THE ATTORNEY GENERAL: If fifty yards is considered too long a distance, I have no objection to its being reduced to thirty yards.

MR. PEARSE would support the amendment of the hon. member Mr. Burt. A pig could be kept as clean as any other animal, and need be no source of nuisance. The Attorney General's amendment would be very severe upon scores of poor people, who could never comply with its provisions.

MR. MARMION said he also would support the hon. member Mr. Burt's amendment. It would be a very difficult matter to carry out the Attorney General's proposition, in thickly-populated portions of a town.

THE ATTORNEY GENERAL, with leave, withdrew his amendment.

The amendment—that the clause be struck out—was then agreed to upon a division. [*Vide* "Votes and Proceedings," p. 77.]

Clauses 79 to 81—agreed to.

Clause 82.—"Council to prepare annual estimate:"

MR. MARMION: This clause does not provide for the annual statement of income and expenditure being submitted to the ratepayers, as provided for in the present Act.

MR. SHENTON: The same provision is made in another clause of the Bill—the 127th section, I believe.

Clauses 83 to 89—agreed to.

Clause 90.—"Remedy to persons who, not being primarily liable to pay a rate, have paid the same:"

MR. MARMION asked if the provisions of this clause would not over-ride agreements made in leases whereby a tenant is to pay the rates?

THE ATTORNEY GENERAL: Municipalities do not recognise any agreement which may have been entered into between landlord and tenant. The object of this clause is to provide means for a tenant coming to a house where the rates had not been paid by the outgoing tenant, to recover the same from the occupier primarily liable.

Clause agreed to.

Clauses 91 to 94—postponed.

Clause 95—agreed to.

Progress reported.

LEGISLATIVE COUNCIL,

Tuesday, 29th August, 1876.

Export Returns: preparation of—Land Transfer Duty Bill: second reading; in committee—Municipal Institutions' Bill: in committee (resumed)—Tariff Bill: second reading; in committee.

EXPORT RETURNS.

MR. STEERE, in accordance with notice, called attention to the manner in which the returns of the value of exports sent out of the Colony are prepared by the Government. For some years past he had observed it had been the custom to over-rate the value of the exports in connection with the staple industries of the Colony, such as wool, sandalwood, and pearl-shells—a custom which he regarded as very reprehensible, calculated as it was to mislead not only the public of this Colony but the public in other countries. He had been informed by a member of the Government that these returns were prepared by the Collector of Customs, who stated that the value of the various articles of export were declared by the exporter, and that the returns were compiled from these declarations. Now he (Mr. Steere), who had been a considerable exporter of wool and other produce, had never been asked to make such a declaration, nor was he aware that anyone had ever been authorised to do so for him; so that this practice could not be said to be adopted in all cases. The Government, if they chose to go to the trouble, might obtain reliable information as to the value of all our principal exports on application to the leading exporting firms. Unless returns of this character were reliable, they not only were utterly worthless but actually mischievous, and he trusted that immediate steps would be taken to remedy the evil. He had previously directed public attention to this matter, and he was sorry the Government had paid no regard to it. He would now move—"That in the opinion "of this Council the manner of calculating "the returns of the value of exports is "incorrect and misleading, and that the "Government should adopt some more "satisfactory means of forming a correct "estimate of such returns before inserting "them in the Blue Book."

MR. RANDELL, in seconding the motion, thought it was not only desirable

but absolutely essential that these returns should be as correct as they could possibly be estimated.

The ACTING COLONIAL SECRETARY said there was no desire on the part of the Government to swell up the value of the Colony's exports or imports, but that, on the contrary, no pains were spared to ensure trustworthy returns. The hon. member for Wellington had, some time ago, called his attention to this matter, and he at once communicated with the Collector of Customs, in whose office these returns are prepared. That officer replied that, with respect to the value of exports, he himself did not fix the value —that the exporters, or their agents, signed a declaration setting forth the estimated value of the goods or produce shipped by them, and that the Customs returns were prepared from this information. Whether the person who made this declaration was in all cases duly authorised to do so, was more than he (the Acting Colonial Secretary) could say: but this was the manner in which the returns were prepared. The question of improving the present system would have the careful consideration of the Government; and if a better or more reliable mode of ascertaining the real value of the Colony's exports could be found, it would be adopted.

Resolution affirmed.

LAND TRANSFER DUTY BILL.

SECOND READING.

Mr. BURT, in moving the second reading of a Bill to abolish transfer duty upon landed property, and to repeal certain Ordinances relating thereto, said the main object of the Bill was to remove an anomaly, and he might say, an injustice. It was well known to hon. members that under the Land Transfer Act of 1874, no duty was payable in respect of any land brought under the operation of that enactment, whereas under the system of common law conveyance a transfer duty was imposed. There were many persons who did not care to bring their landed property under the operation of the new Act, preferring the old system; and he thought it was very unfair that these persons should be compelled to pay a transfer duty, while on the other hand those who might chose to avail themselves of the new Act, were exempted from the payment of duty. Moreover, it was not always convenient for people to bring their property under the operation of the Land Transfer Act. Cases of this nature had come to his own knowledge. A man desired to purchase a property, but did not possess sufficient cash to pay the purchase money. The person from whom he wanted to buy was eager to sell, because he wanted the money at once—otherwise he would not sell at all. The other man also was anxious to purchase, but he had not sufficient capital; but he knew of a third person where he could raise the balance by mortgaging the property, and to that end he would ask for the deeds as security. Under the Transfer of Land Act, it would be three weeks or a month before he could get his title deeds—he had known applications which had been in the office over six weeks—and the consequence would be he could not raise the necessary advance to make up the purchase money. Under the common law system no such delay would arise, and there would have been no difficulty in concluding the transaction. It would, therefore, be seen that there were cases in which it would not only be less expensive but also more convenient to have resort to the old system than the new. But, apart from this, he contended that the principle of imposing duty under one system of land transfer and exempting another system from such duty was not only inconsistent but unfair, and, as regarded those who preferred the handicapped system, oppressive. The object of the Bill before the House was to remedy this, and to place the two systems on an equal footing, by abolishing transfer duty altogether.

The ATTORNEY GENERAL moved, as an amendment, That the Bill be read a second time that day six months. The "Land Transfer Act, 1874," had been introduced by the Government in compliance with a general expression of feeling on the part of the House and of the public, that it would be productive of many advantages in the way of cheapening and expediting the transfer of land. That Act had only been in operation for a short space of time, and it was too early yet to say whether it would prove a success or a failure; but he thought that, in order to give it a fair chance, it was

expedient to offer every inducement to landed proprietors to bring their property under its operation. One of these inducements was the fact that no transfer duty was imposed under its provisions, and he thought that, under the circumstances, it would be inexpedient to abolish the duty now chargeable under the old system, and which, as a source of revenue had been in existence almost since the establishment of the Colony. The time was, probably, not far distant when it would become expedient to charge a duty upon the transfer of all landed property, whether conveyed under the common law system or under the Act known as Torrens'; but in the meantime he thought every inducement should be offered the public to avail themselves of the provisions of the new Act. The amount of revenue hitherto derived from that Act had only reached about £150, whereas the expenses of the office had amounted to about £1,000; hon. members would, therefore, see that unless a great many more people than at present brought their property under the new Act, it must prove so far a failure that it would become a considerable burden upon the public revenue. For this reason he thought it would be wise to leave the existing inequality between the two systems of transfer unredressed, for the present, at any rate. In the course of a few years it might, possibly, be found expedient to remove the existing anomaly as to duty, not by abolishing transfer duty altogether, but rather by imposing a duty upon land whether transferred under the provisions of the old system or the new. He would therefore move, as an amendment, that the Bill before the House be read that day six months.

THE ACTING COLONIAL SECRETARY seconded the amendment, and expressed his concurrence with what had fallen from the Attorney General as to the inadvisability of at present removing any inducement calculated to lead landowners to avail themselves of the provisions of the Transfer of Land Act. The result of adopting the Bill before the House would be to perpetuate the cumbersome and expensive system of common law conveyance, to the detriment of the newer and cheaper system but to the profit of the legal fraternity, whom, however, he did not blame for endeavoring to bolster up, in this way, a system that brought more grist to their mill. He regarded the Bill before the House as an effort to frustrate the intentions of those who were instrumental in the introduction of Torrens' Act.

MR. CROWTHER thought the hon. member, Mr. Burt, had put his case very fairly. He did not see why, in justice to the old system, it should be handicapped, seeing that land could be conveyed under that system just as well as the new. If a man chose to have his property conveyed under the system of common law instead of the other system, he did not see why he should be compelled to pay duty under the one and not under the other; both should run equally weighted. At present, it was rendered almost compulsory on a man to adopt the duty-free system, which he thought was an injustice to the gentlemen of the long robe, who—if they could under the old system of conveyance afford satisfaction to their clients and at the same time avoid delay—should not be placed under a disadvantage.

MR. PADBURY: I am one who always likes to see fair play. I was amongst those who were very anxious for the Torrens' Act to be introduced here. I fought hard for it; for I considered it a splendid Act, and still consider it so; but it ought to be worked £200 a year (at least) cheaper than it is now. I am sorry to hear it has not produced more revenue than it has. All I know is—as far as my experience goes—it works very well, and it is very much cheaper than the old system. Only the other day, I transferred twenty-three separate fee simples at a cost of £6; under the old Act it would have cost me £30. At the same time, I would give the lawyers fair play. If there is duty on one system, let it be on both; or, if one is to go free, let them both go free. I don't care which it is.

MR. BURT said it appeared the only objection which the opponents of the Bill had against it, was that it would enable the legal profession to transfer land as cheap as the Government can do so. He thought that could only be regarded as a consummation devoutly to be desired, and, surely, was no argument at all against the measure itself. By removing the duty off the system of common-law conveyance, they did not perpetuate any cumbrous process, as it had been called,

for the sole benefit of the legal fraternity, as some hon. members had insinuated. They could not do without the lawyers even under Torrens' Act; there was much business that could not be transacted under that system without the aid of lawyers; and, speaking professionally, it mattered very little to him whether one system or the other remained in operation. All he contended for was, that so long as we had two systems of conveyancing, both should be on the same footing. He would ask if there was any precedence in the other colonies for the adoption of two different principles as regarded the transfer of land. In those colonies the old system and the new were allowed to run together on equal terms.

Amendment:—That the Bill be read that day six months—negatived on a division. (*Vide* "Votes and Proceedings," p. 79.)

Bill read a second time.

IN COMMITTEE.

Clause 1—agreed to, without discussion.

Preamble:

Mr. RANDELL: I think we are dealing with this question in a somewhat loose manner. By the action of the Council we are losing, we are abolishing, a considerable source of revenue, which last year amounted to £422. If there is an interest in the Colony that can well afford to bear taxation, it is land. I do not think the hon. member who introduced the Bill has made out his case at all. The House has just decided that a railway shall be constructed, which cannot be done without interfering with vested interests, and which is an analogous case to this interference with the vested interests of the lawyers. I think it would be preferable to impose a transfer duty under the Torrens Act, rather than to take it away from the old system. I consider that to remove duty off land is altogether opposed to the soundest principles of taxation, and I certainly do object to the principle of this Bill. I can hardly conceive that hon. members have fully considered the effect of their vote in agreeing to the second reading of a measure of this kind, and I trust that the House will re-consider its decision. If it is desired to place the two systems on the same footing, let a transfer duty be imposed upon both. Looking at the small amount of revenue derived from the Transfer of Land Act, as compared with the expenses of carrying it out, I think the House could not do better than to impose a duty upon all lands transferred under that system, as well as under the old.

Mr. SHENTON said he had supported the Bill simply for the reason that he thought both systems should be on the same footing. If a measure were introduced to impose a transfer duty under the Torrens Act, he would be prepared on the same principle to support it. He thought that land could easily bear a transfer duty of one per cent. under both systems.

Mr. MARMION: When the Torrens' Act was introduced here, I think it was supported by a vast majority of the elected members; in fact, a considerable amount of pressure was brought to bear upon the Government to bring the Bill forward, under the belief that it was a measure which would confer a vast benefit upon the community. I apprehend it is the general wish of the Colony, and of this House, that every inducement should be put in the way of people bringing property under this Act, and one of the inducements held out is that land can be brought under its operation free of duty, which has effected the desired purpose. I believe that the hon. member Mr. Burt's movement is a strong proof that it is effecting its purpose. I do not blame him, as a member of the legal fraternity, for endeavouring to remove the obstacles now standing in the way of people having resort to the old system, and thereby to frustrate the working of the new. If we abolish the duty which is now imposed under the common-law system, we shall just be throwing an obstacle in the way of the successful working of the new Act, and we shall be keeping up an expensive establishment to no purpose. I think hon. members have made a mistake in voting for the second reading of this Bill; they have lost sight of the fact that, if it becomes law, our land revenue will suffer by the alteration. If any change is to be made at all, I would rather see it made in the direction of increasing, rather than decreasing, the revenue derived from land. The Bill is one of considerable importance, and I trust the House will hesitate before passing it into law.

THE ACTING COLONIAL SECRETARY intimated that the Government would take under its consideration, between this and the third reading of the Bill, whether it would not be better to take a step in the other direction, and, instead of removing the duty off the old system, to impose a duty under the new as well as the old.

MR. STEERE: I don't see that we can reconcile our action in supporting the preamble of this Bill,—which affirms the expediency of abolishing the duty now chargeable on the transfer of land—by supporting a bill to enforce the imposition of a transfer duty. If we are to be asked hereafter to pass a measure of that character, we cannot consistently agree to the preamble of the Bill now under consideration. I think the best course to adopt would be to report progress.

MR. BURT said his principal object in bringing forward the Bill was to equalise the two systems of transfer, and he had no objection to progress being reported, after what had fallen from the Acting Colonial Secretary and from other hon. members.

Progress reported, and leave obtained to sit again.

MUNICIPAL INSTITUTIONS' BILL, 1876.

IN COMMITTEE: RESUMED.

Clauses 96 and 97—agreed to.

Clause 98.—"Amount which may be borrowed:"

MR. RANDELL said he considered the enlarged borrowing powers proposed to be invested in municipal councils excessive. The effect would be that in Perth the City Council would be able to borrow about £30,000, for ten times the income of the municipality for three years would amount to that sum, or thereabout.

MR. SHENTON: The hon. member is mistaken. The amount we would be empowered to borrow under this clause would not be ten times the income of the municipality for three years, as the hon. member seems to think, but ten times the net annual income, calculated upon the average ordinary yearly income of the municipality for the three years next preceding the raising of the loan. The utmost sum which the municipality of Perth could borrow under this clause—calculating upon the present ordinary income of the corporation—would be about £10,000, which I do not think an excessive sum, regard being had to the limitations and restrictions under which the loan could be contracted. It must be borne in mind that the money can only be borrowed for permanent works or undertakings, and any such proposal to raise money must be sanctioned by the majority of the ratepayers, who, if they choose, may forbid the council from contracting the loan. I trust the time is not far distant when Perth will be in a position to undertake the construction of waterworks, which project alone would nearly absorb all the money which the municipal council would be empowered to borrow under this clause.

MR. RANDELL said he had misunderstood the extent of the borrowing powers which this clause proposed to confer upon Municipalities. He would not be averse to the Municipality of Perth borrowing a sum of say £10,000 for the construction of waterworks.

MR. MARMION thought the powers here proposed to be invested in Municipal corporations was altogether in excess of what ought to be placed in the hands of an irresponsible body of men. It was all very well to say that the ratepayers could veto any proposed loan, if they chose; but hon. members were not ignorant of how careless and indifferent the ratepayers of this Colony were, even in matters affecting their pockets. He thought that five times the average ordinary annual income of a municipality was an ample sum to empower the council to raise, and he would move an amendment upon the clause before the committee that the word "five" be substituted in lieu of "ten."

MR. CROWTHER considered the enlarged borrowing powers contemplated in the clause as too extensive to be placed in the hands of any municipal body, notwithstanding the restriction and limitations under which these powers could be exercised. Most of the provisions of the Bill, in fact, were at least fifty years in advance of the requirements of rural municipalities, and totally inapplicable to any district out of Perth and Fremantle.

MR. SHENTON said the Bill had not been framed merely to meet the imme-

diate requirements of the Colony; something further than that was contemplated. He thought it was a very undesirable practice that legislative enactments should be brought forward for amendment, every two or three years, in order to meet our increasing requirements.

Mr. PADBURY: We are talking about enlarging the borrowing powers of our municipalities, but the question is, who would lend the money unless there was some fair ground for believing that the principal and the interest would be repaid. I would not object to giving these bodies enlarged powers to raise money, if they exercised it judiciously. I hope the day may come—I don't suppose I shall see it myself—when Perth shall boast of its waterworks, and the city and also Fremantle shall obtain their supply of water from the Canning. I have been told by the Surveyor General it could be brought to the top of Mount Eliza from the Canning for something like £30,000, which, in my opinion, would be money well spent. But I am doubtful whether this could be done in such a way as to supply the whole city, for that sum. Taking the rates paid in the other colonies—and we could afford to pay the same—I think that the sum of £50,000 expended on waterworks in this city would be money well laid out, and yield enough to pay the interest.

The COMMISSIONER OF CROWN LANDS said he had taken great interest in this question of waterworks. Some time ago, he made some experiments in boring for water, but the party went down a great distance without finding any material yield. Before bringing water to Perth from the Canning, he would like to see the question settled—whether we have not an ample supply of water underneath us, which might be utilised as Artesian wells. As to supplying the city with water from the Canning, he had taken some pains, a few years ago, to ascertain if it could be done, and after careful enquiry and examination, he had become convinced that a fine supply of water might be obtained, and carried to an altitude of 300ft. above the sea level, in sufficient quantity to supply the whole city.

Mr. MARMION: I think it will be a great many years before such a scheme will be carried out, in spite of the sanguine anticipations of the hon. member for Newcastle. For years yet, the city will have to spend money upon something even more urgent than water supply. I think there is very little cause for complaint as to the quantity or the quality of the present supply of water in the metropolis. When the time arrives when waterworks shall become a pressing necessity, the borrowing powers of the Municipality might possibly be then safely enlarged, but that time has not yet arrived.

Amendment—That "five" be substituted for "ten"—put, and negatived on the voices.

Mr. MARMION moved, That after the word "ordinary," and before the word "income," in the third line, the word "annual," be inserted.

Agreed to, and clause, as amended, ordered to stand part of the Bill.

Clauses 99 to 124—agreed to.

Clauses 125 to 127—postponed.

Clauses 128 to 130—agreed to.

Progress reported.

TARIFF BILL, 1876.

SECOND READING.

The ACTING COLONIAL SECRETARY, in moving the second reading of this Bill, said it had been brought forward to give effect to the report of the commission appointed to consider the tariff, with a view to its simplification, and which report had already been under discussion in the House, and affirmed with certain amendments. No alteration had, since then, been made in the schedules, with one exception, namely "soda," which had been removed from the free list and placed on the dutiable list.

Motion agreed to.

IN COMMITTEE.

Clauses 1 to 5 agreed to, without discussion.

First Schedule—Table of Duties: Item—"Dried Fruits:"

Mr. MARMION moved, That the words "not including dates" be inserted in the 12th line. It was not intended by the commission that dates should be included in the list of dried fruits subject to a duty.

Motion affirmed, without a division.

Item: "Wine:"

MR. RANDELL moved, That after "wine, per gallon, 4s." the words "wine, sparkling, 6s.," be inserted.

THE ATTORNEY GENERAL thought this would entail a great deal of trouble upon the Custom House officers, without resulting in any corresponding advantage.

Motion negatived on the voices.

Item: "Salt:"

MR. PEARSE suggested that the duty on salt be removed, or, at any rate, reduced. It was altogether excessive at present, being fifty per cent. on the prime cost of the article.

The suggestion elicited no remark, and the first schedule was agreed to as amended.

Second Schedule—Goods Free of Duty: Item: "Alkali, Crystal:"

MR. RANDELL moved, That "crystal" be struck out.

Agreed to.

Item: "Flour, bran, and pollard:"

MR. MARMION moved, That "meal" be added to this item.

Agreed to.

Item: "Machinery for Agricultural purposes, &c:"

MR. MARMION moved, That "chaff-cutters and corn-crushers" be added. They were not exactly machinery for agricultural purposes, strictly speaking, but he thought they should be included in this list.

THE ATTORNEY GENERAL thought they would come under the denomination of "machinery for agricultural purposes."

MR. RANDELL: Corn-cutters, at any rate, are not considered so, by the Customs authorities at present; nor do I see why they should be imported duty free, although they are used for other purposes than agriculture.

Motion negatived, on a division. [*Vide* "Votes and Proceedings p. 81.]

Item: "Sails, ready-made:"

MR. MARMION moved, That the item be struck out.

Motion affirmed, on the voices.

Item: "Sheep and Bullock Tongues, in tins:"

MR. RANDELL moved, That this item be struck out.

Motion negatived, without a division.

Item: "Sewing Machines:"

MR. SHENTON moved, That "sewing machines" be added to the schedule.

Motion negatived, on the voices.

Second schedule, as amended, agreed to; as also third schedule without discussion or amendment.

Bill reported.

LEGISLATIVE COUNCIL,

Wednesday, 30th August, 1876.

High School Bill: second reading—Municipal Institutions' Bill: in committee (resumed).

THE HIGH SCHOOL BILL, 1876.

SECOND READING.

THE ACTING COLONIAL SECRETARY, in moving the second reading of a Bill to provide for the higher education of boys, said it would be in the recollection of hon. members that a measure somewhat similar in character had been introduced last session, and that such Bill passed through its various stages in the House, and was reserved by His Excellency the Governor for the signification of Her Majesty's pleasure thereon. A despatch from Her Majesty's Secretary of State had been laid upon the table, from which hon. members would have observed that although his lordship considered the Bill of last session open to objection on certain grounds, and that for that reason he had advised Her Majesty to disallow it, still, his lordship added, if another measure, framed on somewhat similar principles, but having the same laudable object in view, were passed by the Legislature, he would be prepared to advise the Queen to assent to it. The noble lord approved of the fundamental principle of the Bill of last session, which, hon. members would recollect, provided that the education to be given in the proposed High School should be of an exclusively secular character, and his lordship did not refrain from expressing the satisfaction with which he had noticed this very