

Government thought proper they might have sued the members of the City Council—the hon. member for Toodyay for instance, the whilom chairman of the municipality—for misapplying the proceeds of the drainage rate; but the Government did not wish to be hard on the hon. member, who, no doubt, had, with the rest of the civic fathers, acted according to his lights. They never looked into the Act, he supposed; they saw it was entitled “The Perth Drainage Act,” and naturally thought it had reference to the drain and had nothing to do with the Government. They, therefore, had never thought of making any provision to liquidate the debt which they owed the Government, but had spent every penny they had raised by means of the special rate upon their precious drain. The object of the present Bill was to compel the corporation to pay their honest debts.

Clause agreed to.

Clause 2.—“Amount of Perth City Council’s indebtedness to Colonial Treasurer to be ascertained:”

Agreed to.

Clause 3.—“Treasurer of City Council to make monthly returns and payment of proceeds of rates to the Colonial Treasurer:”

Agreed to.

Clause 4:

Agreed to.

Clause 5:

Mr. S. H. PARKER suggested, That these returns and payments be made every quarter and not every month, namely, on 1st January, 1st April, 1st July, and 1st October in each year.

The suggestion, however, was not adopted, and the clause was ordered to stand part of the Bill.

The Bill was then reported as having passed through Committee, and the third reading was made an Order of the Day for Thursday.

The House then adjourned until the following day.

LEGISLATIVE COUNCIL,

Tuesday, 11th June, 1878.

Commonage—Vendor and Purchaser Bill, 1878: second reading; in committee—Factors Bill, 1878: second reading; in committee—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

COMMONAGE.

In reply to Mr. CAREY, THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said that a return showing the acreage reserved for commonage in the vicinity of the various towns of the Colony would be laid on the Table of the House as soon as completed.

VENDOR AND PURCHASER BILL, 1878.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) moved the second reading of a Bill to amend the law of Vendor and Purchaser, and further to simplify title to land. The Bill was an auxiliary to a measure passed a few years ago, and was brought forward in order to assimilate the law of this Colony to that obtaining in England. Speaking most generally on the subject, he might say that the object of the Bill was to render unnecessary, in making a contract for the sale and purchase of land, a great many of the stipulations which the law now required. The Bill provided that forty years shall be substituted as the root of title, in place of sixty years as at present; also that the legal representative of a mortgagee of a freehold estate, may, on payment of all sums secured by the mortgage, convey the mortgaged estate, whether the mortgage be in form, or an assurance subject to redemption, or an assurance upon trust. It also empowered married women to convey any freehold hereditament vested in her as a bare trustee, just the same as if she were a *feme sole*. It further provided that what was technically called “tacking” should not be allowed after the passing of the Bill. The various amendments proposed would, he thought, be found very convenient in practice.

Bill read a second time.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) moved its committal.

Agreed to.

Bill passed through Committee *sub silentio*, and reported.

FACTORS BILL, 1878.

THE ATTORNEY GENERAL (Hon. H. H. Hocking), in moving the second reading of this Bill said its object was to remove some doubts which had arisen with respect to the true meaning of certain provisions of the Factors Acts now in operation, and otherwise to amend those Acts, for the better security of persons buying or making advances on goods, or documents of title to goods, in the usual and ordinary course of mercantile business. The principal object of those Acts was to enable a person in *bonâ fide* possession of a document of title to goods to make a valid transfer of it, and to otherwise act with respect to it as if he were to all intents and purposes the owner of the goods. The object of the present Bill was to somewhat extend that principle. As the law at present stood, if a person entrusted another, as his agent, with a dock warrant or a warehouse receipt, or any such instrument evidencing title to goods, so long as the person so entrusted was authorised to dispose thereof on behalf of the owner of the goods he was legally empowered to make a valid transfer of the document of title, or otherwise to act with regard to it as if he were the owner of the goods to which it related. A difficulty however arose in cases where a revocation of an agency was made, and the quondam agent still retained possession of the document of title, by means of which he might impose upon the credulity of innocent persons. The second clause of the Bill was intended to meet this difficulty. It provided that no revocation of authority shall have force, so as to prejudice the title of any other person who may make advances upon the faith or the security of a document of title, unless due notice of the revocation shall have been given to the person so advancing. The other sections of the Bill went on the same principle. He might add that it was not proposed to make the Bill retrospective in its operation.

Motion for second reading agreed to. Bill passed through Committee, without amendment or discussion.

The House adjourned at a quarter to one o'clock, p.m.

LEGISLATIVE COUNCIL,

Wednesday, 12th June, 1878.

Transfer of Convicts—Imperial Grant-in-aid of Magistracy and Police—Expenses of Survey, ship Hastings—Point of Order: Confirmation of Expenditure Bill—Contingent Remainders Bill: second reading; in committee—Partition Bill, 1878: second reading; in committee—Marginal notes of Bills—Adjournment.

THE SPEAKER took the Chair at 7 o'clock, p.m.

PRAYERS.

TRANSFER OF CONVICTS.

In reply to MR. BROWN, THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said that negotiations had been entered into, but no arrangements concluded, with the Imperial Government in reference to the transfer to this Colony of the convicts. The terms of the proposal which had been made by the Imperial authorities were such as in His Excellency's opinion he could not, in the interests of the Colony, accept, and he had pointed this out to the Secretary of State. Pending further correspondence, His Excellency did not think it was likely he would be able to submit any definite proposition on the subject to the House this Session.

IMPERIAL GRANT-IN-AID.

MR. BROWN asked whether the decision of the Imperial Government in reference to the grant to this Colony towards expenditure on account of Magistracy and Police (communicated to the House by message last Session) was final; or, whether a change in the con-