

SUPPLEMENTARY ORDER PAPER.

---

HOUSE OF REPRESENTATIVES.

---

Tuesday, the 28th day of October, 1879.

NOTICES OF MOTION.

LAND ACT 1877 AMENDMENT BILL.

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

JOINT APPLICATIONS FOR RURAL LAND ON DEFERRED PAYMENTS.

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

- (1.) Two or more selectors may make a joint application for any one allotment of rural land open for sale on deferred payments, or for two or more contiguous sections each being less in area than the maximum allowed for occupation on deferred payments, but in the aggregate not exceeding the maximum area of an allotment, in the same manner, and subject to the same conditions, limitations, restrictions, and disqualifications as prescribed in the said Act in the case of any one selector.
- (2.) A joint application for land open on deferred payments shall be made in conformity with the provisions of section twenty-seven of the said Act, and must be signed by each of the selectors, one of whom shall be termed the resident, making such joint application.
- (3.) Any two or more selectors making a joint application for any allotment or group of sections open for sale on deferred payments shall severally make and produce a statutory declaration, in the form and subject to the forfeitures provided in the sixty-second clause of the said Act.
- (4.) The Board shall, upon production of the several declarations and payment of the deposit, issue to any two or more selectors making a joint application, a license to hold the land selected for their joint use and benefit as tenants in common, upon the terms and conditions, and subject to the forfeitures and penalties, as provided in the said Act : Provided that no more than one of such selectors, to be termed the resident, so making joint application, shall be required to continuously reside upon the land so selected.
- (5.) If any one of two or more selectors, holding jointly as tenants in common one allotment or group of sections, shall desire to assign or transfer his interest in the land, he may apply to the Board to accept, instead of himself, some one person possessed of one other interest in the same allotment or group of sections, or any other person; and the Board shall have the like powers to grant or refuse the application, and such assignment or transfer shall be liable to the same charges as provided in the said Act.

- (6.) In the event of the death of any one of two or more selectors holding jointly as tenants in common any one allotment or group of sections, the executors or administrators shall have the same powers to assign the interest in the land of the deceased selector, as is provided in the case of the decease of any selector in the said Act.
- (7.) The Governor shall have power, from time to time, to make rules, regulations, and orders for the purposes hereinbefore mentioned; to alter or rescind such rules, regulations, and orders; to provide for the mode in which selectors holding jointly shall be severally located in the Crown grant; and selectors holding jointly shall be bound by all other regulations, rules, or orders made under the said Act, so far as they can be applied, in the same manner as single selectors.

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

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

Mr. SHEPHARD to move, in Committee, That the Homestead Clauses now in force in the Provincial District of Auckland be introduced into this Bill.

RESIDENT MAGISTRATES ACT 1867 AMENDMENT BILL.

1. Mr. HUTCHISON to move the following additional clauses in Committee:—

ATTACHMENT OF DEBTS.

Examination of judgment debtor as to debt due to him.

3. It shall be lawful for the Judge or Resident Magistrate, on the application of any judgment creditor who has obtained a judgment in the Court which remains unsatisfied in whole or in part, to issue a summons returnable at such time as the Judge or Resident Magistrate shall appoint, requiring the judgment debtor to appear before the Court to be examined on oath as to any and what debts are owing to him, or as to what moneys, if any, are held by any person or corporation on his account, and to produce all books and papers in his possession, custody, or control, relating to the subject-matter of such inquiry.

Judge may order an attachment of debts.

4. It shall be lawful for the Judge or Resident Magistrate, upon the *ex parte* application of such judgment creditor, either before or after the issue of such summons, and upon affidavit made by himself or his solicitor (sworn as affidavits are required to be sworn in the Supreme Court) stating that judgment has been recovered, and that it is still unsatisfied in whole or in part, and that any other person or corporation is indebted to or holds moneys on account of the judgment debtor and is within the jurisdiction, to order that all debts owing or accruing from or moneys held by such third person or corporation (hereinafter called "the sub-debtor") to or for the judgment debtor shall be attached to answer the judgment debt; and by the same or any subsequent order, the sub-debtor may be summoned to appear before the Court to show cause why he should not pay the judgment creditor the debt due from him to or the moneys held by him for the judgment debtor, or so much thereof as may be sufficient to satisfy the judgment debt.

Order for attachment to bind debts.

5. Service of an order that debts due or accruing to or moneys held for the judgment debtor shall be attached, or notice thereof to the sub-debtor, in such manner as the Court may direct, shall bind such debts or moneys in his hands.

6. If the sub-debtor does not forthwith pay into Court the amount due from him to or the moneys held by him for the judgment debtor, or an amount equal to the judgment debt, and does not dispute the debt due or claimed to be due or owing from him to the judgment debtor, or if he does not appear in person or by some representative, then the Court may order execution to issue, and it may be sued forth accordingly, to levy the amount due from such sub-debtor towards satisfaction of the judgment debt.

7. If the sub-debtor dispute his liability, the Court, instead of making an order that execution shall issue, may order that the judgment creditor shall be at liberty to proceed against the sub-debtor by summons, calling upon him to show cause why there should not be execution against him for the alleged debt, or for the amount due to or held for the judgment debtor if less than the judgment debt, and for the costs of proceedings, which shall be in such form as the Court may by rules or by direction prescribe.

8. When it is suggested by the sub-debtor that the debt or moneys sought to be attached belong in whole or in part to some other person, who has or claims a lien or charge thereon, the Court may, by order, summon such other person to appear before the Court to state the nature or particulars of his claim.

9. After hearing the allegations of such other person, or of any other person whom by the same or any subsequent order the Court shall direct to be summoned on such inquiry, the Court may make such order as to execution in default of payment, and as to costs, as to the Court shall appear reasonable and just.

10. Payment made by or execution levied upon the sub-debtor under any such proceeding shall be a valid discharge to him against the judgment debtor to the amount paid or levied, although such proceedings may afterwards be set aside or the judgment be reversed.

11. The costs of all such proceedings or incidental thereto shall be in the discretion of the Court, and such fees shall be paid to the Clerk of the Court in respect thereof, as, in default of the same being fixed by Order in Council, may be prescribed by the Court in each case.

#### LOST INSTRUMENTS.

12. In case of any action founded upon a promissory note, bill of exchange, or other negotiable instrument, it shall be lawful for the Court to give judgment therefor as if the same were produced: Provided an indemnity is given to the satisfaction of the Court against the claims of any other person upon such negotiable instrument.

#### DISTRICT COURTS ACT 1858 AMENDMENT BILL.

Mr. HUTCHISON to move the following additional clause in Committee:—

13. Sections sixty-four, sixty-five, sixty-six, and sixty-seven of "The District Court Act, 1858," are hereby repealed, and it is enacted that the like provisions as to summoning, empanelling, and challenging or reducing juries, and as to verdict and otherwise as are in force in the Supreme Court, shall be in force in the District Court *mutatis mutandis*.