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This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

Legislative Council,
4th September, 1902.

Hon. Mr. Bolt.

LAW AMENDMENT.

ANALYSIS.

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| Title. | 4. Executor not personally liable for covenants in lease. |
| 1. Short Title. | 5. (1.) Supreme Court empowered to grant special relief in cases of encroachment. |
| 2. Discharge of debt by acceptance of part in satisfaction. | (2.) Jurisdiction of Magistrate's Court. |
| 3. Judgment against one of several persons jointly liable not a bar to action against others. | 6. The Court may relieve in certain cases. |

A BILL INTITLED

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:—

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| 1. The Short Title of this Act is "The Law Amendment Act, 1902." | Short Title. |
| 2. Any acknowledgment in writing by a creditor, or by any person authorised by him in writing 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 any 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 a testator or intestate as a lessee of land, any rule of law notwithstanding. | Executor not personally liable for covenants in lease. |
| 5. (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. | Supreme Court empowered to grant special relief in cases of encroachment. |

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' Courts Act, 1893": Provided that a defendant intending to invoke the powers hereby given to such Courts shall give notice of such intention to the other 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. 5 10

The Court may
relieve in
certain cases.

6. The Supreme Court may on motion grant relief against the forfeiture of any agreement for a tenancy, or for a renewal or extension of a tenancy, of land for breach of any covenant or condition where the person claiming relief is in possession of the land, or the rents and profits thereof, under any deed or writing containing any absolute or conditional right to such renewal or extension, and such relief may be granted in like manner and upon the like conditions as in the case of relief against a forfeiture of any lease or of any right to purchase. 15 20