

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Wednesday, the 5th day of August, 1885.

HOSPITALS AND CHARITABLE INSTITUTIONS BILL.

Hon. Sir JULIUS VOGEL, in Committee, to move,—

New clause.

6. For every such district there shall be a District Board of administration to consist of the following members—namely, one member for every borough and county respectively in the district having less than eight thousand inhabitants, and two members for every borough and county respectively having more than eight thousand inhabitants.

(1.) The said members shall be elected by the Councils of the boroughs and counties on the *first Monday in November*, in each year, or on such later day before the *thirty-first day of December*, as the Council respectively shall appoint.

(2.) The first election shall take place on such day as the Governor shall fix.

(3.) Members shall hold office for one year or until their successors are elected, but failing election by any Council of any borough or county, the Governor may appoint a member or members for such borough or county to hold office until the next yearly election.

(4.) In any county where “The Counties Act, 1876,” is not in operation the Chairmen of the Road Board in such county shall be deemed the County Council for the election of such members.

(5.) If there are no whole counties in any hospital district, or not more than one, then the Chairmen of Road Boards in such district shall elect at least three members of the Board for the district.

New clause.

20A. Every local authority which contributes to the funds of a separate institution shall have the power hereinafter declared to elect Trustees of such separate institution.

(1.) If there are only five local bodies contributing to such separate institution, then each shall elect one Trustee on the date and at the time members of the District Board are elected, and such Trustees shall hold office for one year or until their successors are appointed :

(2.) If there are more than five local bodies contributing, then each local body shall have one vote for every four thou-

sand inhabitants in its jurisdiction according to the Registrar-General's last published Statistics, and the election shall be made by every Council and borough respectively, deputing one of its members to meet and elect Trustees, exercising the votes belonging to the local bodies; such election shall be on the *second Monday in November* in each year, or on such other day as the Governor may appoint:

- (3.) Any local authority ceasing for twelve months to contribute to the funds of a separate institution shall lose its right to elect or vote in the election of Trustees.

20B. Four Trustees shall form a quorum, and shall be capable of transacting all business, and may exercise all the powers and authorities by this Act vested in the corporate body of Trustees.

20c. The Trustees may fix the number of votes each contributor may exercise in accordance with his contribution, provided that any person subscribing five shillings shall have one vote, and no person shall be capable of exercising more than five votes.

21. The first meeting of contributors to any institution shall be held at such time and place as the Governor shall, by public notice, appoint, and at such meeting the contributories shall elect not less than six, nor more than nine, Trustees, and shall transact any other business relating to the institution. There shall be six Trustees elected by the contributories when the number of contributors to the institution does not exceed five hundred, and nine Trustees when the number of contributors exceeds five hundred.

- 32.** New clause. Omit "voluntary" in line 10, in subclause 3; also omit all words in subclause 3 after "received," in line 11, and add in lieu thereof: "whether voluntary or raised by a special rate."

Omit subclause 4.

Clause 50. Omit words in subsection 3 in italics.

Clause 50A. Omit in subclause 2: "not being proceeds of a special vote."

Omit in subclause 3: "and not being the proceeds of a special rate."

Omit subclause 4.

Clause 76. Add to the clause:

Or the Board and Trustees respectively may lease any land for any term not exceeding twenty-one years on the condition that at the end of that term the lease may be put up to auction for another term of years, and so on from time to time, the incoming tenant paying to the outgoing the full value of all improvements on the land, such value to be determined by arbitration, as the Board or Trustees may in the lease provide.

New clause to come after 61:—

61A. If, from any cause whatever, no District Board shall be appointed, the Governor may proclaim the Trustees of any separate institution to be clothed with all the powers granted to District Boards by section thirty-seven of this Act, and such Trustees shall thereafter be for such purposes a District Board.

Add new subsection to section 10A:—

- (7.) Except otherwise declared by Act, the endowments may, after allocation as aforesaid, be leased as provided in section seventy-six of this Act.

New clause to follow 92:—

93. Where there is any omission in the Act, or where no provision or no sufficient provision shall, in the opinion of the Governor, be made, the Governor may from time to time make and prescribe all such regulations and orders, either general or applicable to particular cases, only as he shall think fit, for the purpose of facilitating or more effectively carrying into execution the provisions of this Act.

COUNTIES ACT AMENDMENT BILL.

The Hon. Mr. STOUT, in Committee, to move the following additional clause :—

46. Whereas the Council of the County of Kaikoura did, on the twenty-ninth day of October, in the year one thousand eight hundred and eighty-four, pass a special order altering the ridings in the said county, and the number of Councillors to be elected for some of the ridings so altered, and a general election of Councillors for the said ridings was held on the twelfth day of November next ensuing after the passing of the aforesaid order, and the Councillors then elected entered into office, and the County Council so constituted has met from time to time and transacted business, and still remains in office:

And whereas the special order passed as aforesaid is null and void by reason of its having been erroneously made, and the consequent elections are illegal; and whereas the said special order was passed under a misconception and not through any desire to commit an infraction of the law, and it is expedient to validate the said special order and all elections and other matters and things done consequent upon the making thereof:

Be it therefore further enacted as follows :—

Notwithstanding anything to the contrary, the hereinbefore-recited special order made by the Council of the County of Kaikoura on the twenty-ninth day of October, in the year one thousand eight hundred and eighty-four, and the alteration of the ridings purporting to be made thereby, and the number of Councillors appointed for such ridings respectively shall be and be deemed to have been validly made and done. And all elections of Councillors, and the constitution of the County Councils under such elections, shall be deemed to have been and to be valid, and all acts, matters, and things made, performed, or done by the said County Council, and all proceedings of the said Council of what kind or nature soever, and whether or not herein expressly mentioned, shall be taken to have been and to be as valid and in as due order and form as though the special order herein mentioned had been duly and validly passed and made at the time of the passing or making thereof.

THE COMPANIES ACT 1882 AMENDMENT BILL.

Mr. HOLMES, in Committee, to move the addition of the following clause, viz. :—

Any co-operative association registered as a limited company or association under "The Companies Act, 1882," or any Acts amending the same, is hereby empowered to contract for the insurance against loss or damage by fire the property of the shareholders only of such company or association; and the liability of each shareholder of such company or association upon the insurances effected under the provisions hereof, in the event of the assets of this company or association being insufficient to meet its engagements under such insurance contracts, shall be limited to a sum equal to twice the amount of the shares respectively held or subscribed in such company or association by such shareholder, anything in the said Act to the contrary notwithstanding.

SHIPPING AND SEAMEN'S ACT 1877 AMENDMENT BILL.

The Hon. Mr. LARNACH, in Committee, to move, —

Clause 2, subsection four thereof to be omitted.

After clause 2 to insert the following additional clauses :—

Conditional advance
notes illegal.
43 and 44 Vict.,
c. 16, s. 2.

3. After the first day of January, one thousand eight hundred and eighty-six, any document authorizing or promising, or purporting to authorize or promise, the future payment of money on account of a seaman's wages conditionally on his going to sea from any port in the colony, and made before those wages have been earned, shall be void.

No money paid in satisfaction or in respect of any such document shall be deducted from a seaman's wages, and no person shall have any right of action, suit, or set-off against the seaman or his assignee in respect of any money so paid or purporting to have been so paid.

Nothing in this section shall affect any allotment note made under the said Act.

Amendment as to
allotment notes.
Ib., s. 3.

4. Every agreement with a seaman which is required by the said Act to be made in the form sanctioned by the Minister, shall, if the seaman so require, stipulate for the allotment of any part not exceeding one half of the wages of the seaman in favour of one or more of the persons mentioned in section fifty-seven of the said Act, as amended by this section.

The allotment may also be made in favour of a Post Office Savings Bank, and in that case shall be in favour of such persons and carried into effect in such manner as may be for the time being directed by regulations of the Minister, and section fifty-seven of the said Act shall be construed as if the said persons were named therein.

The sum received in pursuance of such allotment by a savings bank shall be paid out only on an application made, through a superintendent of a mercantile marine office or the Minister, by the seaman himself, or, in case of death, by some person to whom the same might be paid under section eighty-four of the said Act.

A payment under an allotment note shall begin at the expiration of one month, or, if the allotment is in favour of a savings bank, of three months, from the date of the agreement, or at such later date as may be fixed by the agreement, and shall be paid at the expiration of every subsequent month, or of such other periods as may be fixed by the agreement, and shall be paid only in respect of wages earned before the date of payment.

Rules as to payment
of wages.
Ib., s. 4.

5. In the case of foreign-going ships—

The owner or master of the ship shall pay to each seaman on account, at the time when he lawfully leaves the ship at the end of his engagement, two pounds, or one-fourth of the balance due to him, whichever is least, and shall pay him the remainder of his wages within two clear days (exclusive of any Sunday or public holiday) after he so leaves the ship.

The master of the ship may deliver the account of wages mentioned in section fifty-nine of the said Act to the seaman himself at or before the time when he leaves the ship instead of delivering it to a superintendent of a mercantile marine office.

If the seaman consents, the final settlement of his wages may be left to the superintendent of a mercantile marine office under regulations to be made by the Minister, and the receipt of the superintendent shall in that case operate as a release by the seaman under section sixty-three of the said Act.

In the event of the seaman's wages or any part thereof not being paid or settled as in this section mentioned, then, unless the delay is due to the act or default of the seaman, or to any reasonable dispute as to liability, or to any other cause not being the act or default of the owner or master, the seaman's wages shall continue to run and be payable until the time of the final settlement thereof.

Where a question as to wages is raised before the superintendent of a mercantile marine office between the master or owner of a ship and a seaman or apprentice, if the amount in question does not exceed five pounds, the superintendent may adjudicate, and the decision of the superintendent in the matter shall be final; but if the superintendent is of opinion that the question is one which ought to be decided by a Court of law he may refuse to decide it.

6. Where a ship is about to arrive, is arriving, or has arrived at the end of her voyage, every person, not being in Her Majesty's service or not being duly authorized by law for the purpose, who—

Penalty for being on board ship without permission before seamen leave.

43 and 44, Vict., c. 16, s. 5.

(a.) Goes on board the ship, without the permission of the master, before the seamen lawfully leave the ship at the end of their engagement, or are discharged (whichever last happens); or

(b.) Being on board the ship, remains there after being warned to leave by the master, or by a police officer, or by any officer of the Marine Department or of the Customs,

—shall for every such offence be liable on summary conviction to a fine not exceeding *twenty* pounds, or, at the discretion of the Court, to imprisonment for any term not exceeding six months; and the master of the ship or any officer of the Marine Department or Customs may take him into custody and deliver him up forthwith to a constable to be taken before a Court or Magistrate capable of taking cognizance of the offence, and dealt with according to law.

7. A seaman shall not be entitled to the rating of A.B.—that is to say, of an able-bodied seaman—unless he has served at sea for four years before the mast; but the employment of fishermen in registered decked fishing vessels shall only count as sea service up to the period of three years of such employment: and the rating of A.B. shall only be granted after at least one year's sea service in a trading vessel in addition to three or more years' sea service on board of registered decked fishing vessels.

Rating of seamen. Ib., s. 7.

Such service may be proved by certificates of discharge or by other satisfactory proof.

Nothing in this section shall affect a seaman who has been rated and has served as A.B. before the passing of this Act.

8. Where a proceeding is instituted in or before any Court in relation to any dispute between an owner or master of a ship and a seaman or apprentice to the sea service, arising out of or incidental to their relation as such, or is instituted for the purpose of this section, the Court, if, having regard to all the circumstances of the case, they think it just so to do, may rescind any contract between the owner or master and the seaman or apprentice, or any contract of apprenticeship, upon such terms as the Court may think just, and this power shall be in addition to any other jurisdiction which the Court can exercise independently of this section.

Power of Court to rescind contract between owner or master and seaman or apprentice. Ib., s. 8.

For the purposes of this section, the term "Court" includes any Magistrate or Justice having jurisdiction in the matter to which the proceeding relates.

Licensing of
seamen's
lodging-houses.
43 and 44 Vict.,
c. 16, s. 9.

9. It shall be lawful for the municipal authority of any seaport town to pass by-laws for the licensing of seamen's lodging-houses, for the periodical inspection of the same, for the granting to the persons to whom such licenses are given the authority to designate their houses as seamen's licensed lodging-houses, and for prescribing the penalties for the breach of the provisions of the by-laws: Provided always that no such by-laws shall take effect till they have received the approval of the Minister.

Desertion and
absence without
leave.
Ib., s. 10.

10. A seaman or apprentice to the sea service shall not be liable to imprisonment for deserting or for neglecting or refusing without reasonable cause to join his ship or to proceed to sea in his ship, or for absence without leave at any time within twenty-four hours of his ship's sailing from any port, or for absence at any time without leave and without sufficient reason from his ship or from his duty.

Whenever either at the commencement or during the progress of any voyage any seaman or apprentice neglects or refuses to join or deserts from or refuses to proceed to sea in any ship in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any mate, or the owner, ship's husband, or agent may, with or without the assistance of the local police officers or constables, who are hereby directed to give the same, if required, convey him on board: Provided that if the seaman or apprentice so requires he shall first be taken before some Court capable of taking cognizance of the matters to be dealt with according to law; and that if it appears to the Court before which the case is brought that the seaman or apprentice has been conveyed on board or taken before the Court on improper or insufficient grounds, the master, mate, owner, ship's husband, or agent, as the case may be, shall incur a penalty not exceeding *twenty* pounds, but such penalty, if inflicted, shall be a bar to any action for false imprisonment.

If a seaman or apprentice to the sea service who has engaged to serve on a voyage commencing in the colony intends to absent himself from his ship or his duty, he may give notice of his intention either to the owner or to the master of the ship, not less than forty-eight hours before the time at which he ought to be on board his ship; and in the event of such notice being given, the Court shall not exercise any of the powers conferred on it by section one hundred and twenty-nine of the said Act.

Subject to the foregoing provision of this section, the powers conferred by section one hundred and twenty-nine of the said Act may be exercised, notwithstanding the abolition of imprisonment for desertion and similar offences, and of apprehension without warrant.

Nothing in this section shall affect section one hundred and seventeen of the said Act.

11. The enactments described in the Schedule to this Act shall be repealed as from the commencement of this Act.

Provided that this repeal shall not affect—

- (1.) Anything duly done or suffered before the commencement of this Act under any enactment hereby repealed; or
- (2.) Any right or privilege acquired or any liability incurred before the commencement of this Act, under any enactment hereby repealed; or

Repeal of
enactments in
Schedule.
Ib., s. 12.

- (3.) Any imprisonment, fine, or forfeiture or other punishment incurred or to be incurred in respect of any offence committed before the commencement of this Act, under any enactment hereby repealed; or
- (4.) The institution or prosecution to its termination of any investigation or legal proceeding, or any other remedy for prosecuting any such offence, or ascertaining, enforcing, or recovering any such liability, imprisonment, fine, forfeiture, or punishment as aforesaid, and any such investigation, legal proceeding, and remedy may be carried on as if this repeal had not been enacted.

SCHEDULE.

(41 Vict. c. 54 in part.)

“The Shipping and Seamen’s Act, 1877,” in part, namely:—

In section one hundred and twenty-three, subsection (1), the words “to imprisonment for any period not exceeding twelve weeks with or without hard labour; and also.”

In section one hundred and twenty-three, subsection (2), the words “to imprisonment for any period not exceeding ten weeks with or without hard labour, and also at the discretion of the Court.”

Section one hundred and twenty-eight.

In section one hundred and twenty-nine, the words “instead of committing the offender to prison.”

Section one hundred and thirty.

In section two hundred and forty-four, the words “subject to confirmation by the Governor.”