

SUPPLEMENTARY ORDER PAPER.

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HOUSE OF REPRESENTATIVES.

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Thursday, the 30th day of October, 1879.

NOTICES RELATING TO ORDERS OF THE DAY.

ON GOING INTO COMMITTEE OF SUPPLY.

Mr. MURRAY to move, That if the Legislative Council embodies the following provisions in a Bill, this House will concur in passing such Bill :—

(1.) That the number of the members of the Legislative Council should not exceed half the number of the members of the House of Representatives.

(2.) That the Legislative Council should vote out any excess of such number of its members, and annually thereafter, at the beginning of each yearly session, vote out one-seventh of the total number of its members from amongst those who have been nominated, until the nominated element is eliminated, after which one-seventh of the members of the Council shall retire yearly according to seniority, but such members should be eligible for re-election.

(3.) That vacancies caused by such annual voting, death, or retirement, should be filled up at the beginning of each session by the combined vote by ballot of both Houses of Parliament, the members so elected holding office for seven years; but members of the Council whose term of seven years would expire during a session to be entitled to hold office until the end of such session.

Mr. SHEPHARD to move, in Committee, That the Homestead Clauses now in force in the Provincial District of Auckland be introduced into this Bill.

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

1. It shall be lawful for any Board, with the assent of the Governor, to set apart blocks of land to be opened for occupation without payment, but subject to the conditions as to cultivation and residence hereinafter set forth, herein called the "homestead system."

2. The Board shall give public notification of all blocks of land that from time to time may be declared open for selection on the homestead system, and shall also publicly notify the following conditions, which shall apply to all selections under the aforesaid homestead system :—

(1.) The area allowed to be selected by each person of the age of eighteen years or upward shall be, of first-class lands fifty acres, or of second-class lands seventy-five acres; and for persons under eighteen years of age, of first-class lands twenty acres, or of second-class lands thirty acres: Provided that the total quantity to be selected by any one family or number of persons occupying the one household shall not exceed two hundred acres of first-class, or three hundred acres of second-class lands.

- (2.) Within three months after the selection has been approved by the Board, the selector shall commence to reside on his selection, and shall continue to reside continuously thereon for five years from the date of such approval as aforesaid.
- (3.) Within eighteen months after such approval, the selector shall erect on his selection a permanent dwelling-house of wood or other materials, which shall be specified in regulations to be issued in reference to homestead-system selections.
- (4.) In each year there shall be brought under cultivation one-fifteenth of the area of such selection, if open land, and one-twenty-fifth if bush land, so that at the end of the term of five years one-third of the selection if open land, or one-fifth if bush land, shall be under cultivation.
- (5.) Non-performance of any of the foregoing stipulations shall render the selection void, and the right of the selector therein, and to all improvements thereon, shall be forfeited.
- (6.) At the end of the said period of five years, a grant or grants shall issue for the land selected: Provided the selector shall not have forfeited his right thereto in manner aforesaid.

## RESIDENT MAGISTRATES ACT 1867 AMENDMENT BILL.

1. Mr. HUTCHISON to move the following additional clauses in Committee:—

## ATTACHMENT OF DEBTS.

Examination of judgment debtor as to debt due to him.

3. It shall be lawful for the Judge or Resident Magistrate, on the application of any judgment creditor who has obtained a judgment in the Court which remains unsatisfied in whole or in part, to issue a summons returnable at such time as the Judge or Resident Magistrate shall appoint, requiring the judgment debtor to appear before the Court to be examined on oath as to any and what debts are owing to him, or as to what moneys, if any, are held by any person or corporation on his account, and to produce all books and papers in his possession, custody, or control, relating to the subject-matter of such inquiry.

Judge may order an attachment of debts.

4. It shall be lawful for the Judge or Resident Magistrate, upon the *ex parte* application of such judgment creditor, either before or after the issue of such summons, and upon affidavit made by himself or his solicitor (sworn as affidavits are required to be sworn in the Supreme Court) stating that judgment has been recovered, and that it is still unsatisfied in whole or in part, and that any other person or corporation is indebted to or holds moneys on account of the judgment debtor and is within the jurisdiction, to order that all debts owing or accruing from or moneys held by such third person or corporation (hereinafter called "the sub-debtor") to or for the judgment debtor shall be attached to answer the judgment debt; and by the same or any subsequent order, the sub-debtor may be summoned to appear before the Court to show cause why he should not pay the judgment creditor the debt due from him to or the moneys held by him for the judgment debtor, or so much thereof as may be sufficient to satisfy the judgment debt.

Order for attachment to bind debts.

5. Service of an order that debts due or accruing to or moneys held for the judgment debtor shall be attached, or notice thereof to the sub-debtor, in such manner as the Court may direct, shall bind such debts or moneys in his hands.

Proceedings to levy amount due from sub-debtor to judgment debtor.

6. If the sub-debtor does not forthwith pay into Court the amount due from him to or the moneys held by him for the judgment debtor, or an amount equal to the judgment debt, and does not dispute the debt due or claimed to be due or owing from him to the judgment debtor, or if he does not appear in person or by some representative, then the Court may order execution to issue, and it may be sued forth accordingly, to levy the amount due from such sub-debtor towards satisfaction of the judgment debt.

Court may allow judgment creditor to sue sub-debtor.

7. If the sub-debtor dispute his liability, the Court, instead of making an order that execution shall issue, may order that the judgment creditor shall be at liberty to proceed against the sub-debtor by summons, calling upon him to show cause why there should not be execution against him for the alleged debt, or for the amount due to or held for the judgment debtor if less than the judgment debt, and for the costs of proceedings, which shall be in such form as the Court may by rules or by direction prescribe.

Proceedings when other person has or claims a lien.

8. When it is suggested by the sub-debtor that the debt or moneys sought to be attached belong in whole or in part to some other person, who has or claims a lien or charge thereon, the Court may, by order, summon such other person to appear before the Court to state the nature or particulars of his claim.

Proceedings after hearing such allegations.

9. After hearing the allegations of such other person, or of any other person whom by the same or any subsequent order the Court shall direct to be summoned on such inquiry, the Court may make such order as to execution in default of payment, and as to costs, as to the Court shall appear reasonable and just.

Sub-debtor discharged.

10. Payment made by or execution levied upon the sub-debtor under any such proceeding shall be a valid discharge to him against the judgment debtor to the amount paid or levied, although such proceedings may afterwards be set aside or the judgment be reversed.

Costs of proceedings.

11. The costs of all such proceedings or incidental thereto shall be in the discretion of the Court, and such fees shall be paid to the Clerk of the Court in respect thereof, as, in default of the same being fixed by Order in Council, may be prescribed by the Court in each case.

#### LOST INSTRUMENTS.

Actions on last instruments.

12. In case of any action founded upon a promissory note, bill of exchange, or other negotiable instrument, it shall be lawful for the Court to give judgment therefor as if the same were produced: Provided an indemnity is given to the satisfaction of the Court against the claims of any other person upon such negotiable instrument.

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

An appeal from the decision of a Resident Magistrate or Justice of the Peace shall lie and may be had on the same ground, and subject to the same conditions, as are provided by the one hundredth section of "The Resident Magistrates Act, 1867," in all proceedings in interpleader where the moneys claimed, or the value of the goods or chattels claimed, or of the proceeds thereof, exceeds *ten* pounds.

Whenever an action is brought in a Resident Magistrate's Court, which such Court has no jurisdiction to try, the Resident Magistrate shall order the action to be struck out, and shall, unless the parties consent to the Court having jurisdiction to try the same, have power to award costs in the same manner, to the same extent, and recoverable in the same manner, as if the Court had jurisdiction in the matter of such action and the plaintiff had not appeared, or had appeared and failed to prove his demand.

The costs of an appeal from the Supreme Court to the Court of Appeal of New Zealand, in any action commenced in a Resident Magistrate's Court, shall not exceed *twenty* pounds.

Any deed which has been attested may be proved and given in evidence in any action or proceedings in a Resident Magistrate's Court in the same manner and upon the like proof as if the same had not been attested.

So much of section forty-seven of "The Resident Magistrates Act, 1867," as authorizes a decision according to equity and good conscience shall not apply to cases in which the amount claimed exceeds *twenty* pounds.

#### DISTRICT COURTS ACT 1858 AMENDMENT BILL.

Mr. HUTCHISON to move the following additional clause in Committee:—

Repeal of sections 64, 65, 66, and 67, of "The District Courts Act, 1858."

13. Sections sixty-four, sixty-five, sixty-six, and sixty-seven of "The District Court Act, 1858," are hereby repealed, and it is enacted that the like provisions as to summoning, empanelling, and challenge

ing or reducing juries, and as to verdict and otherwise as are in force in the Supreme Court, shall be in force in the District Court *mutatis mutandis*.

LICENSING LAWS AMENDMENT BILL.

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

In clause 5, line 56. Strike out the words “such districts,” and insert the words “any district.”

In clause 13, line 10. After the word “determination” insert the words “of the ratepayers.”

In clause 15, line 29. Strike out the words “it seems,” and insert the words “he sees.”

In clause 16. Strike out all the words after the first “the” in line 35 to the end of line 37, and insert instead thereof the following words:—“revenue of the Council, Board, or Corporation legally entitled to receive the license fees paid in the district, and shall be paid by the person authorized to receive.”

In clause 17, lines 45 and 46. Strike out the words “residents or.”

In clause 18, line 53. Strike out the words “age and the actual.”

In same clause, line 56. After the word “and” add the words “that the petitioner is above the age of twenty-one years.”

In clause 19, lines 9 and 10. Strike out the words “residents and.” At the end of same clause add the words: “the boundaries of each neighbourhood so determined to be made publicly known not less than two months before the June quarterly meeting at which any license may be applied for.”

Strike out clauses 20 and 21, and insert the following clause:—

The owner of and every other person having any beneficial interest in any publichouse, the license for which shall be taken away or be abolished under the powers conferred in clause *seventeen* of this Act, shall be entitled to full compensation for all loss of value which he or they may sustain in the premises, exclusive of the value of the good-will of the business, which shall in no case be taken into consideration in the assessment of compensation; and it shall be the duty of the Licensing Court to cause such compensation to be assessed in such manner as such Court shall direct.

Strike out clause 25, and insert the following in its place:—

The annual fee to be paid in respect of a license in any part of the colony shall be—

|                                     |     |                    |
|-------------------------------------|-----|--------------------|
| For a wholesale license ...         | ... | Ten pounds         |
| For a bottle license ...            | ... | Twenty-five pounds |
| For a packet license ...            | ... | Ten pounds         |
| For a town license to retail ...    | ... | Forty pounds       |
| For a country license to retail ... | ... | Twenty pounds      |
| For an accommodation license ...    | ... | Ten pounds.        |

Also to move the following new clauses:—

TEMPORARY PUBLICANS' LICENSES IN GOLD-FIELD DISTRICTS.

1. In the case of new townships which may suddenly arise in gold-field districts, the Governor in Council may proclaim any portion of a licensing district a “special district” for the issue of temporary publicans' licenses.

2. In the case of any portion of a district proclaimed a special district for the issue of temporary licenses, the Licensing Court may entertain and deal with, in manner herein provided in the case of ordinary licenses, any applications for temporary publicans' licenses for premises situate within such special district at any quarterly licensing meeting.

Provided that it shall be necessary for the holder of any temporary publicans' license to obtain an annual license at the first quarterly meeting in June ensuing, and that such temporary license shall have no force and effect thereafter.

3. The fee to be paid for any temporary license shall be paid on the grant thereof, and shall be in amount the one-fourth part of the annual fee charged for licenses of the same class for every quarter during which such temporary license shall be in force.