

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Tuesday, the 8th day of October, 1878.

NOTICES RELATING TO ORDERS OF THE DAY.

ON GOING INTO COMMITTEE OF SUPPLY.

Mr. WHITAKER to move,—

(1.) That, in the opinion of this House, the ordinary revenue should be separated from the territorial and land-tax revenue, and each carried to a separate account.

(2.) That the ordinary revenue should be so adjusted as to cover the ordinary expenditure properly chargeable thereon, and should be exclusively applied to that purpose.

(3.) That the territorial and land-tax revenue should be exclusively applied to the following purposes:—

(a.) To the payment of charges thereon imposed by law.

(b.) To the payment of interest on loans heretofore raised or hereafter to be raised for Immigration and Public Works.

(c.) To Immigration and Public Works.

Mr. MURRAY to move,—

(1.) That more revenue should not be raised by general taxation than is sufficient to meet the existing liabilities of the colony and the efficient and economical performance of the legitimate functions of Government; that local taxation should provide for local requirements; and that State subsidies, from taxation, to local governing bodies should cease after the 30th June, 1879.

(2.) That property specially benefited by public expenditure should be specially taxed, and that all such property should be taxed, without exception.

Mr. MURRAY to move, That money raised under the Land-Tax Act should be devoted to repay to the Consolidated Fund any deficiency between the interest on the cost of railways constructed or to be constructed in the provincial district and the net revenue derived from such railways; provision being made that, in boroughs and counties where no railways have been constructed, the whole of the net money raised under the said Act within the borough or county shall be paid to the Borough or County Council respectively.

TIMARU HARBOUR ENDOWMENT BILL.

Mr. TURNBULL to move That clauses 3 and 4 be struck out, and the following new clause be inserted in lieu thereof:—

3. Upon the coming into operation of this Act, the land described in the Schedule hereto shall, without any conveyance or assurance, vest in the Board for an estate in fee-simple.

SCHEDULE.

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 Section fifty-one of the said Act is repealed, and in lieu thereof the following provisions shall be in force:—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

Section 24 of the said Act is amended as follows:—

The debtor shall, within twenty-four hours after the Registrar has appointed the time and place for holding the first meeting of creditors, send notice to each of his creditors of the time and place so appointed. The notice shall either be delivered personally to the creditor or his agent, or sent by post, addressed to such creditor or agent at his or their residence, so far as the same is known to the debtor. The debtor shall, before such first meeting is held, file in the Court an affidavit that he has complied with this provision.

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.

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.

WHAKATANE GRANTS VALIDATION BILL.

Hon. Mr. SHEEHAN to move the following new clauses :—

3. The land comprised in the said several Crown grants shall be deemed to be land contracted to be alienated by the Crown in fee prior to the day on which such land was included in the Land Registrar's District under "The Land Transfer Act, 1870," and such grants shall be registered in the Register Office of the Registration District, under "The Deeds Registration Act, 1868," within which the granted land is situated.

4. It shall be lawful for the Secretary for Crown Lands to indorse on any such grant a memorandum under his hand that the legal estate in the granted land shall be deemed to have been in the grantees on and from such date as the Secretary for Crown Lands may deem advisable, and such memorandum shall have the same effect as the insertion of the antevesting date in the habendum of a grant under "The Crown Grants Act, 1866."

CEMETERIES MANAGEMENT AMENDMENT BILL.

Hon. Mr. SHEEHAN to move the following new clauses :—

8. Where the Council of any county or borough shall have acquired, by gift, purchase, or otherwise in any manner, any lands not being within the limits of any borough, for the purposes of a public cemetery, such Council may, by public notification, three times repeated in some newspaper having general circulation in the county wherein the said lands are situated, declare the same to be dedicated and open as a public cemetery; and thereafter the said lands shall be used for such cemetery purposes only.

9. The provisions of "The Cemeteries Management Act, 1877," shall apply to every cemetery dedicated as aforesaid, in the same manner as they apply to public cemeteries set apart by the Governor out of Crown lands; and all provisions, covenants, conditions, or stipulations contained in any deed of gift or other instrument of transfer or dedication of lands for the purpose of such cemetery which are inconsistent with or repugnant to the provisions of the Act last aforesaid shall cease to be operative in respect to such lands.

10. The provisions of the thirty-ninth section of "The Cemeteries Management Act, 1877," shall apply in respect to cemeteries established or to be established subsequent to the passing of the said Act, as well as to cemeteries theretofore established.

SPECIAL POWERS AND CONTRACTS.

Hon. Mr. STOUT to move the insertion of the following, in lieu of clause 4 in the Schedule :—

REASONS FOR REQUIRING LEGISLATION.

Auckland—

4. The persons named are Waiuku Volunteers. They exercised their Volunteer scrip in the purchase of land in the Avaroa Block; but, owing to Native difficulties, could acquire no title to the land, and the scrip became valueless.

PURPOSE OF LEGISLATION.

4. To authorize the Governor to issue Volunteer scrip to the undermentioned persons to the amount set opposite the name of each, viz.,—

Name.	Totals.		
	£	s.	d.
Frederick Maundrell Alexander ...	45	0	0
John Thomas Mellsoy ...	40	0	0
Arthur Wellesley Manning...	36	10	0
Samuel Barriball ...	41	10	0
Edward Constable ...	25	0	0
Charles Thomas Barriball ...	40	10	0
John Barriball ...	41	10	0
Jane Hedge (widow of John Hedge)...	40	2	0
H. Udy ...	40	2	0
Allen Wheeler ...	43	10	0
Heywood Crispe ...	35	0	0
George Cox ...	39	19	6
James Mellsoy ...	44	19	0

The scrip to be exercised in the purchase of Crown lands in the Provincial District of Auckland, and to be exercised within twelve months from this Act coming into operation.

Private and other lands may be dedicated for public cemeteries.

Act of 1877 to apply.

Section 39 of Act of 1877 amended.

Also, to move the following new clauses in the Schedule to the Bill:—

In consequence of doubts as to the validity of the authority conferred on the Governor by the 29th section of "The Waste Lands Administration Act, 1876."

John Broomhall, Esq.—To enable the Governor to sell to him, in pursuance of the agreement made with the Auckland Land Board, so much of the land in the Aroha Block as has been acquired from the Natives, or has been awarded to the Crown by the Native Land Court. Grant to be subject to such reserves as may be found to be necessary for Native or other purposes, as defined by the Governor. Also, to be subject to the provisions of "The Crown Grants Act, 1866," and Acts amending the same. The Governor to have the power to reserve in the grant the right of taking all necessary roads not exceeding 100 links wide. The provisions of the 29th section of "The Waste Lands Administration Act, 1876," are to remain in full force with respect to the terms, conditions, and price at which the land so selected may be sold.

Wellington—

For services rendered as a Volunteer Militiaman during 1846–47 at the Hutt, Pahautanui, and Horokiwi Valley, against rebel Natives under Rangiahaeta.

To grant to George Robertson, in fee-simple, 60 acres of land, to be selected by him from any rural land open for sale in the Land District of Wellington. Grant to be subject to "The Crown Grants Act, 1866," and Acts amending the same. The Governor may reserve in the grant a right of road not exceeding 100 links wide.

In satisfaction of all claims outstanding to the Rangitikei-Manawatu Government Purchase Block, and in compensation for destruction of eel-fishing reserve. This claim has been under the consideration of previous Governments, and was finally promised by Mr. Sheehan to the Native named.

Hoani Meihana.—To grant to him in fee-simple 1,450 acres of land in the Himatangi Block. The grant to be subject to the provisions of "The Crown Grants Act, 1866," and Acts amending the same. The Governor may reserve in the grant a right of road not exceeding 100 links wide. The effect of the grant to be an absolute release at law and in equity on the part of the Native named.

TARANAKI—WELLINGTON—

Thomas Melville Brown, a private in the Taranaki Military Settlers, was killed in action on 5th November, 1865. Before going into action the said Thomas Melville Brown left a memorandum in his pocket-book, bequeathing all his effects to his brother John Brown, of 24, Grosvenor Street, Edinburgh. The memorandum in the pocket-book aforesaid not being a legal disposition of the property of the said Thomas Melville Brown, authority is required for the issue of a Crown grant as stated in the second column.

To grant to John Brown, of 24, Grosvenor Street, Edinburgh, Rural Section No. 168, Okotuku, Wellington Land District, and Town Section No. 107, Kakaramea, Taranaki Land District. The grants to be subject to the provisions of "The Crown Grants Act, 1866," and Acts amending the same.

TARANAKI—WELLINGTON—

To give effect to a promise made by Sir Donald McLean, as compensation in full of all the claims of the Native named, as well as those of the hapu to which he belongs, to land between Waitotara and Whenuakura.

Tapa Te Waero.—To issue free grants to him for Allotment No. 76, Okotuku, and Allotments Nos. 396, 397, and 399, Waitotara District, containing together 1,500 acres. The land to be inalienable by sale, lease, gift, or mortgage for a longer period than twenty-one years, except with the consent of the Governor. The grant to be subject to the provisions of "The Crown Grants Act, 1866," and Acts amending the same, and to date from the passing of this Act. The Governor may reserve in the grant a right of road not exceeding 100 links wide.

WELLINGTON—

Owing to an oversight upon the part of Mr. Samuel Revans, scrip was never applied for under an award of the Commissioner appointed by virtue of the Ordinance No. 15, of Session XI., of the Legislative Council of the Islands of New Zealand.

Smith, William Mein, and Revans, Samuel.—To authorize the issue of land scrip to them to the value of £525, in fulfilment of an award of the New Zealand Company's Land Claims Commissioner, at Wellington, dated 26th of June, 1854. Such scrip to be exercised in the purchase of Crown lands within the District of Wellington, within twelve months from the date of this Act coming into operation.

AUCKLAND—

To give effect to an arrangement made between the Superintendent of Auckland, the Whakapaku Highway Board, and Messrs. William Garton, and John Freer in 1874.

William Garton and John Freer.—
To grant them in fee-simple 10 acres of land, which they have selected from Lots 33 and 72, Parish of Mongonui East, upon their executing conveyances of the road line which has been taken through their private properties by the Whakapaku Highway Board. The grants to be subject to "The Crown Grants Act, 1866," and Acts amending the same.

Also to add to clause 4, Waiuku Volunteer scrip case, the following :—

Name.	Totals.		
	£	s.	d.
Thomas Leddra Wallis	34	0	0
William Wallace Wallis	35	0	0
John Gordon	43	15	0
Arthur Robert Shackell	43	15	0
Henry Henderson	35	0	0
Archibald Cochrane	40	0	0

LITERARY INSTITUTIONS AND PUBLIC LIBRARIES BILL.

The Hon. Mr. BALLANCE to move,—

Clause 2. To strike out all the words in clause 2 after the word "repealed" in line 14, page 2.

Clause 3, page 2. To strike out all the words after the word "means" in line 24, and all the words in lines 25, 26, and 27, and to insert instead thereof the words "an institution established and maintained for any of the purposes mentioned in section four of this Act."

Same clause. To strike out all the words in lines 28 to 32 inclusive.

Same clause. To strike out all the words in lines 42 to 48 inclusive.

Same clause, page 3. To strike out the words "or public library" in lines 13 and 14.

Same clause. To strike out all the words in lines 15 to 22 inclusive.

Same clause. To strike out the words "that" and "shall" in line 36, and the word "be" in line 37.

Page 3, line 39. To strike out the words "LITERARY" and "ETC."

Clause 4. To strike out all the words in lines 47, 48, and 49.

Same clause, line 50. To strike out the figure "4," and to insert instead thereof the figure "3."

Clause 5, line 6. Between the words "athenæum" and "or" insert the words "public library."

Clause 10, page 5, line 7. To strike out the word "*March*," and to insert instead thereof the word "*February*."

Clause 29, page 8, line 23. To strike out the words "endowed or aided," and between the words "institution" and "shall" to insert the words "registered under this Act."

Clause 30, line 36. To strike out the words "endowed and aided," and insert instead thereof the words "such registered."

Same clause, line 36. Between the words "institution" and "shall" to insert the words "as aforesaid."

Same clause, line 37. To strike out the word "*thirty-first*," and to insert instead thereof the word "*last*;" and also to strike out the word "*March*," and to insert instead thereof the word "*February*."

Page 8. To strike out all the words in line 49.

That the following words be added to clause 32, page 9 :—

"But if no trustees have been appointed at the time of registration, then trustees may be elected in manner provided by this Act, at the first annual general meeting of members to be held after such registration."

After clause 34, to insert the following new clause :—

34. In the absence of any provisions in that behalf, the sections of this Act numbered from *nine* to *twenty-eight* inclusive shall apply

to every existing institution registered under this Act, after the date of the registration thereof.

Page 9, line 17. To strike out the words "Registration of" and instead thereof to insert the word "Existing."

In clause 35, page 9, line 18. Between the words "every" and "institution," to insert the word "existing."

To strike out clause 37.

That clauses 35 and 36 be read as clauses 29 and 30 respectively.

That clauses 32, 33, and 34, be read as clauses 31, 32, and 33 respectively.

That clauses 29, 30, and 31 be read as clauses 35, 36, and 37 respectively.

After clause 49, page 11, to insert the following new clauses :—

PART III.

SUBSIDIES.

50. Any moneys which may be appropriated by the General Assembly for literary institutions and free public libraries shall be apportioned by the Minister of Education amongst the several Education Boards according to the population of their respective Education Districts, to be distributed by them amongst the aforesaid institutions and libraries in books or in cash, as the Boards shall recommend, and the Minister of Education shall approve and sanction, subject to the conditions hereinafter mentioned.

51. In the case of an institution having no reading-room, or establishment of any kind, and consisting of books for circulation among members and subscribers, for the use of which the charge does not exceed the rate of three shillings a quarter, unless with the consent of the Board; or in the case of an institution having a reference library, and also a reading-room, and where the admission to the use of such library and reading-room is open to the public free of all charge, without any right, however, to take books out of such library; the Education Board may recommend a grant in aid of any such institution not exceeding in any year the total amount of paid subscriptions and contributions in money received for and during the twelve months immediately preceding the date of the Board's recommendation

52. If a free public library or libraries shall have been established under the provisions of Part II. of this Act, in any county, borough, or district, the Education Board may recommend a grant in aid to such library or libraries, not exceeding in any year the amount raised by way of library rate in the same year in such county, borough, or district.

53. All moneys granted by way of aid to any institution or public library shall be expended in or towards the maintenance and development of the same.

54. If any institution shall have established a system of evening classes, the Education Board may, if such classes are conducted to their satisfaction, and the subjects taught therein are approved by them, and the price of admission thereto does not exceed the rate of five shillings a quarter for each pupil for any one class, unless with the consent of the said Board, recommend that the institution establishing such classes should receive a grant in aid of a sum not exceeding the amount expended in the then current year by the institution in the establishment of such classes; such money to be expended in the maintenance of such classes of instruction.

Any institution receiving a share of any public moneys in aid by reason of compliance with any of the conditions hereinbefore mentioned, shall not thereby be precluded from receiving a second share on account of classes of instruction as herein mentioned being established by such institution.

55. No public grant or aid of any kind shall be made or given to any institution which is not registered under this Act.

56. No institution shall be deemed to be entitled to any grant in aid by reason only of compliance with any of the aforesaid conditions.