

SUPPLEMENTARY ORDER PAPER.

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HOUSE OF REPRESENTATIVES.

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Tuesday, the 27th day of August, 1878.

NOTICES RELATING TO ORDERS OF THE DAY.

CIVIL SERVICE ACT AMENDMENT BILL.

Mr. DE LAUTOUR, upon consideration of the Report, to move, That the Bill be re-committed for consideration of the following clause :—

All Resident Magistrates and Clerks of District and Resident Magistrates' Courts appointed prior to one thousand eight hundred and sixty-six, who are now in the Government service, who were and who have been continuously employed therein, shall be deemed to have all the rights and privileges conferred by Part V. of "The Civil Service Act, 1866," notwithstanding that the salaries of such officers may not have been continuously appropriated by the Colonial Legislature.

DEBTORS AND CREDITORS ACT AMENDMENT BILL.

Hon. Mr. STOUT to move the insertion of the following additional sections :—

4. Section fifty-one of the said Act is repealed, and in lieu thereof the following provisions shall be in force :—

The Court may, if good cause be shown, make an order removing the trustee of any debtor's estate, and may appoint another trustee in his place, upon such terms in all respects as the Court may think proper, and the proceedings to obtain such order shall be the same as in the case of any summons to show cause issued by the Court.

The term "trustee" includes any trustee or inspector of a deed of arrangement filed pursuant to section one hundred and twenty-eight of the said Act, and the powers hereby given may be exercised notwithstanding such deed contains or has implied therein provisions for removing and appointing trustees; and the Court shall not be bound by such provisions, so far as relates to the removal or appointment of trustees.

5. No debtor or other person who is summoned or examined by the Court, or by the trustee, under any of the powers given by the said Act, shall be excused from answering any question on the ground that the answer may criminate, or tend to criminate, such debtor or person.

No statement made by any debtor or person in answer to any question put by or before such Court or trustee shall, in civil or criminal proceedings, be admissible in evidence against any person, except that in civil proceedings against the debtor or other person examined as aforesaid such statement shall be admissible.

6. A secured creditor, unless he has realized his security, shall, previously to being allowed to prove or vote, state in his proof the particulars of his security, and the value at which he assesses the

same, and he shall be deemed to be a creditor only in respect of the balance due to him after deducting such assessed value of the security.

The secured creditor so proving shall be bound to pay over to the trustee the amount which his security shall produce beyond the amount of the assessed value, and the trustee shall be entitled, at any time before realization of such security by the creditor, to redeem the same upon payment of such assessed value. The proof of any such creditor shall not be increased in the event of the security realizing a less sum than the value at which he has so assessed the same.

7. In the fourth subsection of clause twenty-nine of the Act the following words shall be omitted—that is to say, “Provided that the debtor has been called upon to satisfy such judgment, decree, or order, by the officer or other person charged with the execution thereof, and has failed to do so.” And in the same subsection the word “further” shall be omitted.

8. Any matter (except the public examination of a debtor and the granting of an order of discharge) may be heard and disposed of by a Judge in Chambers on summons; but if the Judge shall be of opinion that any matter ought to be heard and disposed of in open Court, or if all the contending parties shall require any matter to be so heard and disposed of, such matter shall be so heard and disposed of, and if partly heard shall be adjourned and heard in open Court.

Mr. TOLE to move the following new clause:—

No debtor shall be deemed to be protected by the provisions of the twenty-fifth and twenty-sixth sections of the said Act unless he shall file the statement described in the twenty-seventh section of the said Act, at the time and in the manner therein expressed, and shall otherwise comply with the requirements of the said Act.

#### ELECTORAL BILL.

Mr. SAUNDERS to move the following amendments:—

In clause 15, line 39, after the word “years,” insert the words “who has resided not less than two years in the colony.”

In clause 15, section (c.), line 1, strike out the words “for two years in the colony and.”

In same section, strike out all the words in line 5; and in line 6, strike out the words “which he claims to vote.”

Before clause 16, insert the following new clause:—

Provided that no person shall be entitled to claim to have his name placed on the roll for more than three electoral districts in the colony.

In clause 22, line 41, after the word “every,” to insert the word “male.”

In clause 24, line 54, strike out the words “twenty-eight,” and insert the word “fourteen.” At the end of same clause, add the words “In case the person so elected for two seats shall not so notify his choice within fourteen days from the declaration of such second election, then such second election shall become void, and a new writ shall be issued forthwith.”

In clause 32, line 50, after the word “made,” add the words “or posted as a registered letter duly directed to such officer.”

In clause 33, between lines 56 and 57, insert the words “February and.”

In clause 39, strike out all the words in the first six lines, and all the words before the word “every” in line 43.

In clause 55, line 55, after the word “officer,” insert “or an elector.”

In clause 99, lines 27 and 28, strike out the words “or within one mile of.”

In clause 100, line 35, after the word "elector," insert the words "residing in the district."

Strike out clauses 112 to 120 inclusive, and insert the following in lieu thereof:—

PROCEEDINGS AT ELECTION.

Whenever a writ for the election of a Member of the House of Representatives shall be received by any Returning Officer, he shall indorse thereon the day on which he shall have received it, and shall forthwith fix and give not less than seven nor more than thirty days' notice of the day and hour on which the nomination shall take place, and shall also give notice of the day on which a poll, if necessary, will be taken, in the form in the Third Schedule hereto, by publishing the same, together with the notice at the foot thereof in the said Schedule, twice in one or two newspapers published within the Electoral District for which such writ shall have been issued; and if there be no such newspaper, then in one or two newspapers published at the place nearest to the principal polling-place of the district, or in some other convenient manner within the Electoral District calculated to give, in the opinion of the Returning Officer, full publicity to the same.

Returning Officer to fix day of nomination and of poll.

Third Schedule.

The Returning Officer shall forthwith, on the receipt by him of any such writ of election as aforesaid, appoint, by writing under his hand, some fit person to be substitute for such Returning Officer; and if the Returning Officer shall die, or if by reason of his sickness, or any other unavoidable cause, he shall be unable to do or suffer any acts or things relating to such election, and shall notify the same to such substitute, then such substitute at any time may and shall, as and for the Returning Officer, do and suffer all such acts and things, and subject in every such case to the like provisions as though he were the Returning Officer.

Returning Officer to appoint substitute.

On the day of nomination the Returning Officer shall preside at a meeting to be held at noon at the principal polling-place of the district, and shall declare the purpose for which the meeting is held.

Returning officer to preside at nomination.

Every candidate shall be proposed by an elector duly qualified to vote at the election and seconded by another elector so qualified, and any elector of the district may speak once on the merits of the candidates, and may ask such candidates any questions. If there be no more candidates proposed and seconded than the number of members to be returned, the Returning Officer shall publicly declare the candidate or candidates then duly proposed and seconded to be duly elected, and shall make a return accordingly.

Candidates to be proposed and seconded.

In the event of there being more candidates proposed and seconded than the number of Members to be returned, the Returning Officer shall call for a show of hands separately in favour of each candidate, and after such show shall declare the persons in whose favour the show of hands shall appear to have been, and if thereupon a poll be not demanded by one of the candidates, or by not less than two electors, the Returning Officer shall declare such persons to be duly elected.

Show of hands.

The names of the persons so declared to be elected shall be indorsed on the writ by the Returning Officer as the persons duly elected in pursuance thereof, and the writ shall be returned by him to the Clerk of the Writs forthwith.

Names of persons elected to be endorsed on writ.

In clause 126, line 29, before the first word "On," place the words "On the day appointed for the nomination and."

In same clause, line 30, strike out the words "for the sale of," and insert the words "to retail."

In same clause, same line, after the word "house," insert the words "within the district."

In clause 139, strike out lines 40 and 41, 44, 45, and 46.

Strike out clause 140.

In clause 141, line 5, strike out the words "two" and "as." In line 6, strike out the words "shall apply to his claim to vote." In line 7, strike out the word "third," and insert the word "second." Then, in same line, strike out all the words after the word "questions." Strike out lines 8, 9, 10, 11, and 12.

In clause 166, line 18, strike out the word "seven," and insert the word "eleven."

Mr. SUTTON to move the following amendments :

In clause 17, strike out all words between "ratepayers," in first line, and "force," in the second line," and add the following words after "ratepayers," in the first line: "list prepared as hereinafter provided."

To strike out clause 33, and insert the following in lieu thereof :—

**33.** On or before the fifth day of April in every year the Clerk of every governing body shall compile an alphabetical list of all those persons who shall have been assessed by, and shall before the thirty-first day of March last past have made payment of all rates struck by, such governing body in respect of rateable property in an electoral district; such list shall be signed by the Clerk, and shall be countersigned by the Mayor, Chairman of Council, or Road Board: The list so prepared shall be forwarded not later than the seventh day of April to the Registration Officer for the electoral district within which the Municipality, County, or Road Board, or other division of the colony under the control of such governing body shall be situate.

Clause 35, strike out all words after "be" in line 9.

Clause 36, strike out, and insert in lieu thereof,—

**36.** If the Clerk of any governing body shall wilfully or negligently fail to comply with the provisions of this Act, or shall wilfully and knowingly falsify in any particular any list of ratepayers prepared under this Act, he shall be liable to a penalty not exceeding one hundred pounds, to be recovered summarily under "The Justices of the Peace Act, 1866," or be imprisoned with or without hard labour, at the discretion of the Court, for any term not exceeding three months.

Clause 37, add the following :—

And such claim to vote shall enable the voter to exercise his vote for twelve months from the date of such registration, but no longer.

**152a.** Immediately after the receipt by the Principal Returning Officer of any district of the official copies of the roll used by the several Deputy Returning Officers at any poll for the election of Members of the House of Representatives, the said Principal Returning Officer shall erase from the roll the names of any electors who have not exercised their right to vote at the election then concluded :

Provided that it shall be lawful for any person whose name has been so erased from the roll to apply forthwith for his name to be again placed upon the roll.

Mr. HODGKINSON, in Committee on the Electoral Bill, to move—

That in clause 15, subsection (a.), after the word "vote," to add :—  
"Provided always that such property qualification shall be exercised in only one electoral district in the colony at any general election."

In clause 15, subsection (c.), the word "two" be struck out, and the word "three" be inserted in place thereof; also, in same subsection, the word "six" be struck out, and the word "twelve" be inserted in place thereof.

Mr. MURRAY to move,—

To amend subsection (c.), clause 15, by striking out the words, “and is possessed of or entitled to no other;” and in lieu thereof to substitute the following words: “and this qualification shall be in addition to and not in lieu of another.”

In clause 21, to strike out the word “one” and insert “two,” and to strike out the words “than he would if he had possessed only one qualification,” and to insert the following words: “or shall possess or exercise any greater number than three votes within the colony.”

#### CUSTOMS TARIFF BILL.

Mr. SHRIMSKI, in Committee on the Bill amending the Tariff, to move, That the duty on Colonial manufactured Beer be raised to threepence per gallon, instead of three halfpence.

Mr. RICHMOND to move:—

That the import duty of ninepence on the one hundred pounds of grain, and one shilling on the one hundred pounds of flour, be retained.

#### BRIBERY BILL.

Mr. BARTON to move the following amendments:—

In clause 62, line 7, read thus: “by the unsuccessful party to the petition;” and strike out, after the word “petition,” the words “in such manner and in such proportions as the Court or Judge may determine.”

The following amendment in clause 63, line 16:—“The costs payable between party and party shall be in every case the sum of pounds and no more, for professional or general costs; and there shall be added thereto the expenses properly payable to the necessary witnesses called to prove the case of the successful party; such expenses of witnesses to be taxed by the Registrar of the Supreme Court and allowed by him, in such manner and upon the same scale, and subject to review in the same manner as the expenses of witnesses are usually taxed and allowed in an action in the Supreme Court.”

And strike out the words in lines 16, 17, and 18, beginning with the words “may be taxed,” and ending with the words “in the Supreme Court.”

To add the following new clause:—

**63a.** It shall be lawful for any attorney or solicitor to agree with his own client (whether petitioner or respondent) to take in payment from such client a lump sum for his services as such attorney or solicitor, and also for counsel's fees, any law or practice heretofore to the contrary notwithstanding. And in case no such agreement in writing, signed by both parties, shall be made or entered into, then such costs between attorney and client, in payment for such services, shall be the sum of                      pounds, and no more.