministry had to be reconstructed. I would remind the House, too, that there is no time when the Imperial Parliament is more reluctant to interfere with the Government, or to bring about a change in the Administration, than in time of war; yet it did not shrink on that occasion, but did its duty manfully. Then, in 1870, when a great ship of war sank suddenly, a board was appointed to inquire into the occurrence; and that board, composed of admirals and captains, brought up a report censuring Parliament itself. Does any one think that a coroner's inquest can sheet home responsibility to responsible Ministers of the Crown or Parliament? In the following year, when the *Megara* was sent out so badly provided and so thin that she was ultimately run ashore on St. Paul's Island, an inquiry was held, presided over by Lord Lawrence, which reported that Sir Spencer Robinson and some other officials of the highest position were to blame. That is the kind of inquiry we want—an inquiry that will sheet home the responsibility to its proper source—but, instead of it being granted, we are told to wait

patiently until the coroner's inquest is over, or until a board has assessed the claims for compensation.

Mr. GRANT.—No one says that.

Mr. PEARSON.—That is the kind of board mentioned in the evening papers to which the Minister of Railways referred. The Ministry are jesting with a terrible subject. Who can tell when the coroner's inquest will cease? There has been already one victim, and there may be others. Reference has been made to the Jolimont accident. This House neglected its duty on that occasion, and left it to the other Chamber to perform. The other House is not able to speak with such authority as the Assembly, but it drafted two recommendations, which, if they had been carried out, would have prevented such an accident as occurred at Hawthorn. Those recommendations, however, were disregarded by the Minister, and, if there were no other reason than that, the House should insist upon having a select committee. It is not merely the Minister of Railways or the Administration who are on their trial, but this House itself.

Mr. FRASER.—I desire to know from the Attorney-General whether it is true that the coroner adjourned the inquest for the time he did in consequence of pressure from the department?

Sir B. O'LOGHLEN.—Certainly not.

Mr. FISHER.—Sir, I regret exceedingly that this question should be before the House. I think there was not the slightest necessity for the motion of the honorable member for North Melbourne (Mr. Munro) in the way in which he has submitted it. What is the *raison d'être* of the motion? I could have understood it if the Government had said "We will have no inquiry," but they have said nothing of the kind. On the contrary, I understood from the Premier that there was to be a full inquiry at the proper time. I agree with him that this is not the proper time for such an inquiry. I think it would be most improper to have an inquiry just now if the public are in the heated state they are represented to be in; although the fact that, according to the newspapers, only 270 persons have signed the requisition to the Mayor of Melbourne for a public meeting does not go to show that there is much public excitement on the subject. An inquiry held hot upon a disaster of this kind would be more like a Lynch trial in America than a calm and judicial investigation before a judge and jury. I am inclined to agree with those who think that an

inquiry should be conducted by members of this House—I think this House should part with as few of its privileges as possible—but there is a time for everything, and certainly the inquiry should not be held until at least there has been another day of the coroner's inquest. I would not say that the House should wait for the termination of the inquest if it is likely to last over a considerable time, but we ought at least to wait until after the next day on which the coroner's jury sit. I have no doubt that on that day the main body of the evidence will be given, and the House and the country will then be able to judge from sworn testimony what are the real facts in connexion with the sad disaster. I trust that the House will not rush into extremes, as it seems to be the desire of some honorable members to do. If the motion for an inquiry be pushed on hurriedly, the public will be disposed to say that some honorable members are not above seizing upon the unfortunate accident which has occurred in order to make it a peg on which to hang some advancement for themselves. I shall regret if the public have the opportunity of saying anything of the kind. Why cannot honorable members wait for a week? What special necessity is there to hurry on an inquiry at the present moment? As has been already stated, there have been other accidents on the railways besides the one at Hawthorn. Some time ago, there was an accident at Beaufort, in which a time-table played a very prominent part. I remember having a motion on the notice-paper for many months in regard to the time-table used on the occasion of that accident, but I never had the opportunity of proposing the motion. I do not know that it is in the power of this House, or of any board, or of the most capable men in the world to so manage our railways as always to avoid any accident. At all events, I do not think this is the occasion for bringing forward such a motion as that of which the honorable member for North Melbourne has given notice. The object of the motion seems to be to dislodge the Ministry from the Treasury bench, in order that other honorable members may take their place. If that is the object of those honorable members who are anxious to push on the motion, I would say to them—If you wish to eject the Ministry, choose anything but the subject of this disaster for that purpose; do not mix up a terrible railway accident with your aspirations for office. I would join with honorable members in ejecting the Ministry on any legitimate grounds, but, seeing that

the Government have not refused an inquiry into the cause of the accident, I cannot support a motion of this description when it is brought forward for the purpose of effecting a change of Ministry. Perch, the messenger, in *Dombey and Son*, was always ready to rejoice in the misfortunes and disasters of the firm, for the greater the troubles which befel them the more comforts he enjoyed; and, in the same way, this railway disaster appears to be a perfect godsend to certain members of this House.

Sir C. MAC MAHON.—Mr. Speaker, the honorable member for Mandurang (Mr. Fisher) concluded his address with some remarks which I do not think at all becoming when discussing such a serious subject as the one now before the House. Were the Hawthorn accident the first accident that had occurred on the suburban railways, the honorable member might be correct in saying that it should not be made a ground for assailing the Government, or any member of the Government, but it must be remembered that for several weeks past we have been engaged in discussing a Bill for increasing the railway system of the colony to an extent which many honorable members believe that it will be impossible for the Government to work under existing circumstances, and that we have also been discussing a Bill for the construction of tramways. During the discussion of these measures it has been shown that the Government want to retain a large portion of the controlling power over all modes of conveyance, but it will be impossible for them ever to exercise it satisfactorily to the country. The purchase of the Hobson's Bay Company's railways was one of the greatest mistakes that a Government ever committed. I have always maintained that it is out of the power of any Government, considering the influences which are brought to bear upon them, to successfully work suburban railways in opposition to the cabs and omnibuses, and I think that time has shown this to be the case. I will now say something which, had I stated it publicly at the time it occurred, would have materially increased the amount of the damages which had to be paid on account of the Jolimont railway accident. One month before that accident occurred I went to Mr. Elsdon, the then Engineer-in-Chief, who was associated with me in former days, when I was concerned in the working of one of the suburban lines, and I told him the great danger he was incurring. I said to him—“You have undertaken more than you are capable of performing; take my advice;

get a first-class man to manage the south suburban traffic.” I even mentioned the name of a man who could do the work, though he was not in this colony. I further said to Mr. Elsdon—“If I were you I would rather confine myself to the rest of the railways than have the working of those very dangerous lines; drop all professional jealousy; don't want to be the ‘boss’ of everything, but get a man who will take the responsibility of working the south suburban traffic.” Mr. Elsdon said—“What is your idea?” I replied—“If you don't take my advice, within one month you will have a big accident.” He asked—“What from?” and I answered—“Deficient rolling-stock, imperfect engines, imperfect rails, and the running of express trains.” I gave this information to Mr. Elsdon. I told him that an accident must inevitably happen unless other arrangements were made. I have myself seen a Brighton train start half-an-hour late, and what was the cause of it being late? The shunting of 30 cattle trucks from Gippsland, with an engine pushing them instead of drawing them, and causing the whole station to be blocked. You cannot get the right class of men to employ on the railways trained for their work in a moment; but matters in connexion with the railways have been going from bad to worse. I must do the Minister of Railways the justice to say that he has shown an energy and activity which very few men in his position would exhibit, but his energy and activity have been misdirected. The honorable gentleman has taken upon himself to meddle with every trifling detail, to interfere with every station-master, porter, and other official—in fact, to believe himself to be the grand boss of the world in railway management. He has settled the site of a station in two minutes, when the local residents have been unable to agree upon it after weeks of discussion. Is all this honest management, for the benefit of the public at large, or is it political management? Has not the Minister virtually said to honorable members—“Keep us in office, and we will give you what you want, and what otherwise you cannot get”? Does not his action mean—“Keep us in office, and we will put your friends in billets”? I am a constant traveller on one or two railway lines, and I have seen the effects of political patronage. When parents become too old to look for any position themselves, their boys are taken into the service. Boys of all sorts have been put into important positions. At the Spencer-street station you will find a lot of boys

utterly ignorant of the duties they have to attend to. I have seen a crowd of several hundred persons who have come from Williamstown, and one boy at a gate trying to keep the people back, and pretending to check the tickets, though it was utterly impossible that he could do so. This has taken place under the nose of the Minister of Railways, and under the noses of the station-masters, whom I never see attending to their duties. Under these circumstances, is it any wonder that such an accident as that which has recently happened should occur? The members of this House are the owners of the railways for the time being—they are the representatives of the shareholders—and they have a right to demand an inquiry into the cause of the disaster, even though it should lead to the resignation of the Government.

Sir B. O'LOGHLEN.—An inquiry has not been refused.

Sir C. MAC MAHON.—I understand that the Premier regards the motion of the honorable member for North Melbourne (Mr. Munro) as one of want of confidence, and that he has therefore moved the adjournment of the House.

Sir B. O'LOGHLEN.—I will explain. The honorable member for North Melbourne (Mr. Munro) asked that precedence should be given to his motion over all other business. I stated various reasons why it would be unadvisable at the present moment to appoint a committee of inquiry. I said that an investigation might shortly take place, but that the proper time to make it was not whilst the coroner's inquest is going on, and whilst the public mind is in a state of excitement. The honorable member for Geelong (Mr. Berry) was not satisfied with that reply, and he suggested a particular course to the honorable member for North Melbourne, namely, that he should give notice of a motion of want of confidence in the Government. The honorable member adopted that suggestion, and I asked the leader of the Opposition if he endorsed the action, and the honorable member for Geelong said he did. I subsequently stated that the Government could not submit to have the order of business dictated by the Opposition, and I accepted the action of the honorable member for North Melbourne as a motion of want of confidence, and accordingly moved the adjournment of the House. I have, however, stated all along that the Government are perfectly willing that an inquiry shall take place.

Sir C. MAC MAHON.—I understand the Premier to admit that my statement is

correct. The honorable gentleman has proposed the adjournment of the House because he accepts the motion of the honorable member for North Melbourne as one of no-confidence. It appears to me that some members think that God Almighty has interfered in this case, and brought about a railway accident. Is it to be said that a Land Bill or some other rubbish is to intervene to prevent an inquiry? Are we to allow our people to be slaughtered without having a proper investigation of the matter? Such a thing could not possibly happen if the railways belonged to a private company, and it should not be allowed to be the case here. In the first place, this accident is not the first by several that has occurred, and, in the second place, honorable members are in reality the representatives of the shareholders in the concern. It is admitted that the Jolimont accident could have been avoided, and, in dealing with it and its results, no proper course was adopted. All sorts of fiddling experiments were made. Instead of a proper body being appointed to inquire into the matter and to assess the compensation to be paid, the courts of law were appealed to, and bargains were made which were utterly discreditable to the Government. Is this kind of thing to be repeated to a much greater extent? Is it not time for the House to step in and insist on an inquiry, not merely to discover who is to blame for the accident, but also to ascertain whether the system of railway administration and management is right or wrong. I think that the system is altogether wrong.

Mr. McKEAN.—The Government think so too.

Sir C. MAC MAHON.—I cannot understand the position of the Government. They have brought in a Bill to provide for the better management of the railways, but it is in the nature of a Bill to make the system more political. The political patronage, which has been the great evil of the system in the past, is to be extended. Can we imagine any private commercial establishment being conducted on such principles? The honorable member for Rodney (Mr. Gillies) stated the other night that a certain circular was issued by the Minister of Railways.

Mr. L. L. SMITH.—That was contradicted.

Sir C. MAC MAHON.—Supposing I prove that the statement is true, what will be the result? Will the Government take the responsibility and resign? There is no answer. Then that shows in what way patronage has been exercised. There is

scarcely a man appointed in the Railway department without a note to the political head from some Member of Parliament or from some influential person connected with a constituency. I don't think that this state of things can be ascribed wholly to the present Minister of Railways. He has merely improved vastly upon what his predecessors have done. We can all see that most of his time is spent on the other side of the House. We are not so blind as not to see what is going on. It would not be right, however, to blame the honorable gentleman individually for all that has taken place. His great fault has been that he has been too anxious to move about, to see everything, to do everything, and to imagine he knows everything, instead of quietly looking after the official management of the department. There is, indeed too much running about done by all Ministers. I hope that this melancholy accident will teach them that they ought to confine themselves to the administration of their department, instead of running about the country, touting, and receiving deputations from municipal councils and other bodies with the view of securing a majority at the next election. There is too much struggling for political place and power. A large number of honorable members, however, are interested in obtaining something for their friends rather than in obtaining something for themselves. This is putting the matter plainly. The remarks I have made point to the curse of the Government service—political patronage.

Mr. BENT.—You were called a corrupt Speaker, and you did not like it.

Sir C. MAC MAHON.—That is true ; but I cannot understand the interjection coming from a man who was the first to take up my cause, and denounce those who made the statement against me. Is that a good hit ?

Mr. BENT.—I did not say that my remark was a good hit, but I will call the honorable member's attention to the fact that he has repeated the statement that I sent round a circular amongst members of the Opposition. I deny the statement, and I challenge the honorable member to prove that I issued any such circular.

Sir C. MAC MAHON.—Assuming that I do prove it, what will be the result ? Will the Government go out of office ?

Mr. McKEAN.—That is an Irish way of answering a question.

Sir C. MAC MAHON.—It may be an Irish way, but it is a very good one. This House

has been to a great extent to blame for many years for the evils connected with political patronage, and those evils have not been confined to the Railway department. I will do the honorable member for Castlemaine (Mr. Patterson) the justice to say that he attempted to free the Railway department from political patronage, although he may have been a little injudicious in the manner in which he attempted to do so. He, however, was the first Minister who endeavoured to deprive the Railway department of the exercise of political patronage, though I think he unfortunately went the wrong way about it. I would ask the Premier to reconsider his objection to an inquiry into the cause of the accident being made by this House before the coroner's inquest is over. A coroner's jury, as we all know, are the passers by summoned by a constable to inquire into the cause of death. Is it to be supposed that they are so superior to honorable members that the House is to wait for a verdict before ordering an inquiry ?

Mr. GRANT.—That is not the ground of the objection.

Sir C. MAC MAHON.—It may not be ; but if the Premier would take my advice he would see that we are bound, as representatives of the people, to vote for an inquiry being held, to show that we are prepared to have the matter investigated.

Mr. A. T. CLARK.—Sir, the honorable member for West Melbourne (Sir C. Mac Mahon) has shown the inconsistency of the conservative party by advocating that the railways should be taken from the control of the State and placed in charge of an irresponsible board. Formerly they advocated that the State should have the control of the whole of the railways in the country.

Sir C. MAC MAHON.—I never did.

Mr. A. T. CLARK.—At all events, the party to which the honorable member belongs forced on the Government the purchase of the railways of a private company. They said that the State ought to own all the railways. The honorable member and his party are now particularly anxious that the railways shall pass out of the hands of the State—that they shall either be leased, or that an irresponsible board shall be created to manage them. The honorable member, and those who agree with him in wishing that the control over the railways shall be taken out of the hands of Parliament and of a responsible Minister, ought to recollect that, in the old country, each railway is managed by a board, and that over all the railway boards there is a central board,

namely, the Board of Trade. In England, railway accidents occur almost daily, but does the House of Commons cry out, every time one happens, that the railway boards are not fit to manage the lines? It is childish nonsense for the honorable member for West Melbourne and his friends to tell the public that, because one twopenny-halfpenny accident occurs on our railways, it is necessary to create all this fuss and furore. ("Oh!") I say that the late disaster was a twopenny-halfpenny accident in comparison with the accidents which occur almost daily in the old country. Never before in our history was an attempt of this sort made by a side-wind to appoint a committee not to inquire into the cause of the late accident, but to sheet home to the Government the fact that they have failed in their administrative capacity. A political attempt is being made to use the accident as a lever to oust the Government. Is that honest? I am prepared to vote against the Government if the honorable member for North Melbourne (Mr. Munro) will have the courage of his opinions, and submit a general motion declaring that this House has no confidence in the Ministry.

Mr. PATTERSON.—You are not.

Mr. A. T. CLARK.—I am, and I will stake my character against that of the honorable member for Castlemaine (Mr. Patterson). When I go to the country it will not be with the honorable member.

Dr. QUICK.—You are speaking rot.

The SPEAKER.—The phrase is unparliamentary, and the honorable and learned member must, therefore, withdraw it, and express regret for having used it.

Dr. QUICK.—Mr. Speaker, if you consider the remark unparliamentary, I will withdraw it.

The SPEAKER.—The honorable and learned member must express his regret for having used the term.

Dr. QUICK.—Well, I regret having used it.

Mr. A. T. CLARK.—No threat, from whatever quarter it may come, will intimidate me from doing what I consider my duty, and expressing my own opinion. I will not be forced into voting for a motion of no confidence on a pretext which cannot be justified. A great deal of blame has been attempted to be thrown on the Minister of Railways in connexion with this accident, but surely honorable members ought to be fair to one another. The Minister of Railways had no more to do with the accident than I had. I have been astonished to

hear honorable members who hold the same political views that I do, advocate that men should be brought out from home to manage the railways. I believe in the motto, "Australia for the Australians," and I think that there are men in this colony with sufficient brains, intelligence, and ability to manage our railways. The Victorian railways will compare favorably with any railways in the world. I venture to say that there are 50 per cent. less accidents on our lines than on those of any other country. Accidents will occur occasionally, however carefully railways may be managed. No one regrets the late accident more than I do, but I will be no party to oust the Government by a side-wind. Neither the Minister of Railways nor any other Minister is in the smallest degree responsible for the accident. Though the present occupants of the Treasury bench acted unfairly to the late Government, that is no reason why we should be unfair to them. The way in which the honorable member for North Melbourne is attempting to oust the Ministry is unworthy of him. I think they ought to be out of office, and I repeat that I will assist the honorable member if he will attempt to eject them in a straightforward manner. If this House wants purifying, as some honorable members have said it does, let it be dissolved. I hope, however, that we shall go to the country not on a side-issue—not a question of broken bones and mangled bodies—but simply on the education question.

Mr. GRAVES.—Sir, I think this matter has gone far beyond what it ought to have done. No one deploras the late accident more than the members of the Government, and for my part I would leave any Ministry that refused the fullest and the most searching investigation into the cause of the disaster; but I think that the inquiry should take place at the proper time, and when things are ripe for it. The honorable member for Castlemaine (Mr. Pearson) has referred to the appointment by the House of Commons, in 1855, of a select committee to inquire into the cause of certain deaths in the Crimea. The appointment of that committee was quite justifiable, and the Legislative Assembly of Victoria would not refuse to appoint a committee under similar circumstances, but there is no parallel between that case and the present. The honorable member for North Melbourne (Mr. Munro) asks that a committee shall be appointed to inquire into and report upon the management of the Railway department, and specially to report "on the whole circumstances relating to

the recent disastrous occurrences at Hawthorn." Now what are the facts? At the present time a coroner's jury is holding an inquiry into the "disastrous occurrences at Hawthorn." The coroner is the representative of the Queen; he issues his warrant and summons a jury; the jury are empanelled, and witnesses are examined before them on oath. There can be no better constituted tribunal than a coroner's jury, and it would be highly irregular and improper for a committee of this House to intervene while the inquiry before the coroner is proceeding. A committee of this House has no power to examine witnesses on oath, and yet it is proposed that a committee shall take irresponsible evidence, which may affect the lives and liberties of some of Her Majesty's subjects, during the very time that the same witnesses are being examined before a properly constituted court. A coroner's jury is one of the highest tribunals in the land, and on this point I will read the following from *Baker on the Office of Coroner* :—

"The coroner's jury appears to me to be of far greater importance than any other, because the investigation is conducted before a judicial officer in open court by the oaths of at least twelve men (and being a grand jury there may be, and in cases of importance, sometimes are as many as 23) and they are bound to hear evidence on all sides, both for and against any person who may be suspected, and they are consequently the most likely to form a correct judgment on the matter before them."

I submit that it would not be proper—indeed it would be un-English and unmanly—for a committee of this House, however able the members of it might be, to intervene in the present case before the coroner's jury has completed its judicial investigation. In conclusion, I repeat that I would resign office immediately if this Ministry were to refuse to grant the most searching inquiry at the earliest possible date, which is when the coroner's jury have found a verdict on the case now before them.

Mr. DEAKIN.—Sir, the last speaker would have improved his argument if he had not resorted to those personalities of which we have had too many from the Treasury bench this evening. Whatever may or may not be the motives of those who support the motion of which the honorable member for North Melbourne (Mr. Munro) has given notice, this is not the time to discuss the motion as it has been discussed. An attempt has been made to raise a discussion upon it by a side-wind. In consequence of the Government declining to allow the motion to be dealt with and settled this evening, we have had an informal discussion of which nothing can

come, with the effect possibly of robbing the discussion of next Tuesday of part of its force and meaning. That is unfair. Without prejudging the case in any way, I would like to point out that only since this motion has been tabled have the Government become enamoured of inquiry. When the honorable member for North Melbourne first put his question, it was couched in the most polite and most gentlemanly manner. No one could have thought from that question that there was any idea of making the motion one of no confidence in the Government. But what was the answer the honorable member received? Why that an inquiry might take place after the Christmas recess. And what were we led incidentally to suppose the body to undertake that inquiry would be? The motion of the honorable member for North Melbourne is that this House shall elect, by ballot from its members, five gentlemen whom the majority consider best fitted to undertake the inquiry; and what have the Government to dread from an investigation conducted by a committee which they themselves are sure of returning?

Sir B. O'LOGHLEN.—We entertain no dread.

Mr. DEAKIN.—The inquiry must be dreaded if it is to be postponed until after Christmas.

Sir B. O'LOGHLEN.—We only claim fair play for those who are accused.

Mr. DEAKIN.—Then the Ministry led us by implication to understand that the inquiry, when undertaken, would be undertaken by a number of gentlemen nominated by themselves; and we know by the Education Commission, and other commissions and boards, what chance honorable gentlemen on this (the opposition) side have of obtaining the impartial jury they require. If the Ministry, even now, were to guarantee that an inquiry by an impartial board should be commenced immediately, honorable members on this side would be perfectly satisfied. Nothing more than a full and impartial inquiry is sought for by the motion. As a last resource, the honorable member for North Melbourne has been compelled to make the motion a motion of want of confidence, simply that it may have precedence next Tuesday, the Government having refused to give it precedence to-night. Will any one who reads the terms of the motion venture to say that the inquiry it seeks would, in the slightest degree, interfere with the proceedings of the coroner's jury? Not in the slightest. The object of the coroner's inquest is to ascertain the

cause of death of one man. But the inquiry contemplated by the motion is one infinitely broader—it goes into the whole management of the Railway department. To say that such an inquiry is un-English is most preposterous. Why the preliminary investigations of the committee would occupy much longer time than would be necessary for the coroner's jury to bring in its verdict. The coroner's jury would, in all probability, have done its work before the committee commenced taking evidence. If the Ministry are sincere in their repeated protestations about their desire for investigation, why have they not put before the House some definite proposal for inquiry? We have been promised a searching and full inquiry, but we know by experience that the construction put on such terms by honorable members on the Ministerial side and the construction we put are different things. We require some guarantee as to the body that will be appointed to make inquiry, from whom it will be chosen, the scope and tenor of the inquiry, and when it will be commenced. We have not the slightest information on these subjects. Even after the motion has been turned into a motion of want of confidence, the Ministry state that the plan of the honorable member for North Melbourne is not their plan. We have before us only one definite proposition—the proposition of the honorable member for North Melbourne. If that is rejected we shall be left absolutely at sea; Ministers, and not Parliament, will be the masters of the situation; they will be able to do exactly as they please in selecting the persons to make the inquiry, and in directing its scope and tenor. But what satisfaction will this House have in an inquiry conducted in that manner? In the case of the Jolimont accident, this House neglected its duty. However, the other Chamber was alive to its responsibility, and appointed a committee of investigation. The finding of that committee is of the utmost value. Indeed, if the finding had been attended to by the Railway department, we would not have had to deplore the serious accident at Hawthorn. But our neglect of duty on that occasion is no reason why we should neglect our duty now. I have no doubt that the efforts to turn the motion into a political move may have influence with a certain number of persons; but that will not diminish by one tittle the interest which the community take in this matter. I tell the Ministry that they have entirely mistaken the feeling of town and country in taking the course they have.

Since the accident, the feeling which has universally prevailed is that somebody has blundered, and that it should be ascertained, in the earliest possible time, who the blunders are, so that there may be some security against danger. That is the one desire which fills every house in the country; and the Government ought to be the first to satisfy that very natural desire. If the result of the debate on Tuesday is to leave the supporters of the motion in a minority—what then? We shall have done all we desire. We shall have served our purpose. We shall have shown the country that we have been true to the demands upon us—that we have appreciated the full meaning of the situation. More than that, we shall have the satisfaction of knowing that we have dragooned the Government into having an inquiry much more searching, and in much quicker time, than they would have had if we had taken no action. If we had sat supinely, they would have let the thing go by default. They cannot do that on this occasion, and for that state of things the country has the Opposition to thank. Whether the motion be carried or not, the inquiry must come now. Ministers may alter or vary the terms just as they please, they cannot escape an inquiry which will settle the question who is responsible for the accident upon the Hawthorn line. The motion will have another value. During this session, several propositions have been made which the Ministry, without need, have taken as motions of want of confidence; and on every occasion the Ministry have had the support not only of members on their own side of the House but of members on this (the opposition) side, who nevertheless have intimated that they are prepared to assist in putting out the Government whenever a straight issue is raised. But according to these gentlemen, there never is a straight issue. However, the division on the motion will show that gentlemen sit on this side of the House who do not necessarily share the views of the majority on this side. The only way in which the House can be sifted is by a series of divisions, which will show the country which way men's opinions tend far better than the particular seats they occupy. In conclusion, I desire to say that if the Government help the Opposition on Tuesday night, a division on the motion can be taken that night; and then we shall be able to proceed to that business about which the Ministry are so anxious. At the same time, if an inquiry into the most terrible railway accident that has ever happened in Victoria, with the view of protecting the

lives of the public in the future from such a massacre, be not business, I would like to know what business is.

Mr. MACGREGOR.—Mr. Speaker, I think I shall be able to show that there are two sides to this question, though I would not have risen to speak but for the remarks which fell from the honorable member for West Melbourne (Sir C. Mac Mahon). The honorable member declares that political patronage was the cause of the accident at Hawthorn. In reply to that, I say that Mr. Thompson, who is said to be the cause of the calamity, was appointed by the directors of the old Hobson's Bay Company—a board of commercial gentlemen. I know something of the proceedings of the company. I trained many of the young men who became employes of the company, and I can say that the health of those young men was seriously impaired in consequence of the wretched office accommodation which was provided for them. When the Hobson's Bay lines were purchased by the Government, at the instigation of the honorable member for North Melbourne (Mr. Munro), some of the carriages were not worth twopence. At that time, not only were there bad carriages but there were bad engines, the station accommodation was filthy, and everything was bad. In fact, the State acquired a bad bargain. Now I say that when the honorable member for Castlemaine (Mr. Patterson) appointed Mr. Elsdon to the position of Engineer-in-Chief, it was the duty of both Minister and Engineer-in-Chief to ascertain the condition of every line and every carriage. Did they do so? I trow not. Did they take steps to obtain a supply of new engines and carriages? No. I say that successive Ministers of Railways—Mr. Woods, Mr. Patterson, and Mr. Gillies—are all to blame for the imperfect condition of the rolling-stock which led to the Jolimont accident. Under the rule of the present Minister of Railways, great improvements have been effected at the Flinders-street station. The platforms, instead of being filthy and dirty, are now clean and tidy, the porters and other employes are civil, and trains are despatched to the minute. At Emerald Hill, and also at Albert Park, the detention of each train occupies only 15 seconds, which is found ample for passengers to alight, and other passengers to take their places. The fares between Melbourne and Emerald Hill have been so reduced that the working man can now have a monthly ticket for 5s., which means no more than one penny per journey. Of course the result of cheap fares is to

increase the number of the travelling public and so increase the railway revenue. I must give the late Minister of Railways credit for selecting a site for a railway station between Albert Park and St. Kilda, but to the present Minister is due the credit of erecting the station; and one result of providing that accommodation is that, at a sale of land in the locality which took place recently, the price realized was at the rate of something like £3,000 per acre. Is not this an evidence that the railways are being managed on the truest commercial principles? Honorable members talk of sending to England for experts to manage our railways, but that course I hold to be wholly unnecessary while such men as Mr. Mirls, Mr. Murray, and Mr. Anderson are in the employ of the Government. Men like these could form a board of experts, whose assistance would be invaluable to the Minister of Railways. I would like Mr. Murray to have the selection of 30 young men, whose ages should be between 21 and 30, who are acquainted with telegraphy, and the system of book-keeping required by the Railway department, who must be steady and sober, and whose chief duty should be to see that a train is not allowed to leave one station without the assurance that the line between it and the next station is clear. If such a corps were organized and employed, the risk of railway collision would be reduced to a minimum. Had a system of the kind been in force last week, the great calamity at Hawthorn would not have happened. I am an advocate for a searching inquiry into the circumstances connected with that disaster, but I think the coroner's inquest should be allowed to close first. If that course is not taken, some complication may occur, because it is quite within the limits of possibility for the coroner's jury to bring in a verdict of manslaughter. Certainly I would keep the two investigations apart. Let the one be finished first, and then as soon as the Ministry see their way, which probably they will do in a week or ten days, let them appoint a board to deal with the whole case.

Mr. WHEELER.—I think almost every member of the House admits that a searching inquiry should be made into the circumstances attending the Hawthorn accident. The Government, from the first, have shown a desire to appoint proper persons, at the proper time, to institute the inquiry. It has been assumed on the other side that the Government are unwilling to take action. But the Government have spoken out

plainly; indeed, one Minister has declared that he would leave the Government if inquiry were not to take place. What does the House want more than that? It appears to me that some honorable members in opposition are disposed to deal with the Ministry on the principle of hanging them first and trying them afterwards. The honorable member for Geelong (Mr. Berry), in one of those extraordinary rallying speeches which are so characteristic of him, insinuated that the Ministry were dealing with their Land Bill only in such a way as to kill time, as was shown by the fact that, last night, the debate on the second reading was adjourned in the middle of a Minister's speech. I say this statement is unfair, because it is calculated to mislead the public. I was present, last night, when the House rose, and witnessed what took place. At ten minutes past eleven o'clock, the Minister of Customs was addressing the House, when he was subjected to interjections and interruptions from the honorable member for Ballarat West (Major Smith) which almost prevented him speaking at all. It was under these circumstances, and in deference to honorable members, many of whom called out "Adjourn, adjourn," that the Minister of Customs moved the adjournment of the debate. In my opinion, the Ministry have shown every disposition to get on with the business of the country, but they have been thwarted in every direction. Here we are now close upon Christmas without the Estimates having been dealt with. Yet local bodies all over the colony are waiting for grants to enable them to carry out works before the winter sets in.

Mr. MUNRO.—The Government have never yet submitted the Estimates to the House.

Mr. WHEELER.—Honorable members in opposition have taken care that the Government should not have the opportunity. The Ministry have been beset by votes of want of confidence, and by "stonewalling." Why the honorable member for Collingwood (Mr. Mirams) has declared that the Land Bill shall never pass.

Mr. MIRAMS.—Nor shall it. I said that from the first.

Mr. WHEELER.—That is the kind of thing which the Ministry have had to submit to. The honorable member for West Bourke (Mr. Deakin) has made a clever speech, apparently with the object of paving the way for his party to beat a retreat; and they will have to beat a retreat.

Mr. MUNRO.—Indeed they won't.

Mr. WHEELER.—What did the honorable member for West Bourke say but that if the Government would give a guarantee that an inquiry would be instituted, the Opposition would accept the assurance in good faith? What does that mean but paving the way for a retreat? The honorable member knows very well that the matter will be taken up outside by the public meetings about to be held, though why we should care about public meetings I am at a loss to know. Such public meetings, as a rule, are got up by the wire-pullers belonging to a political party.

Mr. ZOY.—That is not the case with the meeting to be held in Melbourne to-morrow.

Mr. BERRY.—Go and face them.

Mr. WHEELER.—I have no particular objection; but I don't make politics a trade; and I don't want to go on platforms all over the country with the view of currying favour with the crowd. I was sorry to hear the remarks of the honorable member for West Melbourne (Sir C. Mac Mahon). In my opinion, they were undignified; they were unbecoming a gentleman in his position. What did he say? Why that he wished no better cry than the refusal of the Government for an inquiry into this railway accident to go to the country with. Again, what is one of the worst things we have heard said of the Minister of Railways? That he has learned a great deal from his predecessors, and is to be found every night sitting among honorable members of the Opposition. Such a practice on his part may, from one point of view, be rather against the honorable gentleman, but what are we to think of the members of the Opposition who allow themselves to be easily talked over? I have no wish that the present discussion should be continued. I want to see the fullest possible investigation into the Hawthorn accident, and I would like also a complete change in the Railway department. I have over and over again advocated placing it in the hands of a thoroughly non-political board. I don't say our railway officials are inefficient, but I think their work should be more subdivided. If such an alteration were effected, the result would be great gain to the public in every sense. I am not one of those who cry out that honorable members have been corrupted by means of political patronage. I don't believe anything of the kind is the case. The practice has simply been that the Minister of Railways has had to be continually making new appointments, and that he has been only too glad when good men for them were pointed out to him. I, for one,

would never dream of going to the Railway department unless I knew that the man I went there for was a good and proper person, and well suited to the position I wished him to have.

Mr. MIRAMS.—Sir, after listening to the present discussion for some hours, I quite fail to appreciate the object of the Government, first in starting it, and then in keeping it up as they have done. I do not remember a single case in which when notice had been given of a no-confidence motion, and the head of the Government had accepted it as such, and moved the adjournment of the House, a discussion was launched by Ministers in order that they might, if possible, find a way out of their difficulty. They first get up themselves and then put up their supporters behind them to keep up the talk.

Mr. FRASER.—And a supporter not behind them also.

Mr. McKEAN.—He simply replied to the Opposition.

Mr. MIRAMS.—No; the first honorable member who spoke after the acceptance of the motion as one of no-confidence was an honorable member in the Ministerial corner. I allude to the honorable member for East Melbourne (Mr. Zox), who, I think, acted in the interests of the Government quite unintentionally. I think the case is that his action in rising was simply taken advantage of by Ministers to enable them to keep up the discussion. And what has the discussion tended to? The burthen of the Government song has been that honorable members in opposition have no right to take advantage of the public excitement in relation to the Hawthorn accident in order to secure a condemnation of the Ministry which they would not be able to obtain if they tried for it in the usual way. But I say that, if any one is responsible for the motion now in question being one of no-confidence, it is the Premier himself. So far as I know, the honorable member for North Melbourne (Mr. Munro) did not intend to give notice of a motion of no-confidence. He simply asked for precedence for a motion which is really urgent if there is to be an inquiry into the accident at all, and we are to do our duty to our fellow citizens in endeavouring to protect their property and their lives; and it was only the scant courtesy—the very cavalier reply—the Premier gave him that forced him into the position he afterwards took up. How could he agree to the inquiry being put off till after the Christmas recess? So

I say the Premier is distinctly responsible for the motion being one of no-confidence. If he saw any sting in the proposition as it originally stood, why did he not promptly render it innocuous by calmly agreeing in obedience to the public opinion outside, which we know exists, to the appointment of a committee of inquiry at once? Again, having given the motion the character it now assumes, why did the Government not adjourn the House immediately? Under ordinary circumstances we would have risen within two minutes afterwards. But Ministers seemed frightened, and in order to get out of their difficulty they started the debate which has continued until now. We are told that it is indecent for the Opposition to attempt to oust the Ministry on a question like that of an inquiry into the late accident. It is argued that there is something wrong in making use of a public calamity in order to secure a political advantage for the opposition side of the House. Indeed one honorable member on the Ministerial side spoke of an attempt being made to ride to power over broken bones and mangled bodies. Well, if there has been any party move in the matter, I, for one, repudiate it. I know nothing about it, and have had no hand in it. I simply speak as the representative of suburban constituents who have to largely use the suburban trains, and with the feeling that I would fail in my duty to them if I did not say what I believe to be right in relation to the present matter, namely, that the searching inquiry that should take place into the circumstances surrounding the accident ought to be entered upon immediately, and not be deferred until after the Christmas recess. I will say further that, if it be an unusual circumstance for the Opposition to attempt to secure a political victory by means of a motion like that of the honorable member for North Melbourne, it is even more unusual to find a Government attempting to shelter itself behind a coroner's jury, as the present Government are doing. The whole tale of the apologists for the Ministry has been:—"Let us stave off this inquiry by any means—by any excuse, no matter how flimsy it may be—until public excitement subsides a little, and the Government are able to go through the necessary inquiry without damage to them in their political position." It is upon that ground the coroner's jury excuse has been raked up. Why we have had one honorable member telling us what a grand institution a coroner's jury is, and how its members may practically be regarded as constituting the

highest tribunal of the land, in order to make it appear that it will not be derogatory on the part of this House to give way to them. Then we have had the last speaker characterizing this debate as a waste of time, for which we in opposition are responsible.

Mr. ANDERSON.—So you are.

Mr. MIRAMS.—That may be the honorable member's opinion, but I venture to say it is not that of the public outside. We have been told that honorable members on this (the opposition) side have wasted the whole of the session. It has been distinctly asserted that by "stone-walling" and repeated notices of motions of no-confidence we have prevented the Government from carrying their Estimates, their Land Bill, and a few other little things of the kind. But, with respect to myself, I utterly deny the charge. I appeal to my action and speeches in this chamber as showing that up to the present time I have had no part or lot in any obstruction of the sort.

Mr. ANDERSON.—You simply took two nights to speak on the Land Bill.

Mr. MIRAMS.—I don't believe there is a single person in the House or the country who would call my speech on the Land Bill "stone-walling" save the honorable member.

Mr. ANDERSON.—Every one who reads the speech must see its "stone-walling" character.

Mr. MIRAMS.—I beg to say that every reader of the speech who desires to answer it will find it a puzzle how to do so. There is not one among the whole lot of honorable members who is able to answer it. I call the attention of the honorable member who has attempted to sheet home to me the charge of "stone-walling" to the first speech I made after the session opened, in which I described the course I would pursue through the session. When the House was debating the address in reply to the Governor's speech, I took the opportunity to tell the Premier that, if he persisted in bringing forward those of his measures upon which there was a vast difference of opinion before he went on with the measures he had in hand with which we were all agreed, he alone would be responsible for the delay in public business that would necessarily ensue. I also asked him, inasmuch as we had met several months earlier than usual, in order to consider the Estimates for 1882-3 before the year began, to bring them forward promptly that we might deal with them at once, but what did he do? He delayed them. In fact they have been delayed to a

period of the session so late that the lateness is almost beyond precedent. I have no doubt we shall rise at Christmas without having once really touched them, and that when we take them in hand we shall only have about three months' money to spend. Again, I told the honorable gentleman, when the Land Bill was proposed, that I did not agree with it, that a great many other honorable members and a large party in the country were in the same position, and that, whether there was or was not an actual majority of the House ready to pass it, the question it involved was of such vital importance to the community that the constituencies at large were entitled to pass a decision upon it before it was dealt with. I added that, under these peculiar circumstances, I would take every means the forms of the House placed within my reach to secure a decision upon it from the country before one was obtained from the existing moribund Assembly.

Mr. ANDERSON.—No wonder the business of Parliament has been delayed.

Mr. MIRAMS.—What is the use of the honorable member talking like that? The Land Bill was introduced last May, and I have delivered only one speech upon it. Had I and my friends on this side of the House persistently "stone-walled" the Bill ever since, there would be some ground for saying we are responsible for the delay in public business. But the Land Bill was put on one side to make way for the Railway Bill.

Mr. ANDERSON.—That course was forced upon the Government by the House.

Mr. MIRAMS.—I will not say at whose instance the thing was done. I simply mention that it was done. Did I "stone-wall" the Railway Bill? Why during the whole of the four months it was under consideration I did not speak on it above four times, nor did the whole of those four times occupy more than ten minutes. It was the Minister of Railways himself who "stone-walled" the Railway Bill. I remember that on one occasion, some weeks or so after he moved the second reading of the measure—in fact while it was in committee—he stood up and made a four hours' speech upon it. And that speech consisted of nothing in the world but "stone-walling." The honorable gentleman talked the whole time the most arrant nonsense it is possible for any man to talk who has his head screwed on the right way. For four months that sort of thing went on, and, when we came to the Land Bill, what did I do? I have spoken on the measure once, and no more.

Mr. PATTERSON.—But you mean to speak again.

Mr. MIRAMS.—Yes; and, if it is necessary, I will speak on it a dozen times sooner than let it pass its second reading. I don't hesitate to say that if I can get the support of six honorable members in the House, and a certain amount of public opinion outside, the measure will not get into committee on this side of Christmas at any rate. Let it be remembered, however, that it is the only Bill I care about opposing. I will not "stone-wall" anything else. I will steadily help the Government to get through all the rest of the business on the notice-paper. But I feel the necessity there is for stopping the Land Bill, and I would be recreant to my principles, unjust and untruthful to my constituents, and unfaithful to the colony, if I did not continue to set myself against it while I have a voice to raise and strength to stand on this floor. That being the case, I challenge any one to say I am chargeable with "stone-walling." As a matter of fact, the Land Bill has not yet reached the "stone-walling" stage—the stage at which "stone-walling" will have to be resorted to. Up to the present time, we have had nothing but legitimate second-reading debate with respect to it. When, however, that debate is over, I shall be prepared, if it be necessary to do so, to unite with other honorable members in "stone-walling" the measure most thoroughly. As for the motion given notice of by the honorable member for North Melbourne, we shall not discharge our duty to either ourselves, the House, or the country, if we do not unite on Tuesday, to deal with it on its merits irrespective of all consequences. It is the Ministry, not we, who are chargeable with those consequences. In my opinion, every honorable member who gives his vote against the motion because of the effect carrying it may have on the position of the Government will fail to show a due sense of the responsibilities his constituents have placed upon him.

Mr. NIMMO.—Mr. Speaker, I wish in the first place to express my regret that the Premier has seen fit to take up his present position. There can be no doubt the motion the honorable member for North Melbourne (Mr. Munro) has given notice of is a very sensible one. In fact members of the Ministry have admitted it to be so. The Minister of Railways, for instance, has practically told us that he is prepared to take steps to accomplish the purpose the honorable member for North Melbourne has in view.

Mr. MIRAMS.—That is not at all the case. The Minister of Railways' board would practically inquire only into claims for compensation.

Mr. NIMMO.—I scarcely think that is quite the fact. At all events both members are agreed that there should be an inquiry, and perhaps the main point of difference is when it should take place. The next thing we ought to notice is that the inquiry we will be asked on Tuesday to agree with is intended to cover a much wider area than any coroner's inquest could embrace. What can the coroner or his jury have to do with the working and management of the Railway department? It seems to me that the report the committee contemplated by the honorable member for North Melbourne would bring up would be of peculiar use in enabling honorable members to give the Minister of Railways valuable assistance in passing a good and practical Railways Management Bill, and I am inclined to think that, had the Premier looked at the notice of motion in that light, he would not have treated it as he has done. Again, inasmuch as the proposition is that the committee should pursue an investigation in two directions, the first being the management and working of the railways, and the second the circumstances relating to the late accident, it is obvious that the former set of inquiries might be entered upon without interfering in the smallest degree with the work of the coroner's inquest. For example, the committee might look into the matter of the application of proper brake power to railway trains. I am fully alive to the importance of that subject. Two years ago I closely questioned the honorable member for Castlemaine (Mr. Patterson), who was then Minister of Railways, as to the course he would pursue with respect to it, and I was promised that the particular point of danger to which I then adverted should receive due attention. The state of the permanent way on our railways would also be a fit subject for investigation. In some instances the sleepers are two or three inches above the level of the ballast. There are besides a number of other points which I need not particularize. I do trust the Premier will yet look at the notice of motion in a different light. I beg to assure him, for myself, that I don't wish for a dissolution of Parliament before it expires by effluxion of time. I have always endeavoured to give the Government of the day every assistance and support I possibly could. The Premier is altogether too

sensitive. So far as I know, the action of the honorable member for North Melbourne was not in the least preconcerted, nor did I see that, in the first instance, there was anything in it offensive to the Ministry. It must be remembered that there is a good deal of public indignation against this House because we have not long since taken measures to protect the public by reforming the management of the railways, and I am one of those who are for respecting public opinion. I am aware that before the Premier accepted the notice of motion as one of no-confidence he appealed to the leader of the Opposition, but let us remember that the latter honorable gentleman, having two members of his family injured by the late accident, was in altogether a peculiar position. He could not refuse his assent to the notice of motion. Besides, as I have already pointed out, there are really a thousand things the committee could profitably consider while the inquest is proceeding. With respect to the application of brake power, they might compare the merits of the two continuous brakes that have been brought under the attention of the public. It would be open to them to ascertain from the records that in 1879 the Westinghouse brake failed in England over 600 times in six months.

Mr. WOODS.—And 438 times during last half-year.

Mr. NIMMO.—I don't wish, however, to condemn or extol any particular brake. Another question is whether we should go outside the House for gentlemen to conduct the inquiry. All these preliminaries might be settled in a couple of hours, and with the aid of the press we might in another week have the investigation fairly entered upon by gentlemen eminently qualified to conduct it. I regret extremely that the Premier did not accede to the request made by the honorable member for North Melbourne, in whose remarks, in the first instance, there was nothing harsh or hostile. As for any change of Ministry arising out of this matter, I cannot disguise from myself that there are several matters of great magnitude and importance requiring legislative action. The heavy rainfall of the last few days has again placed a large portion of my district in danger of a flood which, if it had occurred, would have destroyed even a larger amount of valuable property on the banks of the Yarra than the last flood did. On a former occasion, I estimated the value of property destroyed there by a large flood at £60,000, and I believe that if a flood occurred now it

would do more than that amount of damage, owing to the additional buildings which have been erected lately. The people in this locality are, consequently, very nervous on the subject, and are continually asking me about the Harbour Trust Act Amendment Bill. This, and other important business, such as the Mining on Private Property Bill and the Water Conservation Act Amendment Bill, are, it appears, to be shelved, and we are to enter upon another political fight—a scramble for the Treasury bench. That state of things is very unsatisfactory to honorable members like myself who desire to transact practical business. A vessel has been blocking the way in the Yarra simply for the want of the Harbour Trust Bill being passed, which would enable the trust to borrow money and in a very short time provide a waterway sufficient to enable the largest vessels that visit Port Phillip to come up the Yarra to the wharfs. Reference has been made to "stone-walling," but I think the Ministry must admit that there has never been a leader of an Opposition who has shown less disposition to obstruct the Government than the honorable member for Geelong (Mr. Berry). In fact he has set an example which, if followed by succeeding leaders on the opposition side of the House, will greatly facilitate the transaction of business. I think the Premier showed scant courtesy to the honorable member for North Melbourne in at once asking him to "tread on the tail of his coat." I consider that the honorable gentleman might have met the request of the honorable member in a different spirit, and I trust he will reconsider his decision and grant an inquiry at once into this accident, in deference to the wish of the House and the popular feeling outside. There need be no jealousy about the constitution of the committee, because the majority of course will be able to exercise their power in the nomination of the members.

Mr. BARR.—I very much regret that the whole evening has been wasted in this fruitless discussion, which I think might have been avoided if the Premier had not, in a moment of irritation, stated that he would accept the motion of the honorable member for North Melbourne (Mr. Munro) as one of want of confidence. There is a happy medium which the Premier might have adopted without any loss of dignity or self-respect. No doubt the Government are the recognised leaders of the House, but, when the House expresses the general voice of public opinion, the Government might, without any infringement on their dignity,

yield to the wishes expressed for the appointment of this committee. The Minister of Railways mentioned this evening that he intended to recommend the appointment of a board, but it has been stated that the board is to consist, at all events partially, of officers of the department.

Mr. BENT.—No. An outside board altogether.

Mr. BARR.—I am very glad to hear it. The officers will be required as witnesses with regard to the internal working of the department. One or two honorable members have tried to cast the personal onus of this accident on the Ministry, but I don't think that the House or the country will follow them in that view. No gentleman administering a public department for the time being can be held responsible for an accident occurring through the laches of some of his subordinates.

Mr. FINCHAM.—Unless he actively interferes with them in the discharge of their duties.

Mr. BARR.—Of course if a Minister of Railways insisted on running a special train against the advice of his officers that would be a different matter, but it is denied that any such thing has been done. Indeed I do not believe that any Minister would take the enormous responsibility of doing such a thing. I think, however, that there was no necessity for the Premier dragging his coat across the floor of the House on this occasion. He might easily have said that if the House wished an inquiry the Government would offer no opposition, especially as it appears the opposition is only with regard to the date of holding the inquiry. I think the Government would lose no kudos, but rather gain by assisting the House to have a thorough inquiry into the origin of this disaster.

Mr. BENT.—I wish to say that my object in deciding to recommend the appointment of a board of independent persons outside the department—five men unconnected with politics altogether—was to enable evidence to be taken on oath, a thing which could not be done by a select committee.

Mr. BARR.—That statement clears the way very much, and I think such an inquiry should be held without the least delay.

Mr. BERRY.—No board would have the power of a select committee.

Mr. BARR.—I have heard that evidence is sometimes given before boards under a state of fear, but, on the other hand, a select committee would not be able to take evidence on oath. It has been stated that the inquiry

would clash with the coroner's inquest, but I do not think that would be the case at all, because the board or committee would inquire into the very things the inquest will not touch. There is no doubt that it is impossible for a Minister having charge of an extensive department to be responsible for all the details of its working, but there must be some one who is responsible. I may mention that in travelling on the Lillydale line I was struck by a fault in construction which is also to be seen on some other lines—namely, the existence of very sharp curves in deep cuttings. That is a thing which should be avoided, because, at such points, it is impossible if, by some mistake, two trains are coming from opposite directions on the same line, for the danger of a collision to be seen in time to be avoided. I think the Government will do well to accept the suggestion which has come from all sides of the House, that a select committee, board, or commission should be appointed as early as possible to make a searching inquiry into this unfortunate occurrence.

Mr. BURROWES.—I think the honorable member for Emerald Hill (Mr. Nimmo) could not have been in the House when this matter was first brought forward, or he would not have made some of the remarks he has done. The Premier stated that it was the intention of the Government to have a thorough inquiry into the accident before the honorable member for North Melbourne (Mr. Munro) said he would make his motion one of want of confidence, so that the challenge came from that (the opposition) side of the House. If it is the intention of the Government to appoint a committee or board on this matter, what more do the House want?

Mr. LANGRIDGE.—The Premier said after Christmas.

Mr. BURROWES.—The coroner's inquest is being held, and I think honorable members will see that it would not be right or judicious to have another investigation going on at the same time. Besides, do honorable members think that an inquiry by a committee of this House will give more satisfaction to the public than a coronial inquiry at which both the jury and the witnesses are sworn? At that inquiry, everything will be done by the Government to have the fullest possible information elicited, and then the Government will appoint such a committee or board as the House will approve of, to take up whatever points may not have been dealt with at the inquest. In that way we may obtain some means of

bettering our position in the future. The Government having clearly stated their intention of taking this course, I think the discussion was quite unnecessary. It is evident that there is more behind this movement than a mere desire for an inquiry. The present Minister of Railways has done more to endeavour to ensure the safety of passengers on the railways than any of his predecessors. He has on his own responsibility had the two rival brakes fitted to different trains so that they may work side by side, and thus afford an opportunity of judging which is the better. He is also desirous of taking further steps for the safety of passengers, and he would probably have taken decisive action in the matter of adopting a brake ere this had he not been hampered by the House. We know that, when the question has been mooted of the department adopting any particular brake, there has always been a cry raised in the House by the advocates of another brake, and thus the hands of the Minister have been tied. In view of all the facts of the case, I think some honorable members should not have made the statements they have done with regard to the Minister of Railways.

Mr. LANGRIDGE.—I must say I have experienced a sort of melancholy feeling at witnessing the position taken up by some honorable members to-night. It seems to me that the trail of that horrible Railway Bill is still over the House. I think the Government have brought this discussion entirely on themselves by the manner in which the Premier received the question put by the honorable member for North Melbourne (Mr. Munro). This is not the first time the Premier has made a want of confidence question of a simple matter; but I presume that kind of thing must come to an end some time. The Minister of Railways stated this evening that the honorable member for North Melbourne, the honorable member for Creswick (Mr. Richardson), and the honorable member for Geelong (Mr. Berry) had evidently arranged to bring on this affair with the object of attempting to displace the Government, but I am in a position to say that that statement was quite unfounded. I was in the opposition room this afternoon when the honorable member for North Melbourne came in at twenty-five minutes past four o'clock. The honorable member for Geelong arrived only a couple of minutes before the House met, and all that was said by the honorable member for North Melbourne was that he intended to ask the Government whether they would

give the House an opportunity of considering the motion he had given notice of, as he did not consider that it was in the right place on the paper. That was all that took place, and I do not think there were more than eight or ten members of the Opposition in the room at the time. I repeat that the whole of this discussion has been caused by the course taken by the Premier, and I regretted to see the half-hearted way in which some honorable members have spoken on this question. Whether they have been "got at" or not I do not know.

The SPEAKER.—The honorable member must see that he is not in order in making such a remark.

Mr. LANGRIDGE.—If it is unparliamentary I will withdraw it, but it has been evident, both from what I have seen in the chamber and in the lobbies, that something has been going on. I think that, if the Premier fairly accepted the motion of the honorable member for North Melbourne as one of no-confidence, he ought not to have allowed this discussion to continue, but should have got the House to adopt the course usual under such circumstances.

Mr. LAURENS.—I do not rise for the purpose of saying anything on the subject which has been under discussion this evening, but to call the attention of the Minister of Public Works to the effect of Tuesday's storm on a portion of my district. The embankment which the Government put up for the purpose of reclaiming the North Melbourne Swamp has been carried away at different points.

Mr. C. YOUNG.—What Government put up the embankment?

Mr. LAURENS.—The embankment was constructed under the Berry Government, but the present Minister of Public Works was appealed to, two or three months ago, to rectify the defect in the Arden-street extension bridge. The want of room at this bridge, and also at the railway bridge, for the flow of the water was a great cause of the damage, as, owing to the collection of hay, timber, and various débris brought down by the flood, there was scarcely any outlet for the water at all. The damage is thus described by the *Argus*, and, as I have been over the ground, I can vouch for the accuracy of the account:—

"The greatest amount of damage seems to have been done around North Melbourne, Flemington-bridge, and Moonee Ponds, and there were some narrow escapes of loss of life. To the north of the North Melbourne railway station there is a long embankment built expressly for

the purpose of diverting the storm waters of the Moonee Ponds Creek towards the Saltwater River, and thus saving the occupants of the houses on the low-lying ground round the North Melbourne railway station. The water came down the creek on Tuesday evening with great force, and about nine o'clock a portion of the embankment gave way. The water rushed through the gap with great violence, and very soon the whole of the low-lying land was under water, extending beyond Lennon's implement works, which were 18 inches under water. The road leading to the Kensington-park race-course, past the Kensington Hotel, at the corner of the Boundary-road, Hotham, was in some parts $3\frac{1}{2}$ feet under water, and there was upwards of 2 feet of water in the hotel, whilst all the houses in the vicinity were also flooded. The embankment above alluded to gave way in several places, and a cottage standing in a paddock to the north of the North Melbourne railway station, and in a line with the Coburg Railway, was in imminent peril. The water swept across the flat very suddenly, and the cottage, which was occupied by Mr. Patten, poundkeeper and inspector of nuisances for the Hotham municipality, and his family, soon had nearly 4 feet of water in it. As the water continued to rise they had to take refuge on the roof, and it was not until after one o'clock yesterday morning that they were rescued in a boat from their perilous position. Proceeding along the Mount Alexander road, evidences of the flood are to be seen on all hands. On the left the water remained in large quantities all over the flat, whilst to the right the low-lying lands, the fences, and the country generally, plainly showed that in one part the water had been over 8 feet deep.'

The matter demands immediate attention, especially in view of the construction of the Coburg Railway. I was told that if that line had been constructed a little further, in the absence of the knowledge which this flood has afforded, the works would have been entirely swept away.

Mr. C. YOUNG.—I am sure that the House is under a deep obligation to the honorable member for North Melbourne (Mr. Laurens) for calling attention to this important matter. The recent flood was not nearly so great as many previous ones have been, but the damage which it caused was more than usual, owing to the flood occurring during harvest time. A large quantity of hay was washed off the banks of the Moonee Ponds Creek, and a small bridge in the upper portion of the stream was carried away. The consequence was that the waterway of the Arden-street bridge became blocked. No doubt that bridge was too low, but there would have been sufficient passage for the flood waters had not the flood occurred during harvest time, and brought down a large quantity of hay. The waterway can be improved by adding another bay to the bridge, and removing an iron water-pipe; but the bridge is under the control of the Hotham Town Council, and it would be a violation of the

principles of local government for the Public Works department to interfere with it. I would therefore suggest that the honorable member should call the attention of the local council to the matter.

The motion for adjournment was then agreed to.

The House adjourned at seventeen minutes past eleven o'clock, until Tuesday, December 12.

LEGISLATIVE ASSEMBLY.

Tuesday, December 12, 1882.

Assent to Bill—Railways Management Bill—Privilege: Mr. Woods—Public Instruction: State School at Allandale—Gippsland Lakes' Entrance—Vaccination at the Model Farm—Railway Management: Collision at Hawthorn: Want of Confidence in Ministers: Mr. Munro's Motion: First Night's Debate.

The SPEAKER took the chair at half-past four o'clock p.m.

ASSENT TO BILL.

Sir B. O'LOGHLEN presented a message from the Governor, intimating that at Government House, on the 6th inst., His Excellency gave the Royal assent to the Mining Companies' Calls and Forfeitures Validating Bill.

PETITION.

A petition was presented by Mr. Zox, signed by the Mayor of Melbourne on behalf of a public meeting of citizens held on December 8, praying the House to take immediate steps to place the management of the railways in the hands of qualified and efficient men whose independence and freedom should be secured as in the case of the Audit Commissioners.

RAILWAYS MANAGEMENT BILL.

Mr. KERFERD asked the Premier when the Railways Management Bill would be circulated?

Sir B. O'LOGHLEN stated that the Bill would be distributed as soon as the want of confidence motion was disposed of.

PRIVILEGE.

Mr. WOODS.—Mr. Speaker, I rise to bring under the notice of the House a matter of privilege. I think a gross and scandalous breach of privilege has been committed upon this House, and upon myself personally as a member of it, in a leading article which