

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Wednesday, the 8th Day of August, 1900.

LAW AMENDMENT BILL.

Mr. McNAB, in Committee, to move the following new clauses:—

Vesting of property.

1. Section eighty of "The Trustee Act, 1883," is hereby repealed, and in lieu thereof the following is enacted:—

"Upon every appointment of a new trustee or new trustees, whether in pursuance of section seventy-nine of 'The Trustee Act, 1883,' or in pursuance of any clause or provision contained in any deed, will, or other instrument by which trustees are appointed to perform any trust, the trust property for the time being subject to the trust of any such deed, will, or other instrument shall vest, without any conveyance or assignment, in the continuing trustees or trustee and such new trustees or trustee, their heirs, executors, administrators, or assigns, as joint tenants, or if there be no continuing trustee, then in the new trustees, their heirs, executors, administrators, or assigns, upon the same trusts and with the same powers as the original trustees or trustee."

Appointment of separate sets of trustees.

"Conveyancing Act, 1882" (45 & 46, Vict., c. 39), section 5.

2. On an appointment of new trustees a separate set of trustees may be appointed for any part of the trust property held on trusts distinct from those relating to any other part or parts of the trust property, or if only one trustee was originally appointed, then one trustee may be so appointed for the first-mentioned part.

Application by trustees of income of property of infant for maintenance,

"Conveyancing and Law of Property Act, 1881" (44 & 45 Vict., c. 41), section 43.

3. (1.) Where any property is held by trustees in trust for an infant, either for life or for any greater interest, and whether absolutely or contingently on his attaining the age of twenty-one years, or on the occurrence of any event before his attaining that age, the trustees may at their sole discretion pay to the infant's parent or guardian, if any, or otherwise apply for or towards the infant's maintenance, education, or benefit, the income of that property or any part thereof, whether there is any other fund applicable to the same purpose or any person bound by law to provide for the infant's maintenance or education or not.

(2.) The trustees shall accumulate all the residue of that income in the way of compound interest by investing the same and the resulting income thereof from time to time on securities on which they are by the instrument, if any, under which the interest of the infant arises or by law authorised to invest trust money, and shall hold those accumulations for the benefit of the person who ultimately becomes entitled to the property from which the same arise, but so that the trustees may at any time, if they think fit, apply those accumulations or any part thereof as if the same were income arising in the then current year.

(3.) This section applies only if and as far as a contrary intention is not expressed in the instrument under which the interest of the infant arises, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

Provisions to apply to trusts whenever created.

4. The provisions of sections one, two, and three hereof apply to trusts created either before or after the commencement of this Act.

EDUCATION BOARDS ELECTION BILL.

Hon. Major STEWARD, in Committee, to move the following amendment:—
Section 7, line 9: After the word “he,” insert the words “or the.”

INDICTABLE OFFENCES SUMMARY JURISDICTION AMENDMENT BILL.

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

(This is, *mutatis mutandis*, identical with clause 17 of the English Summary Jurisdiction Act of 1879.)

17. (1.) A person when charged before a Magistrate with an offence in respect of the commission of which an offender is liable on summary conviction to be imprisoned for a term exceeding three months, and which is not an assault, may, on appearing before the Court, and before the charge is gone into but not afterwards, claim to be tried by a jury, and thereupon the Magistrate shall deal with the case in all respects as if the accused were charged with an indictable offence and not with an offence punishable on summary conviction; and the offence shall, as respects the person so charged, be deemed to be an indictable offence, and, if the person so charged is committed for trial or bailed to appear for trial, shall be prosecuted accordingly, and the expenses of the prosecution shall be payable as in cases of felony.

(2.) A Magistrate, before the charge is gone into in respect of an offence to which this section applies, for the purpose of informing the defendant of his right to be tried by a jury in pursuance of this section, shall address him to the following effect: “You are charged with an offence in respect of the commission of which you are entitled, if you desire it, instead of being dealt with summarily, to be tried by a jury; do you desire to be tried by a jury?” with a statement, if the Court think such statement desirable for the information of the person to whom the question is addressed, of the meaning of being dealt with summarily, and of the sittings of the Supreme Court at which such person will be tried if tried by a jury.

(3.) This section shall not apply to the case of a child unless the parent or guardian of the child is present; but the Magistrate shall ascertain whether the parent or guardian of the child is present, and, if he is, shall address the above question to such parent or guardian, and the claim under this section may be made by such parent or guardian.

SLAUGHTERING AND INSPECTION BILL.

Mr. LAWBY, in Committee, to move certain amendments.