I do not know that the measure contains anything debatable: no principle is involved in it. Whatever variations are to be made in the proposed amendments can be made in Committee. A great many of the amendments, it will be observed, are merely verbal, and do not alter the scope of the Bill at all. The chief alteration is in that portion of the Bill which takes the control of drains out of the hands of the Minister for Works and puts it in the hands of the Minister for Lands. At present there is a sort of dual control which is found to be very inconvenient. Most of the amendments are explanatory. I do not propose to deal with these amendments in detail on the second reading, but they can be dealt with when we get into Committee.

HON. F. H. PIESSE: We will agree to go into Committee.

THE PREMIER: The member for the Williams (Hon. F. H. Piesse) seems to agree with me that there is no particular principle involved in the Bill, and we can go into Committee. I beg to move the second reading.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at a quarter to 11 o'clock, until the next day.

Legislative Council,

Wednesday, 16th October, 1901.

Question: Dividend Tax, Received by Wardens—Paper presented—Question: Railway Officials, Extra Duty, Bonus—Question: Railway Survey, Coolgardie to Norseman—Question: Railway, Brown Hill Loop—Motion: Rifle Clubs, Ammunition—Friendly Societies Act Amendment Bill, first reading—Notice of Motion, Irregular—Return ordered: Courts Business at York, Northam, and Newcastle—Land Act Amendment Bill, third reading—Divorce and Matrimonial Causes Amendment Bill, third reading—Roman Catholic Church Lands Amendment Bill, second reading—Trade Unions Bill, second reading—Contractors and Workmen's Lien Bill, second reading, resumed, concluded—Probate and Administration Amendment Bill, in Committee, resumed; Recommittal—Public Health Act Amendment Bill, Postponement—Dog Act Amendment Bill, second reading, in Committee to Clause 28, progress—Adjournment.

THE PRESIDENT took the Chair at 4·30 o'clock, p.m.

PRAYERS.

QUESTION—DIVIDEND TAX, RECEIVED BY WARDENS.

HON. T. F. O. BRIMAGE asked the Minister for Lands, without notice: Will the Government give notice to wardens to accept the dividend duty tax?

THE MINISTER FOR LANDS replied: Yes.

PAPER PRESENTED.

By the MINISTER FOR LANDS: Particulars as to telegraphic communication with Mertondale, as ordered.

Ordered to lie on the table.

QUESTION—RAILWAY OFFICIALS, EXTRA DUTY, BONUS.

HON. J. T. GLOWREY asked the Minister for Lands: 1, If the Government is aware that several of the station-masters and other officials on the Eastern Goldfields line performed a large amount of extra duty during the recent railway strike. 2, If so, does the Government intend to recognise their services by giving them a bonus or extra holidays?

THE MINISTER FOR LANDS replied: 1, Yes. 2, Yes; instructions have already been given that their services are to be recognised.

QUESTION—RAILWAY SURVEY, COOLGARDIE TO NORSEMAN.

HON. T. F. O. BRIMAGE asked the Minister for Lands: When is the pro-

posed railway survey between Coolgardie and Norseman to be started?

The MINISTER FOR LANDS replied: The Government will make its proposal known as regards this survey when the Loan Estimates are submitted, as a definite decision has not yet been arrived at.

QUESTION—RAILWAY, BROWN HILL LOOP.

Hon. T. F. O. BRIMAGE asked the Minister for Lands: When will the Brown Hill loop line be opened for passenger traffic?

The MINISTER FOR LANDS replied: It is expected that this line will be completed and ready for opening about the end of the present year.

MOTION—RIFLE CLUBS, AMMUNITION.

Hon. T. F. O. BRIMAGE (South): I beg to move:

That this House is of the opinion that all ammunition for the use of rifle clubs should be admitted free, and that the State Government of Western Australia be requested to forward this resolution to the Federal Government.

He said: I think members will agree with me that the time has arrived when ammunition for the use of rifle clubs should be admitted free of duty. I think when subjects of the Crown are willing to train and make themselves competent soldiers for the defence of the Empire, that the least the Government of the country can do is to give them ammunition as cheaply as possible for the purpose of practice. I have heard that several clubs have recently imported a good deal of ammunition for the use of the members, and the clubs have been charged the heavy duty which is imposed on the importation of ammunition at the present time. Seeing that the funds of the rifle clubs are raised by the private subscription of the members, it is the duty of the State or the country to make the cost of the ammunition as cheap as possible to the clubs. I am sure the House will agree with me on this point.

Hon. E. M. CLARKE (South-West): I second this motion, and feel the greatest pleasure in doing so. I will mention that I am an old hand with the rifle myself, and there can be no greater necessity for the expenditure of the money than in the direction of encouraging all the young men of the State to attain proficiency in the use of the rifle. An old proverb says, "As the old cock crows, so the new one learns." Many old hands are excessively fond of shooting, and the young men inherit the same sporting character from their fathers. I know well from experience that in former years when rifle clubs were formed, one of the great difficulties we had to contend with was the cost of obtaining rifles and ammunition at a reasonable price. There is too much red tape about this business. Facilities are not offered to young men, and old men too, for the matter of that, to make themselves efficient in the use of the rifle. During the past year or two we have an object lesson in the Boer war. We found there that the principal requisite in warfare is to learn to be good horsemen and good marksmen. To illustrate my point, if in this country an invading army attempted to force its way through the hills, a corps of horsemen who could ride well and shoot straight would be one of its most formidable foes. When I was a volunteer, I used to ridicule the weapons put in our hands in those days. There were given each of us an old sword and a revolver, and the thing about those revolvers which to a great extent deterred us from using them was the danger of shooting each other. There was not a possibility of shooting the enemy a little distance off, but they were let off accidentally and promiscuously amongst our comrades; and I used to say then that I would rather be among half-a-dozen riflemen stationed in the scrub than among 50 mounted men attacking them with swords and revolvers. Since that time it has been demonstrated that the main consideration is to have riflemen who can shoot well; but I do not think that arms and ammunition should be handed out promiscuously to anybody and everybody. There should be certain facilities given, and means of obtaining proficiency should be made more easy. This motion has my entire sympathy. It is a step in the right direction. I have advocated it all along, and I wish it to be distinctly understood that in my opinion the Government should offer every facility to young men to make themselves proficient in the use of the rifle.

Question put and passed.

FRIENDLY SOCIETIES ACT AMENDMENT BILL.

Introduced by HON. A. JAMESON, and read a first time.

NOTICE OF MOTION, IRREGULAR.

HON. C. E. DEMPSTER having given notice to move "That a Residency should be erected at Northam, and that either a bridge or a causeway should be constructed across the Avon River," now rose to move the first proposition.

THE PRESIDENT: I cannot put these notices of motion in the form in which they appear on the Notice Paper. I called the hon. member's attention the other day to the way in which such motions for the expenditure of money were drawn, and told him that I could not put them. If the hon. member will see the Clerk after the adjournment of the House, the notices can be amended.

HON. C. E. DEMPSTER: I did amend them, sir; and I thought the form in which they now appear would be accepted.

THE PRESIDENT: They are not yet in order.

RETURN—COURTS BUSINESS AT YORK, NORTHAM, AND NEWCASTLE.

HON. M. L. MOSS moved:

That a return be laid on the table, showing the number of cases heard in the Local and Police Courts at York, Northam, and Newcastle since 1st January, 1901.

This return would presently be required; and, candidly, he might state it had been asked for in view of one of the notices of motion which had just been ruled out of order. To prepare the return would cost but little, and from the Minister for Lands he understood the Government had no objection to giving the information.

Question put and passed.

LAND ACT AMENDMENT BILL.

Read a third time, and transmitted to the Legislative Assembly.

DIVORCE AND MATRIMONIAL CAUSES AMENDMENT BILL.

Read a third time, and transmitted to the Legislative Assembly.

ROMAN CATHOLIC CHURCH LANDS AMENDMENT BILL (PRIVATE).

SECOND READING.

HON. R. S. HAYNES, in moving the second reading, said: In pursuance of a report made by a select committee of this House, which report was adopted, I now move that this Bill be read a second time. It is a private Bill, and therefore its object has to be clearly set forth in the preamble. Once the preamble is proved, the passage of the other clauses is practically assured. The preamble sets out what is the object of the Bill. It recites:—

At the respective times of the passing of the said Ordinance and Act there was only one Roman Catholic diocese in Western Australia, embracing the whole of the State, and one Bishop administering the ecclesiastical affairs of the Roman Catholic Church in Western Australia: And whereas the State is now divided into two dioceses, viz., the dioceses of Perth and Geraldton, and other dioceses may hereafter be created in the said State: and it is expedient that the lands and premises of the said church within each diocese should be vested in the Bishop for the time being of the diocese: and that such Bishop should be enabled to exercise in respect of all buildings, lands, and premises situate within his diocese and belonging to the Roman Catholic Church, the powers granted by the said Roman Catholic Church Lands Act, 1895.

Practically it is therefore recited that there was originally only one bishop, the Right Rev. Dr. Gibney, for the whole of Western Australia; and in him was vested as trustee the whole of the lands belonging to the Roman Catholic Church. The year before last another see was erected at Geraldton; and for the diocese of Geraldton certain lands are portioned off. Those lands are still vested in the Bishop of Perth, the Right Rev. Dr. Gibney; and it becomes necessary by Act of Parliament to empower the Bishop of Geraldton to deal with the lands allocated to the Geraldton diocese in the same way as the Bishop of Perth can now deal with them. Therefore the only person whose interest is being, as it were, encroached upon by this Bill is Bishop Kelly, of Perth; the apportionment of the land has been settled between Bishop Gibney, of Perth, and Bishop Kelly, of Geraldton; and the only object now is to carry out that agreement, and also to make provision hereafter that if there are other sees erected in the State the bishop of the new

see shall have the same powers as the bishop of the old see. The Bill goes a little farther than that, but it has the full consent of Bishop Gibney. It is only a formal matter empowering the Bishop of Geraldton to deal with the land, and vesting in him a legal estate of the land as it was originally vested in the Bishop of Perth. I move that the Bill be read a second time.

Question put and passed.

Bill read a second time.

TRADE UNIONS BILL.

SECOND READING.

Hon. A. JAMESON (Minister): In moving the second reading of this Bill, I may say the necessity for it will be apparent when I tell hon. members that, although trade unions have been very useful and are recognised in the State, in so far as they refer to the Conciliation and Arbitration Act, they have never yet been legally enacted. This is a somewhat extraordinary thing, for in England, which is supposed to be the great conservative country, an Act similar to this was passed in 1871. This Bill is founded on the Imperial Acts of 1871 and 1876. All the provisions are to be found in the Imperial measure with very few exceptions, and those I will point out to hon. members. By the definition of "trade union" it will be seen the Bill contemplates a union of employers as well as a union of employees. In that way provision is made for the unions as represented under the Conciliation and Arbitration Act. A little farther on in the Bill there is a provision which limits the powers of persons in respect of certain agreements which do not come under the Trade Unions Bill; agreements between partners as to their own business; agreements between an employer and those employed by him as to such employment, and any agreements in consideration of the sale of the goodwill of a business or of instruction in any profession, trade, or handicraft. Thus you see the matter is well guarded, so that a trade union cannot go too far; in other words, the common law that exists at the present time cannot be upset. In Clauses 3 and 4 hon. members will see that there is a reference to restraint in trade. The clause says:—

> The purposes of any registered trade union shall not, by reason merely that they are in restraint to trade, be deemed to be unlawful so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise.

This was a difficulty for many years, but it is recognised now in such a conservative country as England that trade unions are useful in regard to all our industrial affairs, and unions can be carried on without being a restraint of trade; so that alters matters materially. That clause has been taken from the Imperial Act 34 and 35 Victoria, Chapter 31. Clause 5 members will see is a conservative provision, limiting the powers of trade unions. It enables a court "to entertain any legal proceeding instituted with the object of directly enforcing or recovering damages for the breach of any of the following agreements," and the agreements are therein contained. Clause 6 provides that trade unions can only be registered under this Bill, and not under "the Life Assurance Companies Act of 1889, the Companies Act of 1893, the Friendly Societies Act of 1894, or any Act now or hereafter passed, including Industrial and Provident Societies and the Associations Incorporation Act of 1895." A trade union can no longer be registered under any of these Acts. In the past trade unions have been registered under the Friendly Societies Act, but that cannot be done any longer. When this Bill becomes law trade unions can only be registered under it. Clause 8 contains a rather important provision. Sub-clause 2 enables any council or other body, however designated, representing not less than two registered trade unions, to be registered as a trade union under the Bill. That is a matter which was somewhat fully discussed in another place, and it was at last determined that it should be possible to admit any council or other body representing not less than two trades to be registered as a trade union under the Bill. By Clause 12 a trade union may sue and be sued. For some time it was very doubtful whether a trade union could be sued; by this Bill provision is made that an action will lie against a trade union. A decision was given in the House of Lords and there was a great deal of discussion over it at the time. It was a very important decision.

HON. R. S. HAYNES: A minority of Judges overruled the majority.

HON. A. JAMESON: I remember hearing of it at the time. There are a number of machinery clauses in the Bill providing for the administration of the Act, and how property is to be dealt with by trustees, also in their absence. There is also an important clause in reference to membership: it is Clause 22, which provides that a person under the age of 21 but above the age of 16 may be a member of a trade union. It is an important clause and worthy of consideration. The other clauses of the Bill are of a general nature, and when we get into Committee they can be dealt with. I do not think it is necessary to go farther into detail. The Bill is modelled on the Imperial law. Clause 31 enables a union to be registered under the Industrial Conciliation and Arbitration Act of 1900. It is necessary that should be very clearly put here, seeing that trade unions up to the present time are not legal, and doubt has been entertained whether they are at all valid under the Industrial Conciliation and Arbitration Act of last year. I hope members will be able to support this short Bill. It is very much needed and absolutely essential now that a Conciliation and Arbitration Act exists in this State. It is a strange thing that such a Bill has not been introduced before. It is a Bill which introduces a principle embodied in the Imperial Acts of 1871 and 1876. It is fairly closely copied from those Acts, and I think members will see no difficulty in agreeing to the measure.

HON. M. L. MOSS: Does the Minister intend to go into Committee to-day?

HON. A. JAMESON: We thought of going on with the measure.

HON. M. L. MOSS (West): It is not my intention to speak on the second reading. I only rise with the object of asking that the Minister will not force the Bill into Committee to-day. Personally I have been entrusted with a number of amendments by the Fremantle Chamber of Commerce, and I have not even read them: I have left them at Fremantle. As far as the measure itself is concerned it is an absolute necessity, and I agree with the Minister it is strange that the Imperial legislation on this question has not been copied here long ago. Trade unions have existed in Western Australia, as in many other parts of Australia, for years, and apparently they have been illegal organisations. It becomes absolutely necessary to get legislation on the statute book to legalise that which has existed, and which I think, even in the absence of a measure of this kind, will continue to exist. The associations of large numbers of persons together for the purpose of organising to protect their own interests has been passed in conservative England as absolutely necessary. It seems to me in Australia a measure of this kind is necessary where we are going to deal with industrial disputes under the Conciliation and Arbitration Act. It is perfectly true, as the Hon. A. Jameson pointed out, that a very grave question has arisen whether the various associations registered under the Industrial Conciliation and Arbitration Act which was passed last session are legally constituted bodies, as they are organisations that undoubtedly exist, and their object is in some measure a restraint of trade. It is an arguable point whether these bodies are legally constituted at the present time. I think, when the voice of the population of the country has determined that there should be a court for the settlement of industrial disputes, we should do what is necessary to put these bodies on a proper footing, and register them under a statute, so that there will be no doubt as to their being legally constituted. Therefore, as far as the principle of the Bill is concerned no member can possibly have any objection to it. I ask, however, that the Government will not force the Bill into Committee to-day, so as to give an opportunity of proposing amendments required by such a body as the Fremantle Chamber of Commerce. The working men's associations throughout the country, I believe, also desire to propose amendments for the protection of the objects which they have in view.

HON. A. JAMESON (in reply): I shall be glad to postpone the Committee stage to a later date.

Question put and passed.

Bill read a second time.

CONTRACTORS AND WORKMEN'S LIEN BILL.

SECOND READING.

Debate resumed from 8th October.

HON. M. L. MOSS (West): I moved the adjournment of the debate, but I regret I have not had much opportunity for giving that attention to the subject which its importance warrants. The Bill appears to me to contain a principle that no reasonable person can object to. It is an extension of the Act which was passed in 1898 providing for a lien to workmen for wages. The Bill goes a step farther, and provides that a contractor may, subject to liens and encumbrances already existing against land, obtain a lien, and the necessary machinery for the registration and enforcement of that lien are provided. I doubt very much whether there is any great or pressing necessity for the Bill at the present time, but as far as the principle of the Bill is involved, I see no objection to it. I am not prepared at the present time to discuss the measure in detail. If any member desires to discuss the Bill at length, I shall be prepared to listen to him, but so far as the second reading of the Bill is concerned, I am prepared to vote for it.

Question put and passed.

Bill read a second time.

PROBATE AND ADMINISTRATION AMENDMENT BILL.

IN COMMITTEE.

Resumed from 8th October.

Clauses 36 to 41, inclusive—agreed to.

Clause 42—Remuneration of administrator:

HON. M. L. MOSS moved that in Subclause 1, after the word "an" at the end of line 1, the words "executor or" be inserted. In all the other Australian States, and in New Zealand, an executor was entitled to remuneration. Here an administrator was now entitled to remuneration, the amount of which was not limited to 5 per cent. as in this Bill, but was in the discretion of the Judge; and there was an Act passed in 1892, known as the Settled Lands Act, of which Section 51 enabled even an executor to get a commission up to 5 per cent.—a section somewhat similar to this clause. That Act applied to any settlement; and "settlement" was defined to include a will, deed, or agreement for settlement, and other documents under which persons acted with regard to land settled on trust; so that in respect of every will containing trusts relating to real estate, the executor was entitled under Section 51 to a remuneration awarded by a court or a Judge. And under our present probate law an administrator was entitled to a commission on the whole estate. Therefore the inclusion of the words "or executor" in this clause would place an executor of personal estate in the same position as an administrator, and as an executor who dealt with land. In conjunction with a member of another place, Mr. W. F. Sayer, he had investigated the whole of the Australian statutes relating to this matter, and had found that in all the other States an executor as well as an administrator was entitled to a remuneration; and it was but fair that our law should be assimilated with others. Without any disrespect to the West Australian Trustee Company, he might say that it was not everyone who wished that company to administer his property. Many persons had friends to whom it was desirable to entrust their estates, and any such friend could at pleasure refuse to receive the commission. But as the law already gave commission to an executor of real estate, why not give it to an executor of personal estate also?

HON. S. J. HAYNES supported the amendment. In 1898 he had introduced a Bill to give executors commission, which had passed this House and been thrown out in another place. For the past 20 years executors had been allowed remuneration in South Australia, and the Act had been beneficial. Here, many testators who drew their wills did not know whether the executor would or would not be remunerated; it was unreasonable that one having the responsible and onerous duties of an executor should not have reasonable compensation; and if the testator, either through forgetfulness or meanness, failed to provide such remuneration, the law should step in and give it to the executor. It had been alleged in reply that solicitors would get themselves appointed executors; but it was rarely that a solicitor undertook such duties. Personally, except in the case of a near relative, he had never accepted such an appointment. Why should not executors be paid? Many testators preferred appointing a person rather than a company as executor, the reason being that a company must act

more rigidly than a person, such want of elasticity being sometimes disadvantageous to the estate. The remuneration proposed was reasonable. Many an executor renounced probate for want of such remuneration, thus putting the estate to considerable expense in getting administration and defeating the object of the testator in appointing such executor, simply because the executor could not afford to work for nothing. If a company were entitled to remuneration, so was a private person. A large number of the shareholders of the trustee company referred to preferred a private executor to the company; not that they had anything against the company, but because they considered their last wishes would be better carried out thus than by a corporation. There was no evidence of hardship having been wrought by the South Australian law. The accounts were passed, the charges strictly scrutinised, and no wrong done to anyone; whereas in this State he had known executors who had undertaken trusts and been put to serious loss. Supposing a testator provided a legacy for an executor, how would the amendment work?

HON. M. L. MOSS: The executor could not take both. He must elect to take one or the other.

HON. A. JAMESON: After having listened to Mr. Moss, he was inclined to agree to the amendment seeing there was a precedent for the proposal. Still it was a question open for debate. If a testator did not provide for an executor, the testator did not intend that payment should be made. Now there was to be a power given to the court which was not the intention of the testator. It rested with the Committee to decide whether the legislation of the Eastern States should be allowed to prevail. Such a provision was not the Imperial law yet.

HON. M. L. MOSS: In the Settled Lands Act he believed it was.

HON. A. JAMESON: It was not so much a legal matter, as a matter of right or wrong; whether the Court should have power to grant a sum of money which a testator had not bequeathed.

HON. J. E. RICHARDSON: There was no reason why an executor should charge 5 per cent. while a trustee company only charged $2\frac{1}{2}$ per cent.

HON. R. S. HAYNES: It would be $12\frac{1}{2}$ per cent. by the time the trustee company had done.

HON. J. E. RICHARDSON: If an executor undertook to become a trustee of a will, he did so not expecting to receive any remuneration, or he would not take the position. He hoped that some member would move that the clause be struck out.

HON. S. J. HAYNES: As to a gift by the testator the Judge making the order would naturally take that into account as the Judge would have the will before him.

THE MINISTER FOR LANDS: A provision such as that contained in the clause and in the amendment had been in vogue in Victoria for a long time, and it had been found to work well. A man about to make his will when he was in good health looked around him to see if he had a good friend or relative to whom he could entrust his affairs, so that his estate would be administered for the benefit of his wife and children. Such a testator looked to an individual rather than to an association. The executor might be a poor man, and should be remunerated for the work which he did. The argument that a man should not take upon himself a duty unless he was able to carry it out without payment was not a good one, because a man might make his will when his estate was not a large one, and by the time of his decease his estate might have grown to large proportions. Seeing that this was the law in the other States as well as in New Zealand, it was desirable to make it the law of the land here.

HON. M. L. MOSS: Before a Judge made an order for remuneration, an affidavit was required by the administrator or executor, setting forth in detail the services performed. The will was before the Judge, and every person who would be prejudicially affected by an order was served with a notice, could go before the Judge and raise an objection to the granting of the remuneration. He knew of no case in which 5 per cent. had been allowed. Such an amount was only allowed in small cases where considerable trouble had been caused. When a Judge made an order under such a clause as this, every inquiry was made.

HON. R. S. HAYNES: In New South Wales in one instance the Court allowed the administrators of an estate 5 per cent. from year to year, but in that case the executors carried on a newspaper called the *Maitland Mercury* from year to year. If any member thought a Judge would grant commission off hand, that member should go to the Court when an application was being made. There was an incentive to an executor to pass his accounts within 12 months, because if he did not do so he would not get commission. He would vote for the clause principally because it would bring the laws of the Commonwealth into line, and that was a strong reason why members should support the amendment.

Amendment put and passed, and the clause as amended agreed to.

Clauses 43 to 52, inclusive—agreed to.

Clause 53—Court may appoint district agents:

HON. R. S. HAYNES moved that the clause be struck out, and if the amendment were carried, he would also move to strike out Clauses 54, 55, 56, and 57. The clause contained a dangerous innovation. It was a very difficult matter to decide who was the person next entitled. Supposing a man died, and some person obtained administration of the estate, it might be found afterwards that the person to whom administration was granted was not the next entitled. The appointment of agents in the country should not be allowed. A man might die in Kimberley, and a person go to an agent and obtain administration as the next entitled. No one would know whether that person was the next entitled or not. The Master of the Supreme Court entirely condemned the clause. To allow clerks of court to grant administration of estates under £300 would be too dangerous an experiment. The clause was taken from the English Act, which referred to registrars of County Courts, who, however, were all barristers, receiving high salaries.

HON. R. G. BURGES: It did not follow that clerks of court would be appointed. The appointees might be solicitors.

HON. R. S. HAYNES: It was intended to appoint the clerks. Moreover, not every solicitor was honest. After discussing the matter with the Master of the Supreme Court, he had decided to oppose the clause. He moved that it be struck out.

HON. A. JAMESON: The clause contained two distinct provisions, the first being that the district agents might simply receive applications for administration. It was only in estates of less value than £300 that they would act.

HON. R. S. HAYNES: The receiving of such applications would be of no assistance. Post the applications to Perth.

HON. A. JAMESON: It would simplify matters for people living in the country if resident magistrates could receive applications.

HON. J. T. GLOWREY agreed with the last speaker. How could any great wrong be done by giving this power to responsible persons in the country? An estate of £300 was not large.

HON. C. E. DEMPSTER: The striking out of the clause might involve great expense to beneficiaries.

HON. R. S. HAYNES: No. The costs allowed on getting administration through the master and from the agent were exactly the same. It would be well to amend the Act so as to make letters of administration slightly more expensive. In New South Wales, no probate of a will or administration of an estate was granted save after 14 days' notice in the *Gazette*—a wise provision. There was no such clause as this in Victoria, South Australia, or New South Wales. In England, district registries were provided to prevent a block in London. Here, these were unnecessary. The first step towards decentralisation should be to have circuit courts, but it was monstrous to start by giving the clerk of a local court the powers of a probate court. Estates under £300 were the worst of all, for they were mostly those of intestates.

HON. W. MALEY: It appeared the clause would be useful to people in the back blocks. Would not an executor or administrator living a few hundred miles from Perth have to make a journey to the capital in a matter of a £100 estate?

HON. R. S. HAYNES: Not at all.

HON. W. MALEY: To have a district agent on the spot must prove a great convenience, by saving all sorts of legal expenses arising from the employment of Perth solicitors.

HON. M. L. MOSS: The great question was whether the persons likely to be appointed district agents were competent to carry out the duties involved in this and subsequent clauses. With few exceptions, clerks of courts and magistrates did not possess skilled knowledge. This power was far too important to be conferred upon them; and the Master of the Court would have great difficulty in rectifying their mistakes. In Perth there were skilled persons to make applications, and Judges to whom matters could be referred on appeal, who would see that the wrong persons did not get grants of administration, which were very important, even in estates not exceeding £300.

HON. G. RANDELL; The clause was purely permissive. If suitable district agents were not found, the court need not make appointments, and would doubtless exercise discretion. Notwithstanding legal members' arguments, the clause would evidently give considerable conveniences to persons resident at long distances from Perth.

Motion put and negatived, and the clause passed.

Clauses 54 to 90, inclusive—agreed to.

First Schedule—agreed to.

Second Schedule:

HON. M. L. MOSS moved that Rule 59 be struck out. In some instances the amounts specified for performing the services alluded to were excessive, and in other instances the amounts would be found to be insufficient remuneration for the services rendered. This was a lawyer's matter affecting the profession. Take the case of an estate not exceeding £300. The payment for the service was set down at five guineas. In some cases the amount was totally inadequate for the performance of the services. In cases where the will did not comply with the law the Judge required all kinds of affidavits and this rule did not make provision for payment for additional services rendered. Take the case of an estate valued at between £2,000 and £5,000: an amount of fifteen guineas was provided for such a case; yet very few affidavits would be required; the amount specified was altogether too high in a case of that kind. To endeavour to fix a scale for the performance of these services, so far as his experience taught him, was particularly absurd. There was a rule in the schedule which provided that all costs should be subject to taxation by the proper officer. That surely was sufficient to meet all cases.

HON. S. J. HAYNES: The charges set out in the rule were absurd. A solicitor performing the services would not receive reasonable remuneration. When a Bill came forward in which the legal profession were interested, members charged those who belonged to the legal profession with having ulterior motives. As to this rule in many instances no professional man could do the work for the amount set out. If there was anything at all which the legal profession had to do, and where it was impossible to fix the costs beforehand, it was in relation to probate matters. The rule would militate against the public interest, because no solicitor could do his work thoroughly if not well paid. In large estates where the will had been properly prepared, and in which a large sum of money was involved, the work was not so arduous as in small estates. There was a provision that all costs should be taxed. He (Mr. S. J. Haynes) could not do the work for the fee fixed by the rule. If work was done in a haphazard or slipshod manner the unfortunate clients would have to pay for it "hand-over-fist." The charges set out in the rule were not fair and reasonable in regard to small estates, because in many instances no practitioner had been called in to prepare the will. No practitioner could do the work for the amount specified, unless largely out of pocket.

HON. W. MALEY: The costs certainly appeared inadequate to the services rendered. Solicitors should have their due. No one had imputed ulterior motives to the legal members of the House.

HON. R. S. HAYNES: The hon. member had done that to him.

HON. W. MALEY: Nothing of the kind had he done. He had referred to the costs certain persons in the country districts had been put to in communicating with the Master in Perth. There was no insinuation.

HON. R. S. HAYNES: There had been a low and dirty insinuation.

HON. W. MALEY: On the contrary, he had always been in favour of the rights of members of the legal profession;

but if the hon. member wished to attack him, he would be prepared to defend himself.

HON. J. E. RICHARDSON: In striking out this rule, legal members would have his support. No client of a respectable solicitor would be charged too much.

HON. E. M. CLARKE supported the striking out of the rule. To have the administration of an estate of £200 properly carried out might be worth half the estate, especially if the will were drawn by an amateur.

HON. R. S. HAYNES: It was pleasant to hear the fair and broad-minded way in which Mr. Clarke and Mr. Richardson had dealt with the question; but some uncalled for remarks had been made by Mr. Maley, to the effect that a certain motion injuriously affected the legal profession, insinuating that the legal profession were actuated by selfish motives. [HON. W. MALEY: No.] The hon. member constantly made such insinuations, but when Bills came before the House relating to lands and roads, the hon. member took care to protect his own interests. From whence did this country-bred Cicero come?

THE CHAIRMAN: The hon. member should confine himself to the amendment, and must not impute motives to another member.

HON. R. S. HAYNES: As a member of the House, he at times felt ashamed to say anything in reference to a legal Bill; for as soon as he said anything hon. members of the country-bred Cicero type immediately objected, imputing dishonourable motives to the legal profession.

HON. A. JAMESON supported the amendment. To fix such scales was often a hardship. To the legal members of the House the country was under an obligation; and it was to take advantage of their presence that this Bill had been introduced here.

Amendment put and passed.

Rule 60—Scale of fees:

HON. R. S. HAYNES: The proviso as to 10s. per cent. on the net value of an estate sought to impose new taxation, and was out of order. He moved that lines one and two on page 30 be struck out.

HON. M. L. MOSS: The Act referred to—59 Vict., No. 18—was the statute under which duty was charged on a deceased's estate. Estates up to £1,500 were free of duty; but it was now sought to impose on every estate this 10s. per cent., which would add one-half per cent. to all the duties imposed under the Deceased Persons Estate Duties Act, which were quite high enough now. They ran up to 10 per cent.

Amendment put and passed, and the schedule as amended agreed to.

Preamble and title—agreed to.

Bill reported with amendments.

RECOMMITTAL.

HON. A. JAMESON moved that the report be adopted.

HON. R. S. HAYNES moved that the Bill be recommitted to farther reconsider Clause 25.

Amendment put and passed, and the Bill recommitted for the next Tuesday.

At 6·30, the PRESIDENT left the Chair.

At 7·30, Chair resumed.

PUBLIC HEALTH ACT AMENDMENT BILL.

POSTPONEMENT.

HON. R. S. HAYNES moved that the consideration of the Bill be adjourned for 14 days. A Health Bill was being brought forward in the Legislative Assembly, and when the measure reached this House the provision which he wished to enact could be added as an addendum.

Motion put and passed, and the Bill postponed.

DOG ACT AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. C. Sommers), in moving the second reading, said: This is a new Bill which I intimated would be brought forward in lieu of the measure which, with the permission of the House, was withdrawn. I think this Bill is needed, not only for the country districts, but for towns and suburban districts. A Dog Act Amendment Bill has been before the House for some time, and it is not necessary for me to go closely into the measure. But I will call the attention of hon. members to the provisions of the Bill. Clause 1 gives the date for the coming into opera-

tion of the measure. Clause 2 repeals all the Acts existing in regard to this legislation; and Clause 3 deals with the interpretation of the various words used in the Bill, the principal one being that of "owner," which "includes any person who has a dog in his possession or under his custody or control for a period of seven days, and also any person who is the occupier of any house or premises where a dog is kept or harboured, or permitted to live or remain. Where there are more occupiers than one in any house or premises, the occupier of that part of such premises in which any dog is kept or harboured, or permitted to live or remain, shall be deemed to be the owner of such dog." Clause 4 provides for the registration of dogs within 15 days from the 1st of January of this year. Clause 5 deals with the registration and provides the machinery for registration and for the description of dogs. Clause 6 deals with the appointment of officers for carrying out the work, and Clause 7 provides a penalty for false description. Clause 8 provides for a receipt according to the schedule, and Clause 9 makes a provision for keeping a register of dogs in any district. Clause 10 enacts that the burden of proof of registration shall lie with the owner and not on the officer conducting the prosecution. Clause 11 imposes a penalty for non-registration, and Clause 12 provides that a disc shall be provided by the council or roads board of a municipality.

HON. R. G. BURGES: What about a collar?

THE MINISTER FOR LANDS: The cost I intend shall be borne as it is now, by the boards themselves. The discs will be only small and will cost about twopence each. Seeing that the municipalities will get the registration fees, they are to provide the discs, and not the owners. Then Clause 13, which is necessary, provides that the disc shall be suspended from the collar. Not only shall a dog wear a collar with the name of the owner upon it, but to show that the dog is registered every year the animal must wear a disc. The discs will be of a different shape each year: one year it may be circular, the next year square, and the next triangular and so on, so that police officers and members of the public can see that a dog wearing the disc has been registered for the particular year. At a conference of municipalities recently held it was decided to ask that provision be made in such a Bill as this for the wearing of a disc by dogs. Clause 14 provides that every dog shall wear a collar, and if found wandering at large may be seized by the police or officers of the municipality or roads board, and if not claimed within 48 hours may be sold and the proceeds of the sale shall become the property of the council. In the event of there being no sale the dog is to be destroyed. Clause 15 provides that dogs found wandering about without a collar, whether registered or not, shall be seized, and a notice posted at the place where dogs may be registered. If the animal be not claimed it may be disposed of. Clause 16 provides certain penalties, and Clause 17, which is important, provides a penalty not exceeding £5 for allowing sluts to be at large when on heat. I think this is a very necessary clause and it only refers to towns and suburbs. This may put a stop to a very disagreeable nuisance.

HON. R. G. BURGES: A public highway means any road.

THE MINISTER FOR LANDS: The clause provides:—

> If the owner of any slut allows her to be at large in any street or public highway while she is in heat, he shall, on conviction, be liable to a penalty not exceeding Five pounds.

I think that clause may be amended to apply only to towns and suburbs. Very often it is awkward to have these brutes roaming about the street.

HON. C. E. DEMPSTER: Forty-eight hours is a very short time. You cannot always find out who is the owner within 48 hours.

THE MINISTER FOR LANDS: The clause does not state 48 hours. If a slut is allowed to be at large while on heat, the owner is liable to a penalty not exceeding £5. Clause 18 provides that anyone removing a collar or disc shall be liable to a penalty. Clause 19 is important. The owners of enclosed lands in which cattle or sheep are confined may destroy dogs at large. Clause 20 provides a penalty for dogs rushing at or attacking persons or cattle, or animals or poultry, and it makes the owner liable in addition for any damage done. Clause 21 provides a

penalty for wilfully urging dogs to attack. Clause 23 provides for all fines inflicted becoming the property of the councils or the roads boards. I think that is proper. Clause 24 I know will commend itself to hon. members. It provides that dogs belonging to blind men shall be exempt from registration fees.

HON. R. G. BURGES: It goes too far; it exempts them from all the provisions of the Bill.

HON. J. M. SPEED: Will you limit the number of dogs a blind man shall own?

THE MINISTER FOR LANDS: You can do that; but I do not think a blind man would keep many.

HON. A. G. JENKINS: The clause refers to one dog used as a guide.

THE MINISTER FOR LANDS: Clauses 26 and 27 provide rewards for the destruction of wild dogs. Clause 28 provides for the dogs of aboriginal natives, one dog for one adult, if the dogs are free from mange or other contagious disease. If they are not free from disease, they may be destroyed.

HON. R. G. BURGES: But it does not say whether troublesome dogs may be kept.

THE MINISTER FOR LANDS: Clause 28 reads:—

> It shall be lawful for any adult aboriginal native to keep one unregistered dog; provided always, that such dog shall be kept free from mange or other contagious disease. Upon representation being made by any person to a justice of the peace that such dog is liable to spread disease by reason of its neglected state, such justice may order the destruction of such dog.

HON. J. M. SPEED: That is too stringent.

THE MINISTER FOR LANDS: I do not think it is; but there is the Bill, and it is for hon. members to deal with the clauses in Committee. In conclusion, I believe this Bill is absolutely necessary, and that its clauses are reasonable. Many of them have been taken from Acts in force in the other States. The Bill has been carefully prepared, and I believe it will commend itself to the House. I move that it be read a second time.

HON. S. J. HAYNES (South-East): I have much pleasure in supporting the Bill. The only clauses which I do not personally like—perhaps other defects may be pointed out—are Clauses 14 and 15. It seems to me that a man may have a favourite dog, and if that dog be found wandering about, it may, after 48 hours, be destroyed. The question is what is "wandering" in a dog? I should like a definition. In Albany I have a couple of very valuable dogs, great favourites; and I have always had a dog there. One that especially comes before my mind was a fox terrier. It may be he was not properly brought up; but he frequented hotels.

HON. G. RANDELL: It is 96 hours; not 48.

HON. S. J. HAYNES: Oh, well, unless a dog comes home in that time, I think he deserves what he gets.

THE MINISTER FOR LANDS: It is only if there be no bids forthcoming for captured dogs that they are destroyed. They may be sold.

HON. S. J. HAYNES: The difficulty seems to be to define what "wandering" is. A dog is not continually following a man. Many of us have dogs which follow us to the office and clear off home again. On their return journey, they do a certain amount of wandering. Their attention is diverted by various sorts of amusement on the way home.

HON. G. RANDELL: Having a fight, or something of that sort.

HON. S. J. HAYNES: The definition might be altered to make it less troublesome to the owner. Generally, I support the Bill.

HON. R. G. BURGES (East): With reference to Clause 14, I do not see why a foxhound, beagle, or greyhound should be exempt from the necessity of wearing a collar.

THE MINISTER FOR LANDS: They are exempt only when engaged in public coursing matches: they do not race with collars on.

HON. R. G. BURGES: The clause in reference to dogs used by blind men exempts the blind man's dog from the provisions of Clause 17 regarding sluts, and from every other clause in the Act. I do not think that is satisfactory. You pass an Act to regulate dogs, and then exempt certain dogs from its provisions.

THE MINISTER FOR LANDS: No. The clause says the blind man's dog need not be registered.

HON. R. G. BURGES: It reads:—

> Nothing in this Act shall apply to any dog *bona fide* kept and used as a guide for any bnild person.

A blind man's dog would not come under Clause 17. Clause 28 also should be a little more explicit:—

It shall be lawful for an adult aboriginal native to keep one unregistered dog; provided always that such dog shall be kept free from mange or other contagious disease.

THE MINISTER FOR LANDS: It would be very hard to define what sort of dog might be kept.

HON. R. G. BURGES: There may be 30 or 40 of these natives in one camp. Fancy each of them having a dog!

THE MINISTER FOR LANDS: They keep 80 or 90 now.

HON. R. G. BURGES: They have no business to do so. You get 30 or 40 dogs in a camp in the outside country, say on the Murchison, Gascoyne, or Ashburton rivers. Fancy a camp of natives allowed to keep 30 or 40 dogs, and an Act empowering them to do so! That requires alteration. Limit the number to be kept in one camp.

HON. D. M. McKAY (North): I rise cordially to support the second reading of this Bill, because I think it a good Bill. It may perhaps be considered somewhat severe and irksome; but I consider it is not too much so in the public interests. Anyone desirous of combatting the mongrel element among the dogs in this country should, I think, support this Bill. Anyone possessing a well-bred dog will not grudge the registration fee for its extra protection.

HON. R. G. BURGES: We have always had to pay that.

HON. D. M. McKAY: Anyone and everyone, when there are no restrictions, will possess a mongrel.

HON. A. G. JENKINS: Two or three.

HON. D. M. McKAY: Mongrels are more destructive and more dangerous than dogs of greater intelligence. For my part, I cordially welcome the Bill.

HON. G. RANDELL: With regard to Clause 28, I would draw the attention of hon. members to the fact that the present law is:—

It shall be lawful for any aboriginal native to keep one unregistered dog; provided always that wherever the number of unregistered dogs found in possession of one or more natives shall be in excess of the number of the party——

HON. A. G. JENKINS: No. That provision has since been amended to read "one male adult."

HON. G. RANDELL: I was looking for the amending Act.

HON. A. G. JENKINS: The first section deals with male aborigines.

HON. R. G. BURGES: The Acts are 49 Vict., No. 10, and 63 Vict., No. 12.

HON. G. RANDELL: In both Houses the amendments to the Dog Act have been fully discussed, and by a majority of the members it was always considered desirable to allow the natives to have some dogs for the purpose of hunting; but it has also been affirmed that their number should, to a certain extent at any rate, be limited, and I quite agree it is very dangerous that a native should have a whole pack of dogs following him about. Some hon. members know that a serious occurrence took place in North Perth, in which a woman who was, I think, approaching childbirth was very severely mangled by native dogs; and but for the assistance of some people her life would probably have been lost. But I think this clause, Clause 28, takes perhaps the *via media*. While not depriving the natives of dogs kept for the purpose of securing them a living or portion of their living, it does not allow them to keep too many. Mr. Piesse has often referred to the native dogs: they are a source of great danger to the flocks in different parts of the State. In bringing in this Bill, I think it a pity that the practice which used to prevail has not been followed, so that we should be able to refer to the sections of the old Act which are embodied in this. I see some of these clauses are taken wholly from the preceding Act. Hon. members would be greatly assisted in discussing Bills if references were given to the Acts from which clauses are taken, as has been done for many years; and it also assists the House if the Minister state, when introducing the Bill, which clauses are from the old Act and which are new.

HON. C. E. DEMPSTER (East): I object to Clause 19, empowering any occupier of enclosed land to destroy any dog found trespassing, whether doing any mischief or not. From my own experience, I know many dogs come to my house. I am very fond of dogs: they will always come to me, and to people belonging to me, too. It would be very hard to destroy every one of those dogs

because they trespass. I think it would be quite time to leave it in the power of any occupier or owner of ground to destroy dogs when he found them doing mischief. But to destroy an unfortunate dog simply because it came into one's paddock or premises would be very unfair.

HON. A. G. JENKINS: This applies only to paddocks in which there are sheep and cattle.

HON. C. E. DEMPSTER: Very few people keep paddocks without sheep or stock in them; and surely a person is not justified in destroying an unfortunate dog simply because it is found in his paddock.

HON. D. McKAY: Then you encourage dogs to go amongst sheep.

HON. C. E. DEMPSTER: Some hon. members dislike dogs so much that they would shoot any dog they saw on their premises. I should be one of the last in the world to allow a dog to live who killed his neighbour's sheep or did serious injury; but it would be very wrong to pass an Act to justify a man in destroying a dog simply because he found it on his premises or in his enclosure.

HON. E. M. CLARKE (South-West): I do not think there is anything in the objection raised by Mr. Dempster; because, as a matter of fact, any person can now destroy any pig, dog, or goat found on his premises. But every one of us knows that we have to live amongst our neighbours, and we like, as a rule, to live on pretty good terms; and though the Trespass Act provides that we can destroy pigs, dogs, and fowls, still for friendly reasons we know that has not been done. Our fowls prey in our neighbours' yards, together with our dogs and our cats, and in some instances our pigs. I have never known an instance in which a dog has been shot, unless the animal was doing some mischief. It is not right that a man should be allowed to take the law into his own hands and kill a dog for spite. At the present time, as the law stands, a person can destroy a dog or a goat, but it was the exception that such was done. I think an objection should be raised to this clause.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 11, inclusive—agreed to.

Clause 12 — Registering officers to supply discs to be worn by dogs:

HON. A. G. JENKINS moved that at the end of the clause there be added "and shall be provided without charge to the person registering the dog."

Amendment put and passed, and the clause as amended agreed to.

Clause 13—agreed to.

Clause 14—Registered dogs to wear collars:

HON. R. G. BURGES moved that in lines 1 and 2 the words, "except fox-hounds, beagles, and greyhounds engaged in public coursing matches," be struck out.

HON. S. J. HAYNES: In public coursing matches collars would be in the way if worn by dogs. He suggested that after "greyhounds" the word "whilst" be inserted.

HON. R. G. BURGES: Why should these dogs be exempt? Under Clause 7 they could go and hunt in paddocks, and it would be impossible to tell who the owner was. Beagles were great brutes in killing sheep. Fox hounds and beagles were not used in coursing matches.

Amendment put and negatived.

HON. S. J. HAYNES moved that after "greyhounds," in line 2, the word "whilst" be inserted.

Amendment put and passed.

HON. S. J. HAYNES moved that in line 2, between the words "in" and "public," the words "hunting or" be inserted.

HON. E. M. CLARKE: If these words were inserted he would take it that he could go out hunting with his kangaroo dog without the dog wearing a collar.

HON. G. RANDELL: If the word "hunting" was inserted it would be impossible to keep dogs out of sheep-folds, or out of places where cattle were kept.

HON. S. J. HAYNES asked leave to withdraw his amendment.

Amendment by leave withdrawn.

HON. R. G. BURGES moved that all the words after "neck," in lines three and four, to "thereon" be struck out. A disc had already been provided for: then why was a collar wanted? The explanation was, to provide additional taxation. There was nothing heard of but taxation

THE MINISTER FOR LANDS opposed the amendment. The object of the Bill was that the owner of a dog which had been seized might have a chance of recovering the dog.

HON. R. G. BURGES: What about the disc?

THE MINISTER FOR LANDS: The disc did not provide a perfect clue to ownership. A journey of several miles might have to be made to the registry office; whereas the collar would bear the owner's name and address. These plates could be purchased for one shilling.

HON. R. G. BURGES: But how many plates would be wanted in one year? Twenty for each dog?

THE MINISTER FOR LANDS: The cost in the country districts would be 2s. 6d. per dog per annum, as against from 7s. 6d. to 10s. in towns; and the plate would practically last for all time. Let the hon. member get a small sheet of tin, a nail, a hammer, and a knife, and he could without expense make any number of plates. By this device a stray dog would be recognised and returned to its owner. The objection was childish.

HON. R. G. BURGES: It was not true that in the country the cost per dog was only 2s. 6d. For a male sheep-dog the cost was 2s. 6d.; but it was 5s. for a slut, and 5s. or 7s. 6d. for a kangaroo dog. In working sheep-dogs through scrub, how long would these plates stay on? The Minister recommended hon. members to get a piece of tin and make plates. One would like to see the Minister knocking his hands about making twenty tin labels for his dogs. The Bill provided for each dog having a numbered disc, and a list of all dogs registered must be exhibited. What more was required?

HON. C. E. DEMPSTER: Recollect that foxhounds, beagles, and greyhounds were the most destructive dogs; and without collars there would be no possibility of ascertaining whose dogs they were. If they ran away from packs while hunting, they might do great harm. A collar would be no obstruction to a dog in hunting.

Amendment put and negatived.

HON. S. J. HAYNES: What was meant by "found wandering?" An officious constable might seize a man's dog coming from his owner's house to his place of business. That might be right in case the dog had no collar; but a time limit ought to be provided, such as "wandering for three hours or upwards."

THE MINISTER FOR LANDS: In towns dogs wandered at large without their owners and became a pest to shopkeepers. These ownerless dogs were always getting in the way of foot passengers, and rushing after horses. If reasonable men were administering the law they would not allow the clause to harass people. No constable seeing a dog wandering about harmlessly would take any action. The object was that in towns those who owned dogs should keep them under control as much as possible.

HON. S. J. HAYNES: If a dog was found to be a nuisance there were other remedies against the owner of the dog.

Clause as amended agreed to.

Clauses 15 and 16—agreed to.

Clause 17—Sluts not to be at large at certain times:

HON. R. G. BURGES: This provision was intended to apply chiefly to towns. In the country a slut might get out and the owner would become liable.

HON. C. A. PIESSE: In the country this protection was needed as much as in towns. The clause should stand as printed.

Clause put and passed.

Clause 18—agreed to.

Clause 19—Owner or occupier of enclosed land may destroy any trespassing dogs not under control:

HON. C. E. DEMPSTER: It was not right to allow anyone to destroy a dog in a paddock doing no harm. He moved that after the word "dog," in line 7, the following be inserted, "not doing any mischief or being."

HON. R. G. BURGES: The present Trespass Act would override this Bill. Any dog trespassing could be shot.

HON. G. RANDELL: A subsequent Act always overrode a former law.

Amendment put and negatived, and the clause passed.

Clause 20—agreed to.

Clause 21—Wilfully urging dogs to attack:

HON. J. D. CONNOLLY: The clause was rather drastic; what was a domestic animal?

THE MINISTER FOR LANDS: A cat.

Hon. J. D. CONNOLLY: If a man "sooled" a dog on to a domestic cat he became liable to a penalty of £20.

The Minister for Lands: Then the owner must not "sool" the dog on.

Hon. J. D. CONNOLLY moved that in line 3 the words, "poultry and domestic animals" be struck out.

Hon. W. MALEY: The words "permits any dog" were rather ambiguous; it was a peculiar phrase.

Hon. C. E. DEMPSTER: A man could do as he liked on his own premises, and if a pig, a goat, or a bull was trespassing the owner surely could set his dog on to the animal. According to the Act the owner would be liable for the penalty.

The MINISTER FOR LANDS: A man could not urge a dog to attack a person when trespassing.

Hon. C. E. Dempster: Could a person urge a dog to attack a goat which was trespassing?

The MINISTER FOR LANDS: No one would permit his dog to worry his own or anyone else's cattle.

Hon. C. E. DEMPSTER: If a man set his dog on to a stray pig or a bull he would become liable for a heavy penalty.

Hon. W. MALEY: The liability should be placed on the owner of the dog, otherwise the owner of the stock might become liable.

Amendment put and passed.

Hon. R. G. BURGES: It would be well if the clause were struck out. He moved to that effect.

Hon. C. E. DEMPSTER: Such a proposal would receive his support.

Hon. G. RANDELL: This was a very useful clause, but it required amending in some particulars. He moved that in line 2, after "sheep," the words "in any public place or on land not the property of the owner" be inserted. This clause was inserted to prevent an obnoxious practice being carried on in towns, that of boys setting dogs on to horses.

Hon. W. MALEY: The clause required amending; he would support Mr. Randell's proposal.

Hon. J. E. RICHARDSON: The clause should be struck out. A drover on a public road would set a dog on to sheep and cattle. He did not like the clause at all.

The MINISTER FOR LANDS: This clause was taken from the Victorian Act, where it had been found to work well. Mr. Randell's amendment would meet the case.

Hon. C. E. DEMPSTER: The proposal of Mr. Randell might meet the case. The clause as it stood was highly objectionable.

Hon. J. D. CONNOLLY: If the amendment were carried, a man on his own land might wilfully set a dog on a stranger. The clause as it stood was not bad.

Hon. G. RANDELL: Pass the amendment, and let the Crown law officers afterwards look into the clause.

Hon. S. J. HAYNES: Surely a person who wilfully set a dog on a visitor to his premises who had gone there for a lawful purpose should be punished. Before qualifying such a provision, hon. members should carefully consider it. This was an important clause for the protection of life and limb. Let it be postponed, and put into better form.

The Minister for Lands agreed to postpone the clause. He moved accordingly.

Hon. R. G. Burges and Hon. G. Randell withdrew their amendments, by leave.

Motion put and passed, and the clause postponed.

Clauses 22 and 23—agreed to.

Clause 24—Dogs used by blind persons not affected:

Hon. R. G. BURGES: Clause 17 should apply to blind men's dogs. Why should a blind man's slut be permitted to be a nuisance?

Clause put and passed.

Clause 25—agreed to.

Clause 26—Reward for destruction of wild dogs:

Hon. C. A. PIESSE moved that the word "ten," in line 4, be struck out, and "twenty" inserted. This reward should be increased.

The Chairman: That could not be done. The amendment was not in order.

Hon. C. A. PIESSE: There was necessity for saving the scalps and skins of dogs destroyed, there being a great demand for them in England. They should be tanned and exported. It was regrettable that the reward could not be increased, because the dogs would cost

£5 each in future. None would hunt dogs for the sake of a 10s. reward.

HON. C. E. DEMPSTER: The destruction of native dogs should be encouraged, and he had understood the Minister would take steps to assist settlers.

THE MINISTER FOR LANDS: Mr. Dempster had given him certain information, and he would endeavour as far as possible to assist the hon. member. But when the rewards were made too high, unscrupulous people set their wits to work to defraud the Government. The graziers ought to supplement the Government reward by adding another 10s. per head for their own protection.

HON. G. RANDELL: Mr. Piesse's suggestion could be met by addition of a few words enabling the Governor to make regulations in respect to skins and scalps. A good skin might be worth 30s. or £2.

THE MINISTER FOR LANDS: If the skin were likely to be worth 30s. or £2, there was no necessity for the owner to claim the reward, as the dogs would be shot for the sake of their skins.

HON. K. G. BURGES: True; only puppies would be shot for the reward.

Clause put and passed.

Clause 27—agreed to.

Clause 28—Dogs of aboriginal natives:

HON. C. A. PIESSE: This clause should be withdrawn and redrafted, so as to limit the number of dogs in a native camp. The dog never kept the native: the settler kept the native, and the native kept the dog. To the native his dogs were of no earthly use. They would not catch even an opossum. He moved that the word "male" be inserted after "any," in line 1.

HON. A. G. JENKINS: Did not the existing Act provide that any male aborigine might keep a dog?

HON. W. MALEY: To a male native a dog might not be serviceable for hunting; but would it not be serviceable to a woman?

HON. C. A. PIESSE: It was necessary to limit the number of dogs owned by aborigines. Some natives had as many as three wives, and if each of the wives was allowed a dog and the native had one himself it would be monstrous.

HON. J. E. RICHARDSON: It was advisable to limit the number of dogs in the Northern district, where the natives were very numerous, 20 or 30 often being in one camp. If every native was allowed to have a dog, the number of dogs would be enormous.

THE MINISTER FOR LANDS: Mr. Piesse's amendment would meet the case.

Amendment put and passed.

HON. J. D. CONNOLLY moved that after "unregistered dog," in line 2, the words, "except within a municipality" be inserted. The aborigines should not be allowed to keep dogs within municipalities.

HON. E. M. CLARKE: While in sympathy with the motion, in practice it would not work out. Anyone who had watched the habits of the native dogs would find that if a native's dog was unfortunate enough to show his nose in a municipality every other dog was after him at once. A native's dog never came within miles of a township.

HON. J. D. CONNOLLY: The natives' dogs came into Kalgoorlie and other towns: they were a regular nuisance.

Amendment put and negatived, and the clause as amended agreed to.

THE MINISTER FOR LANDS, in moving that progress be reported, said thanks were due to the Hon. A. G. Jenkins for having drafted the Bill.

Motion put and passed.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 7 minutes past 9 o'clock, until the next Tuesday.