

WESTERN AUSTRALIA

ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ

No. 17

An Act to amend the Law of Distress.

[Assented to 7th December, 1888.]

BE it enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows :—

Law of Distress—Amendment

Appraisement
before sale of
goods distrained,
abolished

Goods to be
removed for sale
at owner's
request

Costs and
charges of
distress

37 Geo. III., c. 93,
to be read with
this Act and its
Schedule

1. So much of an Act passed in the second year of the reign of their Majesties King William the Third and Mary, chapter five, as requires appraisement before sale of goods distrained, is, so far as the Colony of Western Australia is concerned, hereby repealed, and the landlord or other person levying a distress, or who may have levied a distress prior to the passing of this Act, may sell the goods and chattels distrained without causing them to be previously appraised; and for the purposes of sale the goods and chattels distrained shall, at the request in writing of the tenant or owner of such goods and chattels, be removed to a public auction room or to some other fit and proper place specified in such request; the costs and expenses attending any such removal, and any damages to the goods and chattels arising therefrom, shall be borne and paid by the party requesting the removal.

2. No person whatsoever making any distress for rent shall be entitled to any other or more costs and charges for or in respect of such distress, or any matter or thing done therein, than such as are fixed and set forth in the Schedule hereto.

3. The provisions of the Imperial Act 37 George III., c. 93, shall, in the Colony of Western Australia, be read and construed as if the Schedule to this Act formed the Schedule annexed to the said Imperial Act; and the said Imperial Act and this Act shall be read and construed together as one Act.

F. NAPIER BROOME,
GOVERNOR.

SCHEDULE

PART I

When the sum demanded and due shall not exceed £20 for or in respect of such rent:

	s.	d.
Levying distress	3	0
Man in possession, per day	6	0
All expenses of advertisement, if any such, not exceeding	10	0
Catalogues, sale and commission and delivery of goods, 1s. in the pound on the net produce of the sale.		

PART II

When the sum demanded and due shall exceed £20 for or in respect of such rent:

Levying distress—Two per centum.
To bailiff for levy—£1 1s.
To man in possession—If boarded, 8s. 6d.; if not boarded, 6s. per day.
For advertisements—The sum actually paid.
To auctioneer—For sale, five pounds per centum on the sum realised not exceeding £100; and four per centum on any additional sum realised not exceeding £100; and on any sum exceeding £200 three per centum. A fraction of £1 to be in all cases considered £1.