

HOUSE OF REPRESENTATIVES.

Wednesday, the 25th day of September, 1872.

1. Sir D. MONRO, on the Report of the Otago Waste Lands Bill, to move,—

That the Otago Waste Lands Bill be re-committed, for the purpose of introducing clauses by which commonages will be constituted throughout the Province.

2. Mr. T. L. SHEPHERD to move, on the consideration of the Report of the Committee on the Otago Waste Lands Bill, that clauses 35, 40, 47, and 151 of the Bill be re-committed, with the view of the following amendments being adopted:—

Clause 35. That the following words be added after the word “interest,” in line 12, namely,—

“Land shall not become open for selection under this Act by reason of the cancellation suspension forfeiture or other determination of any lease or license to depasture stock, or by consent of the lessee or licensee, or by the revocation of any reserve for leasing occupation or sale, until after a notification has been published once a week for four successive weeks in the Provincial *Gazette* and some paper circulating in the Province.”

Clause 47. That the third and fourth words be struck out in line 37, and the ninth and tenth words in line 38 be struck out.

Clause 151. That the seventh, eighth, ninth, tenth, eleventh and twelfth words be struck out in line 38.

That all the words commencing with the thirteenth word in line 38 to the fifth word in line 53 be struck out.

3. Mr. REYNOLDS, When the Municipal Corporation Bill is in Committee, to move that the following be added to clause 3:—

And may also, if expedient, purchase and hold for the purposes and as part of the waterworks any works for the time being constructed or being constructed either within or without the limits of the Borough for the supply of water to the Borough, which can conveniently be used or applied for the purposes or on the part of the waterworks, together with all the lands tenements hereditaments rights members and appurtenances plant materials furnishings and other things belonging thereto which may be necessary for the waterworks, at such price and upon such terms as to the Council and the other contracting party shall seem meet.

4. Mr. D. H. MERVYN, On the motion for going into Supply, to move,—

That, in the opinion of this House, it is inexpedient that public officers receiving a salary of £200 per annum or upwards should be permitted to practice their profession privately.

5. Mr. SHEEHAN, When Immigration and Public Works Amendment Bill in Committee, to move the insertion of new clauses for the following purposes:—

1. For enabling provision to be made out of the sum of £15,000 per annum set apart for expenditure on roads and works North of Auckland, for—

(1.) Widening, deepening, and otherwise improving tidal creeks and rivers in Northern Districts.

(2.) Establishing and maintaining communication between such Northern Districts and the City of Auckland by means of subsidized steamers carrying mails and passengers.

2. For providing for the allocation of the sum set apart for Gold Fields Water Supply amongst the different Mining Districts upon such conditions as will ensure full control over all moneys and works to be constructed thereout to the General Government.

6. Mr. STEWARD, on the re-committal of the Resident Magistrates Act Amendment Bill, to move,—

(a.) Whenever any person shall, under the provisions of the said Act, have appealed against the decision of the Court in the manner therein provided, such person (hereinafter called the appellant) shall within ten clear days after the statement of the case, as required by the said Act, transmit the same, by post or otherwise, to the Registrar of the Supreme Court, to whom the same ought, according to the requirements of the said Act, to be transmitted. Every such case shall be prepared in duplicate, and one copy thereof shall be kept by the Resident Magistrate.

(b.) The appellant shall give notice in writing, by post or otherwise, of the transmission of such case within three clear days of such transmission, to the party who shall have obtained judgment, or in whose favour the decision of the Court shall be (hereinafter called the respondent), and in default of the appellant so doing, the respondent may proceed on the judgment, and shall, on application to the Court, be entitled to such costs (not exceeding £5) as he shall have incurred in consequence of the appellant's proceedings; or, instead of proceeding on such judgment, the respondent may, if he thinks fit, within fifteen clear days from the statement of the case, obtain a copy of such case from the Resident Magistrate, and transmit it in the manner prescribed, and give the like notice to the appellant of such transmission.

(c.) If after the case has been transmitted the appellant does not prosecute his appeal at the next practicable sitting of the Supreme Court in banco, according to the rules and practice thereof in such cases, the respondent may apply to the Court which shall have pronounced the judgment or given the decision appealed against for leave to proceed on the judgment, and leave for that purpose may be granted accordingly if the last-mentioned Court thinks fit; and the respondent shall also be entitled to such costs (not exceeding £20) as he shall have incurred in consequence of the appellant's proceedings, which costs shall be added to the judgment.

(d.) The costs to be allowed in either of the cases mentioned in the two last preceding sections shall be settled and determined by the Court; and for the purposes of this section and the two preceding sections the term "Court" shall mean and include a Court held before a Resident Magistrate or before two Justices of the Peace, in any case where such Justices may lawfully hold such Court under the said Act.

(e.) Notwithstanding anything contained in the twenty-first section of the said Act, all the jurisdiction given to Resident Magistrates' Courts by the nineteenth section of the said Act may be extended by the Governor as by the said Act provided; and whenever at any time heretofore such jurisdiction has been extended by the Governor, and is now in force in respect of any Resident Magistrate's Court, such extended jurisdiction shall, to the extent and in the manner mentioned in the Proclamation declaring such jurisdiction, be deemed to be and at all times to have been lawfully held and exercised under the said Act.

(f.) Wherever the words "debt or damage" occur in the said twenty-first section, the same shall be read and construed as if the words "debt damage claim or demand" had been inserted in lieu thereof.

(g.) The oath required by the thirty-fourth section of the said Act to be taken before the issue of a summons against a defendant residing or being without the district within which the Court has jurisdiction may be taken before the Clerk of the Court, and the Clerk of the Court is hereby empowered to administer the necessary oath in any such case.

(h.) An affidavit of the service of a summons in a civil case may be sworn before the Clerk of any Resident Magistrate's Court, whether such Court shall be the Court out of which the summons was originally issued or any other Court; and such Clerk is hereby empowered to take any such affidavit.