

any lands from the adjoining Crown lands, such loans to be repaid by ten annual equal instalments without interest. These were practical suggestions to which he hoped the Council would agree. The miscellaneous provisions did not contain many clauses requiring discussion. Clause 46 provided that in deciding between applicants for blocks of land preference should be given to the applicant who agreed to take the land on personal residence conditions. He would draw attention to clause 49, which said:—"Notwithstanding anything contained in Part IV. of the principal Act leases of pastoral lands not at the time subject to an existing pastoral lease may be offered for sale after the expiration or determination of the last previous lease; and the outgoing lessee shall have the same rights and be subject to the same obligations as he would have had and been subject to under the principal Act if the new lease had been sold or offered for sale previous to such expiration or determination; Provided that in cases where the leases of any blocks of land which are contiguous to each other expire at different periods of time the Commissioner may, when he considers it advisable in the public interest, grant to the outgoing lessee a further lease for a term not exceeding three years at an annual rental to be fixed by the Commissioner, and not being less than the annual rental paid under the previous lease." This was a matter introduced by Mr. West-Eskine, as also was that dealt with in clause 50, which provided that "section 58 of the principal Act shall be read as if the following proviso were added at the end thereof: 'Provided also that where two or more blocks have been purchased by the same person and are occupied as one run the lessee may surrender the leases of such blocks and obtain one lease in lieu thereof; and with the consent of the Commissioner the improvements necessary to entitle the lessee to repayment of the said deposit of 10 per cent. may be made on any part of the land included in such lease.'" These would be found an improvement to the provisions relating to pastoral leases. The clauses he had alluded to were the principal new provisions in the Bill, which he hoped would be agreed to.

On the motion of the Hon. W. COPLEY the debate was adjourned till the following day.

WATER CONSERVATION ACT-AMENDMENT BILL.

Consideration in committee of amendments by House of Assembly.

The amendments having been formally brought before the committee, progress was reported, and the committee obtained leave to sit again next day.

LOCAL COURTS ACT AMENDMENT BILL.

Second reading.

The Hon. R. O. BAKER, in moving the second reading, said he wished particularly to draw attention to clause 2, which provided as follows:—"It shall not hereafter be necessary, before applying to any local court or special magistrate for an ex parte order, to attach debts due to a judgment debtor, as provided by section 164 of the 'Local Courts Act, 1886,' to summon the judgment debtor, as provided by section 162 of the said Act; but a local court or special magistrate may grant such order for attachment upon the judgment creditors satisfying such court or special magistrate that a sum of money capable of being attached is in the hands of the proposed garnishee, payable by him presently or at some future time to the said judgment debtor. Upon any such order being obtained the proceedings thereon shall be in all respects the same as if the judgment debtor had been duly summoned and had been examined, and an order made pursuant to section 164 of the said Local Courts Act, 1886." Clause 3 provided that certain magistrates may in certain cases order proceedings to be transferred to another court. The wording of the clause was as follows:—"When notice demanding a jury shall be given, pursuant to section 49 of the 'Local Courts Act, 1886,' and in the opinion of the special magistrate for the time being of the court where such action shall have been commenced a jury cannot conveniently be obtained, or unnecessary expenses would be incurred in summoning a jury, such special magistrate may at any time, in the exercise of his own discretion or upon the application of either party, order such case to be heard and determined at such other local court where, in his opinion, a jury can be more conveniently or inexpensively summoned, and thereupon all proceedings in respect of such action shall be transferred to the local court named by the special magistrate in such order, and notice of trial shall be sent to the parties in such action by the clerk of the court to which such proceedings shall have been transferred. Any additional costs incurred by either party incidental to the transfer of such proceedings shall be in the discretion of the special magistrate making such order, or the court at the hearing of the case." Clause 4 provided that—"No action shall be brought or claim for damages

made against any bailiff or assistant bailiff of any local court by any claimant of goods or chattels taken in execution, except for negligence in executing the warrant; and nothing in the said Local Courts Act shall give to any claimant whose goods or chattels shall be taken in execution any claim against the execution creditor for damages in respect of such seizure other than he would have at common law." The Bill would relieve several disabilities under which parties to suits in local courts suffered at the present time.

The Hon. M. SALOM said he feared the third clause might give rise to difficulties, and he would like some further elucidation of its provisions.

The Hon. J. H. ANGAS thought the difficulty might be overcome if "or" was changed into "and" in line 5 of clause 3.

The Hon. J. G. RAMSAY said he could hardly agree to the power which would be conferred by clause 4. He thought an alteration should be made in committee.

The Hon. R. O. BAKER said if negligence were shown the bailiff would be liable, while the clause did not take away the right of action from the execution creditor, who should not be liable for the acts of a public officer. It placed the law with regard to the bailiff on exactly the same footing as the sheriff.

The Bill was then read a second time.

In committee.
Clause 2. Garnishees.

The Hon. J. H. ANGAS moved to strike out the word "or" and to insert the word "and."

The Hon. R. O. BAKER thought it would be better to allow the clause stand as it was in the Bill. If a defendant wanted a jury, and one could not be obtained, he should certainly have the right to apply to have the case tried in another court.

The Hon. J. H. ANGAS thought they should not allow the magistrate to remove the case to another court arbitrarily as the parties to the suit should be consulted.

The amendment was agreed to, and the clause as amended passed.

Clause 4. Interpleader restricting claim for damages.

The Hon. J. G. RAMSAY thought they should not give such power.

The Hon. M. SALOM said the latter part of the clause did not prevent the owner from seeking his remedy, which was still retained to him under common law.

The MINISTER OF EDUCATION (Hon. J. H. Gordon) said the latter part of the clause did not shield the executing creditor from any mistake made by himself, but from any mistake made by the bailiff.

Clause agreed to.

The Bill was reported, the report was adopted, and the third reading fixed for the following day.

PAPER.

The MINISTER OF EDUCATION (Hon. J. H. Gordon) laid on the table:—

By command—

Public Works report for year ended June 30, 1889.

ADJOURNMENT.

The Council at 6.4 p.m. adjourned till the following day at 2 p.m.

HOUSE OF ASSEMBLY.

THURSDAY, NOVEMBER 26.

The SPEAKER took the chair at 2 o'clock.

PETITION.

Sir E. T. SMITH presented a petition from residents of Balliol and Rugby streets, College Park, praying that the Adelaide and Payneham Tramways Bill might be either referred to a Select Committee, amended, or rejected.

AMENDMENT OF RAILWAY COMMISSIONERS ACT.

The CHIEF SECRETARY (Hon. Dr. Cookburn), in reply to Mr. MATTINSON, said the Government had no intention of proposing any alteration in the Railway Commissioners Act this session.

Mr. MATTINSON—If I introduce a Bill for the purpose will the Government support it?

The CHIEF SECRETARY (Hon. Dr. Cookburn)—The Government will deal with the question when it arises.

REMOVAL OF GRASS AND OTHER HERBAGE ADJOINING RAILWAY LINES.

The COMMISSIONER OF PUBLIC WORKS (Hon. J. H. Howe), in answer to Mr. ROBINSON, said he would consult the Railway Commissioners as to the immediate removal of grass and herbage adjoining railway lines.

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