

New Zealand.

## ANALYSIS.

Title.  
Preamble.  
1. Short Title.

2. James Marshall's agreements not deemed to have been validated.  
3. James Marshall and his executors not held liable thereon.

1885, No. 18.—*Local.*

AN ACT to amend "The Dunedin Drillshed Reserve Act 1876 Amendment Act, 1884," and partially repeal the Operation of the same. Title.  
[14th September, 1885.]

WHEREAS by "The Dunedin Drillshed Reserve Act, 1876," the Dunedin Drillshed Commissioners thereby incorporated were empowered to lease, for any term or terms of years not exceeding twenty-one years at any one time, the whole or any part of the land specified in the Schedules to the said Act, and which were thereby vested in the said Commissioners: And whereas the Commissioners, on or about the fifth day of July, one thousand eight hundred and seventy-seven, offered for sale by public auction at Dunedin, and in lots, leases of four several allotments or parts of the said land, and by the conditions of sale and the form of agreement thereto appended purchasers were to have a lease or leases in the terms of a model draft-lease also appended thereto, and which said draft-lease contained a power of renewal: And whereas at the said sale one James Marshall, of Dunedin, brewer, deceased, purchased under the said conditions of sale the right to a lease for twenty-one years from the fifth day of July, one thousand eight hundred and seventy-seven, and a renewal thereof at the end of the term, of two allotments of the said land mentioned in the said particulars and conditions of sale, and being lots numbered three and four in the said particulars and conditions of sale; and two agreements to that effect were signed by the auctioneer on behalf of the said Commissioners, and by the said James Marshall: And whereas the said James Marshall afterwards died, and after his death his executors, Henderson Law and William Lawrence Simpson, finding that the Commissioners had no power under the said Act to grant a renewal of the said lease according to the said agreements, gave notice in writing to determine the tenancy of their testator, which notice expired on the fifth day of July, one thousand eight hundred and eighty-four: And whereas up to that

date all rent had been paid in respect of the said allotments comprised in the agreements with the said James Marshall: And whereas, after the expiration of the said notice so given by the executors of the said James Marshall to determine the said agreements, the said amending Act was passed: And whereas it would be contrary to equity and good conscience that the said amending Act should validate, revive, or give effect to the said two agreements, or either of them, with the said James Marshall, the same having been then determined as aforesaid, but it has been judicially held that the said amending Act has that effect:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. The Short Title of this Act is “The Dunedin Drillshed Reserve Act 1876 Amendment Act 1884 Amendment Act, 1885.”

James Marshall's agreements not deemed to have been validated.

2. The said “Dunedin Drillshed Reserve Act 1876 Amendment Act, 1884,” shall not be deemed to have validated, revived, or given effect to the said two agreements with the said James Marshall, deceased, or either of them.

James Marshall and his executors not held liable thereon.

3. Neither the estate of the said James Marshall nor his executors shall be deemed to be or to have been liable in any respect under the said agreements since the fifth day of July, one thousand eight hundred and eighty-four, and the said two agreements and each of them shall be held to have been then determined.