

1908.
NEW ZEALAND.

“THE REPRINT OF STATUTES ACT, 1895”

(FINAL (SUPPLEMENTARY) REPORT OF COMMISSIONERS UNDER).

Laid on the Table of both Houses of the General Assembly by Command of His Excellency.

TO HIS EXCELLENCY THE RIGHT HONOURABLE LORD PLUNKET, K.C.M.G., K.C.V.O.,
GOVERNOR OF THE DOMINION OF NEW ZEALAND.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the undersigned, being the Commissioners appointed under “The Reprint of Statutes Act, 1895,” have now the honour to submit our final report, which marks the completion of our labours:—

The preparation of the five volumes of Consolidated Statutes which accompanied the report we had the honour to present to Your Excellency on the 28th July last was somewhat hurried in order that the work might be submitted to the Legislature at the earliest practicable date during the present session of Parliament. Our Act requires us to prepare and arrange the consolidated edition for publication; we therefore think it our duty to submit to Your Excellency the title-pages, indexes, and tables of titles and cross-references which form part of the edition.

Part of the duty imposed upon us is to report the contradictions, omissions, and imperfections appearing in the existing Acts, and the mode in which they have been reconciled, supplied, and amended. We do not understand this to require us to specify every alteration or change we have made. The resources of the printing-office would be unequal to such a task, as, apart from numberless verbal alterations, many Acts are almost wholly recast. Such of them, however, as in our judgment are of sufficient importance to call for the attention of the Legislature are referred to in the Supplementary Statement appended to this report.

We may explain that in the performance of our duties we have met with many obscure enactments, framed in ambiguous language, but it was only where the Legislature had in some way indicated its intention, either by express enactment or by clear implication relating to the same or a cognate subject, that we have ventured on amendment. To amend without such an indication would have gone beyond our powers, and altered the law where our duty was only to reproduce it. Still, it must be remembered that all consolidation in some degree implies a change of form.

The Commissioners are also authorised to indicate such Acts or parts of Acts as in their judgment ought to be repealed, with their reasons for such repeal, and may recommend the passing of such new enactments as in their judgment may be necessary. In previous reports which we have submitted to Your Excellency such recommendations have been made from time to time; others appear in the Supplementary Statement.

Respecting the preparation and amendment of statutes, we think it expedient to offer the following general observations:—

1—A. 6B.

Independent Acts are often passed on the same subject, the later Act frequently making no reference to the prior Act. This is a practice always more or less embarrassing, as it may easily require judicial interpretation to say how far the earlier Act remains operative or unaffected. A recent instance may be stated: In 1894 an Act was passed called "The Unclaimed Lands Act," which was administered by the Public Trustee, and gave him very ample powers. In 1907 an Act was passed to amend the existing Acts relating to the Public Trust Office, which also gave the Public Trustee large powers with regard to uncared-for real and personal property. In certain particulars the Act of 1894 gave wider powers than that of 1907, and, although the former Act only applied to land, the later Act applied to all kinds of property. Here, it will be seen, is fertile ground for litigation, and possible conflict of laws. There are other like existing instances which could be referred to. But greater difficulty arises in connection with amending enactments. The existing practice is to pass an amending Act framed in the shortest way by incorporating or applying other Acts, wholly or in part, and frequently allowing the parent Act to remain intact without any express repeal or modification. Instead of clearing the ground by repealing obsolete or inconsistent enactments, or explaining how far the new law shall supersede the prior law, the amending process is repeated from time to time until a mass of inconsistent legislation is in existence only to bewilder and irritate those who have to administer it.

That this is an evil common to all legislative bodies is apparent from the following quotation from "Legislative Methods and Forms"—a work by Sir Courtenay Ilbert, for some time Parliamentary Counsel to the Treasury, and now Clerk to the House of Commons. At page 118 he says, "It is comparatively easy to amend a single Act. But when amendments of the law cannot be effected except by patching up several Acts, 'applying' or 'adapting' several more, and appending in schedules lists or fragments of others, the result is apt to be distracting to the legislator, the administrator, and the private citizen. Yet such is the inevitable result of piling Act upon Act without any attempt to weld into shape any part of the chaotic heap." These remarks put the whole case in a concrete form, and are well worthy of attention. One obvious remedy in such cases is to repeal the old Acts, and re-enact them so far as necessary. This could be adopted, at all events, in all cases where the prior Acts are short.

Many amending Acts are of a local nature, with a limited operation, or intended to affect only particular areas; but, instead of only doing this, they are often expressed in general terms and alter the general law. Hence, there is confusion and uncertainty. Again, such Acts are often drawn in different modes, and use language in various senses, thus leading to ambiguity and doubt.

We venture to think that in no case should an Act be submitted for Your Excellency's assent without a written certificate from some competent authority (*a*) that all necessary repeals and modifications of prior enactments have been duly made, and (*b*) that the Act is in harmony with the existing law, and is so expressed as to satisfactorily carry out its purpose.

That the consolidated edition which is now law will be found free from error is scarcely to be expected. We can only say we have done our best; and where mistakes appear the Legislature must supply the necessary corrections. One source of error it has been impossible to guard against. Accidents sometimes occur in the Printing Office when printing off on the machine. In such cases the broken matter is reset, and, according to the rules of the office, should be checked before further printing is gone on with. In our case the final printing-off was done under great pressure of time in order to save the session, and in one instance, at all events, the rule as to checking would seem not to have been observed. We refer to section 159 of the Licensing Act, which went to the machine correctly worded "sufficient to express the business for which his license has been granted," but now appears as "sufficient to the express business for which his license has been granted." Similar instances of misprints or verbal mistakes may exist and be similarly accounted for. Knowing as we do, however, how great was the mass of printing to be done, and how short the time in which to do it, we fully recognise that inaccuracies of that sort are inevitable, and cannot fairly be imputed to carelessness or inefficiency in the Printing Office. Indeed, we are aware that Mr. Mackay, the Government Printer, issued special instructions in the matter, and did everything that possibly could be done to insure accuracy.

SUPPLEMENTARY STATEMENT.

ACTS INTERPRETATION.

We have embodied in this Act such of the provisions of the Abolition of Provinces Act as are not spent. They are all of an interpretational nature.

ACCIDENT INSURANCE.

Section 21 of "The Workers' Compensation for Accidents Act, 1900" (Provisions in accident-insurance policies to be approved by the Governor in Council), has been retained in that Consolidation Act (section 22), but we think the more appropriate place for it would be the Accident Insurance Companies Act.

In many accident-insurance policies the liability of the company is expressed to be under specified Acts. It is a question if liability would continue under subsequent Acts passed in substitution of those specified. The Acts Interpretation Act, which provides that references to Acts shall extend to substituted enactments, applies only to Acts and regulations under them. We think a clause might reasonably be inserted in the Consolidation Act that all references in any such policy to specified Acts shall be deemed to include Acts subsequently passed in amendment or substitution of those specified, but so nevertheless as not to impose on the company any liability not imposed by the specified Acts unless the company agrees thereto.

ADMINISTRATION.

Subsection (4) of section 1 of the Consolidation Act is adapted from section 51 of "The Native Land Court Act, 1894," to save the special jurisdiction thereby conferred on the Native Land Court; and the provisoes to that subsection are taken from section 9 of "The Land Transfer Act 1885 Amendment Act, 1889."

BANKING.

Section 5 of "The Banks and Bankers Act, 1880" (relating to the Union Bank) has been dropped, as superseded by that bank's private Act.

Section 9 (re-enacting section 3 of the Act of 1893) provides that a bank-note shall be payable in gold only at the office of the bank at the place of issue of the note. What is the place of issue? It is usually stated on the face of the note. This, however, is not a matter of statutory requirement. Two courses suggest themselves—(1) Provide that the place of issue shall in every case be stated on the note; (2) or provide that if no place of issue is stated on the note, then the place of issue of that note shall be deemed to be the head office, or other the principal office of the bank in New Zealand.

CHARITABLE GIFTS DUTIES EXEMPTION.

In the interpretation clause we have substituted "means" for "includes." This is in accordance with the decision of the Court of Appeal, and removes a possible ambiguity.

COPYRIGHT.

It has been judicially decided that the New Zealand Ordinance of 1842 is not impliedly repealed or superseded by the Imperial Act which is in force in New Zealand. Hence there is a dual system of copyright, with different provisions. We think it would be well to harmonize the law on the subject.

CORONERS.

We have dropped section 28 of the Act of 1867 (on verdict of murder Coroner to send copy of evidence to nearest Magistrate) in favour of section 342 of "The Criminal Code Act, 1893" (Coroner to send copy of deposition, on found inquisition of murder or manslaughter, to Attorney-General). See section 19 of the Consolidation Act.

As the magisterial powers of the Coroner have been practically abolished, we suggest that the whole Act should be recast.

COUNTIES.

The Act of 1886 excludes certain specified sections from operation in counties wherein the Act is suspended. We have added to the excluded sections several from the amending Acts, in cases where we considered it necessary in order to give effect to the original excluding provision.

Section 99 of the Act of 1886 (following section 31 of "The Financial Arrangements Act 1876") provides that in the counties wherein the Act is suspended the Council shall hold an annual meeting on or before the 31st March, for the purpose of apportioning moneys to be expended during "the financial year commencing on the first day of July then next ensuing." As the financial year now commences on the 1st April, we have altered the dates to correspond (see sections 197 and 198 of the Consolidation Act).

Section 6 of "The Public Revenues Act, 1892," makes the Audit Office the auditor of the accounts of all local authorities. We have modified the audit provisions of the Counties Act so as to accord with this (section 135 of the Consolidation Act). The section providing for a special auditor has been retained; but we have inserted (from the Public Revenues Amendment Act of 1896) the defence of good faith and legal advice.

Sections 266 to 288, and subsections (2) and (3) of section 311 of "The Counties Act, 1886," dealt with irrigation-works, drainage-works, and water-supply. These provisions were repealed by section 56 of "The Water-supply Act, 1891," so far as they related to water-races or irrigation-works. These references are accordingly omitted from the Consolidation Act (see sections 166 to 179, and clause 31 of Fourth Schedule, which are confined to drainage-works). By section 2 of "The Water-supply Act Amendment Act, 1892," this repeal is declared not to apply in the case of certain specified Road Boards. To give effect to this revival we have reprinted the original provisions as a Schedule to "The Water-supply Act, 1908," with modifications as mentioned in section 75 of that Act. The expedient may appear to be clumsy, but we could see no better way of dealing with the matter.

Section 273 of the Act of 1886 provides for certain loans, and says that the aggregate amount of all such loans shall not exceed 10s. per acre on all the land in the district, or "six-farthings in the pound on the rateable property" in the district. The latter limit must, we think, have been intended to refer to the rate—and not to the loans—and we have therefore omitted it, as a rate of six-farthings in the pound is provided for in the subsequent part of the section (section 170 of the Consolidation Act).

By-laws as to billiard-rooms are provided for by section 8 of the Act of 1903 and by section 6 of the Act of 1904. The latter Act, however, speaks merely of "billiard-rooms," whilst the earlier has "public billiard-rooms." We have construed the Act of 1904 as referring only to public billiard-rooms (see clause 22 of Fourth Schedule to the Consolidation Act). Section 9 of the Act of 1903 (regulating the closing-hours of public billiard-rooms) has been dropped, as section 2 of "The Police Offences Amendment Act, 1903," contains identical provisions—save as to the power of the County Council to prescribe earlier closing-hours—and this we have saved in our clause (22).

CRIMES.

This is a consolidation of various Acts relating to crimes and criminal procedure, and as the title "Criminal Code Act" is not appropriate we have substituted "Crimes."

In section 337 of "The Criminal Code Act, 1893" (Rules as to arrest), the crimes are indicated by reference to the sidenotes in the various Parts of the Act. The sidenotes are not always accurate, and we have substituted the numbers of the sections (section 358 of the Consolidation Act). The same change is made in other places.

The bail provisions of section 345 of "The Criminal Code Act, 1893" (section 368 of the Consolidation Act), have been extended to include defamatory libel. The omission was plainly a mistake in the Act of 1901, which defined that offence and provided for its punishment.

The provisions of "The Lunatics Act, 1882," relating to criminal lunatics appear in sections 436 to 441.

CUSTOMS LAW.

In the table of prohibited goods in section 66 of the Act of 1882 (section 91 and Third Schedule of the Consolidation Act) we have added a final item to include generally any other goods, the importation of which is prohibited by or under any Act.

Under section 67 of the same Act (Arms, &c., may be prohibited) the prohibition might be by either Proclamation or Order in Council. The dual procedure is unnecessary, and might lead to confusion—hence the reference to Proclamation is omitted (section 93 of the Consolidation Act).

DEATH DUTIES.

Section 2 of the Act of 1881 is dropped in favour of the simpler and more effective provisions of section 1, (3), (4), and (5), of the Consolidation Act.

DISTILLATION.

Section 2 of the Act of 1891 (section 12 of the Consolidation Act) fixes a limit of 40 per centum of proof-spirit for New Zealand wines. This conflicts with the Licensing Act (section 77), which fixes a limit of 20 per centum.

The matter is one for the Legislature.

DISTRICT RAILWAYS.

Section 24 of the District Railways Purchasing Act, 1885," provides that sections 75 to 85 of "The District Railways Act, 1877," shall not apply to any railway authorised under the District Railways Acts. The sections in question contained rating provisions, and had been repealed by "The District Railways Act, 1882," which in sections 9 to 15 substituted a different mode of rating. Presumably section 24 of the Act of 1885 was intended to apply to these substituted provisions, and we have so regarded it. The substituted provisions have been accordingly omitted, as also the consequential provisions of the amending Act (No. 39) of 1883. We have also omitted sections 7, 8, and 9 of the Act of 1882, which provide for a State guarantee of interest, as, in our opinion, these sections hang upon the rating provisions, and fall with them.

Speaking generally, we may observe that these Acts, as also the Railways Construction and Land Acts, are very imperfect, owing to the conflicting nature of the amending provisions. There are at present no district railways in existence; but, of course, while the Act remains there is nothing to prevent such railways being commenced under its provisions.

EDUCATION ACT.

To meet the case of town districts that do not form part of the county, they are expressly mentioned in the description of education districts set out in the Second Schedule. This appears to be necessary.

Section 16, (2), of "The Teachers' Superannuation Act, 1906," speaks of "separate endowed schools" (section 245 of the Consolidation Act). In the absence of a definition (and there is none), it is impossible to say what schools are meant. This is for the Legislature.

EDUCATION RESERVES.

Section 25 of "The Education Act Amendment Act, 1907," amends section 15 of "The Education Reserves Act, 1877," by requiring the consent of the Governor before the School Commissioners or Education Board can set aside land as school-sites. Should not the same consent be required in the case of Trustees of a High School when acting similarly under section 7 of "The Education Reserves Act Amendment Act, 1882"? We have not felt justified in extending the amendment to that case. See section 4 of the Consolidation Act.

FISHERIES.

The Acts consolidated run from 1867 to 1907, and contain many conflicting provisions relating to fresh waters and salt waters. Moreover, in the later Acts the earlier statutes relating to salmon and trout appear to have been overlooked, and great confusion results from this. We have done what we could to harmonise and simplify so far as our powers would allow, but recommend that the Consolidation Act be recast.

FRIENDLY SOCIETIES.

In section 13, (5), of the Act of 1882 payment without letters of administration up to £50 has been altered to £100, to give effect to section 4 of the Administration Act of 1885 (section 38, (2), of the Consolidation Act). The same alteration has been made in the Industrial and Provident Societies Act, and also in the Public Revenues Act.

In section 15 of the Act of 1882 (Copy of resolution under seal of the Registrar to have same effect as memorandum of association), "Registrar," as defined by the Act, means the Registrar of Friendly Societies. We think that in the section named it means the Registrar of Companies, but we have not felt justified in altering the provision (section 56 of the Consolidation Act). The Legislature should deal with it in connection with the Imperial Act.

Section 16, (8), has been made a separate section (section 62 of the Consolidation Act) in accordance with a judgment in *re Otago Odd Fellows v. Registrar of Friendly Societies* (17, N.Z. L.R., page 13).

Speaking generally of the Friendly Societies Acts, we have found them very involved, and recommend that the Consolidation Act be recast.

GAMING.

Sections 36, 37, and 45 of the Act of 1881 are dropped as unnecessary, the Justices of the Peace Act making full provision and uniformity being thereby attained.

GOVERNMENT ADVANCES TO SETTLERS.

In section 18 of the Consolidation Act (Classes of land on which money may be advanced) we have included the tenures under "The Land Act, 1908," corresponding to those under the former Land Acts.

GOVERNMENT RAILWAYS.

Section 21 of "The Government Railways Superannuation Fund Act, 1902" (section 87 of the Consolidation Act), provides that where a contributor returns to duty whilst in receipt of a retiring-allowance his allowance shall cease, and all his rights and liabilities under the Act shall revive. This appears to be defective, as the benefits he has already received are not taken into account (as they should be) when he subsequently becomes entitled.

We are of opinion that on the true construction of section 41 of "The Public Service Superannuation Act, 1907," the Manawatu Railway officers who join the Government Railways Superannuation Fund contribute on the original scale, which is much lower than the new scale fixed by that Act. Accordingly section 96 of the Consolidation Act so provides; but, as the point is not clear, we draw special attention to it.

HARBOURS.

Section 78 of the Act of 1878 provided for pilotage-exemption certificates. Under that section the applicant for the certificate must be master or mate of a colonial trading vessel, but apparently the certificate when issued was not limited to vessels of that description. That section is repealed by the Act of 1883, which by section 25 makes general provision for such certificates. In the latter part of the section, however, the words "colonial trading vessels" appear (apparently by mistake). The effect is to suggest that the certificates are limited to that class of vessel. This conflicts with the general scheme of the section, which puts the limitation on the tonnage of the ships—not on their class or character. The certificate is expressed to authorise the person named therein "to pilot any ship of the tonnage specified therein." So also section 26 (Exchange of certificates)—which has been dropped as spent—provides that where a certificate under the Act of 1878 is exchanged for one under the Act of 1883, the latter is "for vessels of the tonnage specified" in the first certificate. We have accordingly adopted the same language and omitted the reference to colonial trading vessels, to effect what we take to be the true intention of the Legislature. The same words have been consequentially omitted from section 88.

We may remark that the whole legislation on this subject is obscure and defective. For example: Section 5 of the Act of 1894 (amending section 88 of the Act of 1878) is so badly drawn that we have had to recast it. (See sections 68 and 75 of the Consolidation Act.)

Section 111 of the Act of 1878 (providing for equality of rates in the case of foreign and British ships) is impliedly modified by subsequent legislation, and appropriate words are accordingly inserted in subsection (2) of section 96 of the Consolidation Act.

Section 12 of the Act of 1886, makes the therein-mentioned fine recoverable "with full costs of suit in any Court of competent jurisdiction." This suggests an action. We have substituted the summary provisions of the Justices of the Peace Act, which is the usual method of recovering fines. (See section 194 of the Consolidation Act.)

Sections 25 to 30 of the Act of 1886 deal with various local matters. As we cannot say whether the sections are spent or not, we have set them out in a schedule leaving them to such operation as they still have. (Section 227 and Sixth Schedule.)

The list of Harbour Boards in the Second Schedule has been brought up to date.

HOSPITALS AND CHARITABLE INSTITUTIONS.

The references to boroughs in the First Schedule to the Act of 1885 have been omitted as unnecessary and misleading. Section 3 of the Consolidation Act makes full provision. We have dropped so much of section 7 of the Act of 1885 (Representation on District Boards) as is repugnant to section 6 of the Act of 1886 (section 6 of the Consolidation Act).

Section 5 of the Act of 1885 (Boroughs deemed to be included in counties) is modified by excepting the Borough of Waihi (section 3 of the Consolidation Act). This is to give effect to "The Waihi Hospital District Act, 1902," which makes the Borough of Waihi a separate district.

Section 50 of the Act of 1885 (One-third of number of Trustees to retire annually) has been altered to meet cases where the total number cannot be divided by three (section 58 of the Consolidation Act).

"The Hospital Trustees Act, 1891" (Appointment of Commissioners where all the Trustees of a separate institution resign), says that the Commissioners are to be deemed to be the "Board of the district." This is obviously a mistake for "Trustees of the institution." Section 65 of the Consolidation Act makes the necessary correction.

The former legislation as to separate institutions was not quite clear. Section 56 of the Act of 1885 appears to contemplate that only institutions under the control of a Board can be incorporated as separate institutions. In practice, however, this limitation has not been observed, and the Act has been construed to authorise the incorporation of institutions that have never been under a Board. We have accepted the latter view, and the section referred to has been widened accordingly (section 68 of the Consolidation Act).

Sections 36 to 41 of the Act of 1885 (Existing institutions) have been dropped. The list is not up to date, and the saving clause of the Consolidation Act makes full provision.

Section 74 of the Act of 1885 (Relief to persons coming from beyond the contributing districts) has been extended to cover maintenance. This is in accordance with judicial decisions (section 86 of the Consolidation Act).

Section 88 of the Act of 1885 requires the Governor, as "soon as may be after the coming into operation of this Act," to set apart up to 250,000 acres of Crown lands as endowments for the purposes of the Act. We understand that this section has never been acted on. As, however, it has not been specifically repealed we have retained it (section 93 of the Consolidation Act), and it is for the Legislature to say how far it is superseded by the national-endowment provisions of the Land Act or otherwise.

Section 24 of the Act of 1886 exempts from stamp duty all receipts given by a Board. We have extended this to Trustees (section 105 of the Consolida-

tion Act). This makes specific what is implied by section 68—viz., that generally under the Act Trustees stand in the same position as Boards.

Section 3 of the Act of 1885 (Counties excepted from Act) has been modified to accord with the Counties Act (section 110 of the Consolidation Act.)

Speaking generally about these Hospital Acts, we may observe that we found great difficulty in satisfactorily dealing with them owing to the way in which one amendment has been superimposed on another without specific repeal. As a consequence we have been compelled to recast many of the provisions, and it is impossible within reasonable compass to refer in detail to the specific alterations made.

IMMIGRATION RESTRICTION.

Of the three Acts of which this consolidation consists, one (Imbecile Passengers) contains no regulation clause; another (Chinese Immigrants) contains a clause but without a penalty; the third and latest (Immigration Restriction) makes full provision on the subject. We have applied the latter to the whole Act, as indicating the most recent expression of the intention of the Legislature on the subject (section 44 of the Consolidation Act).

IMPRISONMENT FOR DEBT LIMITATION.

Owing to the various amendments the title of the original Act (Abolition of Imprisonment for Debt) is no longer appropriate, and we have altered it accordingly. For the same reason the Acts have in great measure been recast and some sections (section 15 of the Act of 1874 and the whole of the Act of 1875 relating to arrest on mesne process) have been transferred to the Judicature Act.

INDUSTRIAL SCHOOLS.

In the last line of section 57 of the Act of 1882 (Disposal of wages) we have inserted the words "or to him after he has ceased to be an inmate," to make it clear that the youth's money may be paid to him after he ceases to be an inmate (section 50 of the Consolidation Act).

Section 67 of the Act of 1882, in so far as it provides for whipping, is limited to Government Schools (subsection (2) of section 60 of the Consolidation Act). This is to give effect to section 14 of the Act of 1900, which makes special provision for punishment in the case of private and local schools, and modifies section 67 of the Act of 1882 in so far as it conflicts (section 61 of the Consolidation Act).

INFANTS.

Section 12 of "The Law Amendment Act, 1882," is dropped, as being superseded by section 6 of "The Infants' Guardianship and Contracts Act, 1887" (section 6 of the Consolidation Act).

Section 5 of "The Children's Protection Act, 1890," empowers a Magistrate to extend or restrict the prescribed hours of employment of children "as to the whole or any part of his district." Magistrates have no specified districts now. We have therefore altered the clause by substituting the district of any local authority in which the Magistrate is exercising jurisdiction (subsection (2) of section 29 of the Consolidation Act).

JUDICATURE.

This Consolidation Act includes the Supreme Court Act, the Court of Appeal Act, and sections from various Acts formulating rules of law which apply to Courts generally. The title "Judicature Act" is adopted from English precedent, in order to find a convenient place for the rules referred to.

The reference to Circuit Courts in section 19 of "The Supreme Court Act, 1882," has been dropped as unnecessary. Section 16 of the Consolidation Act covers all the ground.

The Act of 1882 speaks of "districts" simply, and the Code in Second Schedule of "judicial districts": we have called them Supreme Court Districts for clearness.

Section 13 of "The Court of Appeal Act, 1882," provides for the removal of cases from the Supreme Court to the Court of Appeal by consent of the

parties. This limitation in the power of removal is considered a defect, and to cure it the reference to consent of parties is omitted (section 64 of the Consolidation Act).

The reference in Section 10 of "The Law Amendment Act, 1882," to "Court of Vice-Admiralty" has been altered to the "Colonial Court of Admiralty" in terms of the Imperial Act of 1890 (section 91 of the Consolidation Act).

In Rules 67, 70, and 71 of the Code the reference to married women is omitted as being impliedly repealed by the Married Women's Property Act.

In Rules 65, 79, and 90 "person" is substituted for "party" to give effect to the true meaning.

For the same reason, "statement of defence" is substituted for "memorandum" in Rules 98 and 99.

Rule 102 deals only with claims by a trustee in bankruptcy. We have extended it to include claims against him.

In Rule 161 "opposite party" is substituted for "other party," the true meaning as settled by judicial decision.

In Rule 172 "assessment of damages" is omitted as unnecessary. "Action" covers everything.

In the proviso to Rule 277 the language has been altered to accord with what we take to be the true intention.

The power to examine given by Rule 333 is extended to include any person.

In Rule 518 the reference to intestate is omitted as being a mistake.

Rule 538 is extended to apply to wife, husband, and child, also to applications under the Family Protection Act.

In the forms of writs the King's title is altered in terms of the Royal Proclamation made in 1901.

In Tables A and B (fixing time for pleading) we have substituted "not more than" for "within"—this for clearness.

In the Court of Appeal Rules No. 12 is modified to accord with the later rules gazetted in 1902.

The Court of Appeal Rules contained no specific provisions as to the taking of affidavits: we have applied the Supreme Court rules on the subject (see subclause (2) of Rule 25).

JURIES.

By section 29 of "The Defence Act, 1900," "all members of the Defence Forces," (other than Defence rifle clubs) are exempted from service on juries. The definition of "Defence Forces" in "The Defence Act, 1886," includes the Militia, which (with specified exceptions) consists of all the male inhabitants of New Zealand between the ages of seventeen and fifty-five. Presumably it was not the intention of the Legislature to exempt all these. The exemption stands in paragraph (l) of section 6 of the Consolidation Act, as we had no power to alter it.

The sections as to ballot-boxes and balloting have been recast for clearness.

JUSTICES OF THE PEACE.

In section 6 of the Act of 1900 (Right of accused to trial by jury) we have substituted "Court" for "Magistrate," so as to include justices when acting under the section (section 122 of the Consolidation Act). This is in accordance with the judgment in *Rex v. Reid* (20 N.Z. L.R. 604).

Subsection (2) of section 177 of the Consolidation Act (saving the jurisdiction of the superior Courts) is inserted in terms of the judgment in *Regina v. Anderson* (18 N.Z. L.R. 245), which decided that the Act of 1894 did not affect the jurisdiction of the superior Courts.

LAND.

The Land Acts contain two different and conflicting provisions for arbitration—section 79 of the Act of 1892, and section 12 of the Act of 1907. We have retained them (sections 80 and 187 of the Consolidation Act), but see no necessity for both. One system would be simpler and better.

Section 249 of "The Land Act, 1892," provides that certain proportions of moneys arising from endowment reserves shall be paid to County Council or Road Board of district. We have followed this in section 337 of the Consolidation Act, but understand from the Land Department it does not cover all cases in practice. This is of course a question for the Legislature.

The form of certificate of occupation (Second Schedule) has been altered to accord with the Act.

LAND AND INCOME ASSESSMENT.

In the definition of "business" in section 3 of the Act of 1900 mention is made of "articles of association": we think "memorandum of association" was meant, but did not feel justified in altering (section 2 of the Consolidation Act).

Section 9 of the Act of 1903 allows as an outgoing 5 per cent. on the capital value of business premises when occupied for the sole purposes of the business: we think the expression "business premises" should be defined in some way. In the absence of any definition it is difficult to say how far it extends.

LAND-DRAINAGE.

The Act confers certain functions on a Magistrate and two Assessors (section 22 for example), but does not seem to provide for the enforcement of their awards or orders. This is for the Legislature.

Section 43 of the Act of 1893 dealt with contracts entered into by the Board. That Act was repealed by the Act of 1904, which, however, did not carry forward this section. Consequently it is not in the Consolidation Act, and we can only draw attention to the point.

Similarly the Act of 1904 did not carry forward the last section of the Act of 1893, which repealed certain sections of the Counties Act as to drainage-works in districts where Part I of the Act of 1893 was in force. Presumably this is a mistake, as it could scarcely have been intended that both the Drainage Board and the County Council should have drainage powers in the same district. This also is for the Legislature.

LAND FOR SETTLEMENTS.

Section 9 of the Act of 1901 (Continuous residence on rural lands necessary) applied only to the allotments referred to in section 8 of that Act. Section 8 was repealed by section 88 of "The Land Laws Amendment Act, 1907." The consequence is that section 9 of the Act of 1901 (section 54 of the Consolidation Act) now applies to all allotments of rural land, and therefore overrides the provisions of the Land Act as to relaxing residence conditions. We doubt whether this was the intention of Parliament.

LAND TRANSFER.

In section 117 of the Consolidation Act (Absent mortgagees) we have inserted, as subsections (5) and (6), subsections (3) and (4) of "The Property Law Act, 1905," on the same subject. These subsections would, we think, be implied, and by inserting them the whole law is stated together.

Section 10 of the Act of 1888 applies certain sections of "The Property Law Consolidation Act, 1883." These sections deal with powers of attorney. To effect what we think the full intention we have by section 164 of the Consolidation Act made all the provisions of "The Property Law Act, 1908" relating to powers of attorney apply to powers of attorney under the Consolidation Act, subject, however, to the express provisions of that Act relating to these instruments.

In lieu of section 169 of the Act of 1885 (Verification of instruments) we have inserted (section 178 of the Consolidation Act) the later and fuller provisions of "The Property Law Act, 1905," on the same subject, thus preventing any conflict.

It is not quite clear how far the survey provisions of the Act of 1885 are modified or superseded by the "The New Zealand Institute of Surveyors and

Board of Examiners Act, 1900." We have retained them, hence a special license is required under the Land Transfer Act (section 179 of the Consolidation Act). This accords with the existing practice.

Section 216 of the Act of 1885, directing that all offences against the Act may be prosecuted in the name of the Attorney-General, seems to us to be unsatisfactory, as interfering with the ordinary rule that criminal prosecutions are in the name of the Crown. We have retained it (section 227 of the Consolidation Act), but think it should be recast. It was originally taken from the Victorian Act. In Victoria there was no grand jury, and all indictments were presented by the Attorney-General.

The form of certificate of title now in use is substituted for that in the First Schedule to the Act of 1885. The alteration was made in 1886 by the Registrar-General under section 213 of that Act.

The implied covenants in the Fourth Schedule to the Act of 1885 are defective. The first ("Will insure") refers in terms only to leases and mortgages, the others in terms only to leases. The intention, as shown by the cross-heading ("Covenants implied in Instruments") was that they should apply to instruments generally. To effect this we have dropped all reference to mortgages or leases, and made the covenants applicable generally (Seventh Schedule of the Consolidation Act).

Section 8 of the Act of 1889 (Sealing and filing of probates granted out of New Zealand) is given effect to in section 43 of the Administration Act.

Section 9 of the Act of 1889 (Probate of estates of Natives) has been transferred to the Administration Act (subsection (4) of section 1) with modifications necessary to give effect to "The Native Land Court Act, 1894," which gave exclusive jurisdiction to the Native Land Court in the case of Native probates.

LAW PRACTITIONERS.

We have retained sections 49 to 52 of the Act of 1882 (Application of fees), though they do not accord with the existing practice under which, pursuant to regulations made by the Judges, the New Zealand University conducts the examinations, pays the examiners, and receives the examination fees (see sections 48 to 53 of the Consolidation Act). We suggest that the Act be amended.

"The District Law Societies Act, 1878," applied only to solicitors: we have extended it to include barristers—this to give effect to "The Law Societies Act, 1902," which constitutes the New Zealand Law Society, as consisting of all barristers and solicitors who are members of any district law society (sections 58 to 66 of the Consolidation Act).

Section 7 of the Act of 1896 (Meetings of the Council of the Law Society) refers to the "half-yearly" meeting of the Court of Appeal: we have substituted "periodical," as the Court of Appeal now meets oftener than half-yearly (section 75 of the Consolidation Act).

LEGISLATURE.

In section 2 of the Consolidation Act (Disqualification as respects the Legislative Council) we have inserted "sitting or voting"—this for uniformity with the corresponding provision respecting the House of Representatives. It does not alter the law.

In section 5 and other sections of "The Electoral Act, 1905," the South Island is expressed to include Stewart Island. This is dropped in the Consolidation Act, as the Acts Interpretation Act makes it unnecessary.

In section 15 of "The Electoral Act, 1905," the definitions of "Civil servant" and "Contractor" are expressed to be "for the purposes of the last preceding section." The last preceding section merely disqualifies a Civil servant or a contractor from being elected. This limitation is presumably a mistake. The definitions in question are taken from "The Disqualification Act, 1878," where they apply to the whole Act, including the provisions disqualifying members from becoming Civil servants within twelve months after they cease to be members. We have retained the section (subsection (2) of section 24 of the Consolidation Act) as we do not think the law established by the Disqualification Act is altered. If any doubt exists, it is for the Legislature to remove it.

In "The Electoral Act, 1905," the provisions respecting election petitions are confused with those respecting corrupt and illegal practices: we have rearranged them in proper form.

Section 218 of "The Electoral Act, 1905," fixes a time limitation on proceedings to recover "any fine hereby imposed." The language is wide enough to cover the whole Act. This is a mistake. The section is taken from section 22 of "The Corrupt Practices Prevention Act, 1881," and applies only to fines under that Act. We have therefore altered the words to "imposed by this Part of this Act" (section 232 of the Consolidation Act).

LICENSING.

In section 3, which contains a series of exceptions from the operation of the Licensing Act, we have inserted the governing words "except as expressly provided in this Act"; our purpose being to save the various statutory amendments made by legislation subsequent to the Act of 1881.

Section 52 of the Act of 1881 (Fresh licensing poll) is dropped as obsolete. This was the opinion of the majority of the Judges in the Newtown licensing case. The Act of 1894 provides, in section 16, for a fresh poll where a prior poll has been declared void (section 37 of the Consolidation Act).

Section 18 of the Alcoholic Liquors Sale Control Act of 1895 provided that no new bottle license should be granted after the commencement of the Act, and that all such licenses then in force should continue in force until their expiry on the 30th June then next ensuing. We have therefore dropped "bottle licenses" from section 73 of the Consolidation Act, which sets out what licenses may be granted. It is, however, not quite clear what effect the above-mentioned section 18 had on then existing bottle licenses so far as concerns their renewal, and we understand that renewals are being granted. To preserve the legal position, we have in section 1, (2) (b), made a special reference to bottle licenses.

Section 127 of the Consolidation Act deals in subsection (5) with the removal of New Zealand wine licenses. The reason is curious. The Act of 1881 (section 97) as amended by section 22, (4), of the Act of 1895 dealt with all removals except in the case of packet, wholesale, and conditional licenses—i.e., with publican's, accommodation, and New Zealand wine licenses, and fixed the limits of removal. These limits were altered in the case of publican's and accommodation licenses by section 31 of the Act of 1904. Thus the original limits remained in the case of New Zealand wine licenses, and we have accordingly so provided in subsection (5) of section 127. This may not have been the intention of Parliament, but we did not feel justified in altering the law.

Section 149 of the Act of 1881 and section 44 of the Act of 1904 overlap and conflict to some extent, but on full consideration we decided to let them stand (sections 184 and 185 of the Consolidation Act), leaving it to the Legislature to deal with the matter. Section 149 makes it an offence for any innkeeper to suffer any unlawful game to be carried on on his premises. "Innkeeper" is defined to mean the holder of a publican's or accommodation license. Section 44 makes it an offence for any licensee to permit or connive at gambling or the playing of any unlawful game on his licensed premises. "Licensee" is defined to mean the holder of any license under the Licensing Act. The sections impose different penalties.

The provisions as to indorsement of licenses have been recast so as to state the law in simple form (sections 246 to 251 of the Consolidation Act). The various amendments made from time to time had resulted in much entanglement.

Sections 206 and 207 of the Act of 1881 and section 22, (7), of the Act of 1895 (Disqualification of persons and premises) are dropped as being superseded by section 35 of the Act of 1904 (section 248 of the Consolidation Act).

Under section 229, (2), of the Act of 1881, a club must consist of at least twenty members. Under paragraph (d) of the same section any number of persons not less than ten, who propose to establish a new club, may apply for a provisional charter, and after the lapse of a year may obtain a permanent charter, if, *inter alia*, the number of members is not less than twenty.

Under section 27, (2), of the Act of 1893, no new charter can be issued to any club except on the application of not less than fifty persons resident in the district wherein the club is situate. We take this last provision to apply to the provisional charter, and to involve the requirement that, under both provisional and permanent charter, the number of members must not be less than fifty (sections 260 and 261 of the Consolidation Act).

Speaking generally of the Licensing Acts, we may mention that their consolidation has necessitated a great deal of rearranging and recasting.

LIFE INSURANCE.

The Act of 1873 required specified deposits in the case of both local and foreign companies, and provided for the registration of policies. "The Foreign Insurance Companies' Deposits Act, 1894," made fresh provision for deposits by foreign insurance companies (including life companies), and section 4 of the amending Act of 1895 repealed such of the provisions of the Act of 1873 as related to the registration of policies and contracts under that Act.

We are of opinion that this repeal, though absolute in terms, applies only to foreign companies, and we have allowed the registration provisions to stand as regards local companies. Certain of these provisions, however—viz.: Sections 10 to 14 of the Act of 1873—are absolutely repealed by "The Statutes Repeal Act, 1902." It appears to us this is a mistake; but we do not feel justified in restoring them. It is for the Legislature to deal with the matter; and we suggest that, in applying the deposits towards the protection of policies, the same method should be adopted with both local and foreign companies.

Under section 33 of "The Life Assurance Policies Act, 1884," policies were not to be available for payment of debts under an intestacy or for debts or legacies under a will, and by section 34, (2), it was provided that the protection was only to extend to £2,000 of assurance or an annuity of £104 per year. By the Amendment Act of 1903 section 33 was repealed so far as it related to debts and legacies under a will, and fresh provision as to them was made by section 5 of that Act. Section 34, (2), was also repealed by section 6 of the Amendment Act, which re-enacted the limit of the amount protected under section 33 of the principal Act, but did not include section 5 of the Amendment Act, which had partly superseded section 33. The position therefore was that, in case of an intestacy, policies were protected from debts only up to £2,000 or an annuity of £104 per annum; but in case of a will the protection from debts was not limited. Moreover the only policies protected under section 33 of the principal Act are those specified in section 2 of the Act of 1885. Hence this limitation did not apply to policies protected not under section 33 of the principal Act, but under section 5 of the Act of 1903. We are satisfied that this was not the intention of the Legislature. The mistake has arisen by not providing that section 5 of the Amendment Act should be read as in substitution for the repealed portion of section 33 of the principal Act. This was done in the case of section 6 of the Act of 1903. The necessary correction is made in section 65 of the Consolidation Act.

The provisions relating to registration of assignments and mortgages have been recast to give effect to amendments.

"LOCAL BODIES' FINANCE AND POWERS ACT, 1885."

This Act provided for subsidies to local bodies according to a scale in the Schedule. The subsidy was for one year, and by subsequent Acts was extended from year to year. On the expiry of the last of these Acts, the subsidy on a modified scale, but still based on the Schedule to the Act of 1885, has been continued in the annual Appropriation Acts.

If it is desired to continue this practice the Appropriation Act itself must set out the Schedule, as the Act of 1885 no longer appears.

LOCAL BODIES' LOANS.

Under Section 2 of the Act of 1906 (section 3, (3), (f), of the Consolidation Act) certain objections are to be heard by the Assessment Court under the Rating Act. In a district where the system of rating on the capital or

unimproved value is in force there is no Assessment Court under the Rating Act. Objections are dealt with by the Court under the Valuation of Land Act. We have not felt justified in altering, as the Assessment Court under the Valuation of Land Act deals only with values, not with names. The proper course, we think, is for the Legislature to provide that where the system of rating is on the capital or unimproved value the objections in question shall be determined by the Stipendiary Magistrate exercising jurisdiction in the district.

Section 76 of the Act of 1901 (section 78 of the Consolidation Act) provides for loans on the security of thirds and fourths, but does not include leases in perpetuity or renewable leases. Their inclusion is a matter for the Legislature.

Section 80 of the Act of 1901 (section 82 of the Consolidation Act) says that the Act applies to boroughs for the purposes, *inter alia*, of the construction of a bridge on a "main road" with power to the Minister of Finance, on the advice of the Minister of Lands, to decide what roads are "main roads" within the meaning of the section. Is the section limited to roads outside a borough or does it include streets in a borough? We suggest that the Legislature make the matter clear.

Section 7 of the Act of 1906 provides for cases of merger, and subsection (7) says that the section shall apply only to loans granted by the Colonial Treasurer "under the principal Act and its amendments." The principal Act is "The Local Bodies' Loans Act, 1901," which, so far as relates to Government loans, was a mere consolidation of the Act of 1886 and its amendments. We can see no possible reason why these loans should be treated differently from loans granted under the Acts so consolidated, and therefore conclude that the Act of 1886 was meant. The significant words of the section are "Colonial Treasurer" (now Minister of Finance), the clear purpose being to limit the operation of the section to Government loans. This is effected in subsection (7) of section 91 of the Consolidation Act.

Section 9 of the same Act (section 122 of the Consolidation Act) makes the Crown liable for special rates in certain cases. This can only refer to special rates in respect of loans raised under the Act and so does not apply to a Harbour Board, as it is not a local authority within the meaning of the Act. If the intention is that it should so apply, express provision to that effect is necessary.

LUNATICS.

Section 77 of the Act of 1882 (Medical practitioner to be keeper of house) is amended by subsection (8) of section 2 of the Act of 1891 by requiring him to reside there only if so required by the Inspector-General. We are disposed to think that when this amendment was made the necessity of a consequential amendment of section 80 was overlooked. As, however, the point is not quite clear, we have retained section 80 (as section 78 of the Consolidation Act), and leave the matter to the Legislature.

MARRIAGE.

Sections 44 and 45 of the Act of 1904 and section 3 of the Act of 1905 speak of the "passing" of the Acts named, instead of, as was plainly the intention, their coming into operation. We have altered accordingly (sections 44, 45, and 46 of the Consolidation Act).

MARRIED WOMEN'S PROPERTY.

In section 2 of the Act of 1880 (section 30 of the Consolidation Act) the reference to the Court of Petty Sessions is omitted as being obsolete. There is no such Court in New Zealand.

MASTER AND APPRENTICE.

Under the Act of 1865 the minimum age of apprentices is fixed at twelve years. We have retained this, but have inserted a special clause to save the operation of any other enactment containing restrictions as to age or nature of employment: see subsection (3) of section 1 of the Consolidation Act. This is to cover such Acts as the Factories or Coal-mines.

MEDICAL.

We have inserted a new provision (subsection (3) of section 9 of the Consolidation Act) saying that the absence of a person's name from the register shall, until the contrary is shown, be sufficient evidence that such person is not registered. The want of this provision is, in our opinion, a defect in the Act of 1869. We have adapted it from section 26 of "The Pharmacy Act, 1898."

MONEY-LENDERS.

Section 3 of the Act of 1901 provides for the reopening of transactions in the case of money lent "after the passing of this Act." The Act passed on the 29th October, 1901, but did not come into operation till the 1st January, 1902. In our opinion the latter date was intended, and accordingly section 3 of the Consolidation Act so provides.

MOTOR REGULATIONS.

This Act is defective, and, in our opinion, should be reconsidered by the Legislature.

Part I (Regulation of Motors) empowers the Governor in Council to make regulations for determining the identification-marks to be used and the mode in which they are to be fixed.

Part II (Registration of Motors) applies only in districts controlled by registering authorities which by resolution decide to bring this Part into operation. Moreover, boroughs of less than five thousand inhabitants, and town districts that do not form part of a county, are not registering authorities.

The regulations apply generally to all motors whether registered or not. Consequently, a registered motor may be required to have two sets of marks—one for registration, and the other pursuant to the regulations. We doubt whether this was the intention.

Again, section 16 (which is in Part II) makes it an offence if the mark to be affixed to a motor in accordance with the Act is not so affixed. Hence in districts where Part II is not in operation it is no offence to use a motor without the prescribed marks. Presumably this was not the intention. If so, then the offence in question should appear in Part I instead of in Part II.

MUNICIPAL CORPORATIONS.

Section 5, (4), of "The Municipal Corporations Act, 1900," says that a borough shall be deemed not to form part of the county "for the purposes of this Act." Presumably this limitation is a mistake. We have retained it (section 3, (d), of the Consolidation Act), but suggest that the Legislature amend by omitting these words.

Subsection (1) of section 90 of the same Act (Fines, &c., under Public Health Act) has been transferred to the latter Act, where it appears as subsection (2) of section 103.

Prior to the passing of "The Municipal Corporations Act, 1900," the Audit Office was the statutory auditor of borough accounts by virtue of the Public Revenues Act. The Municipal Corporations Act repealed this, but made no substituted provision for the appointment of an auditor. This appears to us to be a defect, as in our opinion the purpose of the repeal was not to alter the law, but to make the Municipal Corporations Act self-contained. Under the existing regulations the Audit Office audits. These regulations are made under section 169, which provides that the accounts shall be audited in such a manner as is prescribed by Act or by regulations under the Municipal Corporations Act itself. It is not quite clear that this gives power to appoint the auditor. To remove all doubt, and also for uniformity with the audit system of all other local authorities, we have added words to section 169 making the Audit Office the auditor (section 112 of the Consolidation Act).

Section 177 of the Act of 1900 and section 15 of the Act of 1902 (Union of boroughs) have been recast in section 120 of the Consolidation Act.

The list of boroughs in the First Schedule to the Act of 1900 has been brought up to date in the Second Schedule to the Consolidation Act.

MUTUAL FIRE INSURANCE.

The premium note in the Second Schedule to the Act of 1903 refers to "the Court of the district." Properly speaking there is no such Court. We have substituted "the Court situate or exercising jurisdiction within the district, &c."

NATIVE RIGHTS.

Sections 3 and 5 of the Act of 1865 (Jurisdiction of Courts) have been dropped as being superseded by later legislation.

NAVAL DEFENCE.

The altered stations are set out in the Third Schedule to the Consolidation Act, and reference thereto appears in the preamble.

NEW ZEALAND INSTITUTE.

Section 8 of the Act of 1903 provides for filling up casual vacancies, but does not specify the term of office. This is a defect, and, to cure it, subsection 2 of section 7 of the Consolidation Act says that the person appointed to fill a casual vacancy shall only hold office for such period as his predecessor would have held it.

Section 12 of the Act of 1903 is dropped as spent, and section 13 (Regulations, &c., to be laid before Parliament) is altered, for uniformity with similar provisions in other Acts.

NEW ZEALAND LOANS.

All Loan Acts not theretofore specifically repealed are brought under the Consolidation Act (section 2), and set out in Part II of the First Schedule.

Sections 9 and 11 of "The Public Debts Sinking Funds Act, 1868," have been recast in section 53 of the Consolidation Act. Sections 10 and 12 of the same Act have been dropped as spent or superseded.

NEW ZEALAND UNIVERSITY.

The endowment provisions of the constituent Acts are in great measure spent or superseded. We have recast them so as to preserve the present legal position.

NOXIOUS WEEDS.

The various schedules of noxious weeds have been brought up to date.

NURSES REGISTRATION.

In section 6 of the Act of 1901 the reference to lectures delivered evidently was intended to be to lectures attended. We have altered accordingly (section 5 of the Consolidation Act).

OLD-AGE PENSIONS.

The term "renewal certificate" in the Act of 1901 is inaccurate. We have substituted "pension certificate."

Section 64 of the Act of 1898 (section 71 of the Consolidation Act) excludes from the pension provisions of the Act "Chinese or other Asiatics, whether naturalised or not." Does this exclude Chinese or other Asiatics who are British subjects by birth—*e.g.*, Natives of Hong Kong or India? We suggest that the Legislature make the point clear.

ORCHARD AND GARDEN DISEASES.

Section 9 of the Act of 1893 omits to deal with plants, &c., being brought from one portion of New Zealand into another in breach of any Order in Council. The omission is supplied in section 9 of the Consolidation Act.

The schedules have been brought up to date.

PATENTS, DESIGNS, AND TRADE-MARKS.

Section 99 of the Act of 1889 (Vexatious indictments) is omitted, as the Crimes Act makes provision.

The Schedule of Fees has been brought up to date.

PAWNBROKERS.

Section 17 of the Act of 1868 has been rearranged and recast (section 15 of the Consolidation Act).

Section 3, (2), of the Consolidation Act (Auctioneers) is from section 17 of "The Auctioneers Act, 1891."

Section 40 of the Act of 1868 (Application of license fees) is altered to accord with the existing law (section 38 of the Consolidation Act).

PHARMACY.

The title of the Act has been inserted in the forms in the schedules.

POISONS.

Section 3 of "The Sale of Poisons Amendment Act, 1900," appears as a proviso at the end of each Part of the Second Schedule to the Consolidation Act.

POLICE FORCE.

Section 17 (except reference to Civil Service) is dropped as being spent.

POLICE OFFENCES.

The term "habitual drunkard" is used in the last paragraph of section 19 of the Act of 1884. It serves no purpose in that Act, and, moreover, conflicts with the same term as used in "The Habitual Drunkards Act, 1906." We have therefore omitted it (section 29 of the Consolidation Act).

Section 3 of "The Habitual Drunkards Act, 1906," provides that where, on the conviction of any person for drunkenness, he becomes an habitual drunkard, the "convicting Magistrate" may commit him to an institution. If the Legislature intended that this jurisdiction to commit should be exercised only by a Magistrate, express words to that effect should be used. Justices have jurisdiction to convict for drunkenness; and, in the absence of any express limiting words, we think that the mere expression "convicting Magistrate" is not sufficient to exclude the jurisdiction of Justices to commit to an institution. We have therefore substituted "Court" for "Magistrate" (section 35 of the Consolidation Act). This is in accordance with the judgment in *Rex v. Reid* (20 N.Z. L.R. 604), a case under section 6 of "The Indictable Offences Summary Jurisdiction Amendment Act, 1900," where the same question arose and was similarly decided.

In lieu of the various specified places mentioned in section 3 of "The Offensive Publications Act, 1892," we have substituted "public place" (section 43 of the Consolidation Act) as defined.

Paragraph (1) of section 24 of "The Police Offences Act, 1884," is dropped as being superseded by the later provisions of "The Offensive Publications Act, 1892" (section 43 of the Consolidation Act).

The reference to the Criminal Code Act in section 2 of "The Offensive Publications Act, 1905" (section 47 of the Consolidation Act) is omitted as the section itself is repeated in the Crimes Act.

POST AND TELEGRAPH.

Section 46 of "The Post Office Act, 1900," is altered to meet the case of the Commonwealth (section 47 of the Consolidation Act).

Section 121 of the Consolidation Act (Postmaster-General to be Minister of Telegraphs) is to give effect to section 4 of "The Electric Lines Act, 1884," as modified by section 2 of "The Post and Telegraph Department Act, 1894."

PRINTERS AND NEWSPAPERS REGISTRATION.

Section 18 of the Act of 1868 is altered to accord with the present procedure (section 16 of the Consolidation Act).

In *O'Connor v. Fraser* (12 N.Z. L.R. 405) the Court suggested, but did not decide, that "printed" should be read before "published" in section 20 of the Act of 1868. We have not inserted it (section 19 of the Consolidation Act) as it is a matter for the Legislature.

The forms in the schedule are altered by inserting the title of the Act and making other formal additions.

PRISONS.

In paragraph (2) of section 5 of "The Prisons Act, 1882" (section 4 of the Consolidation Act) "unauthorised" is inserted before "person" for clearness. In paragraph (3) of the same section, and generally throughout the Act the reference to penal servitude is dropped, and the equivalent from the Crimes Act substituted. The same course is adopted with the word "misdemeanour."

Section 61 (Prosecution for offences) is altered to meet the Crimes Act (section 50 of the Consolidation Act).

PROMISSORY OATHS.

Section 5 (Executive Councillor's oath) has been extended to include the Deputy of the Governor (section 5 of the Consolidation Act).

Section 10 (Aliens' oath) is omitted, as it properly belongs to the Aliens Act, where it appears.

Section 12 (Change of name of sovereign) is given effect to in the forms of the oaths.

"Governor in Council" is inserted at the end of section 17 for completeness (section 13, (e), of the Consolidation Act).

"The Judge of the Court of Arbitration" is inserted in the Second Schedule.

PROPERTY LAW.

The form of conveyance in the First Schedule to the Act of 1905 (Second Schedule to the Consolidation Act) is altered by referring to a plan. This is the established conveyancing practice.

PUBLIC BODIES' LEASING POWERS.

Section 2 of "The Public Bodies' Powers Act, 1887," is dropped as spent.

Sections 14 to 16 of the same Act are transferred to the Harbours Act, their proper place.

PUBLIC CONTRACTS AND LOCAL BODIES' CONTRACTORS.

The definition of "local body" in the Act of 1885 is extended to include Water-supply Board. These Boards were not in existence when that Act was passed. In our opinion the omission to include them when the Water-supply Act was passed was a mistake, which we are entitled to correct. This we have done (section 2 of the Consolidation Act).

PUBLIC HEALTH.

In section 2 of "The Public Health Act, 1900," "this Act" is defined to include regulations by the Governor. We have extended it to the Governor in Council. The omission was plainly an oversight, as the Governor in Council makes some regulations. (Section 2 of the Consolidation Act.)

Subsection (3) of section 7 of the same Act is omitted as unnecessary.

Section 86 of the same Act (Power to inspect food, &c.), stands unrepealed, though the next section (Power to seize food which on inspection appears to be unsound) has been repealed by the Sale of Food and Drugs Act. We have accordingly retained section 86 (section 89 of the Consolidation Act), though it does not seem to serve any useful purpose.

Section 6 of "The Public Health Amendment Act, 1902," has been transferred to the Coroners Act (section 18), its proper place.

Similarly, section 10 of "The Public Health Amendment Act, 1904," has been made a proviso to section 23 of the Coroners Act.

PUBLIC RESERVES AND DOMAINS.

The delegation provisions of "The Public Domains Act, 1881," are repealed by section 12 of "The Domain Boards Act, 1904," with a saving of any existing delegation. This section 12 is defective in not defining the position of these delegates. As the repealing Act introduces the new system of Domain Boards, we have by section 54 of the Consolidation Act provided that the existing delegates of any domain shall be deemed to be the Domain Board of that domain, with tenure of office as stated in the section.

PUBLIC REVENUES.

The second paragraph of section 38 of "The Public Revenues Act, 1891" (Definition of "liabilities" in the Consolidated and Public Works Funds), has been recast for clearness (section 36, (2), of the Consolidation Act).

Headings have been given to the forms in the schedule.

PUBLIC SERVICE CLASSIFICATION AND SUPERANNUATION.

The Superannuation Act of 1907 appears to contemplate only voluntary retirements pursuant to three months' notice of intention to retire. The case of officers who are retired by the Government does not seem to be provided for.

Section 20 of the same Act (Position of contributor reappointed after having retired on allowance) appears defective in not providing for the case of a contributor who on his subsequent retirement elects to take a return of his contributions, in lieu of a retiring-allowance. In such case the amount he has already received by way of retiring-allowance should be taken into account.

Moreover, no provision is made for the case of a contributor who had been retired on compensation under "The Civil Service Act, 1866," and subsequently reappointed prior to the coming into operation of the Superannuation Act of 1907. As such reappointments have sometimes been made without any break of employment, it appears to us that in such case his whole period of service will count for retiring-allowance notwithstanding that he has already received compensation in respect of portion of it. The Act should provide that such portion shall be excluded in computing the length of his service.

In section 35 of the same Act (Act not to apply to certain persons) we have added "the Judge of the Court of Arbitration" (section 52 of the Consolidation Act).

Section 40 of the same Act (Police Force provision) is dropped as obsolete, the time fixed by the Act for the ballot having expired.

PUBLIC TRUST OFFICE.

The proviso to section 27 of "The Public Trust Office Consolidation Act, 1894" (limiting the power of the Public Trustee in certain cases), has been recast in order to give effect to the amending Acts of 1895 and 1901 (section 29 of the Consolidation Act).

"The Unclaimed Lands Act, 1894," gives the Public Trustee wide powers in the case of unclaimed lands. "The Public Trust Office Amendment Act, 1907," gives him another set of very wide powers in the case of unclaimed property. "Property" includes land. Consequently the two enactments overlap and to some extent conflict. We retain both (Parts II and III of the Consolidation Act) as the necessary alterations would exceed our powers. The Legislature should deal with the matter. It illustrates the confusion caused by not repealing prior enactments when inconsistent ones are passed.

The enactment printed at the end of "The Public Trust Office Consolidation Act, 1894" (Auckland Hospital Reserve), is dropped, as being superseded by later legislation.

PUBLIC WORKS.

Subsection (2) of section 37 of the Act of 1905 is omitted as spent.

Section 47 of the same Act (Registrar of Supreme Court to appoint Assessor where respondent fails to do so): We have applied this to the Clerk of the lower Court, to meet cases there (section 47 of the Consolidation Act). Similarly, in section 58.

Section 60 (If Judge interested, Governor to appoint another): This apparently refers to the Supreme Court Judge. There is no corresponding provision in the case of a District Court Judge or a Magistrate. The Legislature should deal with it.

Part IV of the Act of 1905 (Taking Native Lands): Owing to the vague definition of the lands that may be taken, there is room for doubt and confusion as to the procedure for taking, and the mode of assessing the compensation. We suggest that these provisions be recast on clearer lines, and with due regard to Part VIII of "The Native Land Court Act, 1894," relating to the title to customary lands.

Section 111 (Roads on boundaries of counties) has been transferred to the Counties Act (section 157, (4))—its proper place.

All authorised railways are brought under the Consolidation Act (section 186), and a description of them is given in the Eighth Schedule. A full list of the various authorising Acts is given in Part II of the First Schedule, so as to permit of their repeal. Such of their provisions as may still be operative are set out in the Ninth Schedule and continued in force.

Section 287 (Deposit of tailings) has been transferred to the Mining Act (section 121).

RABBIT NUISANCE.

Section 3 of the Act of 1886 gives the Inspector power to enter an abandoned run for the purpose of destroying rabbits only where he has entered under "The Sheep Act, 1878," for the purpose of cleaning sheep, and finds the run abandoned. To give effect to what we take to be the true intention we have dropped the reference to sheep, and substituted entry under the powers conferred by "The Stock Act, 1908" (section 22 of the Consolidation Act).

Section 12 of the Act of 1886 (Stockowners entitled to vote): To meet the case of companies and firms, we have applied the provisions of the Rating Act (section 42 of the Consolidation Act). The omission was a defect.

Section 12 of the Act of 1890 speaks of the Chief Inspector of the district. Chief Inspectors of districts existed under the Sheep Acts of 1878 and 1890, but under "The Stock Act, 1893," they all became Inspectors simply. We have altered accordingly in this (section 48) and other sections.

The last paragraph of section 17 of the Act of 1886 (Validation of proceedings of meetings of the Board) has been altered by adding that the notice must specify the business to be transacted. This is reasonable and conforms to similar provisions in other Acts (subsection (6) of section 49 of the Consolidation Act).

Section 28 of the Act of 1886 (Audit of Board's accounts) refers to an Auditor, but does not appoint one. Under the Public Revenues Act the Audit Office is Auditor, and we have provided accordingly (section 64 of the Consolidation Act).

Section 37 of the Act of 1886 (Notice of election to be gazetted): We have included cases of appointment by the Governor as provided in the same section (section 76 of the Consolidation Act). The omission was a defect.

Speaking generally, these Rabbit Acts have necessitated much rearranging and recasting.

RAILWAYS CONSTRUCTION AND LAND ACT.

Section 118 of the Act of 1881, in providing for the percentage to be added to compensation, fixes 5 per cent. if the power of purchase is exercised between seven and fourteen years after the railway is open for traffic. We have substituted ten years for seven years to accord with section 114 of the Act of 1881, and also with section 3 of "The East and West Coast (Middle Island) and Nelson Railway and Railways Construction Act, 1884." (See section 112 of the Consolidation Act).

Section 24 of "The District Railways Purchasing Act, 1885," provides that certain rating sections of "The District Railways Act, 1877," shall not apply to any railway authorised under the District Railways Acts or the Railways Construction and Land Acts. So far as the last-mentioned Acts are concerned, the sections in question never did apply. There are corresponding sections in "The Railways Construction and Land Act, 1881," and presumably this section 24 referred to them. In our opinion, however, the intention has not been expressed with sufficient aptness to justify the omission of these sections, and we have accordingly retained them. The matter is, of course, one for the Legislature, if it thinks fit.

Several verbal alterations are made in the forms in the schedule for uniformity. Moreover, in the Sixth Schedule the rate of interest was stated to be 7 per cent. This conflicted with section 55 of the Act, which fixed 6 per cent. We have altered accordingly.

RATING.

In section 2 of the Consolidation Act the definition of "rateable value" has been recast in places in order to give effect to the various amending Acts.

Section 2 and section 3, (3), of the Act of 1896 (Unimproved value) appear as paragraph (c) of that definition.

Sections 3 and 4 of the Consolidation Act take the place of section 4 of the Act of 1894.

The Government Valuation of Land Acts have been construed in practice to apply only to rating on the capital and unimproved values, and not to rating on the annual value. The point is not quite clear, but we have accepted the practice as correct, and the Consolidation Act is framed accordingly. Section 5 applies the Valuation of Land Act to the former systems, and sections 6 to 35 are limited to the latter.

In section 38 of the Consolidation Act (Majority to carry poll) section 6 of "The Rating on Unimproved Value Act, 1896," is altered to accord with "The Local Government Voting Reform Act, 1899."

Sections 45 to 47 embody the rating provisions of "The Gold Duty Abolition and Mining Property Rating Act, 1890," and in terms of that Act apply only to the South Island. Section 6 of that Act is omitted as unnecessary. Paragraph (a) of section 7 appears in the interpretation clause of the Consolidation Act.

Section 55 of the Consolidation Act (Appeal to Assessment Court against separate rate): The reference to the Assessment Court is proper in districts rating on the annual value, but not in other cases, as there the Assessment Court is under the Valuation of Land Act, and has no function as to rates. In those cases the appeal should be to the Magistrate exercising jurisdiction in the district. This is for the Legislature.

Section 101 of the Consolidation Act (Limit of rating liability of Maori lands) gives effect to section 16 of "The Native Land Rating Act, 1904."

Section 71 of the Act of 1894 (Saving of rates on Native land) is given effect to in section 108 of the Consolidation Act.

Verbal alterations have been made in the forms where necessary. For example, the words "or lease" are added at the end of the "notice of sale" in the Ninth Schedule to Act of 1894. The omission was a mistake.

Throughout the Consolidation Act "Maori" has been substituted for "Native," to accord with the term used in recent Acts.

RIVER BOARDS.

Section 5 of the Act of 1884 (Existing Boards) is omitted as spent.

Section 31 (Voting-power) is altered to accord with later legislation.

Section 3 of the Act of 1891 (Making separate or special rates) says that these rates are to be subject to sections 92 to 95 of the Act of 1884. These sections apply only to separate rates, not to special rates. In the latter case we have made the reference the Local Bodies' Loans Act (section 91 of the Consolidation Act).

Section 5 of the Act of 1891 (Rating Act to apply) is omitted as unnecessary.

Section 124 relates to audit. To accord with the Public Revenues Act we have made the Audit Office the Auditor (section 114 of the Consolidation Act).

Several sections of the Consolidated Acts are set out in the Second Schedule as being of a local nature, affecting the Clutha and Inch-Clutha Districts.

The Second Schedule of the Act of 1884 (List of Existing Districts and Boards) has been omitted. The list relates only to the Act of 1884, and has been so largely altered since by *Gazette* notices and otherwise that we found it impossible to bring it up to date satisfactorily. The saving clause of the Consolidation Act fully covers.

ROAD BOARDS.

Subsections (7) to (9) of section 3 of the Act of 1882 are omitted as spent.

Section 39 (Voting-power) is altered to accord with later legislation (section 40 of the Consolidation Act).

Section 100 (Auditors) is omitted as being superseded by the Public Revenues Act, under which the Audit Office audits the accounts (section 100 of the Consolidation Act).

Section 109 (Members liable for money unlawfully paid) is omitted as being superseded by the corresponding provisions of the Public Revenues Act.

Section 119 provides for a "special rate" for executing particular works. The term "special rate" is uniformly used in connection with loans. We have therefore substituted "special-works rate" for clearness (section 112 of the Consolidation Act). The same alteration is consequentially made in subsequent sections where necessary.

Sections 141 to 144 of the Consolidation Act (Harbour-works) are adapted from sections 242 to 244 and 236 of the Counties Act, where they are expressed to apply to both County Councils and Road Boards.

The Schedule to "The Road Boards Act Amendment Act, 1888" (List of certain Road Boards), has been brought up to date by inserting Arch Hill and Remuera, and omitting Mount Eden, the last having been made into a borough (Third Schedule to the Consolidation Act).

SAND DRIFT.

Section 4 of the Act of 1903 (Notice of scheme to be served) provides that the notice shall be served on "all persons in New Zealand affected thereby." We have altered this to "all owners of land within the proclaimed area" to accord with the language of the previous section. We have also provided for substituted service in the case of owners not in New Zealand (section 5 of the Consolidation Act). The omission was a defect.

SAVINGS-BANKS.

Section 48 to 55 provide for District Trustees, but in some of these sections they are referred to as "trustees." We have called them "district trustees" throughout for clearness, so as to distinguish them from the general trustees (sections 57 to 64 of the Consolidation Act).

Section 2 of "The Post-Office Savings-banks Amendment Act, 1869" (which is not confined to Post-Office Savings-banks) provides that on the final closing of any savings-bank the surplus funds shall be paid into the Public Account to the credit of the Public Trust Fund. This fund was abolished by subsequent legislation, and for the purpose of savings-bank moneys the Post-Office Account takes its place. We have altered accordingly (section 65 of the Consolidation Act).

SCENERY PRESERVATION.

The Act of 1906 (section 13) repeals sections 2 to 5 of the Act of 1903 "so far as the same are inconsistent with the provisions of this Act." Those sections are more than inconsistent with the Act of 1906—they are wholly superseded by it. We have therefore dropped them. The result is that the power of making scenic reserves under the Act is confined to Crown land and private land as defined. Native land cannot be taken.

In subsection (2) of section 6 of the Act of 1906 "private land" has been substituted for "other than Crown land" for clearness (section 6, (2), of the Consolidation Act).

SECOND-HAND DEALERS.

There is some overlapping between "The Old Metal and Marine Store Dealers Act, 1867," and "The Second-hand Dealers Act, 1902." It is for the Legislature to reconcile them.

Section 12 of the first-mentioned Act has been transferred to the Shipping and Seamen Act.

SETTLED LAND.

In section 1 of the Act of 1865 "legal representatives" is substituted for "heir" (section 3, (2), of the Consolidation Act).

Section 14 has three misprints—"parks" for "paths," "parks" for "parts," and "combined" for "continued," as is shown by the same section in the Imperial Act. We have altered accordingly (section 16 of the Consolidation Act).

In section 41 of the same Act we have substituted "The Property Law Act, 1908," for the conveyancing Ordinance mentioned therein (section 44 of the Consolidation Act).

"The Settled Land Act, 1886," overlaps to some extent the earlier Act of 1865. The Consolidation Act (which combines the two) might with advantage be reconsidered by the Legislature in connection with the Trustee Act and the Property Law Act.

SHIPPING AND SEAMEN.

In the Third Schedule to the Act of 1903 (Firemen, Trimmers, and Greasers to be carried) there is no requirement where the horse-power is 4,000 tons or over. This is a defect for the Legislature to deal with (Fourth Schedule to the Consolidation Act).

Similarly, in the Fourteenth Schedule (Maximum Fees for Measurement of Ships' Tonnage) the scale of fees stops at 6,000 tons (Fifteenth Schedule to the Consolidation Act).

SLAUGHTERING AND INSPECTION.

Section 12 of "The Stock Act Amendment Act, 1898" (Special inspection of slaughterhouses) has been transferred to this Act—its proper place (section 33).

Section 43 of the Act of 1900 empowers any owner or occupier to "lay an information." We have substituted "take proceedings," to cover complaints and orders, that being the manifest intention (subsection (2) of section 43 of the Consolidation Act).

The proviso to section 26 of the Act of 1900, and the First Schedule thereto, are omitted as spent.

STAMP DUTIES.

The list of exemptions in the case of affidavits and declarations is brought up to date from the various statutes; and similarly in the list of general exemptions. The form of annual license is altered to cover all the cases.

STATE FIRE INSURANCE.

So much of sections 23 to 28 as provides for the raising of the capital sums mentioned is dropped as being superseded by "The New Zealand Loans Act, 1908," and a reference to that Act is inserted (section 23 of the Consolidation Act).

STATISTICS.

"Census" is substituted for "account" in "The Census Act, 1877," as the more appropriate term.

Section 25 of the Consolidation Act (Application of the three last sections) is inserted, as those three sections apply only to the Act of 1877, and the account referred to in section 20 of the Consolidation Act is provided for by the Act of 1895.

SURVEYORS' INSTITUTE AND BOARD OF EXAMINERS.

Section 2 of the Act of 1900 defines "Australasian Colony." "Australian State" is substituted, and the definition is recast accordingly.

In the same section the definition of "Certificate" refers to "Board of Examiners" in Australia: "or other legally constituted authority" is added as in some States there may not be a Board of Examiners in terms.

Section 22 (*Gazette* list of persons registered to be evidence) is extended to meet the case of persons whose names are not in the list. This is in accordance with similar provisions in other Acts, and remedies a defect.

THERMAL SPRINGS DISTRICTS.

Section 14 of the Act of 1881 limits the Act to the Counties of Tauranga and East Taupo. We have added the County of Rotorua, which was subsequently formed out of Tauranga (section 13 of the Consolidation Act).

Section 14 of the Consolidation Act is inserted to save the operation of "The Rotorua Town Act, 1907."

TOWN BOARDS.

The title has been made "Town Boards" in lieu of "Town Districts" for uniformity with the Road Boards Act.

The reference to military townships in section 5 of the Act of 1881 is dropped as being obsolete.

"Member" is substituted for "Commissioner" for uniformity with recent legislation.

Section 33 of the Act of 1881 gives the Board all the powers conferred on a Borough Council by Part XI of "The Municipal Corporations Act, 1876," or any enactment amending the same. In our opinion this corresponds to Divisions V and VI of "The Municipal Corporations Act, 1908," and we have substituted accordingly. The effect is to render the reference to lighting unnecessary, and is therefore dropped (section 33 of the Consolidation Act).

For a similar reason Part XLII of "The Municipal Corporations Act, 1908" (By-laws), is substituted for Part XII of "The Municipal Corporations Act, 1876," and its amendments (section 34 of the Consolidation Act).

The maximum general rate was raised from 1s. to 2s. in the pound by "The Road and Town Districts Rating Act, 1903," and section 37 of "The Town Districts Act, 1881," is altered accordingly (section 35 of the Consolidation Act). The maximum separate rate referred to in section 39 of the Act of 1881 remains at 1s. in the pound (section 37 of the Consolidation Act). Is this the intention, or was the matter overlooked when the maximum general rate was raised? This is for the Legislature to decide.

Section 18 of the Act of 1883 (Loans) says loans are to be raised in the same manner as in boroughs. We have dropped the reference to boroughs and substituted the Local Bodies' Loans Act, which makes specific provision (section 39 of the Consolidation Act).

Section 45 of the Act of 1881 (Audit) is altered to accord with the Public Revenues Act (section 47 of the Consolidation Act).

The First Schedule (List of Town Districts) is dropped, as we could not bring it up to date satisfactorily. The general saving clause saves all existing Boards. Section 2 of the Act of 1883 (Town of Havelock) is similarly dropped.

Section 2 of "The Town Districts Act, 1904," revived the Town Districts Acts, 1881 and 1883. Presumably in the cases named the intention was that all the Town District Acts following the Act of 1881 and then in force should have operation in these cases. It is so construed in the Consolidation Act.

"The Town Districts Act, 1906," is imperfect in many respects. Section 3 provides that every town district having a population of not less than 500 shall *for the purposes of the Counties Act* be deemed not to form part of the county. Why only for the purposes of the Counties Act? The reason for such a limitation is hard to see, and the result is very confusing in the case of other Acts—*e.g.*, the Tramways Act. Presumably, the intention was that for all purposes these districts are not to be parts of the counties. We have retained the original language, leaving it to the Legislature to amend, if it thinks fit. Moreover, provision should be made for these non-county town districts in the many Acts in which counties and boroughs are treated as covering the whole local governing area.

Section 3, (3), of the same Act repeals certain provisions of the Act of 1881 and of "The Counties Act, 1886." These repeals are in terms absolute, and we have felt compelled to so treat them. Presumably, the intention was that the repeals should operate only with respect to non-county town districts. The matter is one for the Legislature.

In section 2 of the same Act the term "principal Act" occurs. This is "The Town Districts Act, 1881," whereas the context shows that the Act meant is "The Counties Act, 1886." We have made the correction (section 6, (3), of the Consolidation Act).

In our opinion, the whole Consolidation Act should be reconsidered and recast. In doing so, much confusion would be avoided if some distinctive name were given to town districts that do not form part of the county.

TRADE-UNIONS.

“Worker” and “employer” have been substituted for “workman” and “master,” for uniformity with later legislation.

The Act of 1878 contemplates that every trade-union shall have trustees. (See section 10, which says that all real and personal estate of the trade-union shall be vested in the trustees.) There is, however, no specific requirement to that effect, and in the rules as indicated in the schedule, the requirement is that there must be provision for either a committee of management or trustees. Presumably, “or” is a mistake for “and.” The correction, however, is for the Legislature to make, if it thinks necessary.

TRAMWAYS.

Clause 13 of the Second Schedule (Consent of ratepayers) has been recast so as to accord with later legislation on the subject of local polls, including the Local Government Voting Reform Act, as to voting-power and requisite majority.

TRUSTEE.

In accordance with the observations of Mr. Justice Cooper, in *Re Copeland* (10 Gaz. R. 142), we have in the interpretation clause of the Consolidation Act defined “heir” to include any person entitled to administration.

Section 91 of the Consolidation Act (Power of trustees to borrow) is section 10 of “The Law Amendment Act, 1904.”

VALUATION OF LAND.

Interpretation clause: “District” is defined in accordance with section 3 of the Act of 1900, and the term “special district” is dropped as unnecessary.

Subsection (1) of section 2 of the Act of 1896 (Governor may create special districts) is dropped, as impliedly repealed by section 3 of the Act of 1900.

Subsection (4) of section 29 of the Act of 1900 has been transferred to the Rating Act—its proper place.

Section 12 of the Act of 1896 (Compensation for land acquired under Land for Settlements Act or Public Works Act) has been transferred to each of those Acts.

This Act has given us a great deal of trouble owing to the way it overlaps the Rating Acts, and the fragmentary nature of the various amendments. We recommend that it be recast in connection with the Rating Act.

WAGES PROTECTION AND CONTRACTORS' LIENS.

In section 2 the words “or otherwise” are added at the end of the definition of “wages” for completeness; and throughout the Act “worker” is substituted for “workman” for uniformity with later legislation.

Section 5 of “The Truck Act, 1891” (Wages to be paid monthly) is inconsistent with section 3 of “The Workmen’s Wages Act, 1893” (Wages to be paid weekly). See sections 3 and 31 of the Consolidation Act. The matter is one for the Legislature.

WATER-SUPPLY.

It is not clear whether the extended definition of “water-race” in section 22 of the Act of 1898 includes water-races acquired, &c., by a Water-supply Board (section 3 of the Consolidation Act). Both “Council” and “Water-supply Board” are mentioned in the original definition, but only “Council” in the later. This is for the Legislature to deal with.

The loan-raising provisions have been made to accord with the Local Bodies’ Loans Act, and such of them as are contained in that Act are omitted as being superseded or unnecessary—*e.g.*, section 8 of the Act of 1898 (Hypothecation of debentures).

Subsections (1) to (3) of section 42 of the Act of 1891 are practically duplicated in subsections (1) to (3) of section 12 of the Act of 1898. The former are therefore dropped as being superseded (section 46 of the Consolidation Act).

Section 20 of the Act of 1898 refers to the Borough of Greytown North and the County of Wairarapa South. The proper name of the Borough is Greytown,

and the county has since been divided into the Counties of Featherston and Wairarapa South. The necessary alterations have been made (section 65 of the Consolidation Act).

We found much difficulty in giving effect to section 2 of the Act of 1892. That section revives, in the case of certain Road Boards, certain repealed provisions of the Counties Act with respect to irrigation-works. For this purpose we have set out these provisions in the Third Schedule, and dealt with the matter as shown in section 75 of the Consolidation Act.

Section 4 of the Act of 1904 (Disposal of moneys by Featherston County Council) is dropped as spent.

In consolidating Part I of the Act of 1891 references to Water-supply Boards and districts are omitted as unnecessary. Section 60 of that Act makes all necessary provision (section 71 of the Consolidation Act).

The Water-supply Acts as a whole are very intricate and obscure, owing to the number of the amendments and their conflicting nature. It appears to us that many of these amendments, though expressed in general language, were intended for special cases. The task of consolidating them has consequently been exceedingly difficult. We suggest that the Legislature should have the new Act replaced by a comprehensive measure on simple and consistent lines.

WORKERS' DWELLINGS.

Subsection (2) of section 3 of the Act of 1905 has been transferred to the Land for Settlements Act—its proper place.

Section 25 of "The Appropriation Act, 1907," so far as applicable and permanent, is given effect to in subsection (2) of section 4 of the Consolidation Act.

Respectfully submitting the foregoing matters for Your Excellency's consideration,

We have the honour to be
Your Excellency's obedient servants,

ROBERT STOUT,
FRED. FITCHETT, } Commissioners.
W. S. REID,

Wellington,

1st October, 1908.

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