**THISTLE ACT AMENDMEN ACT 1862**

**House of Assembly, 4 June 1862, pages 196-7**

Second reading

**Mr. MAGAREY**, in rising to move the motion standing in his name—

“That it is desirable to amend the Thistle Act, by extend­ing its provisions so as to include the Bathurst Burr”, — said that the paper just laid on the table would save him the necessity of occupying much of the time of the House in speaking to his motion. He was very glad the Commissioner of Crown Lands had taken the step he had. He was going to remark that the Thistle Act required amendment. The thistle was a great nuisance, but not so great as the Bathurst burr. The 5th clause of the Act provided that before a person could enter a run for the purpose of destroying thistles he must make application to a Justice of the Peace. This provision often led to ill-feeling, and the permission was sometimes refused. Those persons, therefore, who paid care and attention to the eradication of the thistle, had a great deal of trouble and inconvenience in doing so. Some squatters themselves would take the trouble of riding over their runs to look for thistles, but others were more indolent and careless on the matter. He did not know whether he would be right in quoting, as applicable to the latter class, the lines,

“ I passed by his garden, and saw the wild briar,

The thorn and the thistle grew higher and higher.”

He had lately ridden over a tract of country overrun with thistles, so that those who took steps to eradicate them often suffered from the apathy of their more careless neighbors. While engaged in amending the Thistle Act they might include a provision to provide for the destruction of the Bathurst burr. Here (said Mr. Magarey, holding up a branch of the burr) was one of the constituents of the hon. member for Barossa, Mr. Grundy—("laughter)—and he was surprised at that hon. member, usually so active, for not having taken up the matter of his constituents more promptly. Barossa was an important agricultural as well as pastoral district, and the spread of such a pest as that upon it would bring ruin and desolation on those interests. He knew of land overrun with the burr being let at a shilling an acre, but the cost of keeping down the burr was so great that there was no profit left. The letter which had been read spoke of the thistles deteriorating only the ground which they occupied, but the seeds of the thistle were carried over the country by the wind, while those of the burr were conveyed by sheep and cattle, as they attached themselves to the wool of the sheep and to the skins of the horses and cattle, and were so carried about the country. The burr was, therefore, found in all great thoroughfares. In Victoria, on the road aides between Echuca and Deniliquin, and between Casterton, Coloraine, and Geelong, were covered with it. In New South Wales it was found up the Hunter River to Maitland, and he believed as far as Lochinvar : and in Queensland on the Darling Downs. The way in which it had spread in the four colonies was a forcible argument for legislation on the matter. It was found when the burr took possession of the fleece of the sheep, that it was rendered almost valueless. He did not anticipate opposition and would say no more but move the motion standing in his name. He need say nothing about the Thistle Act ; it spoke of two kinds of thistles ; he had a specimen in his hand of a thistle similar to the Scotch thistle, and another which was more common near Adelaide. There were other burrs also, which might be included if the Attorney-General thought it worth while to include them, but he would leave it with him to determine. He had only had the plant in his possession half an hour, and was sorry he could not give the botanical name, but he believed it was rightly described.

The COMMISSIONER OF CROWN LANDS said the Government would support the motion if the mover would consent to amend it by appointing a Select Committee to prepare a Bill on the subject, and he would suggest the names of the hon. the Attorney-General, the hon. member for the Murray, Mr. Macfarlane, and the mover, He believed that was the usual form to be observed in such cases; and he believed, from the knowledge evinced on the subject by the hon. member for West Torrens, that the Committee would soon bring an important report before the House. He must disclaim any connection between the thistle in the colony commonly called the Scotch thistle and the true Scotch thistle. He believed the thistle was in reality imported from South America, where it was known as the thistle of the Pampas. As to the other varieties of the thistle he had great doubts as to their being able to eradicate it by legislation ; most of the thistle tribe was at some stage of its growth cropped by quadrupeds of some sort, but that was not the case with the Bathurst burr. Be believed the greatest damage inflicted by the burr was on the wool, that it was most difficult if not impossible entirely to eradicate it. There was a sharp hook at the extremity of every little thorn, which made them more tenacious even than those of the teazle; and if those hooks and thorns got into the cloth, it must necessarily greatly deteriorate the quality of it. If the hon. member would consent to the amendment he had suggested, the Government would support the motion.

Mr. DUNN would support the motion, and he hoped all the varieties of thistles would be included. He believed the real Scotch thistle was to be found in the district in which he resided, and it had been spreading over the length and breadth of the land. When he first discovered a thistle he had a quantity of straw heaped over it, and burnt in hopes of destroying the seeds, but still the plant had spread. He had seen numbers of thistles in Victoria, also, especially on the Keilor Plains ; they grew there in such a formidable manner that the land was almost useless in many places. He hoped the Bill would be introduced and carried out. (Hear, hear.)

Mr. GRUNDY said that was the kind of legislation which he admired—(loud laughter)—prompt and decisive in action ; it was in accordance with the Latin motto, *occurrite morbo—* “Meet the disease before it come to a head.” (Hear.) As to what the hon. member for West Torrens said, he (Mr. Grundy) had heard nothing from any of his constituents respecting the burr. He knew of thistles, and there was now a lot of thistles growing up in Gawler, but they were not botanical thistles. (Laughter.) He had been in the company of the man who introduced the Scotch thistle into the colony, and that individual had brought it out as a rare plant for the colony, and he regarded it as some persons did their pinks and carnations —(laughter)—but he had since seen the error of his ways. As to the inactivity of the member for Barossa, the hon. member for West Torrens was only half an hour before him. and if he had got hold of one of those thorns he would have had a race with the hon. member to see who would be first. All the thistles referred to belonged to the class of ‘‘ *Nemo me impune lacessit* —“No one shall come near me without being the worse for it,” as he translated it. He was pleased that the matter had been brought forward, and considered it an important subject for legislation.

The ATTORNEY-GENERAL thought it would be well to amend the motion still further, by adding that an address be presented to the Governor, requesting His Excellency to direct that the necessary expenses for the eradication of thistles, burrs, &c., should be provided out of the ordinary revenue. The question should also be considered in Committee. [The hon. member here read from the old Thistle Act, and then said]—It was evident larger expenses were likely to fall on the revenue than were at first contemplated, and he hoped the hon. member would consent to amend his motion by moving the House into Committee, and adding the prayer to His Excellency to allow the expenses to be met out of the revenue.

The SPEAKER pointed out that the hon. member could not move the House into Committee without giving notice that he would do so on some future day. The best plan would, therefore, be for the hon. member to ask leave to withdraw his motion, and bring it forward tomorrow, embodying the amendments suggested by the Government, when he could ask the House to go into Committee on a future day,

Mr. MAGAREY agreed to the course suggested,

Mr. DUFFIELD would not oppose the motion, but thought it of no use to legislate on the subject unless the provisions of the Bill were better carried out than they were at present. (Hear, hear.) He had called the attention of a former Government to a bed of thistles growing alongside the railway near Alberton, and they were allowed to grow there still, where Government officials must see them every day. He now called the attention of the present Government to the nuisance. He believed the District Councils and Municipal Corporations had taken steps for eradicating thistles within their jurisdiction.

Leave was granted to withdraw the motion.