

Refd:  
See No. 250 of 1882



ANNO TRICESIMO SEPTIMO

# VICTORIÆ REGINÆ.

A.D. 1873.

## No. 14.

*An Act to protect the Goods of Lodgers against Distresses for Rent due to the Superior Landlord.*

[Assented to, 18th December, 1873.]

**W**HEREAS lodgers are subjected to great loss and injustice by Preamble.  
the exercise of the powers possessed by the superior landlord to levy a distress on their furniture, goods, and chattels for arrears of rent due to such superior landlord by his immediate lessee or tenant—Be it therefore Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:—

1. If any superior landlord shall levy, or authorize to be levied, a distress on any furniture, goods, or chattels of any lodger for arrears of rent due to such superior landlord by his immediate tenant, such lodger may serve such superior landlord, or the bailiff or other person employed by him to levy such distress, with a declaration in writing, signed by such lodger, and made before a Justice of the Peace, setting forth that such immediate tenant has no right of property or beneficial interest in the furniture, goods, or chattels so distrained, or threatened to be distrained upon, and that such furniture, goods, or chattels are the property, or in the lawful possession, of such lodger; and also setting forth whether any and what money is due for lodging, and for what period, from such lodger to his immediate landlord, and such lodger may pay to the superior landlord, or to the bailiff or other person employed by him as aforesaid, the money, if any so due, as last aforesaid, or so much thereof as shall be sufficient to

Lodger may make declaration, and pay money due to superior landlord.

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discharge

*The Lodgers Property Protection Act.—1873.*

discharge the claim of such superior landlord and his lawful charges; and to such declaration shall be annexed a correct inventory, subscribed by the lodger, of the furniture, goods, and chattels referred to in the declaration; and if any person shall make or subscribe such declaration and inventory, knowing the same or either of them to be untrue in any material particular, he shall be deemed guilty of a misdemeanor.

Sale of furniture to lodger null and void.

2. Any sale of furniture, goods, or chattels between a tenant and his lodger shall, with reference to any proceedings under this Act, be null and void.

Landlord levying after tender or payment of money liable to action.

3. If any superior landlord, or any bailiff or other person employed by him, shall, after being served with the before-mentioned declaration and inventory, and after the lodger shall have paid or tendered to such superior landlord, bailiff, or other person, the money, if any, which by the first section of this Act such lodger is authorized to pay, shall levy or proceed with a distress on the furniture, goods, or chattels of the lodger, such superior landlord, bailiff, or other person, shall be deemed guilty of an illegal distress, and the lodger may apply to a Justice of the Peace for an order for the restoration to him of such goods, and such application shall be heard before a Special Magistrate or two Justices of the Peace; and such Special Magistrate or Justices of the Peace shall inquire into the truth of such declaration and inventory, and shall make such order for the recovery of the goods or otherwise, as to him or them may seem just; and the superior landlord shall also be liable to an action at law at the suit of the lodger, in which action the truth of the declaration and inventory may likewise be inquired into.

Payment to immediate landlord.

4. Any payment made by any lodger pursuant to the first section of this Act shall be deemed a valid payment on account of any money due for lodging from him to his immediate landlord.

Short title.

5. This Act may be cited for all purposes as "The Lodgers Property Protection Act."

In the name and on behalf of Her Majesty I hereby assent to this Act.

A. MUSGRAVE, Governor.