

The Council meets at 2.30 p.m.

ORDER PAPER.

LEGISLATIVE COUNCIL.

Tuesday, the 22nd Day of October, 1895.

NOTICE OF MOTION.

1. Hon. Mr. McCULLOUGH to move, That there be laid upon the table of the Council a Return giving the details for the past ten years of the State Forests Account, as defined in clause 6 of "The New Zealand State Forests Act, 1885"; also, a Return under clause 7 of the said Act showing the sums of money which have been borrowed, and how expended.

ORDERS OF THE DAY.

1. Public-School Teachers' Incorporation and Court of Appeal Bill—to be further considered in Committee: (Hon. Mr. Montgomery.)
2. Shops and Shop-assistants Bill—to be committed. (Hon. Sir P. A. Buckley, K.C.M.G.)

Contingent Notices of Motion.

Hon. Mr. PEACOCK, in Committee, to move the following amendment:—

(c.) In clause 3, line 4, of the principal Act, after "housekeeper," by adding the words "small-goods pork-butchers."

Hon. Mr. W. C. WALKER, in Committee, to move the following new clause:—

A. In the event of any day other than Saturday being appointed as the closing-day for shops in any district, any shopkeeper in such district who carries on in connection with his shop a factory within the meaning of "The Factories Act, 1894," shall be entitled, on giving notice to the Inspector, to elect such other day in lieu of Saturday as the day on which to allow a half-holiday as provided by the sixty-third section of the said Act, and the closing of any such factory on such other day shall be deemed to be a compliance with the requirements of the said section in that behalf.

Hon. Mr. REYNOLDS, in Committee, to move the following new clause:—

B. The provisions of this Act shall apply to all offices of the public service, as also of all local bodies.

3. Native Land Laws Amendment Bill—to be committed. (Hon. Sir P. A. Buckley, K.C.M.G.)

Contingent Notices of Motion.

Hon. Mr. WILLIAMS, in Committee, to move the following amendments:—

In clause 3, line 20, to erase "wheresoever situate," and add these words to the clause: "Provided also that this section shall not apply to land within the area defined by the Second Schedule to the Act."

In clause 5, line 15, after "alienation," to insert: "Under the provisions of sections three and four of this Act," and after "mortgage," in the same line, erase "under the provisions aforesaid"; and, in line 27, after "land," to insert: "Provided that such selection may be composed of first-class, second-class, and third-class land, or any two of such classes, and that the area selected shall be so determined that the acreage of each class, or all the classes combined, shall not exceed the prescribed maximum."

In clause 6, line 33, before "No," to insert: "Except in the case of sales by Registrars of the Supreme Court on behalf of mortgagees"; and line 41, after "notices," erase the remainder of the clause.

In clause 9, line 14, to erase "Nothing in the Act contained shall invalidate," and insert in lieu thereof: "Section one hundred and seventeen of the Act shall not apply to."

In section 12, line 40, to erase "Provided that."

In clause 17, line 47, after "reserved," to add: "And so from time to time until the whole amount paid as aforesaid has been deducted or otherwise refunded."

In clause 19, line 4, after "has been," to insert "or hereafter shall be."

In clause 29, lines 46 and 47, erase all the words down to "Act" inclusive; and line 47, after "shall," insert "not"; after "to," erase "and," and insert "or."

In clause 31, to add these words to the clause: "And as if the words 'one thousand eight hundred and ninety-six' had been used instead of the words 'one thousand eight hundred and ninety-five,' in the third line thereof."

In clause 39, line 2, after "shall be," erase "three," and insert "two."

In clause 46, line 37, after "owners for," to insert "the like interests or for undefined interests in"; and line 42, after "accordingly," to add: "Provided that if there has been an alienation of any interest in the said land no apportionment affecting such interest shall be made under the provisions of this section with ut the consent of the person entitled by virtue thereof."

In clause 49, to add these words to the clause: "All the words in line 5 of the last paragraph of section 65 of the Act, after the word "Act," to 'alienation,' in line 8, inclusive, are hereby repealed."

In clause 50, line 23, to erase "Native."

In clause 51, line 27, to erase "Native."

In clause 52, lines 1 and 37, to erase "Native."

In clause 53, line 42, after "matter" insert "exclusively," and line 45, after "full" insert "and sufficient."

In clause 55, line 11, erase "Chief Judge," and insert "Appellate Court," and line 12, after "Act," to erase all the words to "as such" inclusive; in line 18, after, "Council" to insert, "applications which have been dismissed for want of jurisdiction under section thirty-nine may, for the purposes of this section, be treated as subsisting applications."

In clause 57, line 28, after "may," erase "on the hearing of any case," and line 29, after "dealing with," erase "the," and insert "any."

In clause 63, line 10, after "subject to," to insert "any valid and duly registered," and line 19, after "thereto," insert "or," and line 23, after "work," to insert "and shall include the value of the good-will of such lease and the full value of improvements on the land."

In clause 65, line 48, after "Court Act," to insert "1886."

In clause 67, line 10, after "Act," to insert "Amendment Act."

In clause 68, line 13, after "189," to erase "2," and insert "3."

Hon. Mr. ORMOND, in Committee, to move the following amendments and new clause:—

In clause 10, after the word "Court" in the first line, to add, "or a certificate under section fifty-five of the Act." In lines 3 and 4 strike out the following words: "Not in contravention of any of the provisions of the Act or this Act," and substitute the following words: "In accordance with the statute-law regulating alienations by Native, and that the consideration therefor has been duly paid or given."

A. Any lease which through a *bonâ fide* mistake shall prior to the passing of the Act have been made, given, or taken for a greater term than that allowed by law, shall be taken and deemed to be and to have been from the date thereof a valid lease for such less term as the same could have been made, given, or taken for at the time of the execution thereof: Provided always that a Judge shall certify that such mistake was *bonâ fide*, and that such lease is otherwise entitled to confirmation under the provisions of the Act and of this Act.

Hon. Mr. TAIAROA, in Committee, to move the following new clause:—

77. Notwithstanding the provisions of section one hundred and seventeen of the Act, any Native having any interest in land vested in him in his own right may mortgage the same for the purpose of raising money to pay debts incurred by him before the passing of the Act; and any Native having any interest in land vested in him by virtue of any succession order may mortgage the same for the purpose of paying the debts of the person from or through whom he shall have acquired such interest as aforesaid.

4. Rating Act Amendment Bill—to be further considered in Committee. (Hon. Mr. Montgomery.)

Contingent Notices of Motion.

Hon. Mr. ORMOND, in Committee, to move the following new clause in place of clause 6:—

A. Where by any Act or Acts (hereinafter called “the first-mentioned Act or Acts”) passed prior to or in the year one thousand eight hundred and ninety-four, whereby power to levy rates is given to any local authority not being a Council of a county, city, or borough, the rateable value or actual value appearing in the assessment rolls made under “The Property Assessment Act, 1879,” or its amendments, or under “The Land- and Income-tax Act, 1891,” or its amendments, is declared to be the rateable value of properties in the district described in the first-mentioned Act or Acts for the purposes of the first-mentioned Act or Acts, then, notwithstanding anything to the contrary contained in the first-mentioned Act or Acts, or in “The Rating Act, 1894,” the following provisions shall take effect:—

(a.) With regard to property situate within any county, city, or borough in which the system of rating on the capital value under “The Rating Act, 1894,” shall be in force, the rateable value appearing in the valuation-roll made by the Council of such county, city, or borough under the provisions of “The Rating Act, 1894,” shall be the rateable value of such property for the purpose of rating under the first-mentioned Act or Acts.

(b.) With regard to property situate within any county, city, or borough in which the system of rating on the annual value under “The Rating Act, 1894,” shall be in force, the rateable value of such property for the purpose of rating under the first-mentioned Act or Acts shall be the capital value of such property, calculated by capitalising the annual value of such property as appearing on the valuation-roll made by the council of such county, city, or borough under the provisions of “The Rating Act, 1894,” on the basis of sixteen times such annual value.

Hon. Mr. TAIAROA, in Committee, to move the addition of the following new clause:—

A. “The Rating Act, 1894,” and its amendments shall not apply to or affect any established Maori pa with its cultivations and houses, excepting such cultivations or houses as may be leased by them to Europeans.

5. Government Advances to Settlers Act Amendment Bill—to be further considered in Committee. (Hon. Mr. Montgomery.)

Contingent Notice of Motion.

Hon. Mr. STEWART, in Committee, to move that the following words be inserted at end of subsection (2) of clause 5:—

“But such land shall be valued on the basis of the land being used for one or more of such purposes only.”