

SUPPLEMENTARY ORDER PAPER.

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HOUSE OF REPRESENTATIVES.

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Friday, the 28th day of July, 1882.

NOTICES RELATING TO ORDERS OF THE DAY.

PUBLIC WORKS BILL.

Amendments by the Joint Statutes Revision Committee.

Clause 35. Insert after paragraph 2:—

If the claimant does not file such notice as aforesaid within thirty days after the time limited for the respondent to make an offer, as hereinbefore provided, the claimant shall be deemed to have abandoned the proceedings in respect of his claim, and shall not be entitled to prosecute the same further, except with the leave of a Compensation Court, to be granted upon such terms and conditions as to the time and mode of procedure, and as to costs of the application for such leave, as the Court thinks fit.

Clause 64 to stand as subsection 3:—

In any case which may be heard or disposed of by the Supreme Court under the preceding provisions of this section, such Court may order that all or any costs which may have been incurred in or in relation to such case, either before the Compensation Court or the Supreme Court, shall be paid by such of the parties, whether claimant, respondent, or a person interested as aforesaid, or that such costs be apportioned between such parties in such manner respectively as the Court may order; and such Court may alter, vary, or revoke any order previously made by a Compensation Court as to costs.

Clause 71. In line 14, strike out "*six*," and insert "twelve."

New clause to stand as—

92. Where it appears to the authority which is liable or has undertaken to repair any highway, whether a main road or not, that extraordinary expenses have been incurred by such authority in repairing such highway by reason of the damage caused by excessive weight passing along the same, or extraordinary traffic thereon, such authority may recover in a summary manner, from any person by whose order such weight or traffic has been conducted, the amount of such expenses as may be proved to the satisfaction of the Court having cognizance of the case to have been incurred by such authority by reason of the damage arising from such weight or traffic as aforesaid.

Provided that any person against whom expenses are or may be recoverable under this section may enter into an agreement with such authority as is mentioned in this section for the payment to them of a composition in respect of such weight or traffic, and thereupon the persons so paying the same shall not be subject to any proceedings under this section.

Clause 92. After "stoppage," in line 16, add "and no road along the bank of a river shall be stopped either with or without consent."

Clause 94. In line 9, after "stopped," insert "except on the bank of a river."

Clause 106. Subsection (4) to be struck out.

Authority may  
recover expenses.

Proviso.

To add to clause 131 :—

No person shall have any claim upon or against Her Majesty the Queen, or the Government of the colony, or any officer or person in the employ of Her Majesty or such Government, for or in respect of any injury or damage to his person, goods, or property, if such injury or damage was caused by crossing or stopping or continuing on a railway at any time when under the preceding part of this provision the public right-of-way thereon is suspended or does not exist.

*New Clause.*

**143.** The Minister *may from time to time, by notice gazetted*, do the following things in respect to railways open for traffic :—

(1.) May fix, alter, or revoke scales of fares, rates, and charges to be paid for,—

Persons carried on or using any part of a railway ; or for

Goods carried on a railway, or received on or into, or stored in or delivered from, any wharf, pier, jetty, store, shed, or yard, in connection with a railway ; or for

Passengers failing to take out tickets at the booking-office of the station whence they started ; or for

Demurrage on the use of any rolling-stock ; or for

The use of any cranes, hoists, or other machinery for loading and unloading goods ; or for

Goods loaded or unloaded from or into lighters, into or from ships lying at any wharf, pier, or jetty in connection with any railway by the owners, masters, or agents of ships or vessels :

Provided, however, that the Minister, or any person duly authorized by him, may from time to time fix special fares to be paid in lieu of the ordinary fares, upon special occasions, or for such times and throughout such parts of any railway as he may think fit ; and, notice of such special fares being previously publicly notified, it shall not be necessary to publish the same in the *Gazette* :

(2.) May from time to time declare certain kinds of goods, of a nature liable to injury, or goods over and above a certain value, to be special goods ; all other goods shall be deemed to be ordinary goods ;

And every person, before delivering any special goods at any railway station, shall first give to the person in charge of such station a statement in writing declaring the nature and value of such special goods, and the person so in charge shall give a receipt for the same, specifying the nature and value so declared ;

And no person, unless he has first delivered such statement and obtained such receipt, shall be entitled to recover, in respect to any loss or damage of or to any such special goods, any greater sum than ten pounds in respect of any such parcel in which any such special goods are packed, fifteen pounds per head in respect of any horses, eight pounds per head in respect of any neat cattle, and fifteen shillings per head in respect of any sheep or swine ;

(3.) May from time to time determine what additional sum over and above the charges payable in respect of ordinary goods shall be payable in respect of special goods in proportion to the value thereof ;

(4.) May impose such conditions and regulations with respect to any of the preceding matters as he may deem advisable ;

(5.) May from time to time make, alter, or revoke by-laws for the management of railways open for traffic upon the following subjects :—

(a.) Regulating the mode in which, and speed at which, engines and all other rolling-stock on a railway are to be propelled or moved ;

(b.) Making time-tables showing the times of arrival and departure of trains at stations ;

(c.) Regulating the loading and unloading of carriages and wagons, and the weights they may carry ;

(d.) Ordering the receipt and delivery of goods, and the storing of the same ;

(e.) Preventing the smoking of tobacco or any other substance, and committing nuisances on railways ;

(f.) Keeping accounts of all receipts and expenditure on railways, and conducting the traffic and ticket audit ;

(g.) Regulating the traffic on roads and bridges used both for ordinary and railway traffic ;

(h.) And generally for regulating the traffic on railways, and the conduct of all persons employed on or about the same or travelling thereon ;

(j.) Authorizing and regulating the disbursement of all moneys appropriated by the General Assembly for the purposes of controlling, working, and maintaining the railways and conducting the traffic thereon and in connection therewith ;

(k.) For organizing, classifying, and paying the staff, and for engaging and dispensing with the services of such persons as may be deemed advisable ;

(l.) Regulating the manner, times, and places in and at which tickets of any kind shall be purchased by, issued to, and delivered up by passengers on railways.

Provided that such by-laws may authorize the General Manager of Railways to do all things necessary, and to issue all such instructions and regulations as may be deemed advisable, in respect to any such subjects.

All fares, rates, charges, by-laws, and regulations in operation at the passing of this Act shall continue operative until cancelled or confirmed under the provisions of this section.

Clause 145. Subsection (1), after "by-laws," insert "conditions or regulations." Strike out subsections 2, 3, 4, and 5. In subsection (6), line 42, strike out "as above provided." In subsection (b) omit all the words after "goods."

Clause 155. In line 51, insert before "mile" "*quarter of a.*"

Clause 161. After "fares" insert "rates," and strike out, in line 26, "payable under any by-law."

Clause 166, line 13. Strike out "ten," and insert "thirty."

Clause 170. Insert after first proviso :—

Provided also that nothing in this or any other Act shall be deemed to authorize any company or person to enter upon any railway the property of Her Majesty or the Government of the colony, for any purpose whatsoever, except with the written authority of the Minister first obtained in that behalf.

Clause 179. In sidenote, add "or working a railway." In line 29, add "or, where an order has been made under 'The Tramways Act, 1872,' may direct that the works thereby authorized shall be completed in accordance with such order and any plans or documents mentioned therein, without suspending the traffic upon the tramway."

Clause 189. In line 41, after "section," add "and sections 187 and 188."

Fifth Schedule. Add "1881. No. 7. 'The Post Office Act, 1881,' section 82, except that the repeal of this section shall not affect any exemptions under existing contracts for the carriage of Her Majesty's mails."

#### INSPECTION OF MACHINERY BILL.

Hon. Major ATKINSON, in Committee, to move,—

Clause 2, after line 14. To insert, "Commissioner means the Commissioner of Trade and Customs." Lines 26, 27, and 28 to be omitted.

Clause 4. To omit all the words from the beginning to "control," in line 3, and to substitute "The Commissioner of Trade and Customs shall have charge of the administration of this Act, and of the appointment, control."

Clauses 6 and 7, lines 21, 28, and 30. Substitute "Commissioner" for "Governor" and "Minister" respectively.

Clause 9. To omit all the words after "Inspector," in line 42.

Clause 27, line 29. Substitute "Commissioner" for "Minister."

Clause 29, line 38. After "Governor may," insert "subject to such conditions and restrictions as he may think fit."

Clauses 51 and 52, lines 37, 40, 42, and 43. Substitute "Commissioner" for "Minister."

Clause 60, line 32. Substitute "Commissioner" for "Governor in Council."

#### FISHERIES BILL.

Hon. Mr. DICK, in Committee, to move,—

Clause 3, line 36. To insert "silver-trout, brown-trout," after the word "bull-trout."

Clause 5. To omit subsection (2), and to substitute the following in lieu thereof:—

(2.) Prescribing conditions and restrictions for the regulation of fishing, and the taking of oysters or seals respectively, the licensing of persons engaged therein, appointing an uniform date at which such licenses shall expire, and the fees to be paid for such licenses.

Provided that licenses to fish with rod and line during the open season, in any river or stream open under this Act, shall be issued, subject to such regulations, of two classes, namely,—

A local license, which shall be in force only within the provincial district wherein the same is issued, for which the fee shall be twenty-one shillings; and

A general license, which shall be in force throughout the colony, for which the fee shall be forty-two shillings.

Subsection (5). Omit "in the various parts," and substitute "for the whole or any part."

Subsection (6). After "fish" insert "oyster or seal, or any skins, oil, or blubber from any seal."

Subsection (11). Omit "when," and substitute "if."

Clause 22, line 13. After "fishing" insert "or taking of oysters or seals;" and in line 15 omit "may be prescribed by regulations," and substitute "the Commissioner may think fit."

Clause 27, line 4. Omit "nearest port," and substitute "port nearest to the place;" and in line 5, omit "whereof," and substitute "where."

Clause 28, line 9. Omit "near the place where such oyster-bed is situate," and substitute "at such port."

Clause 36. Add the words "upon such conditions as he may think fit."

Clause 43, line 13. After "oyster-bed" insert "or shall take any rock-oysters for the purpose of sale or export."

Clause 58 to be omitted, and the following substituted in lieu thereof:—

All fees and penalties received and recovered under this Act shall be paid into the Public Account, and be applied in the first instance in defraying the salaries and other expenses of carrying into effect the provisions of this Act. The balance shall be handed to the Treasurer of some registered acclimatization society in the provincial district in which such fees shall have been paid or in which the offence was committed in respect whereof such fines were respectively recovered, for the purposes of such society.

If there shall be more than one such society in any such district, then such balance shall be divided between all the societies in such

district, or paid to such one or more of them as the Governor in his discretion may direct.

Provided that, of the fees received in any provincial district in respect of general licenses which are in force throughout the colony, one-half only of the balance thereof shall be paid to the society, or divided among the societies in such district as aforesaid, and the other half shall be divided between all the societies in the colony outside of such district, in such proportion as the Governor in his discretion may direct.

And, if there shall be no such society, shall form part of the Consolidated Fund.

The provisions of this section shall be sufficient authority to the Colonial Treasurer for the issue and payment of any fees to the treasurer of any acclimatization society, as herein directed, without any further appropriation thereof respectively.

JUSTICES OF THE PEACE BILL.

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

Page 64, clause 322, lines 19 and 20. To omit all the words therein and substitute "into the Public Account, to form part of the Consolidated Fund." Line 24, after "prescribed," to insert "by the Colonial Treasurer."