subject, having never seen an outbreak of scab in their lives.

MR. VENN said very possibly that was the case, and he looked upon the fact as a great compliment to the flock-owners whose shepherds never had occasion to come in contact with the disease. As for boundary-riders, it was well known that sheep-owners did not look for the same professional knowledge in a boundary-rider as they did in a shepherd; very frequently mere boys and natives were employed in the former capacity, and made very good boundary-riders, but knew little or nothing about the diseases of sheep.

MR. SHENTON said the hon. member's argument appeared to amount to this—that the Legislature should offer a premium to sheep-owners who employed servants who possessed no knowledge of scab.

MR. BURGES thought no flock-owner was justified in employing a boundary-rider, or any other servant to have anything to do with sheep, unless he possessed a practical knowledge of the disease referred to. He saw no hardship whatever in the clause as it stood.

MR. STONE thought the clause might operate with severity in some solitary cases, but the principle underlying it was a good one, and calculated to operate very beneficially. Possibly some modification of the clause might be agreed upon, so as to leave it in the discretion of the Magistrates to decide whether or not a sheep-owner, summoned before them for neglect, was telling the truth or not, when he declared that he had not been aware of the presence of infection among his flock.

MR. STEERE said no doubt that would be a very important distinction to draw between the Act as it now stood, and what the hon. member proposed Under the existing Act, it appeared that Magistrates had no option but to believe a flock-owner when he declared that he had not "become aware" of his sheep being infected.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) then submitted the following amendment:—"And if, in any such "case,—upon information being laid, be- "fore the justices, of such default—such "justices shall be of opinion that such "sheep have been infected for a longer "period than ten days to the knowledge "of the owner, and that the notice hereby "required to be given within the time "specified has not been given, the said "owner shall be deemed guilty of an "offence."

MR. STEERE, in order to admit of the amendment being printed, and to enable hon. members to see its force and effect, moved, That Progress be reported, and leave given to sit again next day.

This was agreed to.

The House adjourned at three o'clock, p.m.

LEGISLATIVE COUNCIL,

Friday, 29th July, 1881.

Protection of Immature Sandalwood—Cost of Bunbury Jetty—Second Class Railway Tickets, Eastern Railway—Repairs and Additions to Government Printing Office—Brands Bill, 1881: first reading—Amount expended on Immigration—Barristers Admission Bill: second reading; in committee—Scab Act Amendment Bill, 1881: in committee—Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

PRAYERS.

PROTECTION OF IMMATURE SANDALWOOD.

MR. STEERE brought up the report of the Select Committee appointed to consider the necessity for legislating this Session, or for adopting some further precautions, for the protection of immature sandalwood.

The report was ordered to be printed, and its consideration was made an Order of the Day for Monday, August 1st.

COST OF BUNBURY JETTY.

THE COLONIAL SECRETARY (Lord Gifford) laid on the Table a return (moved for by Mr. Shenton) showing that the first cost of the Bunbury jetty was £200, and that £1,708 had been expended on it since then, in repairs and extensions.

SECOND CLASS RAILWAY TICKETS.

THE COLONIAL SECRETARY (Lord Gifford) also laid on the Table a return (moved for by the same hon. member) showing that the number of second class tickets issued on the Eastern Railway from March 2nd—the date when the line was opened for traffic—to July 2nd, ultimo, was 8,372 single tickets, and 13,541 return, giving a total of 21,913 second class tickets within four months.

GOVERNMENT PRINTING OFFICE.

THE COLONIAL SECRETARY (Lord Gifford), in reply to a question asked by Mr. Burt, said that since the Government Printing Office was first erected, ten years ago, seven different contracts had been accepted from time to time for repairs and additions to the building, involving an outlay of £2,477.

BRANDING OF LIVE STOCK CONSOLIDATION BILL.

THE COLONIAL SECRETARY (Lord Gifford) moved the first reading of a Bill to consolidate and amend the laws regulating the branding of live stock, and to provide for the due registration of brands.

The motion was agreed to, and the second reading made an Order of the Day for Tuesday, August 2nd.

IMMIGRATION EXPENDITURE.

MR. SHENTON, in accordance with notice, asked the Colonial Secretary what amount had been expended by this Colony for immigration purposes from January 1871 to June 30th, 1881? His reason for asking the question was in order to refute a statement recently made in the House of Commons by the then Under Secretary of State for the Colonies (Mr. Grant Duff), in reply to a question put, on the 4th March last, by Sir James Lawrence, relating to the agreement under which this Colony consented to become a convict settlement, namely, that an equal number of free settlers should be sent here from home at the expense of the Imperial Government to counterbalance the number of convicts sent out. Hon. members would no doubt remember that the reply which the Under Secretary made to this question was, that the experiment alluded to had been tried, but that "it had "turned out a piteous failure, as the "colonists could find no occupation for "large numbers of the free immigrants; "and these, after having been sent out at "great expense by the Home Government, "became paupers, chargeable to Imperial "funds." He (Mr. Shenton) thought that the best refutation that could be offered to this statement was the return which he now asked for, showing, that—so far from the Colony being unable to find any occupation for free immigrants, it had spent large sums annually for the purpose of introducing that class of settlers. His question only embraced that period which had elapsed since the Colony was granted its present constitution, in the year 1871.

THE COLONIAL SECRETARY (Lord Gifford), in reply, said that during the first two years of the period referred to, namely, during 1871 and 1872, no expenditure had been made out of public funds for immigration purposes, but that from the year 1873 up to the present time, sums varying from £300 to £8,900 had been annually voted for the introduction of free immigrants into the Colony, the total amount thus expended being £27,713.

BARRISTERS ADMISSION BILL.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): I rise, Sir, in accordance with notice, to move the second reading of a Bill intituled an Act to regulate the admission, in certain cases, of Barristers of the Supreme Court of Western Australia. I feel satisfied that hon. members, when they have understood the object of this Bill, will give it their hearty approval, and the cordiality of its reception will I am sure be increased when I inform the House that the measure, though it has been adopted by me, is in reality the offspring of my hon. and learned friend Mr. Stone, who has, in this respect, as in others, shown what a keen interest he takes in the profession of which he is a member. The Bill has for its object the restriction within certain bounds and limits of the means which are in force at present under which practitioners are enabled to practise as barristers and solicitors of the Supreme Court. Now, Sir, I am not one of those who would wish the profession

of the law to be made a monopoly, or a mystery whose secrets are only understood by the initiated. I think that everyone engaged in business ought to possess an intelligent knowledge of the law as it bears upon that business, and the more comprehensive that knowledge is, the better will it be for himself and the community at large. At the same time, I think it is to be deprecated that the law should be dabbled in by persons who are not fully versed in its principles, but who, at the same time, do not hesitate to give opinions and advice which may involve their unfortunate clients in very serious consequences. Therefore it has been thought advisable that some restriction should be put upon the facilities which in this Colony are now offered to these gentlemen, who, though not sufficiently cognizant of the law to qualify themselves for admission as practitioners of the Supreme Court, yet give themselves out to the world as being sufficiently conversant with legal principles to warrant them in taking money for conducting legal business. This Bill, then, as it at present stands, simply establishes a procedure under which persons who may hereafter wish to qualify themselves as barristers and legal practitioners may be called to the bar. It will be seen on reference to the Bill that, to this end, it contemplates the establishment of an examining board, to consist of the Chief Justice, the Attorney General for the time being, and one of the practising barristers of the Court (to be annually elected), whose duty it will be to examine all candidates for admission to the bar, and without whose approval no person will hereafter be entitled to practise as a barrister, attorney, or solicitor of the Supreme Court of this Colony. It will also be observed, on reference to the Bill, that this board will be empowered, however qualified in other respects a candidate may be, to refuse admission to such candidate unless the board shall be satisfied that he is a person of good fame and character, and that there is nothing against him from a moral point of view. These are the main features of the measure now before the House; but before I leave the Bill as it at present stands, I may perhaps be allowed to offer a few remarks upon the Bill introduced the other day by my friend Mr. Stone, but which, hon. members will recollect, was withdrawn in order to enable us to consider whether the principles embodied in that Bill could not be incorporated with the present one. The object which my learned friend had in view was somewhat in advance of the object and intention of the measure now before the House, which, as I have already said, merely seeks to establish means whereby the fitness and qualifications of candidates for admission as practitioners of the Supreme Court may be ascertained, before they are admitted to the bar; but the Bill which my hon. friend had in view had for its object the prevention of any person, who is not a duly qualified practitioner of the Court, from receiving fee or reward for drawing or preparing any conveyance, or any other deed, relating to any proceedings in law or equity. I feel bound to say that the object which my learned friend has in view is a very proper one; it is the enactment of a principle which recommends itself to my mind most completely. Whether the Council will agree with me or not, it is impossible for me at present to say, but I may be allowed to state the reasons upon which I have founded my opinion as to the expediency and desirability of legislating in the direction indicated by the measure submitted by my learned friend. Hon. members are no doubt aware that a duly qualified solicitor, whose name is on the rolls, if he commits himself to a wrong opinion, and wrongfully advises his client in any way so as to induce him to go to law and to incur the expenses incident to such proceedings—the professional man who does this renders himself liable to an action for misleading his client, and to such further marks of displeasure on the part of the Court as his conduct may seem to deserve. But no such restraining consideration operates in the case of the person who has not been admitted a practitioner of the Court, and his unfortunate dupe, if wrongly advised, is left to seek his remedy by a roundabout circuitous action, which in all probability may result in his having himself to pay the costs, whereas, if he had been wrongfully misled by a regular practitioner of the Court, his remedy would be of a much more summary and decisive char-

acter. I think it is of the greatest importance to the community at large that there should not be existing in its midst —as in all communities will exist unless repressive measures are taken to stamp them out—a class of harpies who, though not possessing sufficient knowledge of the law to render their advice of any value, yet are endowed with a sufficient amount of sharpness, and of powers of deception, to enable them to hold themselves up as good and sound lawyers, quite as much entitled to fee and reward as any duly qualified practitioner, and thus to dupe and mislead their unwary clients. I think the Council will agree with me that this is a class upon which, in the interests of the community at large, it is desirable to place some restriction; and that, I believe, is the sole object which my learned friend has in view—an object which I venture to think will commend itself to the hearty approval of this honorable House. It will be observed by the notice paper that my friend proposes to bring this about, not by means of a separate Bill, as he originally contemplated, but by adding a new clause to the measure now before the House, which clause, so far as I am concerned, I am perfectly willing to incorporate with the Bill whose second reading I now beg to move.

Motion agreed to, and Bill read a second time.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) moved, That the Bill be now considered in Committee.

Agreed to.

IN COMMITTEE.

The various clauses of the Bill, as printed, were agreed to *sub silentio*.

MR. STONE moved, That the following New Clause be added, and stand as Clause 6:—"From and after the first "day of January next every person who "shall, for or in expectation of any fee, "gain, or reward, directly or indirectly, "draw or prepare any conveyance or "other deed or instrument in writing "relating to any real estate or any pro-"ceedings in law or equity (other than "and except Barristers or Attorneys and "Solicitors of the Supreme Court, and "other than and except persons solely "employed to engross any deed, instru-"ment, or other proceeding not drawn or "prepared by themselves, and for their "own account respectively; and other "than and except public officers drawing "or preparing official instruments applic-"able to their respective offices, and in "the course of their duty,) shall be "deemed guilty of a contempt of the "Supreme Court, and shall and may be "punished accordingly for every such "offence upon the application of any "person complaining thereof, or shall for "every such offence forfeit and pay the "sum of Twenty pounds, to be sued for "and recovered in a summary way before "two Justices of the Peace, and in ac-"cordance with the provisions of an "Ordinance passed in the fourteenth "year of Her present Majesty, intituled, "'An Ordinance to facilitate the per-"'formance of the duties of Justices of "'the Peace of Sessions within the "'Colony of Western Australia with "'respect to summary convictions and "'orders.'" The hon. member said the clause spoke for itself, and explained the object which he had in view in introducing it. This, however, he might state, for the information of hon. members who might, at first glance, be inclined to object to the clause—it did not seek to prevent any person from preparing any legal document he liked; it simply prohibited him from charging for doing so. The clause was no novelty. A similar clause existed in one of the Imperial Acts in operation at home, and also in the Acts of all the other colonies; and a similar clause, almost word for word, formerly existed in one of our own local statutes. When he stated his reasons for introducing the clause, he thought hon. members would be convinced that he was not actuated by any selfish motive. A circumstance had come under his observation of this nature: a hard-working man in Perth, had been for many years saving up his small earnings with the view of buying a piece of property on which to live in his old age. To this end he went to a non-professional man, and stated his desire to purchase, and this man advised him that he had better not go to a lawyer,—that it would cost him a great deal of money, and that he (the person in question) would do the work for him very cheaply indeed. The unfortunate man followed this advice, and the person whom he had consulted

said he had prepared the conveyance, and represented everything as being correct, whereupon his unsuspecting dupe handed him over the purchase money, which amounted to £45, the savings of many years of toil, which his non-professional friend stuck to. No conveyance, however, was forthcoming, and the same piece of land was afterwards sold to another person, who got a title to it under the Land Transfer Act, while the other poor fellow neither got his money back nor the land. That was one instance. Another instance which had come to his knowledge was this: a piece of land was conveyed to a person in consideration of £20, and the purchaser was about to build upon it, but, fortunately for himself, he consulted a lawyer before building, and he then found that the person who had sold him the land had no title whatever to it. The non-professional party who had drawn out the conveyance had very adroitly omitted the very proviso which recited that the vendor had no right to dispose of the land. Another case which had come to his knowledge was one in which the conveyance had been so skilfully prepared that its validity escaped the notice of two professional gentlemen, and also the critical eye of the Commissioner of Titles, and the fact that the vendor had no title was only discovered when the real owner of the land was told that he had been mulcted of his land; and it cost him £10 to get it back again. Yet, as the law at present stood, nothing could be done to the individual who had so grossly defrauded the poor man he had referred to of his £45. He (Mr. Stone) had been under the impression that a clause existed in a local enactment which would have enabled the man to proceed against him, but, when he came to look at the Act, he found that the very section which would have enabled him to do so had been repealed, and was not incorporated with the amended statute. It was to rectify this omission that he had brought forward the present clause. He thought the House would agree with him that it was desirable the sort of practices he had mentioned should be put a stop to. The penalty proposed to be inflicted for a breach of the law in this respect was not so heavy as it was in England, or in the other colonies, where the penalty was £50, whereas here it was limited to £20.

MR. STEERE hoped the hon. member would not press the clause upon the acceptance of the House that evening. It appeared to him a very important one, and he understood it was the wish of several members to have more time to consider it, before passing it into law.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) would have been glad if the clause had gone a little further, and made it penal for a non-professional person not only to prepare conveyances but also to give verbal advice upon legal questions, or to meddle in any way with the law, for fee or reward. He had no objection to such people giving as much advice as they liked, if they gave it *gratis*; what he objected to was that they should impose upon the ignorant and unwary, and charge them for their imposition.

MR. STEERE said, if it was proposed to make the clause still more stringent than it was at present, he very much doubted whether it would ever be carried.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): If that is so, I should say this is the only country in the world where such practices are permitted. Most undoubtedly the sooner such practices as described by the hon. member Mr. Stone are put an end to, the better.

MR. MARMION thought people were more likely to be led astray by verbal advice upon legal matters, than by the preparation of documents, by non-professional persons, and he considered that possibly the former practice stood more in need of legislating against than did the practices contemplated in the clause as it now stood. He was not, however, prepared at present to say that he would support the clause, either in its present form, or with the amendment suggested by the hon. the Attorney General.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) hoped hon. members would bear in mind, in dealing with this question, that the object which Mr. Stone and himself had in view was not to hurt any class of persons or the community generally—not to prevent anybody from making his livelihood in an honorable and straightforward way, but to prevent unprincipled and unqualified persons from imposing upon the public. If any-

one felt himself competent to give legal advice, all he had to do was to be called to the bar; but until he did that, he was in this very ambiguous position—he was a person trying to make money under false pretences; he was obtaining money for doing certain things when there was no guarantee that he was capable of doing them, and if he led people astray, if he caused them to lose their property or their money, they had no remedy against him except by a roundabout circuitous action at law.

MR. SHENTON pointed out the principle which it was proposed to introduce as regards the legal profession was already in operation as regards the medical profession. Anybody practising medicine for fee or reward, unless a duly qualified practitioner, rendered himself liable to a very heavy penalty, and he thought the same restriction ought to take place with regard to practising law.

MR. VENN was afraid the clause would operate very awkwardly in country districts, where people were frequently in the habit of making out documents of this kind. He himself had often been called upon to draft out an agreement, but of course he received no fee or reward for his services. Would the clause apply to such a case as that?

MR. STONE: Certainly not; unless the person preparing the document is remunerated.

MR. VENN: But would the clause otherwise apply to my own case?

MR. STONE: Certainly.

MR. VENN: Then, most undoubtedly, I shall support the proposal to report Progress. Everything, it appears, is to be placed in the hands of the lawyers.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said if the hon. member, Mr. Stone, would accept his suggestion, it would still be competent for the hon. member for Wellington to give as much legal advice, and to draft as many legal documents, as he chose, provided he did so without expectation of fee or reward. Members of the profession were bound under very severe regulations, and liable to be proceeded against if they made any slip, but these non-professional gentry were allowed to run about the streets and take money as often as they liked for leading people astray, and the Court had no control over them, nor their duped clients, except by a roundabout process and an action at law which would probably result in the poor victim having to pay his own costs, and the whole cost of the proceedings.

MR. VENN said it was a common thing in country districts for the Clerks to the Magistrates to draw up legal documents, and these men could not be expected to give their time for nothing.

MR. HIGHAM hoped the clause would not be pressed upon their acceptance that evening. He recognised it as a very important clause indeed to introduce into our Statute Book, and many hon. members had had little or no time to consider its scope and its effect. After what he had heard of the matter that evening from the legal gentlemen who had spoken on the subject, he felt inclined to support the clause, but he thought it would be as well to add another clause, dealing not with non-professional men, but with members of the legal profession itself. The hon. the Attorney General had told them that in the event of a non-professional man taking fee or reward for doing that which he had no right to do, the Court had no hold over him, but he (Mr. Higham) would like to know what hold the Court had over members of the profession who, having taken both fee and reward, acted so negligently towards their clients as to cause them considerable pecuniary losses.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): Strike them off the roll.

MR. HIGHAM said he could instance cases in which this had been done, and the guilty parties had not been struck off the roll, and he thought it would be as well, while they were about it, to introduce a clause dealing with this class of persons.

MR. STEERE then moved, That Progress be reported, and leave given to sit again on Monday, August 1st.

This was agreed to, and the House resumed.

SCAB ACT AMENDMENT BILL, 1881.

The House then went into Committee for the further consideration of this Bill.

IN COMMITTEE.

Clause 7—which was under consideration when Progress was reported on the previous day—was reverted to.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said it would be in the recollection of hon. members that the question was raised, in the course of the debate which had already taken place upon this clause, as to whether it was possible to fix a man with the knowledge that infection had broken out among his sheep. He proposed now to introduce an amendment dealing with this question, and he intended dealing with it in this way—that the sheep-owner, when informed against, should be compelled to prove to the satisfaction of the Magistrate that he had no knowledge of the existence of disease among his flock. To this end, he would now move, That all the words between the word "depastured," in the 12th line, and the word "such," in the 16th line, be struck out, and the following words be inserted in lieu thereof:—"And if the owner of any sheep "which have become so infected shall "neglect or omit to give such notice as is "hereby required, upon information being "laid by any inspector of such default, "if the Justices before whom the case "shall be tried shall be of opinion that "such sheep had been infected for a "longer period than ten days to the "knowledge of the owner, and that the "notice hereby required to be given was "not given within the time above specified."

This was agreed to, without discussion, and the clause, as amended, was put and passed.

Clauses 8 and 9 were agreed to *sub silentio*.

Preamble and title agreed to, and Bill reported.

The House adjourned at nine o'clock, p.m.

LEGISLATIVE COUNCIL,

Monday, 1st August, 1881.

Messages from His Excellency the Governor—Offensive expressions in the Report of the Director of Public Works—Sharks Bay Pearl Fishery—Barristers Admission Bill—Message (No 3): Remission of Duties paid by Bunbury Jarrah Timber Company—Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

PRAYERS.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.

THE SPEAKER announced the receipt of the following Messages from His Excellency the Governor:

MESSAGE (No. 1): THE FINANCE COMMISSION AND THE AUDIT BILL.

"The Governor understands that an "impression prevails that the Finance "Commission appointed by him in December last sent in their Report without "having taken into consideration, as the "Governor promised they should, the "provisions of the Audit Bill which had "previously been before the Legislative "Council.

"The Governor therefore submits to "Council the accompanying papers upon "the subject, and desires, in doing so, to "place on record his thanks to the members of the Commission for the great "care which they bestowed on the important duty assigned to them, and for "the valuable suggestions contained in "their Report.

"Government House, Perth, 29th July, "1881."

'[*Enclosure.*]

'HIS EXCELLENCY THE GOVERNOR,—

'In reply to Your Excellency's questions 'I beg to state that the reason why no 'reference was made in the Report of the 'Finance Commission, of which I was 'chairman, to the Audit Bill presented to 'the Legislative Assembly, was that that 'Bill was not specially referred to in your 'Excellency's instructions, as published 'in the *Government Gazette* of 7th December, 1880, which constituted our appointment.

'The Bill was, however, alluded to in 'Your Excellency's letter to two of the 'members of the Commission; and it was 'before us, as will appear from the accompanying extract from the minutes of our 'Commission. It was considered and