

THE INNKEEPERS ACT, 1888-1935.

BEING

THE INNKEEPERS ACT, 1888, No. 432 OF 1888 [ASSENTED TO
8TH DECEMBER, 1888.]

AS AMENDED BY

STATUTE LAW REVISION ACT, 1935, No. 2246 OF 1935
[ASSENTED TO 19TH DECEMBER, 1935.]

An Act for the relief of innkeepers.

Preamble.

WHEREAS it is just and expedient to give, in addition to the present right of lien, a power of sale, under certain circumstances, to keepers of hotels, inns, and licensed public-houses upon and in respect of goods and chattels deposited with them, or upon the tenements and premises occupied by them, and a power for the summary recovery of certain debts—Be it therefore Enacted by the Governor of the Province of South Australia, by and with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Definition.

1. The word “innkeeper” shall be taken to mean a licensed publican.

Right of sale
on lien.
Cf. U.K.
41 & 42 Vict.
c. 38, s. 1.

2. An innkeeper shall, in addition to his ordinary lien, have the right absolutely to sell and dispose by public auction of any goods, chattels, carriages, horses, wares, or merchandise which, under such lien, he may have detained, or which may have been deposited with him or left in the house he keeps, or in the coachhouse, stable, stable-yard, or other premises appurtenant or belonging thereunto, when the person depositing or leaving such goods, chattels, carriages, horses, wares, or merchandise shall be or become indebted to the said innkeeper, either for any board or lodging or for the keep and expenses of any horse or other animals left with or standing at livery in the stables or fields occupied by such innkeeper.

Time of sale.
Cf. U.K.
41 & 42 Vict.
c. 38, s. 1,
proviso.

3. No such sale shall be made until after the said goods, chattels, carriages, horses, wares, or merchandise shall have been for the space of two months in such charge or custody,

or in or upon such premises, without such debt having been paid or satisfied, nor unless, at least one month before any such sale, the innkeeper shall have caused to be inserted twice in one Adelaide newspaper and once in a country newspaper circulating in the district where such goods, chattels, carriages, horses, wares, or merchandise, or some of them shall have been deposited or left, an advertisement containing notice of such intended sale, and giving shortly a description of the goods and chattels intended to be sold, together with the name of the owner or person who deposited or left the same, where known, and shall have sent, by a registered letter by post, a copy of such advertisement to the owner, where the address of the owner is known to him.

4. Such innkeeper, after having out of the proceeds of such sale paid himself the amount of any such debt, together with the cost and expenses of such sale, shall pay to the clerk of the nearest local court, to the credit of the owner of any such goods, chattels, carriages, horses, wares, or merchandise the surplus (if any) remaining after such sale, and in all cases, whether there be a surplus or not, give to the said clerk an account containing particulars of his debt, the costs and expenses, and the proceeds of such sale, together with a fee to be estimated in each case according to the scale of charges for receiving and paying money fixed by the Third Schedule of the Local Courts Act, 1926, and to be paid by said clerk to the Treasurer, as provided in respect of the other moneys received by him as fees, by section 316 of that Act; and the clerk of the local court shall, on demand, pay to the person, to whose credit he received it, the surplus (if any) so paid to him by the innkeeper: And any innkeeper making default in compliance with the provisions of this section in any particular, shall be guilty of an offence against this Act, punishable on summary conviction by a penalty not exceeding twenty-five pounds.

Surplus of
proceeds to
owner.

Amended by
S.L.R. Act,
1935.

5. No such sale shall be for any other or greater debt than the debt for which the goods or other articles could have been retained by the innkeeper under the lien to which the present law entitles him: And nothing herein contained shall be construed to give to any innkeeper any lien or power of sale in respect of any goods, or under any circumstances in respect of or under which he is not now by law entitled to a lien.

No sale except
for lien
debt.

Cf. U.K.
41 & 42 Vict.
c. 38, s. 1,
proviso.

Recovery of
debts due to
licensed
persons.

Amended by
S.L.R. Act,
1935.

6. Whenever any person, indebted for board and lodging to any person holding a publican's licence under the Licensing Act, 1932, shall neglect or refuse to pay the amount owing by him, the amount so owing may be recovered in a summary way, but so that no person shall be imprisoned under this section for default in payment.

Short title.

7. This Act may be cited as "The Innkeepers Act, 1888-1935."

INSECTICIDES

see Pest Destroyers.

INSTITUTES

see Public Library, Museum, Art Gallery, and Institutes.

INSURANCE

see Insurance Companies (Deposits): Life Assurance
Companies : Road Traffic.