

granted to the member for Coolgardie (Mr. Morgans).

VISIT OF MEMBERS TO BUNBURY SHOW.

THE PREMIER (Right Hon. Sir J. Forrest): There being a general feeling amongst hon. members that the House should adjourn over Wednesday, in order that members might visit the Southern districts, he would be glad to join with them in this excursion; but, at the same time, he must point out that the year was fast slipping away, and a large amount of business had yet to be done, as no one desired to sit beyond Christmas. His only wish in the matter was to act in accordance with the general inclination of hon. members; and he would endeavour to meet their wishes in the same way if the same request were made to him in regard to visiting the Boulder municipality. Personally, it would be very pleasant to him to visit his old friends and constituents at Bunbury; but he did not think the House would be justified in losing more than one day for this purpose, in present circumstances. The Commissioner of Railways could probably arrange for members to leave Perth on Wednesday morning, and come back the same night. A considerable number of members being desirous of visiting Bunbury, he would be happy to fall in with their views, if supported by the general feeling of the House. If, on the other hand, there was any objection to an adjournment for one day, he would be willing to sit on Wednesday, as usual.

MR. LOCKE: If members left for Bunbury on Wednesday, they would not be able to return in time for the sitting on Thursday. The House should adjourn over Wednesday and Thursday.

MR. WOOD moved that the House, at its rising on Tuesday next, do adjourn until Thursday next.

MR. LEAKE supported the motion.

MR. ILLINGWORTH: While not desiring to set himself up against the general feeling of the House, said it would be useless to attempt to do business on Thursday. Members, after the trip, would not be in a condition for work, and the adjournment, if it took place at all, should be till the following Monday.

Question put and passed.

ADJOURNMENT.

The House adjourned at 9.45 p.m. until the next day.

Legislative Council.

Tuesday, 16th November, 1897.

Papers Presented—Underground Surveyors Bill: first reading—Return: Cost of Artesian Boring—Dog Act, 1887, Amendment Bill: in committee—Cemeteries Bill: first reading—Aborigines Bill: first reading—Hawkers and Pedlars Act Amendment Bill: first reading—Local Inscribed Stock Bill: first reading—Width of Tires Act Amendment Bill: first reading—Excess Bill, 1896: second reading: in committee; debate on report—Adjournment.

The PRESIDENT took the Chair at 4.30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By THE MINISTER OF MINES: 1. Report of Postmaster General for 1896. 2. Interim report of the Commission of Inquiry on Coolgardie Water Supply Scheme. 3. Receipts and Disbursements for quarter ending 30th September, 1897. 4. Lunatic Asylum, report for 1896. 5. By-laws of various municipalities. Ordered to lie on the table.

UNDERGROUND SURVEYORS BILL.

Introduced by THE MINISTER OF MINES, and read a first time.

RETURN--COST OF ARTESIAN BORING.

HON. A. P. MATHESON, in accordance with notice, moved for a return showing (1.) The total cost, including wages, superintendence, and all plant for boring, of the two bores put down by the Metropolitan Waterworks Board in Wellington Street, Perth; (2.) The average cost per foot of the departmental boring done by the Public Works Department in

the coastal districts, including casing, and the lowest price tendered by the public for sinking in the same districts. He said that, in submitting this motion, he was placed at a disadvantage in not having received the replies he anticipated to questions he had put on the Notice Paper for that day, as to the result of the boring operations in Wellington Street, and the boring work generally of the Metropolitan Water Works Board, and the Public Works Department.

THE PRESIDENT: The hon. member could ask for a postponement of this motion, if desired.

HON. A. P. MATHESON said he wished to give reasons for submitting this motion. The absence of the answers did not matter considerably, although they would have made it easier for him to explain his motion. Had he received the answers anticipated, it would have been found there had been extravagance in connection with the bore in Wellington Street. He believed it would be found that tools and other articles had been dropped down the bore, thus preventing the boring from being completed, and he believed the cost of sinking for water, which certainly ought not to have exceeded £1 per foot, would probably be found to be over £2 per foot. He wanted, if possible, to ascertain if that was the cost, and then to institute a comparison between the cost of bores put down on the goldfields and of bores put down by the Public Works Department in the coastal districts. It would be found that the cost of bores put down by the Works Department was generally under that of bores made by the Metropolitan Waterworks Board. Even then the Public Works Department had come to the conclusion that a considerable sum of money might be saved by doing the work by contract. That could only be shown clearly by the figures, and that was his chief reason for moving for the return. A great deal had been heard about the useless expenditure, as it had been called, on the Coolgardie bore; but that expenditure was thoroughly justified. What he wanted to point out was that in all probability it would be found that quite as much money had been spent on boring, unfortunately without results, in the coastal districts, as had been spent at Coolgardie. He did not take the least excep-

tion to the amount of money spent on boring in the coastal districts, but he did take exception to the suggestion that the expenditure had been unsuccessful only on the goldfields. The short report issued by the Public Works Department only dealt with successful bores, and he was particularly anxious to have the cost of the unsuccessful bores brought before the public. With these words he begged to move the motion.

THE MINISTER OF MINES (Hon. E. H. WITTENOOM): After listening with great pleasure to the remarks of the Hon. Mr. Matheson, he was glad to find that hon. member so considerate in regard to the public finances, which should be carefully watched. It was unfortunately impossible to answer the various assumptions of the hon. member as to the dropping of materials down the bores and as to the expenditure on the work. If Mr. Matheson would make some definite statement, the probability was that he could be answered, but the hon. member had excused himself on the fairly good ground that he had not got replies to the questions of which he had given notice. The hon. member considered that the Coolgardie bore work was fully justified. He (Mr. Wittenoom) looked on that work as a most unwarrantable piece of folly, carried out according to the ideas of a lot of ignorant people, who would not believe what was told them by the scientific advisers of the Government. Those advisers, from the very first, urged that an attempt to bore for artesian water at Coolgardie would be an absolute absurdity. People who never believed in science, and who asked how it could be known that there was no water there unless water was proved not to be there, forced the Works Department to go on with the work, and then the Works Department sent to the Mines Department for a geologist to select a site for the bore. This was after the Government Geologist, confirmed by other scientific people, had definitely stated there was no chance of getting artesian water at Coolgardie, and he (the Minister of Mines) did not permit the geologist to undertake the selection of a site. Had the geologist been permitted to go and select a site, and water had not been found there, it would have been said that he had put the searchers on a bad place. But to satisfy

a lot of ignorant people some £20,000 had been spent at the Coolgardie bore.

HON. A. P. MATHESON: Without expert advice?

THE MINISTER OF MINES: Not only without, but absolutely in spite of expert advice, and yet that was what Mr. Matheson described as proper expenditure. Expenditure of that kind would soon send the country "to the dogs." Mr. Matheson desired to know how the money had been spent, and the information would be given to him with pleasure, because there was a certainty that the explanation would be satisfactory.

Motion put and passed.

DOG ACT, 1883, AMENDMENT BILL.

IN COMMITTEE.

Clauses 1 to 5, inclusive—agreed to.

Clause 6—Registration fees to belong to Roads Boards:

THE MINISTER OF MINES (Hon. E. H. Wittenoom): It would be remembered that, when moving the second reading of the Bill, he stated he would move an amendment on this clause. He had not had time to put that amendment on the Notice Paper, but he now moved that the following words be added to the clause:—"And the Road Board out of the moneys so received may add to the reward offered by the Government for the destruction of wild dogs."

HON. C. A. PIESSE: The provision ought to be compulsory. If it were left to discretion, the provision would be enforced in some districts, whilst in others it would be allowed to be inoperative. He moved, as an amendment on the amendment, that the word "may" be struck out, and the word "shall" be inserted in lieu thereof.

THE MINISTER OF MINES: The object of the amendment was to enable Roads Boards, in cases where 10s. per tail was not a sufficient inducement, to supplement that by a larger amount. The second amendment (Mr. Piesse's) would make the increase compulsory. When the original provision was made, dogs were much more plentiful in outlying districts than on the coast, and the reward of 10s. per tail was confined to the South-Western district within 100 miles of the coast. That reward was now hardly

sufficient inducement in the district mentioned, whereas in some of the back parts 5s. paid very well.

HON. D. M. MCKAY: The greater amount should be paid in the back districts.

HON. C. A. PIESSE, after the explanation given, asked leave to withdraw his amendment.

Second amendment (Mr. Piesse's), by leave, withdrawn.

Amendment (by the Minister of Mines) put and passed, and the clause, as amended, agreed to.

Clauses 7 and 8—agreed to.

Clause 9—Slut on heat, if allowed to stray, may be killed:

HON. A. P. MATHESON moved that the clause be struck out, as being unnecessary and likely to cause a great amount of abuse. A person who had a grudge against the owner of a very valuable dog would, under this clause, be able to entice the animal from its owner's premises and slay it incontinently. This matter had attracted the attention of the Western Australian Poultry and Dog Society, the Western Australian Kennel Club, and the Coolgardie Dog and Poultry Society, all of which bodies were strongly opposed to the clause. A man who owned a slut of very considerable value should not be liable to have the animal killed as merely the result of what might be an accident. No owner of a valuable dog would, under the circumstances contemplated in the clause, intentionally allow the animal to go astray. If Section 12 of the principal Act were acted upon, and the police did really what they were entitled now to do, there would be no necessity whatever for the clause now before the committee. The section provided that unregistered dogs might be seized and killed.

HON. R. S. HAYNES: How could the owner be found?

HON. A. P. MATHESON: The Act did not provide for that; but, nevertheless, the Act had been found to work satisfactorily so far.

HON. G. RANDELL: The Act was inoperative.

HON. A. P. MATHESON: It would be easy to make a provision for finding the owner.

HON. R. S. HAYNES: How could it be found that the dog was unregistered?

HON. A. P. MATHESON: By advertisement. If this section of the principal Act were not deemed sufficient, it would be easy to amend it without passing a special and sanguinary clause empowering anybody to kill and slay any slut in a public place. One valuable suggestion by the dog clubs was that each registered dog should wear a metal disc.

HON. R. S. HAYNES: Should the disc fall off, a valuable dog might be shot.

HON. A. P. MATHESON: No legal provision could be made without possible injustice to some one. The metal discs were largely used in other places in the way now suggested.

HON. C. A. PIESSE: The clause was very harsh, although some provision of the kind was necessary. He suggested that a new clause should be substituted, providing a money penalty for allowing dogs to be at large.

HON. R. S. HAYNES suggested that progress be reported, to enable members to carefully consider the clause. A legal difficulty would be raised as to who had to decide when the slut was on heat. It was quite possible a constable might make a mistake in this particular, and the clause as it stood would, no doubt, give rise to an inordinate amount of litigation. He was in favour of the principle that a slut found in the state described ought to be destroyed. The only question was whether some safeguard ought not to be provided, such as allowing a magistrate or a veterinary surgeon to decide the question he had indicated. If 90 per cent. of the dogs in this colony and in the city of Perth were destroyed it would be a good thing.

THE MINISTER OF MINES: This clause should be treated with some respect as coming from the Legislative Assembly, where, no doubt, it received the consideration of the legal members and others, who must have had some reason for adopting it. He had endeavoured, but vainly, to find out what those reasons were. The clause went too far, and he would be inclined to support the Hon. Mr. Matheson's amendment. He (the Minister) did not support the amendment because of any consideration for those wretched pets and useless brutes which wandered about the town, but in the interests of the useful dogs found in the vicinity of towns and

about stations. A collie slut might be worth pounds—indeed the value of such a dog was inestimable, and it must be remembered that a public place in which a slut might be destroyed would mean the main road. Any person with a grievance, real or imaginary, against the owner of a valuable slut might, under certain circumstances, destroy that animal in the public thoroughfare.

HON. R. S. HAYNES: Only a police constable could destroy the animal.

THE MINISTER OF MINES: The animal could be destroyed, at all events, and a certain amount of risk would be incurred without owners being able to in any way prevent it. One idea which suggested itself to him was that the word "municipality" might take the place of "public place." The clause as it stood was too sweeping, by far. He had no strong feeling in the matter, and would be prepared to accept any amendment to meet the views of a majority of members.

HON. C. A. PIESSE: The amendment suggested by the Minister would not meet the wishes of residents in the country, who had as much right to be protected from this particular nuisance as had residents in municipalities. This Bill was not discussed in the Legislative Assembly. It was introduced and passed without any discussion. Residents of the country had for two or three years desired the Dog Act to be looked into, and his suggestion of a money penalty would put the Act right. A person should have an opportunity of saving his dog.

HON. F. T. CROWDER: It would be a great hardship if a man stood a chance of losing a valuable dog. It was not an easy thing to tell when a slut was in this condition. There were dozens of dogs in this colony of the value of £100 each. He rather favoured the suggestion thrown out by the Hon. C. A. Piesse. His idea was that dogs in this condition, when caught, should be detained and advertised, and if they were not then claimed they could be destroyed. The clause as it stood gave power to any policeman to kill a dog. To a shepherd a dog meant his livelihood.

THE MINISTER OF MINES: How would he catch the dog?

HON. C. A. PIESSE: It would be as well if the debate was adjourned. They

could thresh the matter out at some other time.

HON. A. P. MATHESON did not see how it was possible to improve Clause 9 to meet the views of hon. members. The objection raised by Mr. Haynes to the word "owner" in Section 12 of the principal Act could be raised to the word in this clause. There was no way of finding out who the owner was. He was quite ready to accept any satisfactory amendment, if a maximum fine, not only for sluts on heat but for any dog found at large, was provided for. If Section 12 of the existing Act was carried out in its entirety, this nuisance would disappear. The majority of dogs following sluts were not registered. The existing Act was practically a dead letter: no inducement was held out to any dog-owner to register at all. He was quite prepared to see a penal clause as to dogs not being registered.

HON. R. S. HAYNES: There was a penalty now.

HON. A. P. MATHESON: What penalty?

HON. R. S. HAYNES: A fine of 10s.

HON. A. P. MATHESON: The penalty provided in the existing Act was the penalty of death. The hon. member could not have been paying attention when he read Section 12 of the existing Act, which provided that a policeman could seize and kill unregistered dogs.

HON. R. S. HAYNES: How was a policeman to prove a dog to be unregistered?

HON. A. P. MATHESON: There was no method now of proving that, but if we adopted the suggestion about having a disc on the collar, there could be no doubt as to registration.

THE MINISTER OF MINES: Parliament could not be induced to adopt that system.

HON. A. P. MATHESON: In that case the Houses of Legislature were standing in the way of making the thing feasible. Parliament had passed an Act which was impracticable, because it was not possible to identify the owner of the dog. What was the use of passing two or three amending clauses to a Bill which, in the opinion of the whole of the members, was inoperative owing to the faulty way in which the Bill was drafted. It seemed to him that they were making a laughing-stock of themselves.

HON. R. S. HAYNES: There was very little indeed in Clause 9. That portion of the clause which was new stated that if the owner of the animal had wilfully suffered it to be at large he could be convicted. That portion of the clause providing that where a slut was found on any premises other than those of the owner, it should be lawful for the owner of the premises where the animal was found to kill the animal, was at present the law of the country. The present Act justified the killing of a dog, even if valued at £500, if that dog was found trespassing on private lands. Under the Trespass Act, a dog trespassing on another person's premises without the consent of the owner of the premises could be killed. He had had a valuable dog shot in that way.

HON. F. T. CROWDER: The animal could not be shot unless it was advertised.

HON. R. S. HAYNES: Under the Trespass Act any dog, goat, or fowl could be shot if found trespassing on private lands. The only provision we were adding to the existing Act was that if a slut was found on public premises it could be shot. If Parliament was prepared to pass an Act that a dog could be shot when trespassing on private premises, why not allow it to be shot if found on a public road?

HON. A. P. MATHESON did not admit that the present law was just.

HON. R. S. HAYNES: This Bill had been considered in another place.

HON. C. A. PIESSE: It was not considered there.

HON. R. S. HAYNES: The mere fact of the Bill passing through the other Chamber showed that it had been considered there. If a Bill was well drawn and put before the House in proper time, and there was no objection to it, and it was passed without discussion, that showed it was a desirable Bill, and reflected great credit on the person introducing it. The committee should look at the Bill as if it had been properly introduced and discussed in the Legislative Assembly. It would be an improper thing to send the Bill back without first considering what the Legislative Assembly had passed. It was not like a new Bill coming before them. If it were a new Bill, he would have no objection to slaughter it, but we ought to respect the Bills which

were sent to them, as we hoped and expected the Legislative Assembly would respect our Bills. He was quite satisfied to pass the Bill as it was, although he would like some slight definition as to what a slut on heat was. Let us leave it to the magistrates or a veterinary surgeon or a police sergeant to say what a slut on heat was. Persons interested in sheep farming knew the curse of mongrels. Sluts on heat got away into the bush, and the half-bred dingoes were the worst kind of animals that could be found in the country, they did such a large amount of injury. To say that the police were going to rush round and kill all valuable dogs was idle. If a policeman killed a valuable slut under circumstances which merited rebuke, no doubt he would receive that rebuke, and it would be a lesson to others. His opinion of the conduct of the police was not so high as it might be, but it was not so low as the opinions of some people. The police were men of average intelligence, and it was not to be expected that they would go round and kill dogs at random. The police administered other laws fairly, and we had a right to expect they would administer this one in the same way.

HON. G. RANDELL was in favour of the principle of the clause. All of them must have looked on scenes in the streets with the utmost disgust, and persons who kept such dogs as was mentioned in the clause and did not take care of them did not deserve any consideration at the hands of the Legislature. We wanted such a clause as the one before the committee to prevent disgusting scenes taking place in public, and anything the Legislature could do to prevent a recurrence of these scenes ought to be done. He thought the clause that had been read by the Hon. A. P. Matheson could not be carried out. Where was the man who would lay hold of a dog, take him away, and chain him up? No prudent man would attempt such a thing. He thought the clause in the Bill was a simple remedy for the trouble, and he was quite in favour of what the Minister of Mines had suggested, that the clause should be confined to municipalities. He could not quite follow the Hon. C. A. Piesse in regard to this matter in the country, but he did not think it could be attended with such

serious consequences as in the towns. He thought there was nothing to object to in the clause except, as had been pointed out by the Hon. R. S. Haynes, about the definition. He did not think there would be much difficulty about deciding when a slut was on heat. A slut might be followed by dogs when not on heat, but the dogs would soon disperse. He thought it was the duty of the Legislature to prevent these scenes in public, if they could. It would be a great assistance in carrying out the Act if every dog wore a collar, on which was engraved the name of the owner. This would avoid the necessity for advertising, and there was a chance that the advertisement might not meet the eye of the owner of the dog.

THE MINISTER OF MINES: Would the hon. member advertise if the dog was killed?

HON. G. RANDELL: There would be no necessity. He thought that if all registered dogs had a collar on which was recorded the registration there would be no difficulty in distinguishing registered dogs from unregistered ones. The old Legislative Council had persistently refused to adopt the idea of each dog having a collar with the registration engraved thereon. He was never able to understand why, because it seemed such a simple and effective way to overcome the difficulty of identification.

HON. A. P. MATHESON: Would the hon. member propose a different penalty for registered and unregistered dogs?

HON. G. RANDELL: That was a question of detail he would not express an opinion upon. The committee should give the Bill all the consideration they possibly could. It might be desirable that the further consideration of the measure should be postponed for the purpose of enabling the Hon. R. S. Haynes and the Hon. C. A. Piesse to bring forward their amendments; but he hoped the clause would not be expunged from the Bill, as it was desirable in the interests of public decency.

HON. D. MCKAY: It was necessary that we should have some such provision as this clause in the Bill. Dogs in this condition were a complete nuisance, and they presented a most disgusting sight. It appeared to him that these scenes occurred more on Sundays than at other

times. He was quite in favour of the clause.

HON. A. B. KIDSON : One argument had been used in connection with the clause on which he would like to make a few remarks. It was an argument which had been used very frequently in previous sessions. Personally he did not like it. It was that a Bill had been considered by the Legislative Assembly. Last session and in previous sessions that argument was used in the case of almost every Bill brought up by the Minister of Mines in the House. Of course we always would treat Bills sent from the Legislative Assembly with the very greatest respect, but at the same time he wished to point out that this was no argument in favour of the passage of a Bill. The Minister could not find any gentleman in the House treating any Bill from the Legislative Assembly with disrespect, but the hon. gentleman used, as an argument why this Bill should pass, that it had been considered by the other House. That was no argument in favour of the passage of the Bill at all. He had seen numbers of Bills which had come from the Legislative Assembly in previous sessions that really, to say the least, were in anything but proper form. Bills had to be amended in many particulars and sent back again. When Bills were sent here for consideration they were on entirely new ground, and we should look on them as if they had not been considered before. If there was anything in the Bill to which we should take exception we should do so, and if not, the Bill would pass without comment. But hon. members had been told so frequently that they should not alter a Bill because it happened to be considered by the other House: he did not think that was proper. He was in favour of the clause before the committee as it stood. Let the police have absolute power to deal with this disgusting nuisance.

A MEMBER : Would you give the option of a fine?

HON. A. B. KIDSON would not. If persons had valuable dogs, they should take the trouble to look after them. There seemed to be a practice which had grown up in the House that when a Bill of this nature came up for consideration and some hon. member desired to move

an amendment, a postponement was suggested. The committee ought not to postpone the Bill because a member wished to move a simple amendment. The combined intelligence of this House was sufficient to deal with a clause of that kind. He thought they should not adjourn the debate because of this slight difficulty.

HON. C. A. PIESSE : The hon. gentleman might frame an amendment.

HON. A. B. KIDSON said he had nothing to frame: he was satisfied with the clause as it stood. Let the hon. gentleman frame something.

HON. C. A. PIESSE said he had framed an amendment.

HON. A. B. KIDSON : It was an utter absurdity to adjourn the discussion to another day. A majority of hon. members were in favour of the clause as it stood.

THE MINISTER OF MINES : I seemed to him, from the views of hon. members, we had the choice of two methods in dealing with this matter: one was pointed out by the Bill, and the other was in regard to the fine. In dealing with the nuisance in the way provided by the Bill, it was a certain remedy and there could be no trouble about it. There would be no necessity for identification, and the nuisance would be done away with at once. If we had a fine, it seemed to him it would be impossible to impose that. He did not know if any policeman would be able to catch a dog in the streets—at any rate it would be a rather dangerous experiment to try. Unless Parliament introduced the principle of the collar and disc, there would be no way of identifying the dogs. The question was whether hon. members were prepared to agree to the proposal in the clause or not. If they were not, were they prepared to submit a workable remedy? He had not heard one proposed yet. As far as he was concerned, if the clause was limited to municipalities, he would vote for it, but if it was not he would have to oppose it. That was the position he intended to take up. Hon. members had said that there was no discussion on the Bill in the Legislative Assembly. Several members in the Lower House had spoken. Mr. Illingworth, Mr. Burt, Mr. Simpson, Mr. Wood, Mr. Hubble, and others had debated the Bill. A member asked, what about Clause 9? and Mr. Burt replied

that it was a necessary clause, as it was taken from every Dog Act throughout the colonies and the Act in force in England. The matter was thoroughly threshed out in the Lower House. He did not say for a moment that because the Legislative Assembly passed a clause, we were to accept it, but he said that after 44 gentlemen had considered a measure it was entitled to careful consideration at our hands.

A MEMBER: We were giving it very careful consideration.

THE MINISTER OF MINES did not think we monopolised all the constructive legislative ability of the two Houses, although perhaps we were an able crowd. Still we must admit that there were some gentlemen in the other House who were entitled to consideration as well. Whenever he had used the argument that a Bill had been considered in the other Chamber, it had been in connection with a measure that related to a question of the people, and which was really a matter for the representatives of the people to criticise. We could do as we thought fit in this House. If hon. members were prepared to accept the amendment in reference to municipalities, he would vote for the Bill; if not, he would support the Hon. A. P. Matheson. He hoped the Chairman would put the question as the Hon. A. P. Matheson had submitted it, and then we would have it decided at once whether the clause should remain or not. If it was to remain, it could be amended.

THE CHAIRMAN: It was no use reporting progress, unless we decided whether the clause should stand. If the committee decided the clause should stand, he would then be prepared to receive amendments to the clause.

HON. G. RANDELL suggested that the Hon. A. P. Matheson should withdraw his motion for the present, and then we could consider the amendments to the clause.

THE CHAIRMAN: If the Hon. A. P. Matheson withdrew his motion, the amendments could be considered; but while the motion was before the committee, we could not deal with the amendments.

HON. A. P. MATHESON felt so very strongly on the subject that he would not withdraw his motion.

THE CHAIRMAN: If the hon. member withdrew his motion, he would have

an opportunity, when the amendments to the clause had been considered, of proposing it. If the clause was amended, it would have to be put finally that the clause as amended stand part of the Bill; then the hon. member could vote against it.

Question, that the clause be struck out, put and negatived.

THE MINISTER OF MINES moved to insert after the word "place," in line 1, the words "within a municipality."

Put and passed.

HON. C. A. PIESSE moved, as a further amendment, that all the words after "municipality" be struck out, and that the following words be inserted in lieu thereof:—"On premises other than the premises of the owner, such owner shall be liable to a fine not exceeding £2; and if the owner shall have wilfully suffered it to be so at large, he shall, if convicted thereof in a summary way, pay a fine of not less than £2 nor more than £5."

HON. A. B. KIDSON: The amendment would be absolutely inoperative. How the hon. member proposed to prove that it was done wilfully, he did not know. It might occur by accident; but, perhaps, the hon. member could explain his amendment. When the word "wilful" was used in an Act of Parliament, it was most difficult to prove that an act had been done wilfully.

HON. C. A. PIESSE: "Wilfully," in the case under notice, would mean that if the owner had received word that his dog was straying and he allowed it to stray again, he would be liable to a fine.

HON. H. BRIGGS: It would be well to have a minimum fine.

HON. G. RANDELL: The suggestion of the Hon. H. Briggs was a good one. He supported the remarks of the Hon. A. B. Kidson.

HON. D. MCKAY objected to the amendment, as it would not do away with the nuisance.

Amendment put and negatived; and the clause, as previously amended, put and passed.

New clause—Regulations:

HON. R. S. HAYNES moved that the following new clause be added to the Bill:—"That Sec. 23 of the Act 47 Vict., "No. 13, be and the same is hereby repealed." The section which he proposed to repeal was as follows:—"In any action

"or other proceeding for damages for injury done to man or beast by any dog, "it shall not be necessary for the party seeking such damages to show a previous mischievous propensity in such animal, "or the owner's knowledge of such previous mischievous propensity, or that "the injury was attributable to neglect on "the part of such owner." For centuries it had been the law of England that if an owner knew a dog was savage and mischievous, and that dog attacked anyone or attempted to bite or show any mischievous propensities, no matter whether it was brought to the owner's knowledge or not, then the owner would be liable for damages. He did not know why the law was changed here; but the section which he had referred to was introduced into the Dog Act, and the common law of England had thus been altered. The courts relied on decisions given in the English courts; but if the laws were altered, a difficulty arose. He was sorry to see any departure from the well-known common law of England. This section had been used as a means of extorting money over and over again. A person who owned a dog was liable, if the dog bit any person. In one case a person had fallen over a dog and was bitten, and the person who was bitten brought an action and recovered damages. To use a free expression, a dog was allowed one free bite. He saw no reason why this section should remain the law of this country. He had discussed the point with a number of lawyers and they were all of opinion that it would be better to go back to the law of England. If this section had been a good one, we could depend upon it, this would have been introduced into the law of England years ago. It had been discussed in England, and any attempt to introduce it there had always failed. He understood that the Minister of Mines had no objection to his new clause.

THE MINISTER OF MINES said he had not the least objection to the new clause.

Put and passed.

New Clause:

HON. C. A. PIESSE moved that the following new clause, to stand as Clause 12, be added to the Bill:—

Section 5 of the Dog Act Amendment Act, 1885 (49 Vict., No. 10), is repealed, and the

following provisions are hereby substituted in lieu thereof:—"It shall be lawful for any adult aboriginal native to keep one dog (which shall be registered free of charge), 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 or the Chairman of a Roads Board that such dog is liable to spread disease by reason of its neglected state, such Justice or Chairman, as the case may be, may order the destruction of such dog."

Under the present Act, he said, an aborigine was allowed to keep one dog for every member of his family, so that a native with a wife and six children could have eight dogs in his household. The clause would restrict the permission to keep dogs to the adult members of the family.

THE MINISTER OF MINES moved that progress be reported, in order to afford members an opportunity of considering the proposed amendment. He would support a further amendment, providing that every registered dog should wear a collar to show it was registered.

Progress reported, and leave given to sit again.

CEMETERIES BILL.

Received from the Legislative Assembly, and read a first time.

ABORIGINES BILL.

Received from the Legislative Assembly, and read a first time.

HAWKERS AND PEDLARS ACT AMENDMENT BILL.

Received from the Legislative Assembly, and read a first time.

LOCAL INSCRIBED STOCK BILL.

Received from the Legislative Assembly, and read a first time.

WIDTH OF TIRES ACT AMENDMENT BILL.

Received from the Legislative Assembly, and read a first time.

EXCESS BILL, 1896.

SECOND READING.

THE MINISTER OF MINES (Hon. E. H. Wittenoom), in moving the second reading, said: I feel that any remarks of mine would be quite superfluous. No doubt hon. members have read the obser-

vations made when the Bill was discussed in detail in another place. The Bill is of rather ancient date, dealing as it does with expenditure up to June, 1896; but I feel sure that the reasons I shall give for the delay will prove acceptable. Parliament sat at the usual time last year, in June or July, and the financial year closed on the 30th June. According to statute, the Treasurer has three months in which to prepare the accounts for submission to Parliament, and after that time has expired, the accounts have to be audited by the Auditor General. Before the accounts could be prepared and audited last year, so much time had expired that it was found impossible to submit them to hon. members before the present late session. This year, however, we hope the Excess Bill will be brought down before Parliament rises, and an opportunity be thus afforded during the present session of criticising and approving the expenditure during the year. The Excess Bill now before the House deals with a large amount of money; but hon. members will not be surprised at that when they remember under what pressure the Government were working at the time the expenditure was incurred. The colony was then at the height of its "boom" period. Had the Government not risen to the occasion and afforded facilities for carrying on the large business caused by the development of the gold industry and the advent of so many people to the colony, they would have incurred censure rather than commendation. Excess expenditure to the amount of £493,000 odd is a serious matter; but it would have been a much more serious matter if the money had not been in hand to meet the expenditure. The Government would not have taken the responsibility of spending this money, had the revenue not increased beyond the estimate to such an extent as to actually give them the money in hand. But while the Government undertook this unauthorised expenditure of £493,000 odd, there was £250,000 spent which had been authorised; so that really the overdraft was not much over £200,000. Considering the circumstances, it cannot be said that the expenditure was very excessive. The money was devoted to absolutely necessary objects. Amongst these was the medical vote of £25,000 odd, imperatively

called for by the prevalence of fever and general sickness amongst the miners and other people in the back blocks, for whom the Government were called upon to afford all the relief possible. The police department necessitated an expenditure of £6,300, and under the miscellaneous vote some £60,000 was spent. But allowance must be made for over £30,000 spent on the purchase of land, to which the Government still hold the titles, and which, if sold to-day, would I think realise more than its cost. A large amount was spent on sanitation in various parts of the gold-fields, in addition to the money given to progress and health committees to provide hospital accommodation; and, more than all, £222,200 was spent on works and buildings. It would only tire members to go into details, the whole of which are set out in the statement of public accounts, and the Auditor General's report for the year ending June 30th, laid on the table at the beginning of the session. I was going to say that I hope such excess expenditure may never occur again. On second thoughts, I hope it will occur again. Should similar reasons for expenditure arise once more, the public would not regret money so well spent as in the past.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Bill passed through committee without debate, and reported without amendment.

DEBATE ON REPORT.

THE MINISTER OF MINES moved the adoption of the report.

HON. G. RANDELL said he was sorry to see the Chamber nearly empty of members when a Bill, involving so large an expenditure, was introduced and carried through. He trusted the Government would, in the future, go carefully into the question of day labour *versus* contracts. He had reason to think a large sum of money was absolutely wasted by the employment of day labour in the various departments of State. The expenditure was enormous on many public works; and the tendency of day labour without proper supervision—and even with proper supervision—was not to give a fair day's work for a fair day's pay. Contractors got considerably more work out of their men

than did the Government, municipal councils, or other public bodies out of their employees. The profits of contractors bore no comparison with the losses incurred by public bodies in carrying out works by day labour. The Minister of Mines had properly described as a "boom" period, the period at which was incurred the excess expenditure covered by the Bill. It was a question whether it was desirable to have those "boom" periods. At any rate there was no necessity that the country should be in want of money when the "boom" was over. At present there was a slight reaction; and that alone should induce the Government to carefully consider their position in relation to public works. With the prospect of a fairly good season and of further development of the gold-fields, the colony should enjoy a period of prosperity in the current year.

Question—that the report be adopted—put and passed.

ADJOURNMENT.

THE MINISTER OF MINES moved, That the House, at its rising, do adjourn until 4:30 p.m. on Thursday.

Put and passed.

The House adjourned at 6:28 p.m. until Thursday, 18th November.

Legislative Assembly,

Tuesday, 16th November, 1897.

Petition (Southern Cross): Prohibition of Asiatic Immigration—Question: Custom-house and Court-house for Fremantle—Question: Bond re Defaulting Railway Employee—Question: Deep Boring at Coolgardie—Question: Pastoral Rents Remission and Reduction—Local Inscribed Stock Bill: third reading—Width of Tires Act Amendment Bill: third reading—Sale of Liquors Act Amendment Bill: in committee (new clauses)—Motion: Legislation re Inebriate Retreat—Message (appropriation): Annual Estimates; Financial Statement in Committee of Supply—Adjournment.

THE SPEAKER took the Chair at 4:30 o'clock p.m.

PRAYERS.

PETITION—PROHIBITION OF ASIATIC IMMIGRATION.

MR. OATS (Yilgarn) presented a petition from residents of Southern Cross, praying for the prohibition of further immigration of Asiatics.

Petition received and read.

QUESTION — CUSTOM-HOUSE AND COURT-HOUSE FOR FREMANTLE.

MR. HOLMES, in accordance with notice, asked the Director of Public Works, Whether the sums voted towards the erection of a new Custom-house and for the building of a Court-house in Fremantle, which were passed in last year's Estimates and had not been expended, would be renewed on the Estimates for the current year.

THE DIRECTOR OF PUBLIC WORKS (Hon. F. H. Piesse) replied:—The Government do not, at present, purpose proceeding with the erection of the new Custom-house at Fremantle, as, owing to the increase of business, it is probable that a much more important building will be required than was originally contemplated. It has, therefore, been decided to defer the matter for the time being. Provision will be made on the Estimates for the new Court-house at Fremantle.

QUESTION—BOND RE DEFAULTING RAILWAY EMPLOYEE.

MR. HOLMES, in accordance with notice, asked the Commissioner of Railways—1. Whether in the case of Randell, a defaulter to the Railway Department, proper securities were obtained for the