

so—unless this condition is accepted by His Excellency, I would sooner see the Bill thrown out altogether, for I think it would be utterly worthless.

The committee divided (*vide* "Votes and Proceedings," p. 127), and there being an equal number for the amendment and against it,

THE CHAIRMAN OF COMMITTEES gave his casting vote with the Ayes, and the amendment was therefore adopted, and the paragraph, as amended, agreed to.

Paragraph 4:

MR. STEERE moved, That all the words after the word "that" in the first line, be struck out, and that the following words be inserted in lieu thereof: "Clause 18 should not be struck out, but they are willing to insert the words 'when specially ordered in writing so to do by a Justice of the Peace,' between the words 'constable' and 'shall' in the first line."

Committee divided; votes equal (*vide* "Votes and Proceedings," p. 127).

THE CHAIRMAN OF COMMITTEES gave his casting voice with the Ayes, and the amendment was therefore carried.

Paragraph, as amended, agreed to.

Resolution reported.

LEGISLATIVE COUNCIL,

Tuesday, 12th September, 1876.

Duty on Transfer of Land Bill; second reading; in committee. Dog Bill: message from His Excellency the Governor; in committee.

DUTY ON TRANSFER OF LAND BILL.

SECOND READING.

MR. BURT, in moving the second reading of a Bill to enforce the payment of duty on the transfer of land brought under the operation of "The Transfer of Land Act, 1874," in the same manner as duty was chargeable under the system of common law conveyance, said the House

was already in possession of the grounds upon which the Bill had been brought forward, and he therefore need not detain the House by any further explanation of the principle of the Bill. The object of the Bill was very clearly set out in the preamble, which, in fact, might be said to embody the main argument in favor of the introduction of the measure. The Bill merely sought to empower the Registrar of Land Titles to levy and collect—in addition to the fee for registering a transfer—a transfer duty of £1 for every £100 of the consideration for such transfer. This was provided for in the first clause of the Bill. The second clause inflicted a penalty of £50 upon the Registrar for neglecting to collect the transfer duty, and the third clause provided that the value of the consideration to be paid in respect of the transfer shall be ascertained by oath of the parties, such oath to be administered by the Registrar. There was a penalty of £50, in addition to five times the amount of the excess of duty which would be legitimately chargeable, for any false statements. The fourth and last clause provided how the penalties shall be enforced and recovered, and the moneys received dealt with. These were the provisions of the Bill, the second reading of which he now begged to move.

MR. RANDELL asked whether the payment in respect of the assurance fund would be collected by the Registrar of Land Titles, in addition to the transfer duty; also, whether any person who did not wish to sell his land, but merely bring it under the operation of the Act, would have to pay the proposed duty.

MR. BURT said the assurance fund would still be payable as at present. As to the duty, that, of course, would only be payable when the land was actually transferred from one person to another, and upon the value of the consideration paid for the transfer. If there were no money consideration, there would be no duty payable.

Bill read a second time.

IN COMMITTEE.

Clause 1—"Registrar at Office of Titles shall, in addition to fee for registering a transfer, collect the transfer duty imposed by 5 Vict., No. 13, as amended by 38 Vict., No. 7."

Agreed to.

Clause 2—"Penalty on Registrar for neglect of duty:"

Agreed to.

Clause 3—"Consideration for transfer shall be ascertained by administering oath to the parties: penalty for false statements:"

Agreed to.

Clause 4—"Penalties, how enforced: moneys, how to be dealt with:"

MR. MARMION asked how the Bill would affect land at present in course of being transferred, and applications for transfer made prior to the introduction and passing of this measure?

MR. BURT thought they ought to come within the provisions of the Bill. The duty had been evaded hitherto, simply because the Registrar had no authority to collect it.

MR. MARMION considered that those persons who had already made applications to bring their land under the operation of the Act should be exempt from payment of the duty imposed under the Bill now before the House, and should only be subject to the regulations already in force. In other words, he did not think the Bill should be made retrospective in its operation.

MR. RANDELL suggested that provision should be made whereby the Bill, when passed, should not come into operation until the 1st October following.

THE ATTORNEY GENERAL: I should think that where land has already been transferred under the Act (1874), no question can arise as to its being exempt from the duty chargeable under the present Bill; but where transfers are pending, and not yet completed, I don't see why they should not come under the operation of the Bill.

MR. BURT: It would not affect more than one or two applications.

Clause agreed to.

New Clause:

MR. BURT moved, That the following new clause be inserted:—

"The aforesaid duty shall also be chargeable and received by the said Registrar upon every certificate of title issued upon any application in which the applicant may have directed the certificate to issue in the name of any person other than himself."

MR. RANDELL: I suppose it would not apply to a case where the certificate was already signed, but not delivered?

MR. BURT: No.

Clause agreed to.

Bill reported.

THE DOG BILL—MESSAGE No. 11.

MR. SPEAKER announced the receipt of the following message from His Excellency the Governor:—

"The Governor has carefully considered your address of the 11th instant, in reply to his message No. 7 of the 7th inst., on the subject of the Bill intituled 'An Act to amend the law relating to Dogs.'

The modified amendments to which you would be prepared to agree, in respect of the 14th and 18th Sections, would in no way remove the objections which the Governor entertains to the principle of the Clauses in question. He therefore considers it unnecessary to take steps to incorporate such modified amendments in the Bill. The Governor is, however, very desirous of meeting your wishes in the matter, as far as lies in his power, and now suggests to you, by way of amendment, that the 18th section of the Bill be omitted, and the following substituted in lieu thereof:—

'If any police constable who shall be ordered by a Resident Magistrate in writing to destroy any unregistered dog which may be at large within the district of such Magistrate, contrary to the provisions of this Act, shall neglect to destroy or to use his best endeavors to destroy the dog mentioned or described in such order, such constable shall, for every such neglect, forfeit and pay a sum of not more than 40s.'

Further, the Governor proposes that Clause 14 be amended, as suggested in his former Message.

Government House, Perth, 12th Sept., 1876."

THE ACTING COLONIAL SECRETARY moved that the message be forthwith considered in committee of the whole, which was agreed to.

IN COMMITTEE.

THE ACTING COLONIAL SECRETARY moved, That an address be presented to His Excellency, to the effect that the House agreed with the proposed amendments embodied in the vice-regal message. The hon. gentleman said it must be obvious that it would be impolitic to empower every Justice of the Peace to order the destruction of any unlicensed dog in any part of the Colony. Such a power might be so exercised as to interfere very materially with the police in the discharge of other and more important duties, and it was wisely proposed by His Excellency that the power should be only vested in Resident Magistrates.

MR. SHENTON thought the House had good cause for complaint with respect to the delay which had taken place on the part of His Excellency in dealing with this Dog Bill. The measure passed its third reading on the 31st August, and the House heard no more about it until the 8th September, when most of the country members had left town, in the belief that the matter was not likely to crop up again. He could hardly think all this delay had been unavoidable.

MR. STEERE concurred. As to the proposal to restrict the power to order the police to destroy unlicensed dogs to Resident Magistrates, he could not agree in any such proposal. His Excellency and those who represented him in that House, appeared to regard the idea of a Justice of the Peace being authorised to order the destruction of these dogs as something quite startling in its novelty, whereas, in point of fact, such a power was already vested in all Justices, under existing Ordinances.

THE ACTING COLONIAL SECRETARY said the law, as it stood, did not render it penal upon constables to disobey such orders, whereas it was now proposed to render them amenable to penalties if they did not destroy every unlicensed dog they came across.

MR. STEERE said that constables were liable to a penalty, under the Police Act, if they neglected to perform their duty. He repeated, there was nothing novel in the provision which His Excellency seemed to regard with so much horror. It seemed to him most invidious to say that Justices of the Peace could not be entrusted with the power which it was proposed to confine to Resident Magistrates. He was not aware that the stipendiary magistrates were men possessed of more common sense and intelligence than the honorary Justices. The long and short of the matter was, the Government did not like the idea of these dogs being destroyed, and it was thought that by restricting the power to order their destruction to Resident Magistrates, those officials would be more under Government control than ordinary Justices of the Peace. It appeared to him that His Excellency thought more about the mangy curs of the natives than about the interests of the settlers and the welfare of the Colony, or else he would

not have opposed this Bill in the manner he had done. He thought the Bill would entirely fail in its purpose if amended as suggested by His Excellency, and, so far as he (Mr. Steere) was concerned, he would sooner see the Bill dropped altogether than adopt the proposed amendment. It was contrary to the expressed desire of a majority of the hon. members of that House, and he considered it very unfair that the Government should take advantage of the departure of country members with a view of carrying out these whims of His Excellency. He would move, as an amendment upon the proposed reply to the message under consideration, That the Council cannot concur in the suggestion of your Excellency that the power to order a constable to destroy unlicensed dogs should rest solely with a Resident or Police Magistrate, but that all Justices of the Peace should have the same power within the district in which they severally reside.

MR. CROWTHER would support the amendment. There were districts in which a man would have to travel forty, fifty, or even sixty miles to get an order from the Resident Magistrate, whereas there might be a Justice of the Peace residing in the immediate locality. If the Government could not repose sufficient confidence in the discretion and intelligence of Justices of the Peace to entrust them with the power to authorise the destruction of an unlicensed dog, surely those gentlemen could not be regarded as fit to hold Her Majesty's commission of the peace. He believed the honorary Justices were, as a body, quite as intelligent, and endowed with as much sound sense, as the paid magistracy.

MR. SHENTON pointed out that in the district which he represented, and which extended from Northam on the North to the Irwin on the South, there was only one Resident Magistrate. This official resided at Newcastle, and he (Mr. Shenton) would like to know how people residing at Victoria Plains, Yatheroo, Gingin, or other distant parts of the district, were to get an order for the destruction of an unlicensed dog. They would have to travel scores of miles to obtain it, although there might be a Justice of the Peace in the immediate neighborhood. It did seem to him ridicu-

lous that a Justice of the Peace should be empowered to give a man three years for a breach of the law, but at the same time could not be entrusted with the power to order the destruction of an unlicensed cur.

THE ACTING COLONIAL SECRETARY denied the assertion that the Government were not anxious to abate this dog nuisance. On the contrary, it was the intention of the Government to carry out the provisions of the Bill with rigor, but under wholesome restrictions.

MR. STEERE: The hon. gentleman says the Government are extremely anxious to carry out the provisions of the Bill. So they may be; but the present Governor will not be always here. Supposing we have a Governor like the last one (Mr. Weld), who caused instructions to be issued that the dogs of natives should not be destroyed, what would happen then? As to the police leaving important duties in order to go a long distance to destroy a dog, I would ask any hon. member endowed with common sense if any Justice of the Peace would be so ridiculous, so foolish, as to order a policeman engaged on some important duty to leave it, and go and destroy a dog forty or fifty miles away. A man who would do that, possessed no common sense at all.

MR. RANDELL said he would support the amendment. The objection he formerly had to the Bill had been removed by the amendments adopted the previous night.

THE ATTORNEY GENERAL: As to the reflection imputed to His Excellency by some hon. members that Resident Magistrates were a more intelligent class of persons than honorary Justices, I do not think there is any ground whatever for such an imputation. But there is this reason to be alleged why the power proposed to be invested by this Bill, as to the issuing of instructions to destroy dogs, should be limited to Resident Magistrates: a Resident Magistrate has a defined district under his jurisdiction, and is, generally, more cognisant with the routine duties of the police—where they are wanted, and what is required to be done—than honorary Justices are likely to be. This appears to me a substantial reason why the power should be entrusted to the former.

MR. PADBURY would support the amendment. A man had no business to be on the commission of the peace if he could not be entrusted with the simple power to issue orders to destroy an unlicensed or unregistered dog. He would be sorry indeed to cast such a slur upon the Magistrates of the Colony.

The amendment was adopted, on a division (*Vide* "Votes and Proceedings," p. 131), and the address in reply, as amended, was agreed to.

LEGISLATIVE COUNCIL,

Wednesday, 13th September, 1876.

Prorogation of Council.

PROROGATION.

HIS EXCELLENCY THE GOVERNOR having entered the Council Chamber, and having desired that hon. members be seated, was pleased to deliver the following speech:—

"MR. SPEAKER, AND GENTLEMEN OF THE LEGISLATIVE COUNCIL,—

The time has come when I can relieve you from further attendance in Council. In doing so, I have to express to you my acknowledgments, as well for the attention which you have bestowed upon your Legislative duties, as for the liberal provision which you have made for the use of the Public Service.

I thank you for placing at my disposal a sum which I doubt not will be sufficient for the preliminary and final surveys of the proposed Railway from Fremantle to Perth and Guildford. Aware of your desire that this work should be speedily accomplished, it was with much pleasure I informed you in the course of the Session that I had received from the Secretary of State a Despatch which I agree with you in regarding as favorable to the fulfilment of your wishes. A preliminary survey of the route will be