

New Zealand.



ANALYSIS.

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1885, No. 23.

Title.

AN ACT to amend the Law of Distress for Rent.

[14th September, 1885.]

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

Short Title.

1. The Short Title of this Act is "The Distress Act, 1885."

Commencing operation of Act.

2. This Act shall come into force on the first day of January, one thousand eight hundred and eighty-six.

Distress only on goods and chattels of tenant or person in possession.

3. After the coming into operation of this Act no person shall distrain or levy, for rent due in respect of any messuages or lands, the goods and chattels, other than agisted stock, of any person, save and except of the tenant or person in possession of the premises in respect of which such rent shall have accrued due.

Goods and chattels under bill of sale property of tenant or person in possession.

4. All goods and chattels being the property of any tenant or person in possession of such messuages or lands, and over which such tenant or person has given a bill of sale, shall, for the purposes of distress for rent, be deemed to be the property of such tenant or person, if such goods or chattels be found in or upon the messuages or lands in respect of which such rent is due at the time the distraint for such rent is made.

Property deposited when not subject to distress.

5. Personal property let to hire to any tenant, with the consent of the landlord, shall not be distrained by such landlord nor shall any property which shall be deposited with the keeper of any warehouse in the usual course of his business, or with any person for safe custody, or deposited with a mechanic or any other person for the purpose of being repaired or manufactured, be subject to distress or sale for rent, but the officer making such distress shall not be liable for distraining or selling such property so exempted from distress for rent if he shall have, by advertisement in a newspaper circulating in the

district, announced his intention of making a sale; unless, before such sale, notice in writing of the claim of a third person be given to such officer or landlord by the tenant or owner, or the agent of such tenant or owner.

6. No person shall distress or levy for rent upon stock not the property of the tenant or person in possession, agisted on the land in respect of which such rent is due, for a greater sum than the amount due for the agistment of such stock on the said land at the time such distress or levy is made.

Distress on agisted stock only to extend to indebtedness for agistment.

7. The personal and family clothing, the bedclothes, bedding, and tools of trade, to an amount not exceeding in all twenty-five pounds, are hereby declared to be absolutely exempted from being sold or disposed of under any distress for rent: Provided that the tenant, or person in possession of the messuages or lands in respect of which the distress has been taken, gives up possession of the same if demanded by the landlord or his agent.

Exemptions.

8. No person shall distress for rent any stock that may be trespassing upon any land.

No distress for rent on stock trespassing.

9. No person shall be entitled to distress at any one time for more than twelve months' rent, nor be entitled to successive distresses for rent in arrear at the time of any distress taken.

No distress for more than twelve months' rent.

10. In the construction of this Act the word "stock" means and includes horses, cattle, sheep, and pigs.

Interpretation of "stock."