

*The Council meets at 2.30 p.m.*

# ORDER PAPER.

## LEGISLATIVE COUNCIL.

Thursday, the 26th Day of September, 1895.

### QUESTIONS.

1. Hon. Mr. ORMOND to ask the Government, If they will make arrangements which will insure promptitude in dealing with emergencies when trains are temporarily disarranged through accident, such as occurred yesterday in the case of the Napier express train to Palmerston, which was stopped more than an hour longer than was necessary, thereby causing great inconvenience to travellers both by Napier and West Coast trains?
2. Hon. Mr. REYNOLDS to ask the Colonial Secretary, Whether he will lay on the Table copies of all memoranda, also departmental or other correspondence with Mr. Arthur Bell, or any other Engineer-in-Charge, in reference to the Porirua Asylum, and also in reference to the dismissal and reinstatement of, or of the Engineer's recommendation to dismiss, the Inspector of the Works?
3. Hon. Mr. REYNOLDS to ask the Colonial Secretary, Whether free railway passes will be granted to the wives of members of the Legislature when they accompany their husbands to Parliament?

### NOTICES OF MOTION.

1. Hon. Mr. BOWEN to move, That the Return of the Annual Debt of the Colony for Ten Years, from 1886 to 1895, made to an Order of the Legislative Council, 17th July last, be printed.
2. Hon. Sir P. A. BUCKLEY, K.C.M.G., to move, For leave to introduce a Bill intituled "The Census Act Amendment Act, 1895."
3. Hon. Sir P. A. BUCKLEY, K.C.M.G., to move, For leave to introduce a Bill intituled "The Unclassified Societies Registration Act, 1895."

### ORDER OF THE DAY.

1. Fencing Bill—to be further considered in Committee. (Hon. Sir P. A. Buckley, K.C.M.G.)

### *Contingent Notices of Motion.*

Hon. Mr. W. DOWNIE STEWART, in Committee, to move the following new clause and Schedule:—

43A. Where judgment shall be recovered against any person, whether Native or European, for any sum of money under this Act, the land occupied by such person benefited by the fence in respect of which such judgment shall have been recovered shall stand charged with the payment to the judgment creditor of the amount thereof, with interest at the rate of *six* pounds per centum per annum, on the registration of a certificate of judgment in the form or to the effect set forth in the Schedule; and upon registration every such certificate shall have the effect of a mortgage, and the judgment creditor therein named, his executors, administrators, and assigns, shall have all the rights, powers, and remedies of a mortgagee under "The Land Transfer Act, 1885," if the title to the land affected is under such Act, and if the title to the land is not under such Act, then the rights, powers, and remedies of a mortgagee under "The Property Law Consolidation Act, 1883," and any amendment thereof.

## New Schedule, to follow Schedule B:—

## SCHEDULE.

Magistrate's Court )  
 District of )

A.B. [*and description*], having this day recovered judgment against C.D. [*and description*], for £            under "The Fencing Act, 1895," the under-mentioned lands benefited by the fence in respect of which such judgment is recovered stand charged with the payment to the said A.B. of the amount of the said judgment, together with interest at the rate of £6 per cent. per annum, from the date hereof until payment.

*Description of lands affected:*

Dated this            day of            , 1895.

(L.S.)

*Magistrate.*

Hon. Mr. MACGREGOR, in Committee, to move the following amendment and new clauses:—

Clause 25, line 13: Strike out the words "swing-gate" and insert "rabbit-proof gate" in lieu thereof.

14A. If any person shall desire to erect a dividing-fence of a description different from any fence mentioned in Schedule A hereto, he shall give notice as hereinbefore provided, and if the person served with such notice shall not within twenty-one days of the service of such notice object in writing to the description of fence proposed to be erected, then the person giving such notice may proceed to erect such fence accordingly, and such fence shall be deemed to be a sufficient fence within the meaning of this Act; and in case of objection being made the questions in difference shall be determined by the Magistrate in manner hereinafter provided;

41A. Where any fence is constructed under the provisions of this Act dividing any lands held by any person as tenant of any landlord from any adjoining lands, the cost thereof as between such landlord and tenant shall be payable in the proportions following:—

In case the interest of such tenant at the time of the construction of such fence be less than for a term of three years, the whole cost shall be payable by such landlord.

In case the interest of such tenant be for a term of three years and less than for a term of six years, three-fourths of such cost shall be payable by such landlord, and one-fourth of such cost by such tenant;

In case the interest of such tenant be for a term of six years and less than for a term of twelve years, one-half of such cost shall be payable by such landlord, and one-half by such tenant;

In case the interest of such tenant be for a term of twelve years or upwards, the whole of such cost shall be payable by such tenant;

And in case either such landlord or such tenant shall under the provisions of this Act pay more than his proper proportion of such cost, he may recover the excess from his landlord or tenant, as the case may be, and any tenant may set off any sum recoverable by him under this section against any rent payable to his landlord.

41B. Any tenant having a right to purchase any land occupied by him at a fixed rate shall on the completion of the purchase pay to his landlord in augmentation and as part of the purchase-money any sum paid by such landlord under the *last-preceding* section, together with interest for the same after the rate of            pounds per centum per annum.

41C. Any person may come in and defend any proceeding under this Act against any tenant of such person in consequence of which such person may ultimately incur any liability, and any defence which the person originally proceeded against might set up shall be available to the person so coming in to defend.