

abuses as these he would support the motion before the Committee.

The Committee divided on the question, "That the new clause be added to the Bill," when there appeared—

Ayes	...	...	2
Noes	...	...	13

Majority against	...	11
------------------	-----	----

AYES.	NOES.
Mr. Carey	The Hon. H. H. Hocking
Mr. S. H. Parker	The Hon. M. Fraser
(Teller.)	Mr. Burt
	Mr. Glyde
	Mr. S. S. Parker
	Mr. Brown
	Mr. Crowther
	Mr. Shenton
	Mr. Marmion
	Mr. Pearse
	Mr. Hamersley
	Mr. Harper
	The Hon. R. T. Goldsworthy (Teller.)

The motion was therefore negatived.

MR. CAREY said he had a new clause to propose with reference to changing the qualifications for chairman of municipalities in towns other than Perth and Fremantle, but he was not at present prepared to move the clause, and he would propose that progress be reported and leave given to sit again, by which time he hoped to be prepared with the clause. Hon. members were aware that at present no person was eligible to serve as chairman of a municipal council unless he was also eligible to serve as a special juror. Now in country places very few persons possessed the necessary property qualification to render them qualified to serve as special jurors; and therefore the number from which chairmen of municipalities could be selected was necessarily very limited.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) suggested that in all the municipalities except Perth and Fremantle the qualification necessary for a chairman might be the same as the qualification which rendered a man eligible to serve on a common jury, instead of as a special juror.

MR. CAREY said he would be happy to adopt the suggestion, and would frame his new clause in accordance therewith, at the next sitting of the Committee.

MR. CROWTHER asked if, under the proposed alteration, a man who had been a prisoner of the Crown and became an expirée would be eligible for election as chairman.

THE ATTORNEY GENERAL (Hon. H. H. Hocking): Certainly not.

Progress was then reported, on the motion of Mr. Carey, and the Committee obtained leave to sit again next day.

The House, having resumed, adjourned at 10 o'clock, p.m.

LEGISLATIVE COUNCIL,

Tuesday, 25th June, 1878.

Court-house at Roebourne—Municipal Institutions Act, 1876, Amendment Bill, 1878: further considered in committee—Kangaroo Ordinance, 1853, Repeal Bill: in committee—Transfer of Land Act, 1874, Amendment Bill, 1878: second reading—Payment of Duty on Transfer of Land Bill: motion for second reading negatived—Customs Ordinance, 1860, Amendment Bill, 1878: second reading; in committee—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

COURT-HOUSE AT ROEBOURNE.

MR. HARPER, in accordance with notice, moved, That the House do now resolve itself into a Committee of the whole Council, to consider a question of expenditure.

Agreed to.

IN COMMITTEE.

MR. HARPER moved the adoption of the following resolution: "That an humble address be presented to His Excellency the Governor, praying that he will be pleased to place on the Estimates a sum of money sufficient to cover the cost of providing a court-house at Roebourne." The hon. member said he had been in communication with the Director of Public Works as to the probable cost of such a building as would meet the present requirements of the place, and which hereafter might be extended, as the settlement increased in population and importance, and he was

informed that the necessary accommodation could be provided for something under £400. He believed it was the intention of the Government, shortly, to establish a court of quarter sessions at Roebourne, which, he need hardly point out, would be the means of saving a considerable amount of expenditure to the country, as the cost of bringing prisoners and witnesses from that distant settlement to the Supreme Court would thus be avoided.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said there would be no opposition on the part of the Government to place a sum on the Estimates for the purpose referred to by the hon. member. The Government realised the fact that in a hot climate like that of the North-West settlements a commodious and well-ventilated room was necessary for a court-house.

MR. CROWTHER expressed a hope that the Government would not be content with putting up a wooden shanty as a palace of justice at Roebourne, for the district was now becoming of such importance as to warrant an expenditure that would provide something better than that. He hoped the Government would recognize this, and put up a decent and respectable building while they were at it.

Motion agreed to.

MUNICIPAL INSTITUTIONS ACT, 1876, AMENDMENT BILL, 1878.

IN COMMITTEE.

MR. CAREY, in accordance with notice, moved the introduction of the following new clause, limiting the application of the provisions of the 28th section of the existing Act—relating to the qualification of chairman and auditors—to Perth and Fremantle: "Notwithstanding anything contained in the '28th clause of the said Act, any person qualified to be a councillor in any municipality other than Perth and Fremantle shall, if he be so qualified under the provisions of 'The Jury Act, 1871,' to serve on common juries, subject to the several provisions in the said section contained, be eligible for election as chairman of such municipality." Under the present law, no person was eligible to serve as chairman of a muni-

cipality unless he was qualified to serve on special juries, and possessed (among other qualifications) a real or personal estate of the value of £500. Such a provision operated very harshly in the case of rural municipalities, and necessarily limited the choice of persons eligible to serve as chairmen to a very few and very select individuals, who though possessing the necessary property qualification might not be otherwise the most fit and proper persons to fill the position. In the Vasse municipality, for instance, there were only two residents qualified to serve as chairman of the town council under the present Act, and those two were the landlords of the "Ship" hotel and the "Vasse" hotel, respectively. No doubt there were other municipalities in which the same difficulty was experienced in finding eligible candidates for the chair, and the clause now before the Committee would remove that difficulty, by rendering any person (qualified to serve as a common juror) eligible also to serve as chairman of any municipality, other than Perth or Fremantle.

Clause, as moved, agreed to, without discussion.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said no doubt it would be in the recollection of hon. members that a few years ago an Act was passed authorising district roads boards to make rules with respect to the way in which horses should be yoked and driven together. He was informed that in the benighted district represented by the hon. member for Greenough it was customary to see seven or eight horses driven in a team, tandem fashion—a practice which necessarily proved very destructive to the roads. And although some of the district roads boards had framed a regulation rendering the practice illegal, he was informed by the hon. member for Greenough that, although teamsters observed this regulation while in the district under the jurisdiction of the roads board, they relapsed into their old wicked ways when they arrived within the jurisdiction of the municipal council, as that body had not been empowered to frame a similar regulation. He now proposed to introduce a clause into the Bill before the Committee with a view to give municipalities that power

which had already been vested in district roads boards. The clause was as follows:—"It shall be lawful for any Municipal Council, subject to the provisions of the 49th section of the said Act, to make by-laws directing the manner in which the leading horses in teams shall be driven and yoked upon any road or roads within the limits of the municipality: and by-laws so made shall have the same force and effect; and any person offending against the same shall be liable to be punished in the same way, as if such by-law were made pursuant to the powers conferred by the 48th section of the said Act."

MR. BROWN asked whether "roads" and "streets" were to be regarded as convertible or equivalent terms, for the purposes of the proposed new clause?

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said he presumed so. He hardly knew the distinction between them.

MR. BROWN considered it very desirable that municipalities should be entrusted with the power which it was proposed to give them, in like manner as the roads boards, though, so far as the by-laws of the latter went, as regarded the yoking of horses, they were inoperative, because there were no police to look after teamsters transgressing the regulations.

Clause agreed to.

Bill reported.

KANGAROO ORDINANCE, 1853, REPEAL BILL.

MR. CAREY, pursuant to notice, moved the second reading of a Bill to repeal the existing Ordinance under which an export duty of one shilling is chargeable upon every kangaroo skin sent out of the Colony. The hon. member said the reason which had induced the Legislature twenty-five years ago to frame this Ordinance no longer operated, and its repeal would be a boon to many poor people in the country, who would be enabled to add to their income by the sale of the skins of kangaroos, if the present export duty, which was a prohibitory impost, were removed. The only section of the community who benefited by the existence of this duty were the tanners; the aboriginal natives,

in whose interests the Ordinance was framed, derived no benefit from it.

Motion for second reading agreed to.

MR. CAREY moved that it be now considered in Committee of the whole Council.

Agreed to.

Bill passed through Committee without discussion or amendment.

TRANSFER OF LAND ACT, 1874, AMENDMENT BILL, 1878.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) moved the second reading of the above Bill. He would trust to his hon. friend the Attorney General to explain those portions of the Bill dealing with legal points, and would merely offer a few remarks on that part of it with which his own department was likely to have something to do. Some of the sections of the Bill contained provisions which he thought would prove acceptable to the public concerned, and a relief to the Lands Office, while at the same time they would facilitate the working of the Transfer of Land Act, which it was proposed to amend. The second clause provided that upon a change of ownership, a fresh certificate need not issue in the name of the new purchaser; a memorandum endorsed on the back of the original certificate of title, by the Registrar, would be all that would be required. The next clause provided that, instead of the Registrar retaining the grants in fee, or for years, of all Crown Lands, as enacted in the fifteenth section of the present Act, the grants when duly registered, and after payment of the contribution to the assurance fund, shall be delivered on demand to the grantee, together with a memorandum to the effect that a certificate of title to the land comprised in the grant had been duly registered. The fourth section of the Bill provided that the certificate of the Commissioner of Crown Lands, showing a permit to occupy, shall be deemed sufficient evidence of a person being entitled to an estate in fee simple, for the purposes of registration and of otherwise bringing the land in question under the operations of the Act, thus substituting the certificate of the Commissioner for the treasury receipt heretofore regarded as evidence of title. This,

he believed, would be a great boon to many persons, and was a provision which he thought would commend itself to the favorable consideration of the House. With these few remarks, and relying upon his hon. friend the Attorney General to further explain the provisions of the Bill, he now begged to move that it be read a second time.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said that, with regard to the second clause, its operation was intended to be this: under the existing law, whenever land was brought under the operation of the Act, and the proprietor subsequently made a transfer of it to another, he executed a transfer and gave up his certificate of title, which was cancelled; as also the duplicate certificate, and a fresh certificate issued, in exactly the same words, with the exception of the name of the new purchaser. This gave rise to a great deal of unnecessary clerical labor in some cases. Following the example of the other Colonies, where a similar law as to the transfer of land was in operation, it was now proposed that when land had been brought under the Act, and the proprietor subsequently made a transfer, the certificate of title shall be brought to the office and registered, and a simple memorandum endorsed on the back of the certificate and upon the duplicate thereof, showing that the land in question had passed to the person whose name was so endorsed. Such a person would then be deemed to be duly registered as proprietor of the land, without the necessity of making out a fresh certificate of title in every case a transfer was made. With respect to the fifth clause of the Bill, he might say that it had been introduced for this reason: according to the 46th section of the present Act a certificate of title, registered and granted under the Act, was conclusive evidence that the person named in such certificate as the proprietor having any estate or interest in the land therein described was legally seised or possessed of such land. Such certificate was also received in all courts of law and equity as evidence of the particulars therein set forth. Now, hon. members were aware that all lands granted from the Crown were subject to certain rights and reservations whereby the Crown was empowered to resume

portions thereof, even without compensation in some cases, and also to enter upon the land for the purpose of cutting timber, etc., which in reality detracted from the quantity of the fee simple of the estate. It was hardly correct to say that a man possessed the fee simple of the land, when all these rights were reserved over it by the Crown; and, in order to prevent any mistake on that point, it was provided by the fifth clause of the present Bill that the certificates of title issued under the Act, purporting to certify that the person therein named was the proprietor of the estate therein described, shall be taken and held to be conclusive evidence of proprietorship, subject, however, to any reservations contained in the deed by which the land was originally granted by the Crown. In the sixth clause of the Bill, it was proposed to make two amendments, one of which was a mere verbal one—the substitution of the word “bankrupt” for the word “trustee,” in the twenty-first section of the Act, the latter word being obviously a clerical error. The other amendment proposed, raised a question of considerable practical importance. It was well known to hon. members that the Act had been principally made use of in cases where land was sold. It was nothing new for a purchaser to stipulate that before he did so the vendor should bring the land under the operation of the Act; and there were many advantages at present to be gained in doing so. In the first place, the transfer duty was avoided—he was aware the hon. member, Mr. Burt, in his desire to improve the law, proposed to introduce a Bill to rectify that:—it was also possible to escape making any transfer at all, for the vendor might direct that a certificate of title shall issue in the name of the purchaser instead of his own name, thereby avoiding the expense of conveyancing. This was, no doubt, a very convenient way of doing things, but it had given rise to difficulties in some cases, and it was now proposed to amend the law in this respect by providing that where a proprietor sold land in that way he shall be registered himself, and pay a fee of ten shillings for the transfer to the purchaser. This would enable the office to make some £30 or £40 per year more than it now made, while at the

same time it would simplify matters very much.

MR. S. H. PARKER could not help thinking that one or two clauses in the present Bill would not tend to simplify matters. The sixth clause provided that the words "or in the name of such person as may have been directed in that behalf" shall be omitted from the 21st section of the present Act, the object being to preclude persons from buying land from the vendor and the certificate of title being made out in the name of the purchaser. If hon. members had perused the interesting and admirable report of the Commissioner of Land Titles, they would have observed that the Commissioner pointed out that the public had not been slow to see that the most favorable moment to make application was when land was about to change hands, as in such a case the applicant could direct the certificate to issue in the name of the purchaser, and thus save much of the expense attending a conveyance as well as the payment of transfer duty. That being so, did it not appear that if they passed this section of the Bill now before the House very little land would be brought under the operation of the Act at all? This being so, the proposed amendment, instead of augmenting the revenue of the department would, on the contrary, tend to diminish it, and reduce it to zero. It had been said that the legal profession were opposed to this Transfer of Land Act; but he maintained they were not. He believed that had it not been for the legal profession very little land indeed would have been brought under the operation of the Act at all. He believed that if the amendment contemplated in the sixth section of the Bill were carried, the Act would be rendered almost inoperative, for it would remove one of the principal inducements which actuated people in bringing land under the operation of the Act. Hon. members would observe on reference to the report of the Commissioner that only seventy-seven applications were entertained last year, so that it could not be said that the officers of the department were in any way overworked; on the contrary they seemed to have a very easy time of it. He himself did not see any necessity for the second section of the Bill either, which obviated

the necessity of issuing a fresh certificate when land passed from one person to another. It might be a little saving of clerical labor, but it should not be forgotten that the office would thus lose the £1 fee which was now payable for a fresh certificate. The office could ill afford to lose any portion of its revenue. The Legislature voted £850 a year for the maintenance of the departmental staff, and that sum did not show what the office really cost. It merely represented the salaries paid to the Commissioner and the Registrar. There were a number of other expenses connected with the office, as, for instance, a messenger, who was always attached to the department:—by-the-bye he had searched in vain through the Estimates to ascertain how that messenger was paid. His pay would probably be about £75, and a like amount might be added for the incidental expenses of the office, thus bringing the annual cost of the department up to £1000—to say nothing about the rent of the office; and the total revenue derived from the department was only about £200 a year. If the present Bill became law, the revenue would be still further reduced, and the only gain would be the mere saving of a little clerical labor, in the case of an officer who had very little to do. It appeared to him that the third clause was also a mistake, and that the section of the Act which it proposed to repeal was better in its present form.

MR. SHENTON understood that the Bill before the House was brought in with a view to lessen the clerical work of the office, by way of obviating all unnecessary labor, which, he thought, was a very desirable object, regard being had to the great complaints which were now made with respect to the delays which occurred in dealing with applications to bring land under the operation of the Act. In many cases weeks and months elapsed before applicants obtained their certificates of title, and, if the present Bill would tend in any way to obviate this—what he might call—unnecessary delay, he thought it would be conferring a great boon upon the public at large, while at the same time it would tend to induce people to bring their land under the operation of the Act, for one of the principal inducements held out for their

doing so was that the transfer should be effected with as little delay as possible.

Motion for second reading agreed to.

PAYMENT OF DUTY ON TRANSFER OF LAND BILL.

MR. BURT moved the second reading of a Bill to enforce the payment of duty on the transfer of land. The principle of the Bill, the hon. member said, had already been affirmed by the House on more than one occasion. It was not proposed to impose any fresh duty, but merely to empower the Government to collect a duty already imposed, but which heretofore had escaped collection. Now that such facilities were afforded the public under the Transfer of Land Act, and such a saving of expense, he failed to see why this duty should any longer escape being collected. Hon. members who opposed the Bill now before them would go this length—that, notwithstanding the facilities which had been afforded to land-owners, at the public expense, to bring their land under the operation of the Act passed a few years ago, and known as “Torrens’s,” the Legislature was prepared to grant landed-proprietors still further privileges, by enabling them to evade the payment of a duty which was already imposed by the Act, but for the collection of which no provision was made. And this, too, in the face of the fact that the revenue derived from the Land Titles Office was not one-fourth the amount of the expenditure which the department entailed upon the public. With regard to the allegation that the legal profession were opposed to the Transfer of Land Act, and that the present Bill was the outcome of that opposition, he thought the resolution which the House affirmed towards the close of the previous Session had altogether disposed of that allegation.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said it was not the intention of the Government to persevere in opposing the Bill introduced once more by the hon. member, Mr. Burt; at the same time he must say, for his own

part, that he still adhered to the opinion that it would be a great pity if the Bill became law, and for this reason: he thought it would be expedient, for a few years to come—he did not mean to say—far from saying—in perpetuity,—to leave this new office, recently created, in possession of some advantages which would induce people to bring their land under the Act. As had been pointed out by the Commissioner of Titles, the public were not slow to see that the most favorable moment to make application was when land was about to change hands, because in such a case the applicant, by directing the certificate to issue in the name of the purchaser, would save the payment of the transfer duty. The Bill now before the House sought to neutralise this advantage, and if it became law it would follow that the favorable opportunity referred to by the Commissioner as being availed of by the public would no longer be a favorable opportunity for bringing land under the operation of the Act. If they wished to make this department—he would not say a paying department so as to produce a revenue,—but if they wished to make it self-supporting, he thought they ought to be slow in doing anything which would deter the public from availing themselves of the facilities which it afforded for the transfer of land; on the contrary, they ought to do all within their power to encourage people to bring their land under the operation of the Act. For this reason he thought it would be a pity if the Bill now before the House became law, and the thought had suggested itself to his mind that, if progress were now reported, an opportunity would be afforded in the interval between this and the time fixed for sitting again for considering whether it would not be possible to accept a sort of compromise—that, as regarded the Transfer of Land Act they should omit the amendment suggested in the sixth clause of the Bill which had first been read a second time, and that they should, at the same time say, with regard to the payment of transfer duty, that when a man who had not brought his land under the operation of the Act sought to do so under the name of the transferee he should be allowed to do so without paying a transfer duty, but that, in case of

land already brought under the operation of the Act, when a transfer was made, the transfer duty should then be payable. He did not wish to be understood as opposing the second reading of the Bill; at the same time, if the hon. gentleman who had introduced it would fix the consideration of the Bill in Committee for Thursday, an opportunity would be given him and hon. members generally to consider whether some such compromise as he had suggested might not be accepted, and thereby set this vexed question at rest.

MR. S. H. PARKER rose to support the motion for the second reading of the Bill. As persons who dealt in land had such advantages conferred upon them by having this Land Titles Office kept up at great public expense, he thought it was only fair they should pay this transfer duty, instead of, as at present, evading its payment, which was a direct loss to the revenue. The hon. the Attorney General would no doubt agree with him that when the Transfer of Land Act was passed, four years ago, the Government were fully under the impression—it was the general impression, shared he believed by the Attorney General himself—that a transfer duty would have to be paid under the Act. It was never contemplated that the payment of this duty should be evaded; had it been so, he was sure that some special provision would have been made in the Bill to prevent such evasion.

MR. CAREY would like to hear from the hon. member Mr. Burt what he had to say to the compromise suggested by the Attorney General. They all knew that the members of the legal profession were opposed to the Transfer of Land Act [MR. PARKER: I am not]; therefore he was not at all surprised at the hon. member Mr. Burt re-introducing the present Bill, and, of course, he had quite expected that the hon. member for Perth (Mr. Parker) would have supported the measure. As to the suggested compromise, he himself, personally, would not agree to any compromise in the matter whatever. He did not think it would be fair to handicap the Act in the way proposed by the hon. member Mr. Burt: but if the hon. member would accept the compromise proposed by the Attorney General he (Mr. Carey) thought

it would very likely meet with the support of the majority of the House, though, as already said, he himself was personally opposed to any such compromise.

MR. BURT said it was very easy to make assertions in that House—perhaps as easy as anywhere else—and he must say again that he was sorry it had devolved upon him to propose to amend the law with reference to this question, thereby rendering himself liable to have aspersions cast upon his motives in bringing forward the proposed amendment. He had never heard anyone give any reason why the legal profession should be opposed to the existing Transfer of Land Act, and he would remind hon. members of the resolution which they affirmed last Session, to the effect that they could not concur with His Excellency (Governor Robinson) in saying that the legal profession preferred the old system of conveyancing to that provided by the Torrens Act. He said again, if the profession chose to stand in opposition to the Act, it would be found that instead of the present small number of applications made to bring land under its operation there would not be even half-a-dozen in the course of a year. He believed that out of the seventy-seven applications entertained last year, it would be found on reference that sixty or seventy of those applications were made through the office to which he belonged, or through the office of hon. member for Perth (Mr. Parker). Therefore it was absurd to say that the legal profession were opposed to the Act. What he objected to was that the country should support this expensive office for the purpose of facilitating the transfer of land, and that there should be no revenue whatever on the other side to counterbalance this expenditure, which was the case in every other country where the Act had been introduced. He had said, when the Transfer of Land Bill was first introduced, four or five years ago, that the Colony was not fit for it—that it would never pay its working expenses; and it appeared he was right in that impression. The hon. member for Perth (Mr. Parker) was quite correct in saying that it was never the intention of the Legislature that payment of a transfer duty should be evaded under the Act, and it

was not until after it came into operation that it was discovered that no provision had been made for collecting the duty leviable under it. The object of the present Bill was to remedy that omission. As to the compromise suggested by the Attorney General, he was not at present in a position to say that he was prepared to accept it.

MR. MARMION said he had consistently opposed the introduction of the Bill which the House was now again asked to be read a second time; he had opposed it on the ground that he did not consider it wise or advisable to interpose any obstacle in the way of the successful working of the Torrens Act, but that on the contrary every legitimate encouragement should be afforded to render that measure a success in every sense of the word. On that account, he would on the present occasion also offer his opposition to the Bill. He did so almost with regret, seeing the persistent manner in which the hon. member charged with it sought to make it law, and knowing that if he failed in his attempt again this Session the Bill would be brought forward next year. Nevertheless, he did think it would be a great pity should the Bill be carried, and he thought the general feeling outside was that if this measure and that introduced by the Government (and read a second time that evening) became law, the result would be that no business at all would be transacted at the Land Titles Office. At the same, if the hon. member Mr. Burt was prepared to accept the compromise suggested by the Attorney General, he (Mr. Marmion) thought that possibly the suggestion might meet the wishes of the majority of the House.

MR. BROWN believed, from what he had heard, that if they passed the present Bill and that which had just been read a second time, they would do away with a great deal of the advantages which the Transfer of Land Act conferred upon the public, and that the result would be that the Act would become almost a dead letter. For this reason he would oppose the motion for the second reading of the Bill now before the House.

Question—"That the Bill be now read a second time"—put, and a

division called for, with the following result:

Ayes	...	...	7
Noes	...	...	9
Majority against ...			2

AYES.	NOES.
Mr. Harper	The Hon. R. T. Golds-
Sir T. C. Campbell	worthy
Mr. S. S. Parker	The Hon. H. H. Hocking
Mr. S. H. Parker	The Hon. M. Fraser
Mr. Hardey	Mr. Brown
Mr. Crowther	Mr. Glyde
Mr. Burt (Teller.)	Mr. Pearce
	Mr. Hamersley
	Mr. Carey
	Mr. Marmion (Teller.)

The motion for the second reading was therefore negatived.

CUSTOMS ORDINANCE, 1860, AMENDMENT BILL, 1878.

THE ATTORNEY GENERAL (Hon. H. H. Hocking), in moving the second reading of this Bill, said there was nothing particularly new in it except this—that under the law as it at present stood there were licensing boards constituted in the various ports of the Colony, appointed for the purpose of granting licenses to the various kinds of vessels to which the Ordinance applied, and the object of the present Bill was to empower the Collector (or other principal officer) of Customs to do what heretofore had been done by these licensing boards. The principal object of the Bill was to enable the officers of the Customs department to check smuggling and to prevent the revenue being defrauded. Hon. members would observe on reference to the Bill that no license was to be granted unless the vessel in respect of which a license was applied for was sound in every respect, and decked and provided with hatches capable of being securely fastened. Provision was also made that no license should issue to any boat the master or owner of which had, within three years of making the application, been convicted of any offence under the "Customs Ordinance, 1860."

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 7 agreed to, without discussion.

Clause 8: "The master or owner of "any ship, barge, flat, boat, or vessel "laden with cargo from any ship or "vessel in the port of Fremantle who

"shall commence to unload such cargo
"or shall proceed to Perth without
"having delivered to the Landing Waiter
"at Fremantle his permit or boat-note,
"and receiving from such Landing
"Waiter, permission to unload or proceed
"as aforesaid, shall on conviction thereof
"be liable to a penalty not exceeding
"Fifty pounds:"

MR. SHENTON pointed out that this clause might operate very harshly in many cases, as boats often had to take advantage of the wind to start from Fremantle to Perth, and this might happen when the landing waiter was not on duty. He would suggest that progress be reported at the present stage, and leave given to sit again for the further consideration of this clause.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said he had no objection, and progress was reported accordingly, leave being given to the Committee to sit again on Thursday, 27th June.

The House adjourned at half-past three o'clock, p.m.

LEGISLATIVE COUNCIL,

Wednesday, 26th June, 1878.

District Roads Boards Audit Act, 1871, Amendment Bill, 1878: first reading—Public Roads of the Colony: proposal to raise a loan of £50,000 for expenditure on—New Supreme Court House—Wild Cattle Nuisance Act, 1871, Amendment Bill, 1878: re-committed—Foreign Seamen Offences Bill, 1878: second reading—Kangaroo Ordinance, 1853, Repeal Bill: third reading—Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

PRAYERS.

DISTRICT ROADS BOARDS AUDIT ACT, 1871, REPEAL BILL.

MR. CAREY, in accordance with notice, moved for leave to bring in a Bill to amend the "District Roads Boards Audit Act, 1877."

Leave given. Bill read a first time, and ordered to be printed.

PUBLIC ROADS OF THE COLONY— DESPATCHES RELATIVE TO IM- PROVEMENT OF, BY LOAN.

IN COMMITTEE.

MR. BROWN, in accordance with notice, moved that the despatches between His Excellency the Governor and the Secretary of State, relative to borrowing £50,000 for the improvement of the roads throughout the Colony, be now considered. In supporting the proposal submitted by His Excellency, he did so in the belief that in no other way could the expenditure of this sum of money prove so beneficial to the Colony. Hon. members would observe from His Excellency's despatch that, strongly impressed with the important influence which good and bad roads have on the interests of a country, this was naturally the first point to which he had directed his attention on arriving in this Colony; and having now travelled through most of the settled portions of the country, His Excellency had been deeply impressed with the necessity of adopting some steps to improve the condition of our main roads. Merely to increase the present annual grant by a few thousands a year would not, in His Excellency's opinion,—an opinion that must be shared by everyone practically acquainted with the subject—allow of any really useful improvement. It appeared to him (Mr. Brown) that it would be very proper on the part of that House to approach the consideration of this subject on the broad principle that it was a work of national rather than of local importance. He need not dwell upon the advantages which good roads afford to settlers in transporting their produce; hon. members were too practically acquainted with the disadvantages and the drawbacks attendant upon bad roads, and therefore it would be superfluous for him to dilate upon the converse of the proposition. The Colony had now at the head of the Government a gentleman who had all his life made roads his study, and the present was therefore a most desirable time for carrying the proposed scheme into execution. His Excellency, it would be observed, suggested that, for the purpose of controlling the expendi-