



ANNO QUADRAGESIMO QUINTO ET QUADRAGESIMO
SEXTO

VICTORIÆ REGINÆ.

A.D. 1882.

No. 250.

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

[*Assented to, November 17th, 1882.*]

BE it Enacted by the Governor of the Province of South Preamble.
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. The Act No. 14 of 1873, intituled "The Lodgers Property Repeal of Act No.
14 of 1873.
Protection Act," is hereby repealed: Provided that nothing herein
shall affect any act or thing lawfully made or done under the
authority of the said Act.

2. If any superior landlord shall levy, or authorise to be levied, Lodger or owner of
agisted cattle may
make declaration, and
pay money due to
superior landlord.
a distress on any furniture, goods, or châtells of any lodger, or on
any cattle agisted on the demised land for arrears of rent due to
such superior landlord by his immediate tenant, such lodger, or the
owner of such cattle, or his agent, 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, or the owner
of such cattle, or his agent, 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, cattle, or chattels so
distrained, or threatened to be distrained upon, and that such furni-
ture, goods, cattle, or chattels are the property, or in the lawful
possession, of such lodger, or on the property of such owner; and
also setting forth whether any and what money is due for lodging or
agistment,

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agistment, and for what period, from such lodger or owner, to his immediate landlord; and such lodger or owner 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 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 or owner, of the furniture, goods, cattle, 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 or
cattle to lodger or
owner null and void.

3. Any sale of furniture, goods, cattle, or chattels between a tenant and his lodger, or such owner as aforesaid, shall, with reference to any proceedings under this Act, be null and void.

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

4. 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 or such owner as aforesaid 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 or owner is authorised to pay, shall levy or proceed with a distress on the furniture, goods, cattle, or chattels of the lodger or owner, such superior landlord, bailiff, or other person, shall be deemed guilty of an illegal distress, and the lodger or owner 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 or owner, in which action the truth of the declaration and inventory may likewise be inquired into.

Payment to imme-
diate landlord.

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

Short title.

6. This Act may be cited for all purposes as “The Lodgers Property and Agisted Cattle Protection Act.”

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

WM. F. DRUMMOND JERVOIS, Governor.