

Amendment put and passed.  
 Clause, as amended, agreed to.  
 Progress reported, and leave given to sit again.

#### ADJOURNMENT.

The House adjourned at 10.46 p.m.

## Legislative Assembly,

Monday, 21st August, 1893.

Dangerous condition of disused Brickfield in Howick street—Travelling of Sheep from Champion Bay to the Murchison District—Enforcing provisions of the Scab Acts—Municipal Institutions Bill: first reading—Throwing open to selection of Poison and Scrub Land—Bunbury Railway Station: Return showing cost, &c.—Scab Act, 1891: Proposed Further Amendments—Destructive Birds and Animals Bill: third reading—Public Depositors Relief Bill: third reading—Victoria Public Library: Petition re Lending out Books—Legal Practitioners Bill: in committee—Adjournment.

THE SPEAKER took the chair at 7.30 p.m.

#### PRAYERS.

#### DANGEROUS CONDITION OF DISUSED BRICKFIELD.

MR. CANNING: I should like to ask, without notice, whether the Government are aware that the land recently used as a brickfield, at the lower end of Howick street, is in a dangerous condition, and that it is desirable it should be fenced in?

THE PREMIER (Hon. Sir J. Forrest): I am not aware of the fact stated.

MR. CANNING: No doubt the Government will make inquiry.

#### TRAVELLING SHEEP FROM CHAMPION BAY.

MR. CANNING, in accordance with notice, asked the Premier,—1. Whether he was aware that the Chief Inspector of Stock had given permission to certain persons to drive sheep from the Champion

Bay District to a station known as Yarra Yarra, in the Murchison District? 2. By whose authority the Chief Inspector gave such permission? 3. Whether the Government would forthwith give peremptory instructions to the Chief Inspector to cancel such permission, and prevent the passage of the sheep through the Murchison District or any part of it?

THE PREMIER (Hon. Sir J. Forrest): I learn that the Chief Inspector of Sheep has not given permission to any persons to drive sheep from the Champion Bay District to Yarra Yarra, and he has been instructed to strictly enforce the provisions of the 56 Vic., No. 13, which Act absolutely forbids the introduction of any sheep from an infected district into any district north of the Central Scab District.

#### ENFORCING PROVISIONS OF SCAB ACTS.

MR. CANNING: I have a motion on the Notice Paper, "That in the opinion of this House the provisions of the Scab Act, 1891, and of the Scab Act Amendment Act, 1893, more especially those contained in Section 8 of the principal Act, and Sections 2 and 3 of the Amendment Act, should be strictly enforced." It is hardly necessary, after the assurance of the Premier, in reply to the question just put, that I should enlarge upon the motion; but, as it is on the Notice Paper, I will say a few words with regard to it. The Amendment Act passed last session was a most useful and admirably conceived measure, and it was after very considerable discussion in this House, after the most matured consideration, that the provisions contained in Section 2, namely, that no sheep shall be driven North of an infected district, were agreed to. Therefore I was very much surprised to learn—and I may mention that I did not bring the attention of the House to bear upon the matter without good reason—I was very much surprised to learn—as I was informed that permission had been given to drive certain sheep from the Champion Bay District to a station on the Murchison; and it was in view of that information that I gave notice of this motion, that the provisions of the section referred to should be strictly enforced. But, as I infer from the answer of the Premier to

my question—that the Government is fully alive to the necessity of enforcing the provisions of the Act—it is unnecessary that I should press my motion. With regard to Section 3 of the same Act, the provision that no sheep shall be driven out of an infected district into a clean district without being marked, is a very excellent one, and I only hope it will be strictly enforced. I think it will be unnecessary for me to press the motion on the Notice Paper further, and therefore I do not intend to proceed with it.

#### MUNICIPAL INSTITUTIONS BILL.

Introduced by MR. BURT, and read a first time.

#### THROWING OPEN TO SELECTION OF POISON AND SCRUB LANDS.

MR. CLARKSON: I rise to move the following motion standing in my name:—“That it is desirable, in the interest of land settlement, that all poison or scrub land surrounded by occupation, whether within agricultural areas or not, should be thrown open to selection under Clause 78 of the Land Regulations.” I wish to point out to members that this land is beyond the scope of the Homesteads Bill altogether, being neither first, second, nor third-class land. When I brought the subject forward, I had in my eye a block of land in the Toodyay District, one of the first S.O.L. areas ever set apart in the colony, which is surrounded with settlement. The block lies to the Westward, and all the land north, south, and east of it is occupied by farms. There it stands, precisely in the same state it was in sixty years ago, when the colony was first settled. I believe it contains an area of 10,000 or 12,000 acres, and not one single acre of it has ever been alienated. A great part of it is covered with poison, and the very fact of its being there, in the midst of settlement, is a standing menace to the surrounding settlers. I really do not see why some efforts should not be made to improve and settle lands so situated. So far as this particular block is concerned, it has recently been selected by the Midland Railway Company. What they are going to do with it I cannot say, but I suppose it is now out of the hands of the Commissioner of Crown Lands. This is only one instance.

I am given to understand, on very good authority, that, in almost all the agricultural areas lately set apart and surveyed in the Southern portions of the colony, there are very large blocks of this same kind of land—land that will never be settled as agricultural land—and I do not see why some efforts should not be made to utilise it otherwise. My idea is that land so situated should be thrown open for selection, in blocks varying in size up to 1,000 acres, or perhaps more, and that the settlers surrounding it might be allowed to take it up, provided they fenced it and endeavoured to eradicate the poison. It would not be worth any man's while to take up a large block, or to go and reside upon it, under the agricultural clauses of the Homesteads Bill or the existing Land Regulations. But to those who occupied blocks surrounding it, it might be made of some use. Many of them might not be able to get better land close to their present homes, and they might be glad to take up some of this. I think it would be in the interest of settlement if this land were given to such men, provided they fenced their blocks and eradicated the poison. At present, these blocks of poison land are simply traps to catch stray stock, and to poison them. In the case of the block I referred to, thousands of sheep and cattle have been poisoned on it during the last few years. It is open all round it, and if any cows or sheep get out of their paddock, they stray into the unoccupied country, covered with poison, and very few of them ever get back again alive. I have been told, as I have said before, that there are very large areas of the same description of country comprised within the agricultural areas in the Southern portions of the colony, and I maintain it would be in the interests of the colony that something should be done to utilise these poisonous areas, and prevent them from becoming traps for the stray stock of the neighbouring settlers. I think the time has arrived for taking some action in this direction, and I hope members will agree with me.

MR. A. FORREST: I have very much pleasure in seconding this motion of the hon. member for Toodyay, for this reason, that East of the Avon Valley a large quantity of poison land exists amidst the best land in the colony. This poison country is now in the same state as it was in when

the colony was first founded, and it is a standing menace to all the settlers in the vicinity. If cattle, or sheep, or anything in the shape of live stock happen to get out of a settler's paddock, they are sure to be found dead. I think if the Commissioner of Crown Lands could arrange some plan whereby people who lived round and about these poison areas might be allowed to take up small blocks adjoining their own occupied land, it would be a step in the right direction. This particularly applies to the land between Toodyay and Beverley, to the Eastward, because nearly all the land in that direction, if you get off the range of the Avon Valley, is poison land, and it is too expensive to be taken up under the present Land Regulations. The reason why applicants for poison land are refused is, I believe, because the Commissioner of Crown Lands is of opinion that this land is so valuable that he will not grant a man a poison lease almost upon any consideration whatever. I will give an instance to the House of the trouble a man has to get a poison lease from the present Commissioner. Some time ago a poison lease was granted on the York Road. The land was a hot-bed of poison, and, after a tremendous lot of trouble in surveying and inspection, a lease was granted, but afterwards abandoned. It was further applied for by another applicant, and it went before the present Government, but they said it was too close to York, and they would not grant it. Anyhow, I think it would be a very good thing indeed, if some plan could be devised for utilising this kind of land, adjacent to agricultural areas, many of which areas have patches of it. The Poison Land Act is one of the best introduced into the colony, but the present Commissioner is making no use of it. He thinks the land is too valuable; but I say it is most expensive land to take up, and, by letting the settlers have it on the conditions proposed in this resolution, we should be doing a lot of benefit to the country.

**THE COMMISSIONER OF CROWN LANDS** (Hon. W. E. Marmion): Just a few words in reply to the hon. member's attack upon myself, which has come as a thunder-clap over my head. It is perfectly true—I do not hesitate to say so—that I am very careful indeed in issuing poison leases, and I have a very good

reason for being so, and if the hon. member occupied the responsible position I do, he also would be careful. I give him that much credit. Under the poison land clauses, as now drawn up, it is very difficult indeed to define what is poison land and what is not. Large blocks, possibly 10,000 or 12,000, or 14,000 or 15,000 acres are applied for, and, with only a casual inspection, it is a very difficult thing for anyone in my position, with the information before me, to be able to judge whether it is judicious to allow these large areas to be taken up under these too liberal Regulations. I call them too liberal, because they are like some other regulations we have. A man could take up a poison lease under the old Regulations, and keep the land for twenty years, and do nothing to it.

**MR. A. FORREST:** Not now.

**THE COMMISSIONER OF CROWN LANDS** (Hon. W. E. Marmion): What has he got to do now? Fence it within three years; and, after that, he need not put a hoe in it during the balance of his lease. I say that is a mistake, and a blot upon the Regulations. If a man is supposed to take up this land in order to utilise it, he ought to be compelled to do something with it before seventeen years. It is perfectly true that years ago, when the population of the country was very meagre, this land was of very little value; but the time is coming when even this class of land will become of value, when the population of the colony becomes larger. The hon. member laughs. He may laugh. He has taken up a lot of this much despised land for himself and his London friends, because they know very well it will become valuable in the future. The hon. member says I refuse to grant any poison leases. That is altogether wrong. A large number have been issued. When there was no good reason to the contrary they have been issued,—not because I have any particular wish to issue them, I can tell him that—but because the Regulations almost compel me to issue them. I should like to see an alteration made in these poison land regulations. I should like the maximum area to be reduced to 1,000 acres, for one thing—[**MR. MONGER:** Absurd!]  
—one of my principal reasons being that it would enable a proper survey to be made of these blocks of land, before the

leases were granted, so that we might be able to judge whether it properly came within the definition of poison land or not. The present regulation is not sufficiently clear and explicit as to what is poison land. Many of those who are now called upon to inspect the large blocks of country applied for send in a certificate that the land is not fit to carry stock, by reason of the poison upon it, whereas in reality there may be only a small quantity out of that large area that would not be fit for stock to be turned upon it.

MR. A. FORREST: That's the fault of the inspectors.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): Another alteration required is, that in addition to the condition as to fencing within three years, half of the poison should be cleared, or a certain area at all events cleared. If these alterations were made, possibly a great deal more good might be done by issuing these poison leases than is done at the present time. I am quite at one with those who are anxious to improve this class of land, which has hitherto been productive of so much mischief and very little benefit, and I think, myself, it is quite possible that either now, when we are amending our Land Regulations, or at another session, an attempt may be made to make these alterations. But I do not think it would be correct to apply the principle referred to by the hon. member for Toodyay to land within agricultural areas. Whatever members may say about these agricultural areas—and they may not be all we would like them to be—still the fact remains that they embrace the best land in the localities where they are located; and, although there may be poison here and there—and you will see it dotted over the plans—it is probably only a very small portion; and, after going to the expense of surveying and laying out these agricultural areas, I do not think we should give the land away. The good land around this poison land will be taken up; and the time will come, and that before very long, when those who have taken up this good land will take up these other areas, and go to a little expense themselves to eradicate the poison. I do not think we should all at once develop this intense desire to give all our

country away. I believe the time is not distant when we shall derive a considerable revenue and benefit from it.

MR. MONGER: I can only think that the Commissioner of Crown Lands' lame explanation is due to his very slight knowledge of the question upon which he has been speaking. I feel certain that if he ever had any experience of poison land he would have spoken very differently from what he did. The hon. gentleman forgot to inform us that in addition to having to fence in the land taken up under a poison lease within three years, the lessee has also to pay the whole of the cost of survey and the whole of the cost of inspection. The inspectors are appointed by the Government, or the Commissioner of Crown Lands himself, and if they send him untrue or unreliable reports, it is his place to find out, before he passes these poison leases. Unfortunately, I have had some experience in connection with these poison lands, and I can only hope that those who may desire to take up blocks under these conditions, in the future, will receive better consideration from the Government than those with which I have been personally connected received. The Commissioner of Crown Lands says we are not dealing with the present alone, but must have an eye to the future. No doubt we must; and, if we can get people to settle on these poison lands, fence them in, and make these barren spots of country fit to carry stock, we shall be doing something very much in the interests of the colony, and more particularly the Southern portion of the colony. I think the motion that has been brought forward by the hon. member for Toodyay is one that deserves the consideration of all members who have the interests of the agricultural portions of this colony at heart. We have had a number of agricultural areas laid out, and within those areas we have some of the worst country that Western Australia possesses. I am rather sorry to hear from the Commissioner of Crown Lands that these areas embrace the best of the land in those particular localities. If such is the case, all I can say is—and I say it with some knowledge of what I am talking about—we must have a tremendous lot of bad land in the locality of some of these agricultural areas.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): How many of them have you ever seen?

MR. MONGER: Very nearly the lot of them. I have seen the Meckering area at all events, and, if that is a specimen of the rest, all I can say is the sooner the Government cease to lay out lands of such little use for agriculture, the better it will be for the colony, and the greater will be the saving of unnecessary expense to the department of which the hon. gentleman is at the head. I do not think it is necessary for me to express my views any further about these poison lands, beyond that I have much pleasure in supporting the motion before the House.

MR. CANNING: I take the opportunity of saying a word or two with reference to a tendency that I have noticed from time to time in this colony, and that is this: after having passed liberal Regulations, intending to attract settlement and to induce people to come here from other places to occupy our lands, immediately there is a disposition on the part of people to avail themselves of these Regulations there seems to be a tendency to show them that we feel we have given them too much, and they are encountered with a feeling of distrust and a spirit of opposition. I think that has worked a great deal of mischief to the colony. Land Regulations are from time to time promulgated, which have had the effect of drawing attention to the colony—not within the last few months, but within the last few years—and, when people have shown a disposition to avail themselves of them, they have been greatly discouraged by finding difficulties in the way of their doing so, that did not appear on the passing of the Regulations. I really think it would be more to the advantage of the colony if we were to liberalise the present Regulations, rather than to seek to restrict their operation. We have so much land in the colony, so much that in the natural course of things cannot be turned to profitable account for many years to come, that we ought to give every opportunity for people who are prepared to spend their money in the development of our lands to do so.

MR. TRAYLEN: I do not know what in the least some of the speeches we have been treated to have to do with the mo-

tion before the House. I have not been able to find the Regulations referred to, and do not quite understand; but I have been quite charmed with the speech of the Commissioner of Crown Lands. It shows that he is not a mere departmental figurehead, but that he has risen to the occasion so far as the poison lands of the colony are concerned, because there was a curious story current some time ago about some blocks of poison land, and I am glad to find that he is fully alert in this respect, and I am glad to find that he is cautious. At the same time I think that is no reason why we should not carry the resolution before the House.

MR. RICHARDSON: I cannot help thinking there is something worthy of the consideration of the Lands Department in this motion. The hon. member has pointed out what appears to me a real menace to settlement, in these unoccupied poison lands, being surrounded with settlers, resulting in thousands of sheep being poisoned, through having escaped from private lands and trespassed on Government unoccupied land. I am inclined to think, looking at the matter from an equitable point of view, that if the Government decline to deal with these unprotected poison lands, or to let anyone else deal with them, they ought to be made to pay for the sheep that are destroyed on these lands. I think that would wake them up to the realities of the position. If their inspectors are so foolish as to include a lot of poison land within agricultural areas, I think the least they can do is to mark it as poison land. It is very certain it can do very little good amidst surrounding settlements, unless something is done to utilise it. I really fail to see, if they had an honest report from one of their own surveyors that the land is infested with poison, why it should not be let to these surrounding settlers. I cannot help thinking it is worthy of the attention of the Government, and that, where they are satisfied of the existence of poison land amidst settled areas, they should endeavour to deal with this land in some way or other.

MR. LOTON: It seems to me that, even if this House is of opinion that it would be desirable to deal in a more liberal way with poison lands than we are doing at present—it seems to me that

this resolution of the hon. member for Toodyay is impracticable.

MR. A. FORREST: The intention is all right.

MR. LOTON: It is difficult to understand what the intention is. The resolution says it is desirable that all "poison or scrub land" should be dealt with in this way. What is scrub land? Is all scrub land to be dealt with and let as poison land?

MR. CLARKSON: There is nearly always scrub where there is poison.

MR. LOTON: It seems to me that this question of what is poison land and what is scrub land would have to be decided by the Commissioner of Crown Lands in the first place. I do not think it would be wise in all cases to let these blocks as poison land, under the present Regulations, because we know that some of the best of our agricultural country has patches of poison amongst it. I am glad, however, to hear from the Commissioner of Lands that he is not satisfied with the present Regulations as to poison land. I think we require something more than at present to show a lessee's *bona fides*,—something more than fencing the land within three years, and then leave it alone for seventeen years, which he can do under the existing Regulations; and, unless the Commissioner of Crown Lands were careful, some of the best agricultural land in the colony would come under that regulation, if every little patch of poison amongst it is to bring it within the poison clause. Very little has been done in the past with these poison lands, and the hands of the Government are tied at present, under the existing regulations. I think it would be desirable, even this session, to introduce some amended regulations as regards this class of land; but I cannot support the motion in its present form.

MR. HARPER: If this resolution were intended to deal with the land referred to by the hon. member for the Swan, where there are a few little patches of poison amongst the good land, I should be opposed to it. But I think it is absurd to speak of it in that light, after what the hon. member for Toodyay said in introducing it. He might also have instanced the town of Newcastle, which is bordered, I think, within a mile or so, with a lot of poison land. To my own knowledge it

is a very common occurrence, an annual occurrence, with those who reside in that town, that whenever their cattle get astray they are almost sure to get into this poison and be destroyed. There must be a very considerable loss in this way annually. There has been no desire shown for the occupation of this land since the colony was founded. No one cares to tackle it. But if it could be given away to people who would clear off the land, the country would have reason to be glad of it.

THE PREMIER (Hon. Sir J. Forrest): This subject of dealing with the poison lands of the colony is one that has given a great deal of trouble, and received a great deal of consideration, in the past. The present Regulations were promulgated some six years ago, and are a great improvement upon the Regulations that went before them. Still, I think, they are not very good even now, so far as these poison lands are concerned. I think my friend the Commissioner of Lands must take this matter in hand, and deal with it—not this session, I think, but at any rate next session, when we can deal with this and some other matters in the Land Regulations—with this certainly, and place it on a better footing. I have no hesitation in saying that the poison regulations, ever since we have had them, have been a failure. They have not turned out to be the great good that we anticipated from them. In support of that statement I may say that I only know of one person—there may be more, but I only know of one—who has cleared his land of poison, and obtained the fee simple of it under the Land Regulations. There are a few others—I can count them on my fingers—who hope to get the fee simple some day, and are doing what is necessary, with that end in view. But up to the present there is actually only one lessee who has received the fee simple. I think that fact alone shows that the Regulations have not worked in the way they should. I will go further than that, and say that (with very few exceptions) no attempt even has been made to clear the land and to obtain the fee simple.

MR. A. FORREST: Scores.

THE PREMIER (Hon. Sir J. Forrest): The hon. member says "scores." He won't tell me who they are. I say there

are very few, beyond those I have referred to. Another thing: there is very little *bona fides* on the part of the applicants for this land. They have obtained it for speculative purposes, and not for purposes of improvement. We know that some time ago millions of acres were taken up, as we thought, to clear it of poison. But what have these people done with their land? They set up an office in London and sold it there—very often through misrepresentation—to others. I am quite willing to admit that no great harm has come to the colony, so far as this land is concerned; some of it has been improved. But I think some harm has been done by this hawking about of the land, and keeping back from people the real truth about it, that the land is infested with poison, and leading them to believe that they were to have the fee simple immediately, whereas the fee simple is a long way off. I think the intentions of the hon. member for Toodyay are very good indeed, but I do not think the resolution is worded very well; and, besides that, there would be a great difficulty in dealing with small blocks. I think my friend the Commissioner of Lands is quite right to be careful in dealing with these applications for poison land. Some of the best land on the Williams is infested with poison, and you cannot give away land fit for agriculture under these poison leases, simply because there is poison on it. I do not think that any good can come out of this resolution; even if it passed it would be impossible for the Government to deal with it in the shape it is. It would not improve matters, or give us any more power than we now have; and I would ask him to withdraw it, leaving it to the Government to deal with the matter during the recess, and see if we cannot bring in a Bill next session dealing with the subject.

MR. RICHARDSON: Will the present Government be here then?

THE PREMIER (Hon. Sir J. Forrest): I forgot about that. Somebody will be here, and, no doubt, whoever is here will be anxious to carry out the views of their predecessors in this respect.

MR. CLARKSON: As the object I had in view has been attained, with the leave of the House I will withdraw the resolution. But I would point out to members that they have gone rather out-

side the question; they have been discussing the poison regulations generally, whereas my motion was intended to deal only with that portion of poison country which is surrounded by settlement, and would not at all affect the larger poison areas.

Motion, by leave, withdrawn.

#### BUNBURY RAILWAY STATION: ESTIMATED COST OF, Etc.

MR. R. F. SHOLL, in accordance with notice, moved for a return showing the total estimated cost of the proposed railway station in the town of Bunbury, the return to include estimated cost of filling in and preparation of site for the station; also that the plans and specifications of the same be laid upon the table of the House. The hon. member said he should probably have something more to say on the subject when the return asked for was furnished.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) said the Government had no objection to the motion, but he would ask the hon. member whether he thought it was wise or expedient to publish all the particulars as to the estimated cost of the works before the tenders were received and the contract accepted.

MR. R. F. SHOLL said he would be content with what the Government felt they were justified in furnishing.

Motion put and passed.

#### PROPOSED FURTHER AMENDMENT OF THE SCAB ACT, 1891.

MR. CANNING: Sir, nearly two years ago, when a sudden outbreak of scab occurred in the Champion Bay District and directed the attention of the House to the necessity of taking some further measures for dealing with the disease, I and some others suggested what were then considered somewhat drastic measures to suppress it; but we were met with the assurance that the outbreak was confined to a very small area, that it was not after all very serious, that it had only attacked a small number of sheep, and that it could be readily dealt with by the ordinary curative means. After considerable discussion, a measure was passed, repealing the then existing Act,

and imposing somewhat more stringent obligations upon those who had to deal with the disease. Among others, a provision was made in Section 8 of the amending Act that a return should be published monthly in the *Government Gazette* of all infected flocks. I am inclined to think that that provision has not been observed. I have made a search, and cannot find that, for a considerable time past, any return has been published of the number of sheep infected with this disease. But we know, from reports that reach us from various quarters, that, instead of diminishing, the disease is spreading. Even last year that was found to be the case, and an Amendment Act was passed, which contained some very excellent provisions indeed. But I have reason to believe—and I believe it is the general opinion—that those provisions are not being strictly observed. More especially, we have been informed that permission has been given to travel sheep from infected districts towards the North. Whatever may have been the reason why that permission was given, I think it was a most dangerous proceeding, and clearly an illegal proceeding. I find, on reading the Act carefully, that the authority to give that permission rests with nobody. No one in the colony has a right to give any such permission. I took it for granted, when I tabled this motion, that it rested with some person having more authority than a Scab Inspector to give permission for sheep to go out of an infected district into any district north of Champion Bay; but I find, on further reference to the Act itself, that actually no one has a right to give such permission. The law, as laid down in the Amendment Act, says that, notwithstanding anything in the principal Act, it shall not be lawful for any person to travel sheep from an infected district into any district situate to the north of the Central Scab District; consequently no power is reserved for anyone to give permission for that being done. It is rendered absolutely prohibitory. No doubt if the law has been strictly enforced in that respect the danger to the North is not so threatening as I, a very few days ago, thought it was. I am assured, from what has been stated to-night by the Premier, that the rumour which gave rise to the question and the motion which I

placed on the Notice Paper, was not founded on fact. However that may be, it is much to be regretted that the disease is not diminishing. The disease, we have every reason to believe, is on the increase; and it really behoves us to seriously consider what shall be done to stamp it out. The means hitherto employed have not been successful. Of that we have proof, for the disease still continues to spread. Efforts were made by means of the Act of last session to localise it; but, notwithstanding that, it is spreading. So long as it exists, even if all the provisions of the existing Act be observed, it will be almost impossible to prevent its extending in different directions. We know that the disease, even now, is not very far from us. It has been introduced into this part of the colony quite recently, and no one can tell how far it will extend. Let us for a moment consider the menace to the prosperity of this colony offered by the spread of this disease. It is a much more serious matter than members generally seem to imagine. It seems to me that people of the colony generally do not realise the gravity of the danger that threatens that great source of prosperity to the colony, the pastoral industry, which is in many respects by far the most important industry of the country. Something has been said as to the squatters being a class apart from the general body of the population. I strongly deprecate that view of the matter, one reason being that they do not form a class apart. They did so at one time in New South Wales and in Queensland—a class distinctly apart from the rest of the people of the colony. But, distinctly, that is not the case here. I may say, without fear of contradiction, that there is not a station in the Northern part of this colony in which some resident of Perth or Fremantle, or other parts of the Central districts, are not interested, and, whatever affects that industry in the North, affects the prosperity of this part of the colony. When the pastoral industry is prospering, its effects are felt here, and this part of the colony shares in that prosperity. On the other hand, when the pastoral industry at the North encounters disaster, the effect of that disaster reacts upon the trade and commerce of Perth and Fremantle, and this part of the colony generally. Then can



there be any matter which should more earnestly engage the attention of this House than the consideration of anything that threatens the prosperity of that industry? There are so many important considerations in connection with it, that I fear I should take the time of the House at too great a length if I dwelt upon them. Let me point to only one or two. Besides what I have already referred to—the direct interest which a great many of us in this part of the colony have in pastoral properties at the North—there is another very important consideration: it is to the North that we look as the principal source of our meat supply. Well, sir, if this disease should spread amongst our flocks in the North, what will be the consequence? That we shall find ourselves unable to supply meat to feed the people of the colony. It will go forth to the world that Western Australia, with its vast territory, is unable to produce sufficient meat to feed its own people. The thousands of people who are now pouring into the colony, and are likely to do so within the next few months, will not be satisfied to consume meat that may be supposed to be the flesh of diseased animals. No doubt there may be some exaggeration about this; at the same time, if this infection spreads, a general report will go abroad that the sheep of the colony are diseased, and these people will not consume it, and will import sheep from the other colonies, notwithstanding our protective duty. And, what a damaging effect that must have upon the general reputation of the colony! What a reflection upon anything that may be said as to the great pastoral resources of the colony! It is really a very important consideration. There is still another view of the matter. A great many banks, and other financial institutions, and capitalists have advanced money on station properties; and they have done so in the belief that these properties are improving properties, properties that will not perhaps realise at present, but that will do so sooner or later; and what will be the result if it goes abroad that the colony is infected with scab, that its flocks are diseased? These station properties will become a drug in the market; no one will look at them. Not long ago there were some people here who desired to go into

investments of this kind, and I know that one property, a very valuable one, was offered for sale; but some of those who had had an opportunity of conversing with these intending purchasers told them there was scab on that property, and the result was there was no sale. And that will be the case with other properties, if this disease spreads in that direction. Consequently those who have advanced money on stations will find themselves in a very unfair position; and the owners of stations, no matter how great their need and how good otherwise their security may be, will find themselves unable to raise money upon their properties. I think if some little regard were paid to these considerations, it would impress members with the necessity of taking even somewhat severe measures to prevent the possibility of the spread of this disease. In New South Wales, and in Victoria especially, where this disease existed at one time, various means were tried to extirpate it, but ineffectually, until they had recourse to the one means which proved completely effectual, and that was to destroy all infected sheep.

MR. SIMPSON: And pay compensation to the owners.

MR. CANNING: Yes, they taxed themselves in order to do it. The same result would follow if we adopted the same heroic means here. But members know that even since this present Parliament first met, this disease has been spreading, and all the means tried hitherto have failed to keep it down. I therefore think, without going so far as to propose or suggest that infected sheep should be forthwith destroyed, that the object in view might be attained if we adopted the course proposed in the second paragraph of my resolution—"That if upon the expiration of one month from the time of the service of notice by the Inspector to the owner to clean any infected sheep, such sheep or any of them shall not be found completely cured and free from scab, the Inspector shall forthwith cause all such sheep to be destroyed." Under the present Act all that is required is that steps shall be taken to dip the infected sheep to the satisfaction of the Inspector; but I propose to go further than that, and to insist that the sheep shall be cured and free from scab. The expression "to the satisfaction of the

Inspector" is altogether too vague; it leaves too much to the discretion of individual inspectors. The District Inspector is living amongst these people, and in daily intercourse with them, and on intimate terms with them, and it is very difficult for such a man to exercise this power as he ought to do, allowing for the influence of surroundings upon anyone in his position. But if a measure be passed making it obligatory upon the Inspector, in the event of any sheep, upon the owner of which a month's notice has been served, not being completely cured and free from scab, at the end of the month—if we make it obligatory upon the Inspector in such cases to forthwith cause all such sheep to be destroyed, we shall be doing, in a somewhat milder way, what has been done in the other colonies. If we place the Inspector in this position, where he will not be open to be assailed by the importunities or the representations made to him by the owners of sheep, but render it obligatory upon him to perform this duty, we shall be adopting a measure which I think will be effectual in stamping out this disease. I beg to move the resolution standing in my name,—“That in the opinion of this House, with a view to the more effectual prevention of the spread of the disease called scab in sheep, and the speedy and thorough extirpation of that disease, a further amendment of the Scab Act, 1891, is imperatively called for in order to provide, *inter alia*,—1. That the Inspector of Sheep in any infected district shall, before granting a permit for the removal of any sheep from such district, obtain the authorisation of the Colonial Secretary so to do. 2. That if upon the expiration of one month from the time of the service of notice of the Inspector to the owner to clean any infected sheep, such sheep or any of them shall not be found completely cured and free from scab, the Inspector shall forthwith cause all such sheep to be destroyed.”

Mr. CLARKSON: I have much pleasure in supporting the motion of the hon. member for East Perth. I was one of those who considered that the amendment made last session in the Scab Act of 1891 was not sufficiently stringent; and I think that time has proved that it was not so. It is perfectly disgraceful that scab should be kept alive as it has

been all these years, in this colony. It is no use for anyone to tell me there is not some neglect somewhere. I have had a great deal of experience, in former years, amongst scabby sheep, and I know it can be eradicated if it is treated in a proper manner. I am perfectly well aware that the way sheep are now dipped when coming down from the Victoria district is simply a farce. I have been in conversation with the drovers, and several of them have told me the manner in which the sheep are dipped; and in some cases they are not dipped at all. Those that are dipped are put in at one end of the trough, and they simply swim out at the other end. I have not the least doubt that many of the flocks that come down here from the North are more or less affected with scab; but they are killed off so rapidly by the butchers that the disease is not detected. The way the last lot was discovered to be infected, the other day, was because they were not fit for the butcher when they came down, and they were sent to a paddock, and, being kept longer than usual, the disease had time to develop itself; and, from what I have been told, it developed itself in a very serious form. Here we are now with a flock of scabby sheep in the very centre of our Southern districts, with every chance of the disease spreading. I think it is high time that some means were devised to put a stop to this sort of thing. I would go further even than the hon. member who brought forward this resolution: as soon as a flock of sheep was reported with scab, I would destroy every sheep in the flock at once. I feel very warm on this subject, and would support a very much stronger motion than this of the hon. member for East Perth; and I earnestly hope that something will be done in this matter.

Mr. RICHARDSON: No doubt there is a great deal in what the hon. member for East Perth says, but whether it would be advisable, in the interests of all concerned, to go as far as he proposes to go, I would not like to take upon myself to say. We can generally be very heroic about remedies when it concerns other people's property, but whether we would feel the same zeal in applying the same remedies in cases that concerned ourselves may be open to question. However, I believe that the Government are fully alive to the seriousness and gravity of the situation,

and I have every confidence that they will, from this forth—even if they have not done it in the past—use every means possible to put a stop to this dread disease. I think that no expense should be spared, and if one, or two, or three, or half-a-dozen inspectors cannot cope with the evil, more should be employed, so as to grapple effectually with the difficulty. And, when any default of the Act is made, I think those who infringed the law should be made to feel that it is very much cheaper to comply with the requirements of the Act than to evade it.

THE ATTORNEY GENERAL (Hon. S. Burt): I do not think the hon. member seriously intends to ask the House to pass this resolution. Probably members do not exactly see the scope of it. Under the first paragraph it is proposed that no sheep shall be brought down here from the North, for slaughter or otherwise, without the express authorisation of the Colonial Secretary. Under the present Act, when sheep are about to travel from the North, certain notices have to be given to the Inspector of the Champion Bay district, which is an infected district, and it is his duty to report to the inspector of the district where they are going, and, after dipping them, they can cross the border, but not otherwise. Surely, if that is done, you do not want the authorisation of the Colonial Secretary. I think it would be a useless formality to require the Colonial Secretary, after the Act has been complied with, and the sheep have been dipped, to authorise those sheep to come down, because there would be no reason for it, as they would hold the inspector's certificate as to their being clean sheep, having been dipped under his supervision, or the supervision of someone authorised by him. If the Colonial Secretary withheld his authority, in the face of that, I do not see upon what grounds he could do so; therefore, I do not see what object is to be gained by the first part of the resolution. With regard to the second paragraph, I think the better way, myself, to deal with the question would be to make it an offence for anyone to have infected sheep—to put a very serious penalty upon anyone found with infected sheep in his possession.

MR. A. FORREST: What about the owner?

THE ATTORNEY GENERAL (Hon. S. Burt): I would make him pay a very heavy penalty.

MR. A. FORREST: He may not know anything about it.

THE ATTORNEY GENERAL (Hon. S. Burt): I do not care about that. He ought to know. A case occurred only recently where a man had sheep that had been actually infected for three months, and, when challenged with it, he said he knew nothing about it. I would make them know about it. I would make them find out whether they had infected sheep or not. This is a very difficult subject for the Government to deal with in the Champion Bay District, because the sheep that infect the flocks there, so far as we can ascertain, are sheep running loose about the bush, stray sheep running amongst the thickets. It is very difficult to get hold of these sheep; and the disease spreads, through clean sheep coming in contact with these stray sheep in these thickets. In other places, I believe, very little progress was made in exterminating this disease, or in preventing its spread, until the country was all fenced. That, I believe, was the case in New Zealand. There is always a great difficulty in dealing with scab unless the whole country is paddocked, because sheep will get away. The present Government, during the last two years and a half, have used every endeavour to get at these stray sheep in the Victoria district. We gave authority to the Inspector to employ as many men as he likes to hunt these sheep up and destroy them; and I believe that a great many of them have been destroyed. But when it comes to a case of an owner having infection in his paddocks for something like three months, as is reported,—I cannot say with what truth, but that is the report the Government have received—that is altogether another matter, which I think ought to be dealt with most severely. And, if we are going to legislate on this subject again, I really think, speaking for myself, that the best direction we could take would be to impose a very heavy fine indeed on the owner who had infected sheep. I would make him keep very wide awake, and look every day in the week whether he had any infection amongst his flock. Unless we do that, I do not see what other

remedy we can provide. There is the alternative of destroying, and paying compensation; I don't know that that would effect a remedy, on account of these stray sheep I have referred to. So long as these thickets exist, and the country is not all paddocked, it seems to me there must always be very serious difficulty in dealing with the matter. I am far from thinking that we have yet exhausted all available remedies; but it is a very difficult subject to deal with, and I believe the Government will be only too glad to listen to any suggestion from any quarter of the House, with the view of making the Act more stringent and effective, so long as there is a possibility of attaining the object we all have in view. As to what has been said about the Government having allowed sheep to travel from the Victoria District to the Murchison, that is wrong. Neither the Government nor the Inspector have allowed any sheep to travel from an infected district to the North.

MR. A. FORREST: I know for a fact that sheep were sent from Dongarra not long ago to a station on the border of the North District.

THE PREMIER (Hon. Sir J. Forrest): When was that?

MR. A. FORREST: About six months ago. Before this, I saw a letter stating that permission was granted; and the reason those sheep did not go was because those who bought them could not pay for them.

THE PREMIER (Hon. Sir J. Forrest): I believe the Inspector promised to give the permission, but he did not give it, and never had occasion to give it, because the sheep never went, and no harm was done whatever. As for the other matter, we have no information whatever about it, but I will make inquiry.

MR. CANNING: If no other member intends to speak, I may be permitted to say a few words in reply to what fell from the Attorney General. I really think if flock owners generally were fully alive to the danger that they run, and knew that a penalty for neglecting to take proper precautions was inevitable, they would combine together to destroy these stray sheep. In other parts, where flocks are destroyed by native dogs, the settlers find means to destroy them, and I believe the same would apply to sheep, if the

owners could be convinced it was to their interests to do so. If they neglected to destroy their infected sheep, they ought to bear a penalty for their neglect. As to the stray sheep, which we are told are the cause of the mischief, it is not a new state of things; we have heard of it for years, and still it exists. Ample opportunity has been given to the settlers of the district affected to have stamped out the evil, as it has been done elsewhere, by taking energetic measures, and, if the same means had been taken in this colony, we should not be discussing the question to-night. With regard to the first part of my motion, as to requiring the authority of the Colonial Secretary before removing sheep from an infected district, it might cause some inconvenience if the Inspector were obliged to refer all cases to the Minister; but it would always keep alive in the Inspector a sense of his responsibility, at all events. As to the second part, I think, after careful consideration, it would be a most effectual means of exterminating this disease. I did not like to suggest too severe measures at first, and my proposal would give the owner an opportunity of using every possible means to cleanse and cure his sheep. If he failed to do so at the end of a month—or give him a little longer time, if you like—I think the sheep ought to be destroyed. If they were not free from scab by that time, it must be either due to the utter impossibility by any human means of cleansing them, or else it must be due to the owner's incapacity or neglect; and, in either case, I think we should be quite justified in taking measures to cause these sheep to be destroyed.

MR. R. F. SHOLL: We have heard a great deal about stray sheep being the cause of all the mischief in connection with this scab disease. I think these stray sheep get blamed a great deal more than they deserve. I believe it is stray managers that cause all this trouble; and I think, if some stringent measures were adopted to force these inefficient or incompetent stray managers to keep their sheep clean, scab would soon be stamped out. We all know very well how the disease spreads, and it will be impossible to keep some districts clean until we have a different class of managers on some of the stations. The sooner an amending

Act is passed to force these people to keep their sheep clean the better for the country.

Motion put and negatived.

#### POINT OF ORDER.

MR. SPEAKER: I wish to point out to the hon. member for York that, through inadvertence on my part in looking over the minutes, I failed to notice that the latter portion of his resolution, "That in the opinion of this committee, for the better encouragement of agriculture, the Government should consider the advisability of subsidising the various agricultural societies of the colony, on the basis of the subsidy now granted to the various municipalities, and of placing a sum of money on the Estimates for this purpose," is contrary to our Standing Orders, which provide that it is not competent for any private member to move to put any sum of money on the Estimates. Therefore the hon. member must consent to omit those words from his resolution, as they cannot be put. He can amend his resolution by leaving out those words, and then proceed with his motion.

MR. MONGER: I beg to withdraw the resolution in its present form.

#### DESTRUCTIVE BIRDS AND ANIMALS BILL.

Read a third time, and a Message ordered to be transmitted to the Legislative Council informing them that the Assembly had agreed to the Bill without amendment.

#### PUBLIC DEPOSITORS RELIEF BILL.

Read a third time, and ordered to be transmitted to the Legislative Council for their concurrence.

#### VICTORIA PUBLIC LIBRARY.

##### PETITION *re* LENDING OUT BOOKS.

The Order of the Day for the consideration of the Petition of various residents of Perth and its immediate neighbourhood—praying the Assembly to take such steps as might be necessary to enable some of the books of the Victoria Public Library to be taken out, and to cause rules to be made as to the lending and return of such books—having been read,

MR. CANNING moved, "That in the opinion of this House a Bill should be introduced, during the present session, to vest the control of the Victoria Public Library in trustees, to be appointed by the Governor in Council; such trustees, or a majority of them, to have power to make, alter, and amend rules and regulations for the management of the Library." The hon. member said: In moving this motion I crave the indulgence of the House while I glance at the constitution of this Library. It was founded in the year 1887 to commemorate Her Majesty's Jubilee. It was founded as a public institution, a public library, with public money, and it has been maintained since by annual grants made by the Legislature. It has been found a most useful institution. It has been largely availed of, and its importance and value is daily becoming more and more recognised. But it is felt by those who are charged with the administration of its affairs that their position is a somewhat uncertain one, and somewhat anomalous. They are the recognised managers of the Library; at the same time their legal powers are not properly defined. Upon inquiry it was found that there is actually no enactment, or ordinance, or Act constituting them the managing body of the Library, or defining their duties and powers; and it is felt that the time has come when it is most desirable that a measure of that nature should be passed. The Library is now lodged in premises rented for that purpose; but a piece of land has been set apart for the purpose of a new building for it, in course of time, when the financial position of the colony will warrant the outlay; and, no doubt, when the time does come, it will be most desirable that the powers of the trustees, and their functions, should be clearly defined. Even now, questions arise from time to time in connection with the management of the Library, and it was found, as I have already remarked, that the powers of the committee—they are not really trustees—are not defined; and that has given rise to discussion from time to time amongst the committee. There has been no dissension amongst the members of the committee, but there have been differences of opinion and discussion. In view of the great importance of this institution

I think members will agree with me that it should be vested in trustees, with full power to deal with it. That is the case in the other colonies. Only so recently as 1890, an Act was passed in Victoria constituting the trustees the managing body of the local public libraries, and defining their powers and duties. I ought not to pass over in silence the question raised by the petition; in fact I feel bound to refer to it, as this motion is to be considered in conjunction with the petition. A question has been raised there as to the desirability of setting apart certain books in the Library to be lent out. The considerations that move those who have started that suggestion are briefly these: that the Library is a public institution, founded and maintained with public money; it is not an institution created, as some libraries in other parts of the world, by the liberality of private donors, or by endowment from certain bodies, where the founders had a right to impose certain conditions; it is a public institution, and, consequently, being supported out of public funds, it should be, as far as possible, for the use and benefit of the public. Useful as the institution has been so far, there is a general impression abroad that it fails to accomplish fully the end contemplated when it was founded. The end contemplated by those who founded it was the diffusion of literature—not the mere ranging of a number of books in a building simply to form an ornament to the city, but the diffusion of literature properly so called. I will, with the permission of the House, mention my definition of literature. By literature I mean works on history—and in history I include memoirs, biographies; on moral philosophy and all works of that nature, including essays; and poetry—and under poetry I range the drama, and also include some classes of fiction, because poetry, like fiction, appeals largely to the imagination. I think that works of that kind, works on history, biography, moral philosophy, and poetry, should be accessible to all, under reasonable restrictions. They are not like books of reference and works of that kind. Those who really take an interest in literature, as I understand literature, can only enjoy such works under certain conditions. We have an excellent collection at present of books

of what I have defined as, properly speaking, literature, in the Library; but these books, I regret to say, are very little used indeed. I will not go so far as to say that they are never used; I believe a stray volume may be taken down now and then to verify a quotation, or to look at some particular historical fact. But that rarely happens, because there other special works containing quotations and the leading facts of history, which are properly works of reference. I think so long as these books, embracing the class of literature I have referred to, remain on the shelves of the Library unused and unread, they must fail to accomplish the object of such works, the reason of their existence. Books are written to be read, and not to adorn library shelves,—unless they be the shelves of a private individual. The object of the writer is that his books shall be read, and, unless they are read, they are unable to accomplish their object. For all useful purposes, then, I am sorry to say that the admirable collection of literature that we have in this Library might just as well be so many pieces of wood, lettered on the back, for all the use that is now made of them. I do not think that is desirable. I do not think there is much use in expending a considerable sum annually in maintaining this Library, and in adding to it, just for the satisfaction of saying that we have so many shelves full of standard works of English literature. It would be much better they should be lent out, and by that means let that literature be diffused. I think all members will agree with me that the more such humanising agency as literature can be diffused the better. It may be objected—it has been objected—to the proposal to lend out these books, that, being public property, they should always be accessible to the public, and that if you lend a book out, and someone comes to the Library to look for it, he is deprived of the use of it. But so he would be deprived of the use of it if someone else was in the Library reading that book at the time.

MR. MOLLOY: But he would get it next day.

MR. CANNING: You may reduce that objection to an absurdity, because although in a sense the public have a right to everything, there must necessarily be some restriction upon their

right; and, in the case in question, the restriction is that the man who desires to read a book may find it in the hands of somebody else, and, if he does so, he must forego his desire to read it for the time, the same as he would if the book had been lent out. Again, it is urged that the Library is open at all hours for people who want to go there to read the books. But I would ask how many people would care—unless they had some business engagement, or some necessity of going out of an evening—for hurrying away, immediately after their evening repast, down to the Library, and sitting there to read all the evening—and most of us are too busy to go there during the day? They must be very earnest indeed in their pursuit of knowledge if they do anything of the kind. I do not think many of us would feel inclined to do so. I do not think the ladies of our households would look with equanimity upon such proceedings. But if a man could take a book to his own home, he would read it, and possibly discuss it with the members of his family, thus disseminating literature, and imparting knowledge to others, and accomplishing one of the great ends for which books are written. I think that most will agree with me that the books in the Library cannot be fully used unless they be lent out. One minor objection to lending them is that a good many of them might, possibly, be destroyed, or injured, or lost. Another objection is that an increase in the working staff would be necessary. With regard to books being injured, I do not think there is very much danger of that. I hear that, in other places, in certain parts of England, Manchester for instance, and in some of the other colonies, where books are lent out from public libraries, no serious damage is done to them. Those who use the books have, mostly, too much respect for books to destroy them. Moreover, by making proper rules and regulations, and seeing that they were enforced strictly in every case, I think we could do a great deal to prevent anything of the kind. This would prevent any loss to the Library or to the State from injury or loss. Even supposing a certain number to be destroyed, and that the Library should sustain a certain pecuniary loss during the year, I say that would be infinitely

better than that the books should remain on the shelves from year's end to year's end unused. It is a question of money, after all, and if some additional expenditure became necessary in order to replace these books, it would not be such a serious matter,—certainly not so serious as to be put in the scale against the enormous advantages of disseminating good well-toned literature. I should mention here that it has not been proposed that in any case works of reference—that is, works that are strictly works of reference, such as dictionaries of arts and sciences, and of languages, technical works, and scientific works generally—should be taken out on any pretence whatever. Nor that rare and costly books, no matter on what subject, books that it would be difficult or very expensive to replace, should be removed from the Library. Of course it would be the duty of the committee, or trustees, as the case may be, to classify the books and arrange those that should be lent out, and that a distinguishing mark or stamp should be placed upon them, and that no other books should be lent out. Finally I would suggest this also: if the course proposed should be adopted, it would be adopted tentatively. The Library committee, in concurring that books should be lent out, would not commit themselves in perpetuity to the scheme. If, after a reasonable trial, it were found that the disadvantages were so great and inconvenient to those in charge of the Library, or the loss and destruction were so great as to render it unwise to continue that course, the rule would be rescinded—that is all—before any great mischief could have happened. We are a practical people. Ours is not a mediæval city with ancient and rare books in its library, treasures of ancient literature, that could not be replaced under any circumstances. Our books are ordinary editions that are easily replaced, at more or less expense. As to the other objection, that it would necessitate an increase in the working staff of the Library, it seems to me that, having regard to our present population, an energetic librarian, with one assistant, would be quite capable of performing the additional duties devolving upon them if this proposal were adopted, without incurring any additional expense. They would only have to give a little

care and attention to the performance of their duties, and the present staff would be quite capable of performing them without entailing upon the Library a single penny of additional expense. I should like, before concluding, to point out that we in Perth are not in the position of the inhabitants of more wealthy and more populous European cities; we cannot, conveniently, borrow a great many books from one another. It does not suit our people generally to spend much time and money in equipping a library; and therefore that is another reason why this Victoria Library should be made to meet the conditions under which we live. I do not think I can say much more in support of the prayer of the petition. But I do desire to impress upon members, and especially upon members who affect to have a great regard for books and literature, the desirability of permitting those who may have the same taste, but may not have the same facilities as they have, an opportunity of gratifying their taste. Sir, I beg to move the motion standing in my name.

MR. SIMPSON: I have much pleasure in rising to second and support the motion. The hon. member has dealt with the question so exhaustively, and gone so much into details, that it is unnecessary for me to dilate upon the question. But my own personal experience of that Library is that it is impossible to read in it, in a satisfactory way, so as to gain any benefit from your reading, and, for that reason, I suppose—others labouring under similar difficulties—the Library is not availed of. I only know one reason why it was organised, and that was that it should prove a useful institution to the country. It has been distinctly pointed out that, as at present organised, it has distinctly failed in its object as a national library. Those who visit it do so not for the purpose of reading the treasures of literature on its shelves, but for a perfunctory glance at the newspapers and magazines on the table. I do not think that was the object this Victoria Library was established for. I see there is a suggestion in the petition that a substantial deposit, from £2 2s. to £5 5s., should be insisted upon from those who wished to borrow books from the Library. I think some happier plan than that for meeting

the difficulty might be devised; but that is a mere matter of detail. With the general principle, that books should be lent out, on certain conditions, I agree; because in that way this Library might be made much more useful to the people of the colony. I know there are differences of opinion, but it is a positive fact that there is great difficulty in getting at the higher class of books in this colony. We are supposed to have a Parliamentary Library in this House; well, it is the weakest Parliamentary Library I ever saw. I believe it is the weakest Parliamentary Library in the world. I went there the other day to look for Mill's "Political Economy"—a book which almost of all books in the world you would expect to find in a Parliamentary Library; but it was not there. We have another institution in Perth, known as the Mechanics' Institute, which is supposed to be very valuable as a lending library. I go there, and take great interest in it; but my belief, as regards a large percentage of the books in that library, is that one of the best things that could happen to it would be to apply a firestick to it, and that there should be no fire-plug available for putting out the blaze. Some of the books are not even in a decent condition; I do not think you would find a hundred solid volumes in the place, or in a fit condition to be read. You can get well-thumbed copies of "One-Eyed Dick," or "Bill, the Murderer," and books of that sort; but, of really useful books, they are not there. We have two or three circulating libraries in the town, established as commercial ventures; and that is about all you can say as to the provisions now made for supplying the intelligent reading public of Perth with literary pabulum. I do really think that if arrangements could be made with regard to this Victoria Library for placing it on the same basis as Government libraries in other parts of Australia, by which people, on satisfying the committee of management as to their trustworthiness, might be allowed to take a book out, it would be a great boon and a great benefit to the reading public. I imagine that the object of a public library is to accommodate and benefit those who cannot afford to buy such books as are found in such institutions. There are many men who are rich in intellect, but poor in pocket,—men who



would wish to make use of the resources of our only Public Library, if some system could be arranged whereby respectable men, who could furnish the trustees with satisfactory sureties in regard to returning the books borrowed, might have the loan of them. I think such a system would do good to the country. The details of the arrangement, of course, would be left to the board of management, and, if one may judge from the care which the Board have taken in selecting their books, it is only reasonable to suppose that the same care would be exercised in regard to lending them. I consider we have in our present Library the basis or nucleus of one of the best libraries in Australasia, and I wish to make that basis as broad as possible, and give every person in the land, under reasonable conditions, an opportunity of perusing the contents of this Library, and improve themselves by it. I wish this privilege extended more particularly to those whose means will not permit them any other chance of ever perusing such volumes as we have in this Library. Sir, I have the greatest pleasure in seconding this motion.

MR. QUINLAN: I may say at the outset that I am opposed to the motion; firstly, because this institution was never established for such a purpose; and, secondly, while acknowledging that I entertain the highest respect for those who have signed this petition, I do not think that the Library was ever intended so much to meet the requirements of the class which the memorialists represent as the wants of the general public. No doubt it would be very convenient to some people to be allowed to take books out of the Library, but I do not think it would be appreciated by those for whose benefit this institution was mainly established, —certainly not under the conditions suggested in the petition, a deposit of £5 5s. There are other valuable libraries in the town, well worthy of the support of the Government, and which, with a little more liberal assistance from the Government, could be made still more valuable. I refer particularly to the Mechanics' Institute, which, instead of receiving a grant of £50 might well receive £500. With more liberal support, this institution would supply the public with the conveniences which this petition seeks to

obtain in the way of furnishing them with good literature, though possibly not that high class of literature to be found in the Victoria Library. It has been said that this Library is now very little used, but I notice from the report that during the eighteen months ending June last no less than 32,668 visitors entered that institution.

MR. SIMPSON: To read the papers.

MR. QUINLAN: I do not know what they went there for. The fact remains that over 32,000 visitors entered it during eighteen months. I cannot, therefore, agree with the statement that no use is now made of this Library; and I cannot see my way to support the petition, for the reasons I have already stated.

MR. MOLLOY: This subject has been spoken to so exhaustively by the mover of the resolution, and the eloquent member who seconded it, that it would be useless on my part to occupy the attention of the House for any considerable time; but I was struck with the remark of one of those hon. members, that this Library is a public institution. A public institution, I take it, is an institution available to the public generally; yet the petition before us proposes to make it an institution that will be available to the exclusive few only, those who can afford to deposit their £2 2s. or £5 5s. before they become entitled to this privilege. That would practically mean this: that this institution, instead of being a public institution, for the diffusion of knowledge amongst all classes of the community, would become a public institution for the benefit of those who could afford to put down their £5 5s., to the exclusion of the poorer classes of the community, who would be debarred from participating in the same privilege as their wealthier but perhaps not more intelligent neighbours. I shall certainly most strongly oppose the granting of exclusive privileges of this kind, in connection with any public institution.

THE PREMIER (Hon. Sir J. Forrest): The motion, in the form proposed by the hon. member, seems to be a very proper one. It is that in the opinion of this House, a Bill should be introduced to vest the control of this Library in trustees. The only objection I take to the motion is the insertion of the words "during the present session." I take no exception whatever

to its being resolved that a Bill be introduced to vest this institution in trustees. It was always intended that something of this sort should be done; in fact, a Bill passed through this House having for its object the very purpose which the hon. member now recommends; but one important clause in the Act, I think, says that no books whatever shall be taken out of the Library. Even if this resolution is passed it will not in any way attain the object which I understand the hon. member has principally in view; that is, to convert this public library into a lending library. I take it that the House will be very careful, when this proposed Bill comes before it, to insert a clause in it prohibiting the lending out of any of this Library's books. Although the hon. member has placed the matter before the House, from his point of view, in a very excellent way, still I think the majority of members will not be able to approve of the prayer of the petition that has been presented to the House, because it would convert this Library into a mere lending library. After all, what is the main use or advantage of a public library such as this? Is it not that anyone can enter it, without any payment whatever, and be assured of the privilege of seeing all the books he wants to see? He knows he will find them there whenever he may go in to have a look at them. But how would it be if the prayer of this petition were granted? These books would be all over the country; not only in Perth, Fremantle, and Guildford, but all over the colony, because I do not see how you could properly refuse to extend the same privilege to the most extreme portions of the colony. Why should a man, because he lives at Kimberley or Eucla, and who contributes his share to the revenue from which this Library is supported—why should this man be refused the privilege of having the use of books out of the Library in the same way as those who happen to reside in this part of the colony? He is equally a taxpayer, and his rights would have to be respected the same as those of others. A difficulty, too, would be how to get these books back after you lent them? It is all very well to say you would require proper sureties before the books were lent out; but the result, I take it, would be that you would get very few of them back, unless perhaps from

those in Perth and its neighbourhood. Or, it seems to me, that very few except those in Perth and its neighbourhood would be able to avail themselves of this privilege. I notice that the petitioners propose that a deposit of from £2 2s. to £5 5s. should be insisted upon from those who desired to avail themselves of this privilege. Well, if these gentlemen who signed this petition—I believe there are fifty or sixty of them—would contribute this sum apiece, they would soon form a library for themselves, and have all the advantages they wish to obtain from this Public Library. I believe it is the exception in the other colonies for their principal public libraries to be converted into lending libraries. I understand that in Melbourne it is not so; and, although it might be possible to form a lending library in connection with this Library of ours, as suggested, I am not prepared to give my support to the prayer of the petitioners. If this Library is going to become a great institution, it will not be by lending out the books all over the colony. The book you wanted would almost certain to be away, and you would not be able to find it; and, instead of becoming a national collection, we should have the books scattered all over the country. I have no objection whatever to a Bill being introduced next session to vest this Library in trustees, as it was always intended; but I am altogether opposed to converting it into a lending library.

MR. CANNING: I shall be satisfied with the assurance of the Government that it is their intention to introduce a Bill to vest the Library in trustees. I am strongly inclined to think that by that time a considerable change will have come over public opinion, and not only public opinion but the opinion of members, with regard to this other matter of lending out some of the books on reasonable conditions of security. A great deal has been made of the suggestion—for it is nothing more—that a deposit of from £2 2s. to £5 5s. should be required; but, as the hon. member for Geraldton remarked, that merely involves a detail. It is a mere suggestion, and would be in no way binding upon the trustees. Some other check or restriction would, of course, have to be imposed, so as to ensure the safety of the books. That would meet the views of the petitioners, and ought not to be

allowed to influence the consideration of the question at all. Then it was said that, once the principle was admitted of lending out books, we should have to extend it to Kimberley and Eucla, and all parts of the colony. That is simply reducing the proposition to an absurdity, and, as such, is an insult to one's common sense. You can reduce any proposition to an absurdity. The same principle might be applied to any law of the land, and you would not be able to move. It is simply an attempt to throw dust into the eyes of those who desire to look at the question from a common sense point of view. If we cannot lend these books to people at Kimberley, or people at Eucla, that is no reason why we should not make them accessible to those who are in a position to avail themselves of them. It is no reason why people at Bunbury, or at Albany, or anywhere along a railway line, should not be able to avail themselves of the privilege; or why it should not be extended even to Champion Bay, or any other place within a reasonable distance of the capital. As to its being limited to a certain class of people in Perth, the same objection might be urged with regard to any other institution—the Museum, for instance, or the Public Gardens, which, like this Library, are supported out of public funds; or with regard to the improvement or adornment of the capital, which is enjoyed, for the greater part, and necessarily so, by those who live in it. People at a distance, though forced to contribute in the same degree to the adornment of the capital, are not able to enjoy the result of the expenditure. The number of those living at a distance who are able to enjoy other public institutions in the capital are very limited indeed; and the same objection that has been urged against lending books out of this Library, because they could not be sent to Kimberley or Eucla, would apply with equal force in respect of other institutions at the capital. We are not supposed to do impossibilities; but, because we cannot do what is impossible, that is no reason why we should not do what is reasonable. The prayer of this petition, I submit, is a reasonable one, and I have every confidence that it will before long prevail.

Question put,—That the resolution be agreed to.

A division being called for, the numbers were:—

Ayes ...	...	...	...	5
Noes ...	...	...	...	16

Majority against ... 11

AYES.	NOES.
Mr. Monger	Mr. Burt
Mr. Paterson	Mr. DeHamel
Mr. H. W. Sholl	Sir John Forrest
Mr. Simpson	Mr. A. Forrest
Mr. Canning ( <i>Teller</i> ).	Mr. Harper
	Mr. Loton
	Mr. Marmion
	Mr. Molloy
	Mr. Pearce
	Mr. Phillips
	Mr. Quinlan
	Mr. Richardson
	Mr. R. F. Sholl
	Mr. Solomon
	Mr. Venn
	Mr. Traylen ( <i>Teller</i> ).

Question put and negatived.

## LEGAL PRACTITIONERS BILL.

### IN COMMITTEE.

On the Order of the Day for the consideration of this Bill in committee,

MR. SIMPSON moved, as an amendment, that the Bill be referred to a select committee. Certain representations had been made to him, and, he believed, to other members, with reference to certain portions of the Bill; and, seeing that the Bill related to a profession which laymen considered was fairly safeguarded at the present time, he thought it would give satisfaction to the country, if the Attorney General would have no objection, to refer the Bill to a select committee.

THE ATTORNEY GENERAL (Hon. S. Burt) said the Bill was a technical Bill, dealing only with a particular profession, and he did not think that members were likely to have any more information upon it from a select committee than in committee of the whole House. There was no more reason why such a Bill as this should be referred to a select committee than the Homesteads Bill. He might say, with regard to the amendments at present on the Notice Paper, that the Government was prepared to accept nearly the whole of them, or, at any rate, a large majority of them. There were one or two which they were not prepared to accept, but they were willing to adopt most of them. He did not think that any good would be gained by referring the Bill to a select committee.

Amendment put and negatived.

## IN COMMITTEE.

Clauses 1, 2, and 3:

Put and passed.

Clause 4—" (1.) For the purposes of this Act there shall be a Board, to be called 'The Barristers Board,' and such Board shall consist of—

" (a.) The Attorney General, who shall be *ex officio* chairman of the board;

" (b.) The Solicitor General, or, if there be no Solicitor General, the Crown Solicitor;

" (c.) Every one of Her Majesty's counsel learned in the Law, and resident in the colony, and not being a Judge of any Court in the said colony;

" (d.) Three practitioners of at least three years' standing and practice in the colony, to be nominated in the first instance by the other members of the Board, and hereafter to be annually elected by the practitioners on the roll of the Supreme Court resident and practising in the colony, at such times and in such manner as prescribed by the rules.

" (2.) Any four members of the Board shall form a quorum. If any vacancy occurs among the elected members of the Board by death, resignation, or otherwise, or if three practitioners be not elected at any annual election as aforesaid, the board may nominate one or more practitioners as may be required to complete the Board.

" (3.) In the absence of the Attorney General, the members present at any meeting may elect a chairman for such meeting. The chairman shall have a casting as well as a deliberative vote."

MR. DEHAMEL moved, as an amendment, that paragraphs (b), (c), and (d) of sub-clause (1) be struck out, and that the following words be inserted in lieu thereof: "(b) six practitioners, of at least three years' standing and practice in the colony, to be elected in the first instance by the practitioners on the roll of the Supreme Court residing and practising in the colony, and thereafter at such times and in such manner as may be prescribed by the rules." He said the object of the

amendment was to make the Barristers' Board more representative, by making it a purely elective body,—except, of course, the Attorney General, who would still be *ex officio* chairman of the Board. He thought if they wanted a really good Board the right plan was to make it elective. For this reason he moved to strike out the sub-sections which provided that the Crown Solicitor, and every Q.C. in the colony should, of right, have a seat on the Board. The rule, in England, as regards the retirement of members, was that those who attended the least number of meetings should be the ones to retire; and he thought that would be a wholesome rule to apply here. If they left the clause as it now stood, they might have five men on the Board who would be, practically, irremovable, whether they attended or not. He knew there was a general feeling that this Board, to be really effective, should be made a purely elective body,—the only exception being the Attorney General—and that was the object of this amendment.

THE ATTORNEY GENERAL (Hon. S. Burt) said the effect of the amendment would be to eliminate from the Board, as at present constituted, the Crown Solicitor and Her Majesty's counsel. For himself, he thought they could not get a better Board than was proposed to be constituted by this section, if they were going to have a Barristers' Board at all. It would be seen that the object of the Board was to deal with the admission, qualification, and examination of all candidates for admission as practitioners, and also to inquire into charges of alleged misconduct of practitioners. He was sure that a purely elective Board would not have such weight as such a Board as this Bill proposed to constitute, including the two Crown Law officers and all of Her Majesty's counsel residing in the colony. He should not object to the amendment suggested by one hon. member, and make it a condition, as regards all of Her Majesty's counsel entitled to a seat on the Board, that they should not only be residing in the colony, but also in practice. Nor would he object to increase the number of elected practitioners on the Board from three to five. But he thought it would be a mistake to eliminate from the Board those members of the profession which this amendment

sought to exclude. He thought it was very essential that we should endeavour to put on this Board—looking at its functions—gentlemen who, without doubt, would have no feeling in the matters that came before them, or any qualms of conscience in dealing with any charges of misconduct that they had to investigate. If you had a purely elective Board, the Board would feel that it was one of their own body that would be on his trial before them, and there might be some little qualms of feeling or prejudice. He, therefore, thought it would be much better to have the Crown Law officers on the Board, who would not be in daily touch with the gentleman whose case might come before them. The other amendments he had referred to he was quite willing to accept.

MR. SOLOMON said he was glad to hear that the Government were prepared to accept the majority of the amendments on the Notice Paper, as he had some there himself. He believed that, after the assurance on the part of the Attorney General, it would meet the views of the profession generally if the hon. member for Albany (Mr. DeHamel) would withdraw this amendment.

MR. DEHAMEL said that the acceptance by the Attorney General of the proposal to increase the number of elected practitioners on the Board from three to five would, to some extent, meet his objection, though he would have preferred his own amendment. Under the circumstances, however, he had no great objection to withdrawing his amendment.

Amendment, by leave, withdrawn.

THE ATTORNEY GENERAL (Hon. S. Burt) moved, as an amendment, the words "and resident," in line 2 of paragraph (c) of sub-clause (1), be struck out, and that the words "residing and practising" be inserted in lieu thereof. This would make it necessary that Her Majesty's counsel should not only be residing in the colony, but also practising.

Amendment put and passed.

THE ATTORNEY GENERAL (Hon. S. Burt) moved that the word "three," at the beginning of line 1 of paragraph (d) of sub-clause (1), be struck out, and that the word "five" be inserted in lieu thereof. This would increase the number of practitioners to be elected on the Board from three to five.

Amendment put and passed.

THE ATTORNEY GENERAL (Hon. S. Burt) also moved that the word "resident," in line 5 of paragraph (d) of sub-clause (1), be struck out, and the word "residing" be inserted in lieu thereof. This was a mere verbal amendment.

Amendment put and passed.

THE ATTORNEY GENERAL (Hon. S. Burt) moved that the word "three," in line 3 of sub-clause (2), be struck out, and the word "five" be inserted in lieu thereof. This was a consequential amendment.

Amendment put and passed.

THE ATTORNEY GENERAL (Hon. S. Burt) moved, as an amendment, that all the words after the word "meeting," in line 2 of sub-clause (3), be struck out, and that the following words be inserted in lieu thereof,—“Each member, including the chairman, shall have one vote, and such chairman shall, in case of an equality of votes, have a casting vote, in addition to his ordinary vote, and all questions at any meeting of the Board shall be decided by a majority of the votes of the members present.”

Amendment put and passed.

Clause, as amended, agreed to.

Clause 5:

Put and passed.

Clause 6: "Power to make rules:"

MR. SOLOMON moved a verbal consequential amendment, that the word "three," in line 2 of paragraph (a) of sub-clause (1), be struck out, and the word "five" be inserted in lieu thereof.

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

Clause 7: "Application of moneys received by the Board:"

MR. BURT moved, as an amendment, that the words "Supreme Court," before the word "Library," be struck out, and that the word "Law" be inserted in lieu thereof.

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

Clause 8: "Board may appoint and pay officers:"

Agreed to.

Clause 9: "Conditions for the articling of clerks:"

MR. R. F. SHOLL moved, as an amendment, that paragraph (c) be struck out. He said the parent of a clerk, articulated to a solicitor, was required by

this paragraph to pay 12 guineas to the Board, in addition to the sum paid to the solicitor on entering into articles, besides having to pay another 30 guineas after being admitted to practise. The 12 guineas might be dispensed with as an unnecessary payment to the Board.

THE ATTORNEY GENERAL (Hon. S. Burt) said the preliminary examination involved much trouble; the fee of 12 guineas went to the funds of the Law Library, where the student could consult books of reference without providing them for himself; and this payment was reasonably necessary.

MR. DEHAMEL said he preferred the provision in the clause as it stood.

The committee divided on the amendment, with the following result:—

Ayes	...	...	...	5
Noes	...	...	...	9

Majority against ... 4

AYES.  
Mr. Molloy  
Mr. Quinlan  
Mr. H. W. Sholl  
Mr. Simpson  
Mr. R. F. Sholl (Teller).

NOES.  
Mr. Burt  
Mr. DeHamel  
Sir J. Forrest  
Mr. Loton  
Mr. Paterson  
Mr. Phillips  
Sir J. G. Lee Steere  
Mr. Traylen  
Mr. A. Forrest (Teller).

Amendment negatived, and the clause passed.

Clauses 10, 11, and 12:

Agreed to without comment.

Clause 13.—“Articled clerks not to be engaged in other employment without consent of board:”

MR. R. F. SHOLL moved, as an amendment, to strike out the clause. He argued that this restriction would operate harshly in preventing the poorer class of clerks from earning any money by engaging in employment outside of their duties as clerks.

THE ATTORNEY GENERAL (Hon. S. Burt) said the clause would not prevent a clerk from taking casual employment after his day's duty was done, but would prevent him from engaging in any regular employment apart from his proper duties.

MR. DEHAMEL said the provision in this clause was more liberal than that which applied to clerks in England.

Amendment, by leave, withdrawn.

Clause agreed to.

Progress reported, and leave given to sit again.

#### ADJOURNMENT.

The House adjourned at 11 p.m.

### Legislative Council,

Tuesday, 22nd August, 1893.

Leave of absence to Hon. J. A. Wright—Real Estates Administration Bill: first reading—New Member—Criminal Law Appeal Bill: first reading—Public Depositors Relief Bill: first reading—Stock Tax Bill: third reading—Constitution Act Amendment Bill: second reading—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at half-past two o'clock p.m.

#### PRAYERS.

#### LEAVE OF ABSENCE TO HON. J. A. WRIGHT.

THE HON. J. F. T. HASSELL moved, without notice, “That further leave of absence be granted to the Hon. J. A. Wright, on account of ill health.”

Question—put and passed.

#### REAL ESTATES ADMINISTRATION BILL.

This Bill was introduced, and was read a first time.

#### NEW MEMBER.

The Hon. H. Anstey, having been introduced, took and subscribed the oath as required by section 22 of the Constitution Act, 1889.

#### CRIMINAL LAW APPEAL BILL.

This Bill was received from the Legislative Assembly, and was read a first time.