ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

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C A P. LXXXVIII.

An Act to amend the Law of *Ireland*, reſpecting the Recovery of Tenements from abſconding, over-holding, and defaulting Tenants; and for the Protection of the Tenant from undue Diſtreſs.

[26th *June* 1816.]

WHEREAS Landlords in *Ireland* are often Sufferers by Tenants running away in Arrear, and deſerting Tenements demiſed or agreed to be demiſed to them; and alſo by Tenants, after the Expiration of their Terms or Intereſts, refuſing to deliver up the Poſſeſſion of the Tenements demiſed or agreed to be demiſed; and alſo by Tenants ſuffering large Arrears of Rent to accrue during the Continuance of their Terms; in all which Caſes the Landlords or Leſſors are obliged to reſort to an Ejectment for the Recovery of Poſſeſſion, the Expence of which in many Caſes exceeds the Value of the Tenement: And whereas it is juſt and reaſonable to provide a leſs expenſive Mode for the Recovery of the Poſſeſſion of Tenements ſo abandoned by Tenants, and of Tenements of ſmall Value, when the ſame are held by Tenants againſt their Landlords, after the Determination of their Terms or Intereſts; and alſo in Caſes of the Tenants of Tenements of ſmall Value ſuffering Arrears of Rent to accrue during the Continuance of their Terms: And whereas Cauſes tried in the Way of Civil Bills before the Chairman of the Seſſion of the Peace for the County of *Dublin*, and Recorder of the City of *Dublin*, for the County of the City of *Dublin*, and the Aſſiſtant Barriſters of the other Counties in *Ireland*, are determined with more Expedition and leſs Expence than any Proceeding for the Redreſs of the Evils aforeſaid which

the Law now allows the Landlord to take; and it is expedient to extend the Juriſdiction of ſuch Aſſiſtant Barriſters, and of the Chairman of the Seſſion of the Peace in the County of *Dublin*, and of the Recorder in the County of the City of *Dublin*, to the ſaid Caſes; be it therefore enacted, by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Firſt Day of *July* next, if any Tenant holding any Tenement in that Part of the United Kingdom called *Ireland*, who ſhall be in Arrear for One Half Year's Rent, ſhall deſert the Tenement demiſed to him, or leave the ſame uncultivated, or carry off the Stock and Crop, or otherwiſe abandon the ſame, ſo as no ſufficient Diſtreſs may be had to countervail the Arrears of Rent then due for the ſame, it ſhall be lawful for the Landlord or Leſſor of the Tenement ſo deſerted or left unoccupied or uncultivated, to proceed by way of Civil Bill before the Recorder of the City of *Dublin*, if the Tenement ſhall be in the County of the City of *Dublin*, or before the Chairman of the Seſſion of the Peace for the County of *Dublin*, if the Tenement ſhall be in the ſaid County, and before the Aſſiſtant Barriſter of any other County, if the Tenement ſhall be in ſuch County, to obtain Poſſeſſion of the Tenement ſo deſerted or left unoccupied; and thereupon it ſhall and may be lawful for Two or more Juſtices of the Peace of the County in which ſuch Tenement ſhall be, having no Intereſt in the demiſed Premiſes, at the Requeſt of ſuch Landlord or Leſſor, his Bailiff or Receiver, to go upon and view the ſame, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, and having fully aſcertained to their Satisfaction, by Examination of Witneſſes or by their own View, that the Premiſes are ſo deſerted by the Tenant, or left ſo unoccupied as aforeſaid, and without ſufficient Diſtreſs to countervail the Arrears of Rent then due, to certify to the Aſſiſtant Barriſter, Chairman of the Seſſions of the Peace, or Recorder, before whom ſuch Proceeding by Civil Bill ſhall be, under the Hands and Seals of ſuch Juſtices, that they have together viewed the Premiſes in Queſtion, fully deſcribing the ſame, and that the ſame appeared to them deſerted or unoccupied, and without any Diſtreſs thereon ſufficient to countervail the Arrear of Rent aſcertained by Affidavit of the Landlord or Leſſor, his Bailiff or Receiver, to be due thereon, after all fair and juſt Allowances; which Certificate, when proved to have been duly executed, ſhall be ſufficient and concluſive Evidence of the Facts therein contained, unleſs the ſame ſhall be diſproved by contrary Evidence, to the Satisfaction of the Judge before whom the Caſe ſhall come, upon ſuch Civil Bill as aforeſaid, or Appeal from ſuch Civil Bill; and it ſhall and may be lawful for the ſaid Landlord, after obtaining from the ſaid Juſtices the ſaid Certificate, to ſerve a Proceſs on ſuch Civil Bill, together with a Copy of ſuch Certificate on the Tenant againſt whom ſuch Proceeding ſhall be had if ſuch Tenant can be found; and if not, to affix ſuch Proceſs, and a Copy of ſuch Certificate, upon ſome notorious Part of the ſaid Tenement, and alſo upon the Door of the Pariſh Church, if the ſame ſhall be in Repair, and alſo upon the Door of the Roman Catholic Chapel, if any within the Pariſh, ſummoning the Tenant or Tenants who may have ſo deſerted the Premiſes perſonally to appear before the Aſſiſtant Barriſter, or before the Chairman of the Seſſions of the Peace, or the Recorder, as the Caſe may be, on a Day certain, at a Quarter Seſſions to be held for the Diviſion of the County in which the Premiſes or any Part of them ſhall be, or at a Court to be held

Aſſiſtant Barriſter or Chairman at the Seſſions, &c. empowered to put Landlords in Poſſeſſion of Premiſes in Arrear for Rent.

before the Recorder, for the hearing and determining of Civil Bills in Cafes where the Premiſes ſhall be ſituate within the County of the City of *Dublin*, to anſwer the ſaid Bill of the ſaid Landlord or Leſſor; and that it ſhall be lawful for the ſaid Aſſiſtant Barriſter, Chairman of the Seſſion of the Peace, or Recorder, as the Caſe may be, upon ſuch Civil Bill, and upon Proof of ſuch Certificate by any Perſon who may have witneſſed the Execution of the ſame, and upon Proof that at leaſt One Half Year's Rent was due to ſuch Landlord or Leſſor for the Premiſes when ſuch Proceeding was commenced; and that the Proceſs on ſuch Civil Bill, and a Copy of ſuch Certificate were ſerved as aforeſaid, or that the Tenant could not be found, ſo that the ſame could be ſerved, and then upon Proof that ſuch Proceſs and a Copy of ſuch Certificate had been duly affixed upon the ſeveral Places before mentioned, purſuant to this Act; and upon hearing the Tenant, in caſe ſuch Tenant ſhall appear, and ſuch Evidence as ſhall be offered on Behalf of ſuch Tenant, if any ſhall be offered, and duly conſidering the ſame, to decree the ſaid Landlord or Leſſor to be put into Poſſeſſion of the Premiſes.

If Delivery of Poſſeſſion of Premiſes held by Tenant at a leſs Rent than 20l. per Annum be withheld after legal Notice, Aſſiſtant Barriſter, &c. may decree Landlord to be put in Poſſeſſion.

II. And be it further enacted, That in all Caſes where any Tenement ſhall have been held by any Tenant at a leſs Rent than Twenty Pounds *per Annum*, and the Tenant's Intereſt in the ſame ſhall have determined, and after Demand made by the Landlord or Leſſor, his Bailiff or Receiver, a Delivery of Poſſeſſion of the ſame ſhall be withheld, it ſhall and may be lawful for the ſaid Landlord or Leſſor to proceed by Civil Bill againſt ſuch Tenant, and the ſaid Tenant, and ſuch other Perſon, if any, as ſhall be in the actual Poſſeſſion of the Premiſes; and thereupon to ſerve ſuch Tenant, and ſuch other Perſons as aforeſaid, with Proceſs on ſuch Civil Bill, if ſuch Service can be effected, and if it ſhall be proved to the Satisfaction of the Judge before whom the Caſe ſhall come, that ſuch Service cannot be effected, or in caſe there be not any Perſon in actual Poſſeſſion of the Premiſes, to affix upon ſome notorious Part of the Premiſes, and upon the Door of the Pariſh Church, if the ſame ſhall be in Repair, and alſo upon the Door of the Roman Catholic Chapel, if any ſhall be in the Pariſh; by which Proceſs all Perſons claiming to have any Intereſt in the Premiſes ſhall be required to appear before the Aſſiſtant Barriſter, Chairman of the Seſſions of the Peace, or Recorder, as the Caſe may be, on a Day certain, at a Quarter Seſſions for the Diviſion of the County in which the Premiſes or any Part thereof ſhall be ſituate, or at a Court to be held before the Recorder for the hearing and determining of Civil Bills, in Caſes where the Premiſes are ſituate within the County of the City of *Dublin*, to anſwer the Bill of the ſaid Landlord or Leſſor praying to be put into Poſſeſſion thereof; and it ſhall and may be lawful for the ſaid Aſſiſtant Barriſter, Chairman of the Seſſions of the Peace, or Recorder, as the Caſe may be, upon ſuch Civil Bill, and upon Proof of ſuch Service as aforeſaid, or, in caſe of Impoſſibility or unreaſonable Difficulty of Service, to be aſcertained in Manner herein-before provided, or in caſe there ſhall be no Perſon in Poſſeſſion of the Premiſes, upon Proof of affixing of the ſaid Proceſs as herein-before required, and that the Premiſes had been held by the Tenant againſt whom ſuch Proceeding ſhall be, at a Rate not exceeding Twenty Pounds *per Annum*, and that the Intereſt of the Tenant had determined, and that Notice to quit in Caſes where ſuch Notice is by Law neceſſary, had been duly ſerved, and the

Time

Time for the Delivery of the Poſſeſſion thereof expired, to decree the ſaid Landlord or Leſſor to be put into Poſſeſſion of the Premiſes.

How Landlord ſhall proceed in Caſes where a Year's Rent ſhall be due.

III. And be it further enacted, That in all Caſes where any Lands or Premiſes ſhall have been held by any Tenant at a leſs Rent than Twenty Pounds *per Annum*, and that a full Year's Rent ſhall be due thereout, whether the ſame, or any Part thereof, ſhall have accrued due prior or ſubſequent to the paſſing of this Act, it ſhall and may be lawful for the Leſſor or Landlord to proceed by Civil Bill againſt ſuch Tenant, and alſo ſuch Perſons, if any, as ſhall be in actual Poſſeſſion of the ſaid Premiſes, and alſo againſt Perſons having Intereſt for valuable Conſideration, in Caſes where the Deeds or Inſtruments creating ſuch Intereſts ſhall have been duly regiſtered, and thereupon to ſerve ſuch Tenant and ſuch other Perſons as aforeſaid with Proceſs on ſuch Civil Bill, if ſuch Service can be effected, and if it ſhall be proved to the Satisfaction of the Judge before whom the Caſe ſhall come, that ſuch Service cannot be effected, or in caſe there be not any Perſon in actual Poſſeſſion of the Premiſes, to affix ſuch Proceſs upon ſome notorious Part of the ſame Premiſes, and upon the Door of the Pariſh Church, if the ſame ſhall be in Repair, and alſo upon the Door of the Roman Catholic Chapel, if there ſhall be any in the Pariſh, by which Proceſs all Perſons claiming to have Intereſt in the Premiſes ſhall be required to appear before the ſaid Aſſiſtant Barriſter, Chairman of the Seſſions of the Peace, or Recorder, as the Caſe may be, on a Day certain, at a Quarter Seſſions for the Diviſion of the County in which the Premiſes, or any Part of them, ſhall be ſituate, or at a Court to be held before the Recorder for the hearing or determining of Civil Bills, in Caſes where the Premiſes ſhall be ſituate within the County of the City of *Dublin*, to anſwer the Bill of the ſaid Leſſor or Landlord praying to be put into Poſſeſſion thereof; and it ſhall and may be lawful for the ſaid Aſſiſtant Barriſter, Chairman of the Seſſions of the Peace, or Recorder, as the Caſe may be, upon ſuch Civil Bill, and upon Proof of ſuch Service as aforeſaid, or, in caſe of Impoſſibility or unreaſonable Difficulty of Service (to be aſcertained as herein-before provided) upon Proof of ſuch affixing of the ſaid Proceſs, and that the Premiſes were then held by the Tenant at a Rate not exceeding Twenty Pounds *per Annum*, and that a Sum equal to One full Year's Rent at ſuch Rate was due when ſuch Proceeding by Civil Bill was commenced, and ſtill remained due, after all juſt Allowances to the Tenant, to decree the ſaid Leſſor or Landlord to be put into Poſſeſſion of the ſaid Premiſes: And in caſe the Leſſee or Leſſees, his or their Aſſignee or Aſſignees, or other Perſon or Perſons, claiming or deriving under the Leaſe or Article by which the Premiſes ſhall be holden, ſhall ſuffer the Decree to be executed, putting the Leſſor or Landlord into Poſſeſſion of the Premiſes, without paying the Rent and Arrear thereon, with full Coſts, and without preferring a Civil Bill for Relief, to the Aſſiſtant Barriſter, Chairman of the Seſſion of the Peace, or Recorder, as the Caſe may be, or filing any Bill or Bills for Relief in Equity, within the Time now limited by the ſeveral Statutes which regulate the Action of Ejectment for Non-payment of Rent, after ſuch Execution executed, then and in ſuch Caſe, the ſaid Leſſee or Leſſees, his or their Aſſignee or Aſſignees, and all other Perſons deriving under the ſaid Leaſe or Article, ſhall be barred and foreclоſed from all Relief or Remedy in Law or Equity, other than by Appeal from the Decree of the

Leſſee after Execution of Decree, may appeal therefrom;

Aſſiſtant Barriſter, Chairman of the Seſſions of the Peace, or Recorder, as the Caſe may be; the ſaid Appeal to be brought within the Time now by Law limited for bringing of Appeals on Civil Bills: Provided always, that the Tenant or other Perſon having Right under the ſeveral Statutes which regulate the Action of Ejectment for Non-payment of Rent, to redeem any Premiſes, the Poſſeſſion of which ſhall at any Time hereafter be given to any Leſſor or Landlord under the Proviſions of this Act, for or by reaſon of Non-payment of Rent, may at any Time after Execution executed, within which he or they are now by Law reſpectively entitled, tender the Rent and Coſts for the Purpoſe of redeeming the ſaid Premiſes; and that in all Caſes where he or they would have been entitled under the exiſting Laws to be reſtored to the Poſſeſſion of ſuch Premiſes, under a Decree of a Court of Equity, if deprived of Poſſeſſion by Ejectment for Non-payment of Rent, he and they may hereafter be reſtored to the ſame by a Decree of the Aſſiſtant Barriſter, Chairman of the Seſſions of the Peace, or the Recorder, as the Caſe may be, on a Bill preferred for that Purpoſe, and due Proof made of their being reſpectively entitled thereto; any Thing in this Act contained to the contrary notwithſtanding.

and may tender Rent and Coſts, to redeem Poſſeſſion.

IV. And be it further enacted, That every Leſſor or Landlord recovering Poſſeſſion by ſuch Decree as aforeſaid, ſhall and may have the ſame and like Remedy for all Arrears of Rent to the Time of Execution of the ſaid Decree, as ſuch Leſſor or Landlord might have had if Poſſeſſion had been obtained under ſuch Decree.

Remedy for obtaining Arrears of Rent.

V. And be it further enacted, That in all Caſes where any Proceſs upon any Civil Bill is by this Act directed to be ſerved upon any Perſon or to be affixed upon ſome notorious Part of the Premiſes in queſtion, or on the Door of the Pariſh Church where the ſame ſhall be in Repair, or on the Door of the Roman Catholic Chapel in any Pariſh, the ſaid Proceſs ſhall be ſo ſerved or affixed Thirty clear Days at the leaſt previous to the Day therein named for hearing and determining upon ſuch Civil Bill.

Thirty Days Notice to be given where Proceſs is directed to be ſerved.

VI. And be it further enacted, That if any Tenement or any Part of any Tenement for which any Proceeding by Civil Bill ſhall be had under the Authority of this Act, ſhall be in any Extra-parochial Place, and there ſhall be any Chapel or Place of Public Worſhip in ſuch Extra-parochial Place, all Proceſs and Copies of Certificates before required to be fixed on the Door of a Pariſh Church or Roman Catholic Chapel in Places not Extra-parochial, ſhall be fixed on the Door of ſuch Chapel or Place of Worſhip in ſuch Extra-parochial Place; and if there ſhall be none ſuch, then the Judge, before whom ſuch Proceeding by Civil Bill ſhall be, ſhall direct in what Manner ſuch Proceſs or Copies ſhall be fixed in ſuch Extra-parochial Place for the Purpoſes of this Act.

How Proceſs ſhall be fixed in Extra-parochial Places.

VII. And be it further enacted, That in all Caſes in which ſuch Proceeding by Civil Bill is authorized by this Act, the Civil Bill ſhall ſpecify the Names of the Landlord or Leſſor, and Tenant or Tenants reſpectively, the Nature of the Tenancy, the Deſcription of the Premiſes, and the Baronies or Pariſhes wherein the ſame ſhall be reſpectively ſituated, and the Rent at which the ſame ſhall be then or had been laſt holden; and alſo in Caſes where the Proceeding ſhall be grounded on Deſertion,

What the Civil Bill ſhall ſpecify.

the Fact of Deſertion by the Tenant, and the Amount of Rent due after all fair and juſt Allowances, and the Inſufficiency of Diſtreſs to countervail the ſame; and in Caſes where the Proceeding ſhall be grounded on the Tenancy having determined the Fact of the Determination of ſuch Tenancy, and the Means by which the ſame ſhall have been determined, and Refuſal to deliver up Poſſeſſion, and in Caſes where the Proceeding ſhall be grounded on Non-payment of Rent, the Amount of the Rent due after all fair and juſt Allowances, and when due; and the Truth of the Contents of the ſaid Civil Bill ſhall be verified by the Affidavit of the Landlord or Leſſor, his known Agent or Receiver, the ſaid Affidavit to remain in the Cuſtody of the Clerk of the Peace of the County in which ſuch Bill ſhall be filed.

Clerk of Peace to enter in a Book, and alſo make public, all Decrees made at any Seſſions of the Peace, ſpecifying Names of Plaintiffs and Defendants, and Lands and Premiſes recovered.

VIII. And be it further enacted, That the Clerk of the Peace of the County ſhall enter in a Book to be kept for that Purpoſe, all Decrees in the Caſes herein-before mentioned which ſhall be made at any Seſſions of the Peace for ſuch County, and which Entries ſhall ſpecify the Names of the Plaintiffs and Defendants, and the Tenements recovered, as the ſame ſhall be ſpecified in the Civil Bills concerning the ſame reſpectively; which Book every Perſon ſhall have Liberty to inſpect and examine, paying to the Clerk of the Peace for ſuch Inſpection and Examination the Fee of One Shilling and Eight-pence; and that the ſaid Clerk of the Peace, immediately after the Cloſe of each Seſſions of the Peace, ſhall poſt on the Door of the Court Houſe where ſuch Seſſions were held, a correct Liſt of ſuch Cauſes in which any Tenements ſhall have been recovered at ſuch Seſſions under this Act, which Liſt ſhall ſpecify the Parties Names, and the Deſcription of the Tenements, as ſet forth in the Civil Bill upon which the ſame ſhall have been recovered, upon Pain of forfeiting for every ſuch Omiſſion the Sum of One hundred Pounds, to be recovered by Action of Debt by any Perſon ſuing for the ſame: Provided always, that the ſaid Clauſe, with reſpect to ſuch entering or poſting, ſhall be conſidered as directory to the Clerk of the Peace, and that the Omiſſion to make ſuch Entry or Poſting ſhall not invalidate or in any ways affect any Decree or Recovery of the Poſſeſſion of any Lands or Premiſes.

Defendants, on hearing of Civil Bill, entitled to make Defence with Right of Appeal.

IX. And be it further enacted, That every Defendant who ſhall think proper to appear on the Trial of ſuch Civil Bill, in any of the Caſes herein-before mentioned, ſhall be entitled, on the Hearing of ſuch Civil Bill, to every Defence which he may have either in Law or Equity, and alſo ſhall have all and every the ſame Rights of Appeal, under the ſame Reſtrictions, Conditions, and Limitations as in other Caſes of Decrees on Civil Bills made by any Aſſiſtant Barriſter, Chairman of the Seſſions of the Peace, or Recorder, as the Caſe may be: Provided however, that Execution ſhall not be ſtayed by reaſon of ſuch Appeal, unleſs the Tenant ſhall depoſit with the Clerk of the Peace the Amount of Rent proved to be due on hearing of ſuch Civil Bill.

Sheriff may grant Warrant to Special Bailiff, for Execution of Decrees, &c.

X. And be it further enacted, That for the Execution of the ſaid Decrees, it ſhall and may be lawful for the Sheriff to grant his Warrant to a Special Bailiff, at the Plaintiff's Nomination, in like Manner as for the Execution of any other Decrees of the ſaid Aſſiſtant Barriſter, Chairman of the Seſſions of the Peace, or Recorder, as the Caſe may be; and that it ſhall and may be lawful for ſuch Special Bailiff to whom ſuch Warrant

ſhall be granted, together with his Aſſiſtants, to execute the ſame by delivering the Poſſeſſion of the Lands or Premiſes therein named to the Landlord to whom the ſame ſhall be decreed, or to any Perſon appointed by the ſaid Landlord to receive the Poſſeſſion on his Behalf; and that neither the ſaid Sheriff, nor the ſaid Aſſiſtant Barriſter, nor the Clerk of the Peace, nor any other Perſon, ſhall demand, receive, or have, for or on account of the ſaid Proceedings, any greater or other Fees than ſuch as are authorized upon the Execution of Decrees on Civil Bills, by an Act paſſed in the Parliament of *Ireland*, in the Thirty-ſixth Year of the Reign of His preſent Majeſty, intituled *An Act for the better and more convenient Adminiſtration of Juſtice, and for the Recovery of Small Debts in a ſummary Way at the Seſſions of the Peace of the ſeveral Counties at large within this Kingdom, except the County of* Dublin; *and ſo continuing and amending an Act, intituled 'An Act for the better Execution of the Law and Preſervation of the Peace within Counties at large;'* ſave only that it ſhall and may be lawful for any Attorney employed upon the Trial of any Civil Bill which ſhall be tried under the Proviſions of this Act, relative to the Poſſeſſion of Lands and Premiſes, to charge and take from the Party by whom he ſhall be employed, the Sum of Twenty Shillings, in addition to the Sums which he is now by Law entitled to charge for his Attendance on the Hearing of any other Civil Bill; and that the ſame ſhall be taxed againſt the unſucceſsful Party in caſe he ſhall have appeared at the Trial of ſuch Civil Bill.

Where Tenement in Queſtion ſhall be ſituate in Two Counties Proceedings to be in One of them, &c.

XI. Provided always, and be it further enacted, That if any Tenement touching which any Proceeding by Civil Bill ſhall be had in purſuance of this Act, ſhall be ſituate in Two or more Counties, ſuch Proceeding ſhall be in any one of ſuch Counties; and the Sheriffs of the reſpective Counties in which any Part of ſuch Tenement ſhall be, and in which ſuch Proceeding ſhall not be had, ſhall execute ſuch Decree as ſhall be made on ſuch Civil Bill, upon Delivery to him of a Copy thereof ſigned by the Judge who ſhall have made ſuch Decree, with a Warrant for Execution thereupon ſigned by the Aſſiſtant Barriſter, Chairman of the Quarter Seſſion, or Recorder, as the Caſe may be, acting for the County in which ſuch Decree ſhall be required to be executed.

Aſſiſtant Barriſter to ſign Two Copies of every Decree made in purſuance of this Act.

XII. And be it further enacted, That in all Caſes except where the Proceeding ſhall be grounded on Non-payment of Rent, the Aſſiſtant Barriſter, Chairman of the Seſſions of the Peace, or Recorder, as the Caſe may be, ſhall ſign Two Copies of every Decree which ſhall be made in purſuance of this Act, and alſo a Memorial thereof, for the Purpoſe of Regiſtry in Manner herein-after mentioned, and that his affixing his Signature to one of the ſaid Copies ſhall be witneſſed by ſome Perſon preſent at the Time of ſuch Signature; and that it ſhall and may be lawful for the Landlord or Leſſor, if he thinks proper, at any Time between the Termination of the Aſſizes for the County then next enſuing, and the Commencement of the Aſſizes thereafter next following, to regiſter one Copy of the ſaid Decree in the Office for the Regiſtry of Deeds and Wills in *Ireland*, by lodging a Memorial and proving the Perfection of the ſame in like Manner as is now provided by Law for the regiſtering of Deeds; and that from and after the Regiſtry of the ſaid Decree, it ſhall have the further Effect of a Conveyance to the ſaid Landlord or Leſſor of any Intereſt which the Tenant, or any Perſon claiming under him, may or might have in, and to the ſaid Lands and Premiſes, freed and diſcharged from all Leaſes,

Contracts,

Contracts, Mortgages, Debts, Charges or Incumbrances, which the ſaid Tenant, or any Perſon claiming under him, may have charged, made, or created thereon.

No greater Fee to be demanded for the Regiſtry of a Decree, than for Regiſtry of a Deed.

XIII. And be it further enacted, That if any Perſon in the ſaid Office for the Regiſtry of Deeds in *Ireland*, ſhall demand or take any greater Fee, Gratuity, or Sum of Money, for or on Occaſion of the Regiſtry of any of the ſaid Decrees, than he is now by Law entitled to for the Regiſtry of a Deed, he ſhall forfeit the Sum of One hundred Pounds for every ſuch Offence, to be recovered in an Action of Debt by any Perſon ſuing for the ſame.

Certain Proviſions in Iriſh Acts relative to Ejectment repealed.

XIV. And whereas by an Act paſſed in the Parliament of *Ireland* in the Eleventh Year of the Reign of Her late Majeſty Queen *Ann*, intituled *An Act for the more effectual preventing of Frauds committed by Tenants*, it is provided, that no Proceedings by virtue of ſuch Act for Breach of any Condition, ſhall prejudice the Right or Title of any Infant, Feme Covert, Perſon being *non compos mentis*, or being out of His Majeſty's Dominions; and by an Act paſſed in the Fourth Year of the Reign of His Majeſty King *George* the Firſt, to explain and amend the ſaid former Act, it is provided, that the ſaid Act of the Fourth Year of King *George* the Firſt ſhall not extend to defeat the Eſtate, Right, or Title of Infants, Femes Covert, or Perſons of nonſane Memory; and Acts were paſſed in the Eighth Year of His ſaid Majeſty King *George* the Firſt, and in the Fifth and Twenty-fifth Years of His late Majeſty King *George* the Second, for further explaining and amending the ſaid former Acts: And whereas ſuch Proviſions have produced great Injuſtice to Landlords, in ſome Inſtances, by preventing the Enforcement of the Payment of Rent juſtly due to them, and in others by obliging them, after getting into Poſſeſſion of Lands and Premiſes by Ejectment for Non-payment of Rent, to account for Meſne Profits for a great Length of Time; be it therefore further enacted, That the ſaid Proviſions in the ſaid Acts of Parliament, ſo far as relate to ſaving the Rights of Infants, Femes Covert, Perſons being *non compos mentis*, or inſane, or out of His Majeſty's Dominions, be and the ſame are hereby repealed.

11 G. 2. c. 19.

XV. And whereas by a Law paſſed in the Parliament of *Great Britain*, in the Eleventh Year of the Reign of His late Majeſty King *George* the Second, intituled *An Act for the more effectual ſecuring the Payment of Rents, and preventing Frauds by Tenants*, it is amongſt other Things enacted, that it ſhall and may be lawful to and for every Leſſor or Landlord, Leſſors or Landlords, or his, her, or their Steward, Bailiff, Receiver, or other Perſon or Perſons empowered by him, her, or them, to take and ſeize as a Diſtreſs for Arrears of Rent, all Sorts of Corn and Graſs, Hops, Roots, Fruits, Pulſe, or other Product whatſoever, which ſhall be growing on any Part of the Eſtates ſo demiſed or holden, as a Diſtreſs for Arrears of Rent, and the ſame to make, cut, gather, cure, carry, and lay up when ripe, in the Barns or other proper Place on the Premiſes ſo demiſed or holden; and in caſe there ſhould be no Barns or proper Place on the Premiſes ſo demiſed or holden, then in any other Barn or proper Place which ſuch Leſſor or Landlord, Leſſors or Landlords, ſhall have or otherwiſe procure for that Purpoſe, and as near as may be to the Premiſes, in convenient Time to appraiſe, ſell, or otherwiſe diſpoſe of the ſame, towards Satisfac-

tion of the Rent for which such Distress shall have been taken, and of the Charges of such Distress, Appraisement, and Sale, in the same Manner as other Goods and Chattels may be seized, distrained, and disposed of; and the Appraisement thereof to be taken when cut, gathered, cured and made, and not before: And whereas no such Provision exists in the Law of *Ireland*, and it is reasonable that the Remedies of Landlords in *Ireland* should in this Respect be as extensive as they are in *England*; be it therefore further enacted, That from and after the First Day of *July* next, it shall and may be lawful to and for every Lessor or Landlord in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, or his, her, or their Steward, Bailiff, Receiver, or other Person or Persons empowered by him, her, or them, to take and seize, as a Distress for Arrears of Rent, all Sorts of Corn and Grass, Hops, Roots, Fruit, Pulse, or other Product whatsoever, which shall be growing on any Part of the Estates so demised or holden, as a Distress for Arrears of Rent; and the same to cut, gather, make, cure, carry and lay up, when ripe, in the Barns or other proper Place on the Premises so demised or holden; and in case there shall be no Barn or proper Place on the Premises so demised or holden, then in any other Barns or proper Place, which such Lessor or Landlord, Lessors or Landlords, shall hire or otherwise procure for that Purpose, and as near as may be to the Premises, and dispose of the same towards Satisfaction of the Rent for which such Distress shall have been taken, and of the Charges of such Distress and Sale, in the same Manner as any other Goods and Chattels distrained for Non-payment of Rent.

Landlords, &c. empowered to seize Corn, &c. for Arrears of Rent.

XVI. And whereas it is fit and just that Provision should be made for securing the occupying Tenant as far as may be against being called upon for Payment more than Once of the Rent reserved and made payable to his immediate Landlord or Lessor out of the Land which he occupies, in consequence of superior Landlords distraining for the Rents due to them respectively; for Remedy thereof, be it enacted, That in all Cases where the entire Rent due and payable from the occupying Tenant to his immediate Landlord or Landlords, Lessor or Lessors, shall have been paid, or in any Manner satisfied, if, in consequence of the Fraud, Malfeisance, or Neglect of such Landlord or Landlords to pay and satisfy the Rent due and owing to any superior Landlord or Landlords, the Lands in the Hands of such occupying Tenant shall be distrained for any such Rent, then it shall be lawful for such occupying Tenant to proceed against such his immediate Landlord (through whose Default or Neglect to make such Payments the Lands in the Possession of such occupying Tenant shall have been distrained), or such occupying Tenant shall have been compelled to pay any Sum of Money to any such superior Landlord, to avoid a Distress for Rent due to such superior Landlord, to recover the Amount of Costs and Damages by him sustained thereby, by Civil Bill before the Recorder of the City of *Dublin*, if the Lands shall be in the County of the said City, or the Chairman of the Sessions of the Peace for the County of *Dublin*, if the Lands shall be in the said County, or before the Assistant Barrister, at the Quarter Sessions of any other County where such Lands shall be, in all Cases where the same shall not exceed Fifty Pounds; and that the Amount of such Costs and Damages, when ascertained by the Decree of such Recorder, Chairman of the Quarter Sessions, or Assistant Barrister, as the Case may be, and the Amount of any Costs and Damages which may be ascertained by the Judgement of any superior Court, upon any

How Tenant shall proceed in Cases of Distress by the Head Landlord, where Rent shall have been paid to his immediate Landlord, and how and what Damages shall be recovered.

Action which may be brought for that Purpoſe, may be tendered by the occupying Tenant, or his or their Repreſentatives, in Payment of ſo much of the ſubſequently growing and accruing Rent as ſhall thereafter become due and payable, to ſuch his immediate Landlord, and ſhall be accepted by ſuch Landlord in Payment of the ſame, or ſhall be recovered by Proceſs of Execution as the ſaid occupying Tenant ſo aggrieved ſhall deem moſt adviſable.

If Complainant prove Facts of Payment of Rent by Diſtreſs, he may recover Damages.

XVII. And be it further enacted, That if on ſuch Trial by Civil Bill, before the Aſſiſtant Barriſter, Chairman of the Seſſions of the Peace, or Recorder, as the Caſe may be, the Complainant ſhall prove the Facts of Payment of Rent by Diſtreſs or otherwiſe to his immediate Landlord, and of the ſubſequent Seizure of his Goods or Stock under Diſtreſs by a ſuperior Landlord, or his being compelled to pay any Sum of Money in or towards Satisfaction of Rent due to ſuch ſuperior Landlord to avoid any ſuch Diſtreſs, he ſhall be entitled to recover in Damages, and ſhall ſo recover upon ſuch Proof made of the Facts herein-before mentioned, without any other or further Proof of Damage ſuſtained, Ten Pounds in the Hundred of the Rent reſerved and diſtrained for, in addition to the whole Sum he ſhall have paid under ſuch Diſtreſs to the ſuperior Landlord, but ſhall not be precluded from entering upon Proof of other more aggravated or ſpecial Damage ſuſtained, if he ſhall prefer ſuch Mode of Proceeding for Recovery of due and adequate Compenſation on ſuch Account.

Aſſiſtant Barriſter to have Juriſdiction in a City or Town which is a County of itſelf.

XVIII. Provided always, and be it further enacted, That if any Tenement within the Proviſions of this Act ſhall be ſituate in the Whole or in Part within the County of any City or Town which is a County of itſelf, except the County of the City of *Dublin*, the Aſſiſtant Barriſter of the County at large, having Juriſdiction for other Purpoſes within ſuch County of a City or Town, and the Juſtices of the Peace for ſuch County at large, ſhall have the ſame Juriſdiction and exerciſe the ſame Powers, with reſpect to ſuch Tenement, as if the ſame had been ſituate in the County at large, any Thing in this Act, or any Law or Uſage to the contrary notwithſtanding.

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