Repeal.

6. The Acts mentioned in the schedule to this Act are hereby repealed to the extent in the third column of the schedule mentioned.

Short title.

7. This Act may be cited as the Oaths Act, 1888.

SCHEDULE.

Session and Chapter.	Title.	Extent of Repeal.
17 & 18 Vict. c. 125.	The Common Law Procedure Act, 1854.	Section twenty.
19 & 20 Vict. c. 102.	The Common Law Procedure Amendment Act (Ireland), 1856.	Sections twenty-three and twenty-four.
24 & 25 Vict. c. 66.	An Act to give relief to persons who may refuse or be unwilling, from alleged conscientious motives, to be sworn in criminal proceedings.	The entire Act.
28 & 29 Vict. c. 9.	The Affirmation (Scotland) Act, 1865.	The entire Act.
30 & 31 Vict. c. 35.	An Act to remove some defects in the administration of the Criminal Law.	Section eight.
31 & 32 Vict. c. 39.	The Jurors Affirmation (Scotland) Act, 1868.	The entire Act.
31 & 32 Vict. c. 75.	The Juries Act (Ireland), 1868 -	Section three.
32 & 33 Vict. c. 68.	The Evidence Further Amendment Act, 1869.	Section four.
33 & 34 Vict. c. 49.	The Evidence Amendment Act, 1870.	The entire Act.

CHAPTER 47.

An Act to amend the Law relating to execution for Small Debts and the levying of Distress for Rent in Ireland, with special provisions for the City of Dublin.

[24th December 1888.]

BE it enacted by the Queen'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, as follows:

1. This Act may be cited as the Law of Distress and Small Debts (Ireland) Act, 1888. Short title.

2. This Act, except as herein otherwise provided, shall come into operation from and immediately after the thirty-first day of December one thousand eight hundred and eighty-eight. Commencement.

3. "Municipal authority" in this Act shall mean the Lord Mayor and corporation of the city of Dublin; "distress" shall mean and be confined to distresses for rent where the amount due and distrained for shall not exceed ten pounds sterling. Interpretation.

PART I.

4. Part One of this Act shall apply throughout Ireland. Extent of Part I.

5. From and after the commencement of this Act such goods and chattels of the tenant or debtor, or his family, as would be protected from seizure in execution under section nine of eleven and twelve Victoria, chapter twenty-eight, or section one hundred and twenty-five of the County Courts (Ireland) Act, 1851, shall be exempt from distress for rent, and from executions under decrees of the Dublin Court of Conscience, or of the Court of Conscience of any other municipal borough, and executions under decrees or orders of the courts of the Dublin divisional justices in pursuance of their small debts jurisdiction; and executions under the decrees or orders of justices in petty sessions in pursuance of the small debts jurisdiction conferred on them by the Act of the twenty-second year of the reign of Her present Majesty, chapter fourteen; that is to say, the wearing apparel and bedding, and the tools and implements of trade, of such tenant or debtor, not exceeding in the whole the value of five pounds sterling. Provided that this enactment shall not extend to any case where the lease, term, or interest of the tenant has expired, and where possession of the premises in respect of which the rent is claimed has been demanded, and where the distress is made not earlier than seven days after such demand. Certain goods exempted from distress and execution.

PART II.

6. Part Two of this Act shall apply only within the municipal boundaries of the city of Dublin. Extent of Part II.

7. From and after the commencement of this Act no person shall act as a bailiff in the city of Dublin to levy any distress for rent, or execute any decree of the Court of Conscience, or any such decree or order of the divisional justices as aforesaid, unless he shall be authorised to act as a bailiff by the municipal authority, by a certificate in writing under the hand of the Lord Mayor, or shall be otherwise authorised as provided by this Act. It shall be the duty of the municipal authority, at least one fortnight before the commencement of this Act, and from time to time afterwards as shall be requisite, to appoint a sufficient number of fit and proper persons to act as such bailiffs, subject to the approval of the Recorder of Appointment of bailiffs.

Dublin, and it shall be lawful for the Recorder, if at any time he considers it necessary to do so, himself to appoint fit and proper persons to act as such bailiffs; and it shall be lawful for the persons so authorised to act until their certificates be withdrawn or suspended as provided by this Act.

Annual sum to be paid to bailiffs.

8. It shall be lawful for the municipal authority and for the Recorder of Dublin at any time to withdraw or suspend certificates granted by them respectively at their discretion. So long as same shall remain in force the municipal authority may pay to the person thereby appointed an annual sum or salary not exceeding five pounds a year, to be paid quarterly upon a certificate of the satisfactory performance of his duties, to be given by such person and in such manner as shall be prescribed by rules made under this Act.

Names, &c. of bailiffs to be advertised and lists published for inspection.

9. The name and place of abode of every bailiff so appointed, or whose certificate shall be withdrawn or suspended, shall be published immediately after the date of such appointment, or withdrawal or suspension of his certificate, in some newspaper or newspapers published within the city, and in such other manner as shall be prescribed by rules made under this Act, and a list of the bailiffs for the time being shall be at all times posted and kept open for public inspection in the Town Hall, the Court of Conscience, the courts of the divisional justices, and otherwise as shall be prescribed by rules made under this Act.

Public store to be maintained by the municipal authority.

10. The municipal authority shall provide and maintain on any site belonging to them within the city a fit and proper place or places in which all goods seized under distress or executions to which this Act applies shall be kept and preserved pending sale or redemption, and they shall also provide, when such shall be requisite, means of conveying goods thereto. Such goods shall be sold at such times and in such manner and after such notice as shall be prescribed by rules made under this Act, and at any time before sale shall be re-delivered to the owner on payment of the amount for which same were seized, and the charges accrued in relation to same. Goods whilst in the charge or possession of the municipal authority shall be deemed, as regards them, in lawful custody.

Storage charges to be as prescribed by rules.

11. The municipal authority may charge in respect of the storage, keeping, conveyance, or in respect of the sale of such goods such sums as shall be prescribed by rules from time to time made under Part Two of this Act. The fees payable in respect of seizures within Part Two of this Act shall be prescribed in like manner, and the rules shall provide for the due publication and notification of schedules of such charges and fees as aforesaid.

Bailiffs guilty of extortion or acting without authority guilty of misdemeanor, or may be summarily dealt with.

12. If any bailiff under Part Two of this Act, or person assisting him, shall extort any money or security for money, or other thing, or if any person not being authorised as provided by this Act shall act as a bailiff in cases within this Act, such person so offending shall be guilty of a misdemeanor, punishable by fine not exceeding twenty pounds, or imprisonment not exceeding twelve

calendar months, with or without hard labour; or such person may be proceeded against summarily, and upon conviction shall be punishable by fine not exceeding ten pounds, or imprisonment not exceeding six calendar months, with or without hard labour.

Summary jurisdiction in other cases.

13. If any such bailiff, or person assisting him, shall offend against any of the provisions of this Act, or shall be guilty of any misconduct or illegality in case of any distress or execution within this Act, other than in the last preceding section mentioned, the person aggrieved may proceed summarily against such offender, who on conviction shall be punishable by fine not exceeding ten pounds, or imprisonment not exceeding three calendar months, with or without hard labour. In any case within this or the preceding section the court may order the certificate of the offender to be withdrawn or suspended, and such order shall be transmitted to the municipal authority or to the Recorder of Dublin in case the certificate was granted by him, and the certificate shall be withdrawn or suspended accordingly.

Provided that in case of any distress or execution within this Act, any person feeling aggrieved by anything done thereunder, or claiming to be the owner of any of the goods seized, may proceed by complaint in a court of summary jurisdiction, and the court may order all persons interested to be summoned, and shall give all requisite orders and directions as the justice of the case may require, whether as to the custody of the goods pending litigation, or the terms upon which the same should be sold, or for the return of the goods on such terms as to giving security or otherwise as shall appear just.

Mode of summary procedure.

14. Summary proceedings under Part Two of this Act shall be regulated as in cases of summary jurisdiction under the Acts regulating the courts of the divisional justices in Dublin, and subject to the like appeal, and shall be in addition to and not in substitution for any remedies existing before this Act.

Expenses of municipal authority.

41 & 42 Vict. c. 52.

15. The expenses of the municipal authority in the carrying out of Part Two of this Act shall be defrayed in the same manner and out of the same funds as if they were expenses of the same authority under the Public Health (Ireland) Act, 1878, and the Acts amending same.

Rules for carrying out Act.

16. The Recorder of Dublin, subject to the approval of the Lord Chancellor of Ireland, shall from time to time make rules for better carrying out the provisions of Part Two of this Act and regulating the charges and fees payable in pursuance thereof; and such rules may be revised, varied, and altered by the same authority from time to time as occasion may require. Such rules may be made at any time after the passing of this Act.