

# SUPPLEMENTARY ORDER PAPER.

## HOUSE OF REPRESENTATIVES.

Wednesday, the 13th day of August, 1873.

1. Mr. ROLLESTON to move the insertion of the following clauses in the Canterbury Water Supply Bill, when it is in Committee:—

5. Whenever the Superintendent shall deem it expedient to execute any such works, he shall cause the surveyor to prepare such specifications maps plans sections or elevations as may be necessary, expressing the nature and extent of such works, and the exact site and admeasurements thereof, and on or through what lands the same is proposed to be carried and to extend, and the names of the owners or reputed owners, lessees or reputed lessees, and the occupiers thereof, so far as known; and the same, when so prepared and approved by the Superintendent, shall be deposited at the office of the Superintendent, or such other place within the district as the Superintendent shall appoint, and shall be open for inspection by all persons interested at all reasonable hours for the space of forty clear days after notice shall have been given by advertisement in the *Government Gazette* of the Province of Canterbury as next hereinafter provided; and any clerk or other person having the custody of the said specifications maps or other papers who shall refuse to permit such inspection, shall, on conviction in a summary way before any two Justices, forfeit and pay for every such offence a penalty not exceeding five pounds.

6. The Superintendent shall forthwith, after the said specifications maps plans sections and elevations shall have been deposited, cause to be published in the said *Gazette*, and twice in some newspaper appointed by him a notice describing shortly the purport of the said specifications maps and other papers, and stating that the same are deposited for inspection, and the place where they are so deposited, and calling upon all persons affected by the proposed work or undertaking to set forth in writing addressed to him, within forty days from the publication of such notice in the *Gazette*, all objections which they may have to the works, and shall further, within one week after such publication in the *Gazette*, serve a notice in manner hereinafter mentioned on every owner or reputed owner, lessee or reputed lessee, and occupier of such lands, defining in each case the particular land intended to be taken, and requiring an answer stating whether the person so served assents dissents or is neuter in respect of taking such land, such notice to be served—

By delivery of the same personally to the person required to be served, or if such person is absent from New Zealand, to his agent, or when the place of abode of such person and that of his agent are unknown, by publishing the same at least three times in some newspaper published in or near the district in which such work or undertaking is proposed to be made, or

By leaving the same at the usual or last known place of abode of such person as aforesaid, or

By forwarding the same by post in a registered letter addressed to the usual or last known place of abode of such person.

7. At a meeting to be appointed by the Superintendent, to take place after the expiration of forty clear days from the publication of such notice in the *Gazette*, any person affected by the proposed works, or his agent or manager for the property in respect of which he is so affected, who shall have set forth in writing his objections to the said work or undertaking, within the time hereby limited for the purpose, may appear before the Superintendent in support of such objections.

8. The said Superintendent shall, touching all such objections, have authority to hear receive and examine evidence, and by summons under his hand to require all such persons as he may think fit to appear personally before him at his office, at a time to be fixed in and by such summons, and to produce to him all such books and papers in their possession or under their control as may appear necessary for the purpose of their examination, and the Superintendent shall administer and receive all necessary oaths affirmations and declarations.

9. If after the expiration of such term of forty days, and hearing all objections (if any) so set forth as aforesaid, and such evidence as the Superintendent shall require, it shall appear to him expedient to proceed with the works, he shall make an order directing the works to be executed according to the specifications maps plans sections and elevations deposited as aforesaid, and shall cause such order to be published in the *Gazette* of the Province, and in one newspaper circulating in the district in which the works are to be executed.

2. The Honourable Mr. BATHGATE to move the insertion of additional clauses in the District Courts Act Amendment Bill, on its being further considered in Committee:—

[Addition to Clause 4.]

In the one hundred and twenty-fourth section of "The District Courts Act, 1858," in lieu of the words and figures "not exceeding £100," and in the one hundred and twenty-fifth section of the said Act, in lieu of the words "not exceeding one hundred pounds," there shall respectively be substituted the words "not exceeding the limit of the jurisdiction of such District Court," and the said two sections and the one hundred and twenty-sixth section of the said last-mentioned Act shall be read and construed accordingly.

The proviso to the second section of "The District Courts Jurisdiction Extension Act, 1866," and the third and fourth sections of the said last-mentioned Act are hereby repealed.

[To come at end of the Bill.]

SITTINGS OF SUPREME COURT WHERE NO DISTRICT COURT WITH FULL JURISDICTION.

(a) In the provisions of this Act hereafter contained the expression "Judicial District of the Supreme Court" means so much of a Judicial District of the Supreme Court as is not for the time being included within any district constituted under the said Act having as Judge of the District Court thereof a barrister or solicitor of the Supreme Court.

(b) Sittings of the Supreme Court shall be held in each Judicial District of the Supreme Court by and before one of the Judges of the Supreme Court to whom such Judicial District shall have been assigned, for hearing and determining, in accordance with the provisions of the said Act and this Act, all such cases matters actions and proceedings as would have been within the civil jurisdiction of a District Court if such Judicial District of the Supreme Court had been constituted or included within a district under the said Act having as Judge thereof a barrister of the Supreme Court; and in every such

In lieu of "£100," words "limit of jurisdiction" to be substituted.

Repeal of proviso to section two and of sections three and four of "The District Courts Jurisdiction Extension Act, 1866."

case action matter or proceeding the proceedings and process shall be as nearly as may be the same as if such case action matter or proceeding had been brought had or taken in a District Court.

(c) The Supreme Court and every Judge thereof shall, in such cases actions matters and proceedings as aforesaid, have, without any proclamation, jurisdiction to the fullest extent to which by the provisions of the *forty-sixth* section of this Act the limit of jurisdiction of District Courts may be extended by proclamation.

But in the actions and matters specified and provided for in the sections of this Act numbered from *thirty* to *forty-four*, both inclusive, the limit of jurisdiction shall be that in those sections specified, as in the case of a District Court or a Judge thereof.

Provided that in districts established under "The District Courts Act, 1858," the Judge of the Court of which district is not a barrister or solicitor of the Supreme Court, all such jurisdiction other than equitable as such Judge was, immediately before this Act, competent to exercise, he may, so long as he holds office, continue to exercise; and at the sitting of the Supreme Court held in such district in accordance with this Act, there shall be heard only such cases actions matters and proceedings as such Judge of the District Court is not competent to hear and determine.

Provided also that in districts established under "The District Courts Act, 1858," the Judge of the Court of which district is not a barrister or solicitor of the Supreme Court, such Judge shall not have jurisdiction in such actions and matters as are specified and provided for in the sections of this Act numbered from *thirty* to *forty-four* both inclusive; but all such actions and matters shall be heard and determined at sittings of the Supreme Court held in such district, in accordance with the provisions of this Act.

In this section the expression "civil jurisdiction" includes all and every the jurisdiction power and authority of a District Court or Judge thereof, except the jurisdiction to hear and determine indictable crimes and offences, and the jurisdiction given by the sections of "The District Courts Act, 1858," numbered from twenty-five to twenty-seven, both inclusive, and section thirty.

(d) There shall be no appeal to the Supreme Court under sections one hundred and two and one hundred and three, where the action or matter has been heard and determined at sittings of the Supreme Court under this Act.

(e) Such sittings of the Supreme Court shall be held at such places as the Governor shall from time to time appoint, and shall be held without such appointment at each of the cities or towns of Auckland, Wanganui, Wellington, Napier, Nelson, Picton, Blenheim, Christchurch, and Dunedin, unless and until a District Court be established at such cities or towns, with a Judge thereof being a barrister or solicitor of the Supreme Court.

(f) The times at which the sittings of the Supreme Court under this Act shall be held, shall be such as shall from time to time be fixed by the Judge of the Judicial District in which such sittings are to be held, but at each of the cities or towns named in the preceding section of this Act, such sittings shall, until a District Court is established there, with a Judge thereof being a barrister or solicitor of the Supreme Court, be held at each of the said places at intervals of not more than sixty days.

(g) At such of the cities or towns as aforesaid as a Registrar of the Supreme Court shall be appointed to act and have his office, such Registrar shall, at such place and for the sittings of the Supreme Court held thereat under this Act, and in respect of all proceedings in the Supreme Court under this Act thereat, have and perform all the powers authorities and duties which by the said Act and this Act

would be held and exercisable by the Clerk of a District Court if such Court had been established there: But at such of the said cities or towns as aforesaid as a Deputy Registrar of the Supreme Court is appointed to act and have his office, and there be no Registrar of the Supreme Court appointed to act there, then such Deputy Registrar shall at such place and for such sittings and in respect of all proceedings in the Supreme Court under this Act thereat, have and perform all the powers authorities and duties which by the said Act and this Act would be held and exercisable by the Clerk of a District Court if such Court had been established there: And at such of the said cities or towns as no Registrar or Deputy Registrar of the Supreme Court is appointed to act, then the Governor may from time to time appoint a person to act at such place as Registrar or Deputy Registrar; and such person shall at such place and at such sittings and in respect of all proceedings in the Supreme Court under this Act thereat, have and perform all the powers authorities and duties as by the said Act and this Act would be held and exercisable by the Clerk of a District Court if such Court had been established there.

(h) The Governor may from time to time appoint and remove for each Judicial District of the Supreme Court one or more bailiffs, of whom one may be assigned to each place at which sittings of the Supreme Court under this Act are held, and every such bailiff shall have all the powers perform all the duties and be subject to all the liabilities and responsibilities of a bailiff of a District Court if such Court had been established at such place and such bailiff had been appointed bailiff thereof.

(i) In the application of the provisions of the said Act and this Act to sittings of the Supreme Court under this Act and proceedings therein, wherever in the said provisions the words terms and expressions following are used, the same shall respectively be deemed to include the meanings hereinafter attached to them, that is to say—

The word "District" shall include the Judicial District of the Supreme Court as hereinbefore defined.

The words "Court" and "District Court" shall respectively include the Supreme Court and each Judge thereof exercising jurisdiction under this Act, and sittings of the Supreme Court under this Act, as the case may be.

The words and expressions "Judge," "Judge of the Court," "Judge of the District Court," and similar expressions, shall respectively include any Judge of the Supreme Court holding sittings of the Supreme Court under this Act.

(j) The one hundred and twenty-fourth, one hundred and twenty-fifth, and one hundred and twenty-sixth sections of "The District Courts Act, 1858," shall be deemed to apply only to actions commenced in the Supreme Court in accordance with its ordinary practice and procedure, and not to actions commenced heard or determined in the Supreme Court in accordance with this Act.