

Legislative Council.

53^o VICTORIÆ, 1889.

A BILL

To Protect the Interests of Lodgers.

[MR. HEYDON;—4 December, 1889.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 1. This Act shall be called and may be cited as the "Lodgers' Protection Act, 1889." Short title.

10 2. 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 made by such lodger 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 15 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 rent is due, and for what period from such Provision in case of distress by superior landlord. Schedule.

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 rent, if any, so due as last aforesaid, or so much thereof as shall be sufficient to discharge the claim of such superior landlord. 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 lodger 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 wilful and corrupt perjury. 5 10

Distress by superior landlord illegal after service of declaration.

3. If any superior landlord, or any bailiff, or other person employed by him 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 rent, if any, which by the last preceding section 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 the nearest Court of Petty Sessions for an order for the restoration to him of such furniture, goods, or chattels, and such application may be heard before any two Justices of the Peace, who shall enquire into the truth of such declaration and inventory, and shall make such order for the recovery of the furniture, goods, or chattels, or otherwise, and as to the costs of, and occasioned by, such application as 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 enquired into. 15 20 25

Payment of rent to superior landlord a valid payment to immediate landlord.

4. Any payment made by any lodger pursuant to the second section of this Act shall be deemed to be a valid payment on account of any rent due from him to his immediate landlord. 30

SCHEDULE.

Declaration of Lodger.

Sec. 2.

I, _____ of _____ in the Colony of New South Wales, do solemnly and sincerely declare—

1. That _____ of _____ my immediate landlord, the tenant of the superior landlord, has no right of property, or beneficial interest in the furniture, goods, or chattels specified in the inventory hereto. 35
2. That the said furniture, goods, or chattels are the property of me, this declarant (or, are in the lawful possession of me, this declarant).
3. That the amount of rent due by me, this declarant, to _____ my said immediate landlord, is _____ for a period of _____ 40
4. That the inventory subscribed by me, and annexed hereto, is true and correct in every particular. 45

And I make this declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her Present Majesty intituled "*An Act for the more effectual abolition of oaths and affirmations taken and made in various Departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*" 45

Made and declared by the said A.B. before me—
X.Y., Justice of the Peace.

A.B., Lodger. 50

Inventory.

Inventory of goods, chattels, or furniture, the property of _____ (or, in the lawful possession of _____), distrained upon (or, threatened to be distrained upon) by _____ for rent owing to him by _____ 55

Witness—X.Y., Justice of the Peace.

A.B., Lodger.

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5 1. This Act shall be called and may be cited as the "Lodgers' Short title.
Protection Act, 1889."

10 2. 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 made by such lodger 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
15 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 rent is due, and for what period from
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Provision in case of
distress by superior
landlor.1.

Schedule.

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 rent, if any, so due as last aforesaid, or so much thereof as shall be sufficient to discharge the claim of such superior landlord. 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 lodger 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 wilful and corrupt perjury. 5 10

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3. If any superior landlord, or any bailiff, or other person employed by him 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 rent, if any, which by the last preceding section 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 the nearest Court of Petty Sessions for an order for the restoration to him of such furniture, goods, or chattels, and such application may be heard before any two Justices of the Peace, who shall enquire into the truth of such declaration and inventory, and shall make such order for the recovery of the furniture, goods, or chattels, or otherwise, and as to the costs of, and occasioned by, such application as 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 enquired into. 15 20 25

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3. That the amount of rent due by me, this declarant, to _____ my said immediate landlord, is _____ for a period of _____ 40
4. That the inventory subscribed by me, and annexed hereto, is true and correct in every particular. 45

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