

Supplementary Order Paper.

HOUSE OF REPRESENTATIVES.

Tuesday, the 26th Day of March, 1935.

RURAL MORTGAGORS FINAL ADJUSTMENT BILL.

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

Clause 2, subclause (1): To omit the definition of the term “Supervisor”.

Clause 2: To insert, after subclause (1), the following subclause:—

(1A) Except as otherwise provided in the *last preceding* subsection or as the context may otherwise require, any terms or expressions used in the principal Act and in this Act shall in this Act have the same meaning as in the principal Act.

Clause 5: To insert, after subclause (1), the following new subclause:—

(1A) The Governor-General may from time to time, by Order in Council, transfer to the Court all or any of the functions of the Supreme Court or of a Stipendiary Magistrate under the principal Act. Every such Order in Council shall have effect according to its tenor, and shall come into force on a date to be fixed in that behalf in the Order in Council.

Clause 5, subclause (3): To insert, after the words “powers and functions under” in line 41, the words “the principal Act or”.

Clause 7: To add the following subclause:—

(5) If and so long as a Judge of the Supreme Court holds office as the Judge of the Court of Review he shall be deemed to be absent from his office as a Judge of the Supreme Court, and a Judge may be appointed in his stead, pursuant to section eleven of the Judicature Act, 1908, to hold office during the pleasure of the Governor-General:

Provided that nothing herein shall be construed to deprive the Judge of the Court of Review, in any such case, of power to exercise any jurisdiction as a Judge of the Supreme Court.

Clause 14, subclause (1): To omit the words “may act on any testimony, sworn or unsworn, and” in lines 36 and 37.

Clause 32, subclause (3): To omit from paragraph (b) the words “since the passing of the principal Act”, and substitute the words “during recent years”.

To insert, after clause 35, the following new clause:—

35A. In the event of the death of the mortgagor at any time while a stay order is in force in respect of his liabilities the stay order shall, unless and until discharged by the Court pursuant to section *fifty-two* hereof, enure for the protection of his estate and of his personal representatives and for the protection of any person becoming entitled under his will or by operation of law to his farm lands or any portion thereof.

Stay order not discharged by death of mortgagor.

[NOTE.—For the convenience of members this proposed new clause is printed here, though it will not be moved until after all the clauses in the Bill, as introduced, have been dealt with.]

Clause 39 : To insert, at the beginning of the clause, the words " Subject to the provisions of the *next succeeding* subsection ".

Clause 39 : To add the following subclause :—

(2) The Adjustment Commission may in any case dispense with the obligation imposed on the trustee by the *last preceding* subsection if it is satisfied that the trustee will make other satisfactory arrangements with respect to the moneys received by him on account of the mortgagor.

Clause 40, subclause (2) : To omit the words " at all reasonable times ", and substitute the words " in accordance with the express authority of the Commission ".

Clauses 42 to 45 : To omit these clauses.

Clause 46, subclause (1) : To omit the words " the supervisor (if any) and " in lines 24 and 25.

Clause 46, subclause (2) : To insert, after the words " make such representations " in line 34, the words " to the Adjustment Commission ".

Clause 47, subclause (1) : To add to the subclause the following words : " Disbursements may be made in accordance with this subsection on account of any indebtedness incurred by the mortgagor before the commencement of the budgetary period ".

Clause 47, subclause (2) : To omit from paragraph (b) the words " of rent on any land used by the mortgagor for agricultural purposes " in lines 14 and 15.

To insert, after paragraph (b), the following new paragraph :—

(bb) Where the land or any part of the land used by the mortgagor for agricultural purposes is held under lease, provision should be made for the payment of rent, at a rate to be fixed by the Adjustment Commission for the purpose (not exceeding in any case the rent reserved by the lease), before any payment of interest is made to any mortgagee of the mortgagor's interest in the leased lands.