

Hon. Mr. Feldwick.

LAW AMENDMENT.

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A BILL INTITULED

AN ACT to make certain Amendments in the Law.

Title.

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

1. The Short Title of this Act is "The Law Amendment Act, 1900." Short Title.
2. Any acknowledgment in writing by a creditor, or by any person authorised by him in that behalf, of the receipt of a part of his debt in satisfaction of the whole debt shall operate as a discharge of the debt, any rule of law notwithstanding. Discharge of debt by acceptance of part in satisfaction.
3. A judgment against one or more of several persons jointly liable shall not operate as a bar or defence to an action or other proceeding against those of such persons against whom judgment has not been recovered, except to the extent to which the judgment has been satisfied, any rule of law notwithstanding. Judgment against one of several persons jointly liable not a bar to action against others.
4. An executor or administrator shall not be personally liable on any covenant entered into by the testator or intestate as a lessee of land, any rule of law notwithstanding. Executor not personally liable for covenants in lease.
5. In any action or other proceeding for the administration of any estate, commenced after the passing of this Act, no Court or Judge shall have jurisdiction to order or allow payment of costs out of the estate to the party responsible for the commencement or continuance of such action, unless the Court or Judge shall first certify that there was some necessity for the action being commenced or continued, and, if any costs are allowed, then only to the extent to which such continuance was necessary. Jurisdiction as to costs in administration suits.

Limitation of time within which wills may be impeached.

6. No will of which probate has been granted, or in respect of which letters of administration, with will annexed, have been granted, shall be declared or adjudicated to be invalid on the ground of the want of testamentary capacity in the testator, or undue influence, in any action or other legal proceeding commenced after the expiration of six years from the date of the granting of such probate or letters of administration. 5

Supreme Court empowered to grant special relief in cases of encroachment.

7. (1.) When in any action or other proceeding relating to land it appears to the Court that the defendant or any predecessor in title has, in the erection of a building upon any land adjoining the land in question, encroached upon such last-mentioned land, and it does not appear to the Court that such encroachment was intentional or arose from gross negligence, then the Court, instead of ordering the defendant to give up possession of the piece of land so encroached upon, or to pay damages, or instead of granting an injunction, may give the defendant the right of retaining possession of the piece of land so built upon, subject to the payment of such sum or sums of money, and to such other conditions, as to the Court shall appear just. 10 15

Jurisdiction of Magistrate's Court.

(2.) The jurisdiction conferred upon the Court by the preceding subsection hereof shall extend to and may be exercised by any Court constituted under the provisions of "The District Courts Act, 1858," or "The Magistrates' Court Act, 1893": Provided that a defendant intending to invoke the powers hereby given to such Courts shall give notice of such intention to either party before the hearing, and the plaintiff shall thereupon be entitled, as of right, to have the action removed into the Supreme Court, or to appeal to the Supreme Court against any such order purporting to be made by the District or Magistrate's Court under this section. Any order made under this section shall thereupon be transmitted by the Court to the District Land Registrar, or Registrar of Deeds, as the case may be, for registration. Such registration shall be effected in the manner provided by section twenty-three of "The Public Works Act, 1894." 20 25 30

VOLUNTARY CONVEYANCES.

Voluntary conveyances, if *bonâ fide*, not to be voided under 27 Elizabeth, c. 4.

8. (1.) Subject as hereinafter mentioned, no voluntary conveyance of any lands, tenements, or hereditaments, whether made before or after the passing of this Act, if in fact made *bonâ fide* and without any fraudulent intent, shall hereafter be deemed fraudulent or covinous within the meaning of the Act Twenty-seven Elizabeth, Chapter Four, by reason of any subsequent purchase for value, or be defeated under any of the provisions of the said Act of Elizabeth by a conveyance made upon any such purchase, any rule of law notwithstanding. 35 40

Saving transactions completed before passing of Act.

(2.) This section shall not apply in any case in which the author of a voluntary conveyance of any lands, tenements, or hereditaments has subsequently, but before the passing of this Act, disposed of or dealt with the same lands, tenements, or hereditaments to or in favour of a purchaser for value. 45

Definition of "conveyance."

(3.) The expression "conveyance" shall include every mode of disposition mentioned or referred to in the said Act of Elizabeth. 50