

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Wednesday, the 29th 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.

LAND ACT 1877 AMENDMENT BILL.

Mr. DE LAUTOUR to move the following new clauses in Committee :—

JOINT APPLICATIONS FOR RURAL LAND ON DEFERRED PAYMENTS.

Joint applications for rural land open for selection on deferred payments may be made at any Land Office as herein provided :

- (1.) Two or more selectors may make a joint application for any one allotment of rural land open for sale on deferred payments, or for two or more contiguous sections each being less in area than the maximum allowed for occupation on deferred payments, but in the aggregate not exceeding the maximum area of an allotment, in the same manner, and subject to the same conditions, limitations, restrictions, and disqualifications as prescribed in the said Act in the case of any one selector.
- (2.) A joint application for land open on deferred payments shall be made in conformity with the provisions of section twenty-seven of the said Act, and must be signed by each of the selectors, one of whom shall be termed the resident, making such joint application.
- (3.) Any two or more selectors making a joint application for any allotment or group of sections open for sale on deferred payments shall severally make and produce a statutory declaration, in the form and subject to the forfeitures provided in the sixty-second clause of the said Act.
- (4.) The Board shall, upon production of the several declarations and payment of the deposit, issue to any two or more selectors making a joint application, a license to hold the land selected for their joint use and benefit as tenants in common, upon the terms and conditions, and subject to the

- forfeitures and penalties, as provided in the said Act: Provided that no more than one of such selectors, to be termed the resident, so making joint application, shall be required to continuously reside upon the land so selected.
- (5.) If any one of two or more selectors, holding jointly as tenants in common one allotment or group of sections, shall desire to assign or transfer his interest in the land, he may apply to the Board to accept, instead of himself, some one person possessed of one other interest in the same allotment or group of sections, or any other person; and the Board shall have the like powers to grant or refuse the application, and such assignment or transfer shall be liable to the same charges as provided in the said Act.
 - (6.) In the event of the death of any one of two or more selectors holding jointly as tenants in common any one allotment or group of sections, the executors or administrators shall have the same powers to assign the interest in the land of the deceased selector, as is provided in the case of the decease of any selector in the said Act.
 - (7.) The Governor shall have power, from time to time, to make rules, regulations, and orders for the purposes hereinbefore mentioned; to alter or rescind such rules, regulations, and orders; to provide for the mode in which selectors holding jointly shall be severally located in the Crown grant; and selectors holding jointly shall be bound by all other regulations, rules, or orders made under the said Act, so far as they can be applied, in the same manner as single selectors.

FIXING PRICE OF HOMESTEADS UNDER "THE MINES ACT, 1877."

In the case of districts proclaimed or hereafter to be proclaimed special mining districts for the pre-emption of homesteads, in terms of clause sixty-six of "The Mines Act, 1877," the Governor may fix the price which shall be paid by persons making application to exercise the right of pre-emption, such price being not less in any case than *twenty* shillings per acre, nor more than *thirty* shillings per acre.

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.

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.

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.

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.

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.

Examination of judgment debtor as to debt due to him.

Judge may order an attachment of debts.

Order for attachment to bind debts.

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

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.

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 Courts Act, 1858," are hereby repealed, and it is enacted that the like provisions as to summoning, empanelling, and challenging 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.