

The Council meets at 2.30 p.m.

ORDER PAPER.

LEGISLATIVE COUNCIL.

Thursday, the 6th Day of August, 1891.

NOTICE OF MOTION.

1. The Honourable Captain BAILLIE to move, That the name of the Honourable Mr. Bowen be discharged from the Committee of Selection, and that the name of the Honourable Mr. Williams be added thereto.

ORDERS OF THE DAY.

1. Employers' Liability Bill—to be committed. (Hon. Mr. Buckley.)

Contingent Notice of Motion.

The Honourable Mr. STEWART, in Committee, to move the following amendments:—

Clause 4, subclause 1. In line 5, after the word "furniture," to add: "If such defect, unfitness, or absence could by reasonable care or diligence have been discovered by the employer or by some person in his service intrusted by him with the care, custody, or control of such spars, tackle, machinery, fittings, apparel, or furniture respectively."

Clause 5. In lines 4 and 6, to strike out the words "or assessors." Also, to add the following proviso at the end of the clause: "Provided further that the amount of compensation recoverable under this Act shall not exceed *five hundred* pounds in respect of any one cause of action."

Clause 6. In lines 7, 8, and part 9, to strike out the words, "or if he be absent from New Zealand without his express action or consent in respect of such absence."

Same clause. In line 16, to strike out the words "or of his return to New Zealand."

Same clause. In line 18, to strike out the word "six" and insert the word "three."

Clause 10. To add at the end of the clause: "No workman shall be entitled to recover damages or compensation in respect of any injury arising from his own negligence, carelessness, or unskilfulness."

2. Auctioneers Bill—to be committed. (Hon. Mr. Buckley.)

Contingent Notice of Motion.

The Honourable Mr. BUCKLEY, in Committee, to move the following amendments and new clause:—

Clause 6. For "hereinbefore mentioned" substitute "hereinafter mentioned."

Clause 9. For "out of the said account" substitute "thereout without further appropriation."

After clause 29 insert,—

Fresh fish may
be sold at
auction at any
hour, day or
night.

29A. Notwithstanding anything contained to the contrary in this Act, or in any by-law made by any Borough or County Council or Town Board respectively, it shall be lawful for fishermen, or for any person appointed by them in that behalf, to sell newly-caught fish of any kind, except shell-fish, by auction at any hour of the day or night, in the manner usual at auction-sales or in any other manner customary in the fish-trade, or to hawk and carry such fish for sale at any private houses by retail, without taking out a license either as auctioneer or hawker and pedlar.

If any person shall in any way exceed the authority granted by this Act, and sell any articles under the colour of this Act which are not thereby authorised, he shall be liable to the penalties prescribed for selling goods without having taken out an auctioneer's license, or a hawker's and pedlar's license, as the case may be.

In the Fifth Schedule, after (1), insert,—

(1A.) *Act of the General Assembly.*

1886, No. 10.—“The Fish Auction Act, 1886.”

The Honourable Mr. STEWART, in Committee, to move the following amendments:—

Clause 5. To insert, after the word “majority,” the words “present and voting.”

Clause 6. To insert, in lieu of the words “hereinafter provided,” the words “by this Act provided.”

Clause 18. To omit all the words after the word “auctioneer” in line 1, and to insert the words “shall within seven days after a sale render to the person on whose behalf such sale shall have taken place a correct account of such sale, and shall, subject to the deductions authorised by section nineteen of this Act, within such period of seven days, pay to such person the balance of the proceeds of such sale received by such auctioneer. If any such auctioneer shall, after a written demand from such person in that behalf, neglect for seven days to render such account or to pay such balance to such person, he shall be guilty of an offence under this Act, and shall be liable for every such offence to a penalty not exceeding *ten pounds*.”

Clause 19. To strike out all the words after the word “auctioneer” in line 1, and to insert the words “shall apply the proceeds of sale, when realised, as follows: (a.) In or towards payment of the expenses, commission, and other charges of or incidental to the sale. (b.) In or towards payment of any moneys owing to such auctioneer by the person on whose behalf the property was sold. (c.) The balance of such proceeds shall be held by the auctioneer exclusively for such person, to be paid to him or as he may direct, and until so paid such balance shall be paid into a bank carrying on business under the authority of an Act of the General Assembly to a general or separate trust account, and such balance shall not be available for payment of the debts of any other creditor of such auctioneer, nor shall such balance be capable of being attached or taken in execution under the order or process of any Court at the instance of any such creditor. Any auctioneer who wilfully acts contrary to the provisions of this section shall be liable for every such offence to a penalty not exceeding *one hundred pounds*.”

Friday, the 7th Day of August, 1891.

QUESTION.

1. The Honourable Mr. TAIAROA to move, That, in the opinion of this Council, it is desirable that the Government should establish secondary and technical schools for the benefit of the Maori youths of the South Island.