

3. Why tenders were not called for such a large work outside ordinary yearly tenders for timber." The hon. member said he might state, for the information of the House, that in the early part of the year tenders were called by the Government for the supply of timber for use on the Eastern Railway, and a certain tender was accepted. But it was never understood at the time, among those engaged in the timber industry, that such a large number of sleepers would be required to replace those taken up when the line was re-railed. Had it been known that such a large quantity would be required, the price would have been much lower than the contract price accepted, because there would have been keener competition. He believed if separate tenders had been called for this large supply of sleepers, it would have saved the colony thousands of pounds.

MR. R. F. SHOLL, in supporting the motion, considered that when there was an unforeseen demand for a large quantity of sleepers, as had been the case in this instance, it would only have been fair to other companies for the Government to have invited special tenders, which, no doubt, would have saved the colony a considerable sum of money.

Question put and passed.

#### EXTENSION OF TIME FOR BONUS FOR DEEP SINKING ON GOLDFIELDS.

MR. A. FORREST, in accordance with notice, moved, "That in the opinion of this House it is desirable to extend the time, for a further period of 12 months, of the bonus for deep-sinking on the goldfields of the colony, on terms similar to those now in force." The hon. member said although different mining companies had taken advantage of the bonus offered by the Government last session, to a certain extent, still a great deal more remained to be done in the way of deep sinking, and he hoped that during the next twelve months, if this bonus were continued, a great deal would be done in this direction. They might, however, be sure of this: no mine would go in for deep sinking merely for the sake of a bonus of £5 a foot below a depth of 200 feet; still the bonus would be an encouragement to the mining companies to continue sinking. He was sure it would be in the interests not only of the Eastern goldfields, but

also the Northern goldfields, if this bonus were continued for another twelve months. It was a move in the right direction; and if by deep-sinking we could prove that our gold-bearing reefs extended to a great depth, and also that water was obtainable, it would be the best advertisement which the colony could possibly have. It would attract such attention to the colony that we should have a large influx of population and capital, which would more than compensate the country for this expenditure. He therefore hoped the Government would see their way clear to agree to this motion.

On the motion of MR. DEHAMEL, the debate was adjourned.

#### ADJOURNMENT.

The House adjourned at twenty minutes to 5 o'clock p.m.

### Legislative Council,

*Wednesday, 11th October, 1893.*

Public Health Act Further Amendment Bill: third reading—Electoral Bill: third reading—Railways Act Amendment Bill: second reading; committee: Suspension of Standing Orders: third reading—Suspension of Standing Orders—Adjournment.

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

#### PRAYERS.

#### PUBLIC HEALTH ACT FURTHER AMENDMENT BILL.

##### THIRD READING.

This Bill was read a third time and passed.

#### ELECTORAL BILL, 1893.

This Bill was read a third time and passed.

## RAILWAYS ACT AMENDMENT BILL.

## SECOND READING.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): This Bill, sir, is introduced to make a few amendments in the Railways Act of 1878. By it we propose that where land is taken, or has been taken by the Commissioner of Railways, no compensation shall be payable. This is virtually the law at the present time, but the law is declared more as a preliminary to the provisions which follow relating to where the land taken is more than the Crown has the right to resume. Where land is resumed it is necessary to define it by meets and bounds, and this causes considerable expense for surveys. Where land is taken out of a location or allotment a question arises how the compensation in respect to the surplus ground, which the Government had no right to resume, is to be assessed. It would be unfair, for instance, for the Crown to resume the most valuable portion of a block and pay compensation on the value of the balance; while on the other hand it would be equally unfair if the owner were allowed to obtain compensation for the more valuable because the Crown resumed the less valuable. Under these circumstances the Government think that where the Commissioner resumes 10 acres, and has only power to resume 5 acres, the whole 10 acres shall be valued and the owner compensated for 5 acres at the average price of the whole. This is dealt with in Clause 2 of this Bill. Then Clause 3 provides the mode in which the amount of compensation shall be ascertained. The remaining portions of the Bill deal with questions of arbitrations and arbitrators, and power is given to the arbitrators to reserve points of law which may arise, for the consideration of the Supreme Court. I move the second reading of the Bill.

**THE HON. J. MORRISON:** Everyone, I think, will agree that this is a very important Bill. Although it may appear to be hard on land owners, I can quite see that the object of the Government is to be able to get land at a fair and reasonable price. I notice that this Bill is retrospective. I do not know that this is a good class of legislation, but I believe that under the present law the Crown has the right to resume town grants if the title has not been held by the owners for 21 years. I think Clause 2 would press hardly on a

man who asked a moderate price for his land. Take the instance of the man who has 100 acres which contains a 5-acre swamp. There is nothing to prevent the Government only taking the swamp, and they will pay no compensation, leaving the owner with the eyes of his land gone. If the Government wished to take 10 acres, I understand compensation would be paid for the other five, which might be bad land.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): The value of the whole will be taken and compensation will be paid at the average price.

**THE HON. J. MORRISON:** I think this will work rather harshly on land-owners. The Government can take one-twentieth out of a block for nothing, and if they want more they will only pay in proportion to the value of the whole block, although they may have taken the best of the land.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): I have prepared a little diagram which, I think, will show what is intended. It shows a block of 100 acres. Of this the Crown has the right to resume five acres, but say they require ten acres. They will then have to pay for five acres. Then comes in paragraph 3 of Clause 2: "The compensation payable in respect of such difference in area shall be the sum which bears the same proportion to the value of the whole quantity of land so taken as such difference does to such whole quantity, and the value of such whole quantity shall be ascertained as provided by the twenty-second section of the principal Act." The arbitrators may think the ten acres worth £50, and the whole only £100, consequently the owner would be entitled to £25 as compensation.

**THE HON. J. MORRISON:** After that very satisfactory explanation I shall support the Bill.

Question put and passed.

## IN COMMITTEE:

Clause 1 agreed to.

Clause 2.—"No compensation payable in respect to lands which might be resumed; compensation payable when quantity taken exceeds quantity which might be resumed; how computed."

**THE HON. J. W. HACKETT:** With regard to the retrospective operation of

this clause, will the Colonial Secretary give us some information as to how far it will go back. I would also point out that the "actual quantity" is synonymous with the "whole quantity." Nothing leads to so much confusion as such interchangeable terms as these.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): Perhaps it would have been better to have kept to one word; but still I think the matter is perfectly plain. The only reason I request that there should be no amendment is that it will involve the Bill going back to the other House. The Bill is made retrospective purposely to meet the case of the Yilgarn and South-Western railways. The Government propose to resume some lands, especially on the Yilgarn-Northam line, and a question may arise as to whether they have not been actually taken although not gazetted. This will not affect the principle of compensation or anyone's rights; it only facilitates the mode of taking, and points out the method of obtaining compensation when the land resumed is more than the Crown is entitled to take.

**THE HON. G. RANDELL**: Does it not affect the question of severance?

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): Oh, no. Severance would be specially taken into consideration in ascertaining the value.

Clause passed.

The remaining clauses were passed, and the Bill reported.

The Standing Orders were suspended.

### THIRD READING.

The Bill was then read a third time, and passed.

### SUSPENSION OF STANDING ORDERS— COURSE OF BUSINESS.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): As it is probable that the business of both Houses will be sufficiently concluded this evening to enable the prorogation to take place to-morrow, I intend to ask hon. members to allow me to suspend the Standing Orders for the remainder of the sitting, so that we may deal with all matters that come to us from the other House at once, and generally expedite the transaction of business. There are two or three little Bills to come to us, and an amendment

made by the Lower House on our amendment in the Distillation Bill. There was no provision in the Bill, as it left us, to enable persons to import and sell stills, and this the Assembly has inserted. I move that the Standing Orders be suspended during the remainder of the sitting.

Question put and passed.

It being 5:30 o'clock, p.m., the President (Hon. Sir G. Shenton) left the chair until 8:30 o'clock p.m.

On resuming,

**THE COLONIAL SECRETARY** (Hon. S. H. Parker) said: I find that there is now no chance of proroguing to-morrow, and therefore there is no need for us to wait here any longer this evening. The Government intend to ask His Excellency to prorogue the Legislature at 4:30 o'clock on Friday.

### ADJOURNMENT.

The Council, at 8:35 o'clock p.m., adjourned until Thursday, 12th October, at 4:30 o'clock p.m.

## Legislative Assembly,

Wednesday, 11th October, 1893.

Employment by Government of Mr. B. Mather—Leave of absence to the Member for Toodyay—Reply of Commissioner of Railways re Appointment of Engineer-in-charge of Lines in course of Construction—Excessive Freight Rates on Government Railways—Suspension of Standing Orders—Messages from Legislative Council: Public Health Act Amendment Bill: Electoral Bill: Railways Act Amendment Bill—Distillation Act Amendment Bill: third reading—Water Supply (Crown Lands) Bill: second reading; in committee; third reading—Elementary Education Bill: in committee—Homesteads Bill: Legislative Council's amendments—Extension of time for Bonus for deep sinking on Goldfields—Public Health Act Amendment Bill: Legislative Council's amendments—Electoral Bill, 1893: Legislative Council's amendments—Adjournment.

**THE SPEAKER** took the chair at 4:30 p.m.

PRAYERS.