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**CHAPTER 164****DISTRESS FOR RENT****ARRANGEMENT OF SECTIONS**

## SECTION

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## CHAPTER 164

## DISTRESS FOR RENT

**An Act enabling the sale of goods distrained for rent in case the rent be not paid in a reasonable time.**

*2 Will. & Mar.  
Sess. 1, c. 5*  
extended by 10 of  
1872  
[A.D. 1689]

1. [This Act may be cited as the Distress for Rent Act.]

Short title.

2. When any goods or chattells shall be distrained for any rent reserved and due upon any demise lease or contract whatsoever and the tenant or owner of the goods soe distrained shall not within five dayes [next<sup>1</sup>] after such distresse taken and notice thereof (with the cause of such takeing) left at the chiefe mansion house or other most notorious place on the premisses charged with the rent distrained for replevy the same with sufficient security to be given to the sheriffe according to law that then in such case after such distresse and notice as aforesaid and expiration of the said five dayes the person distraining shall and may with the sheriffe or undersheriffe of the county or with the constable of the hundred parish or place where such distresse shall be taken (who are hereby required to be aiding and assisting therein) cause the goods and chattells soe distrained to be appraised by two sworne appraisers (whome such sheriffe undersheriffe or constable are hereby impowred to sweare) to appraise the same truely according to the best of their understandings and after such appraisment shall and may lawfully sell the goods and chattels soe distrained for the best price can be gotten for the same towards satisfaction of the rent for which the said goods and chattells shall be distrained and of the charges of such distresse appraisment and sale leaveing the overplus (if any) in the hands of the said sheriffe undersherilfe or constable for the owners use.

Goods distrained for rent may be appraised and sold, if not replevied with sufficient security.

<sup>1</sup> Interlined on the roll.

Sheaves or cocks of corn loose, etc., or hay in any barn, etc., may be detained, and if not replevied, sold. Corn, etc., not to be removed by person distraining, to the damage of owner, from the place where seized.

3. It shall and may be lawful to and for any person or persons haveing rent arreare and due upon any such demise lease or contract as aforesaid to seize and secure any sheaves or cocks of corne or corne loose or in the straw or hay lying or being in any barne or granary or upon any hovell stack or rick or otherwise upon any part of the land or [ground <sup>2</sup>] charged with such rent and to locke up or detaine the same in the place where the same shall be found for or in the nature of a distresse untill the same shall be replevied upon such security to be given as aforesaid and in default of replevying the same as aforesaid within the time aforesaid to sell the same after such appraisment thereof to be made soe as neverthelesse such corne graine or hay soe distrained as aforesaid be not removed by the person [or <sup>3</sup>] persons distraineing to the damage of the owner thereof out of the place where the same shall be found and seized but be kept there (as impounded) untill the same shall be replevied or sold in default of replevying the same within the time aforesaid.

Pound-breach or rescous, treble damages and costs.

4. Upon any pound breach or rescous of goods or chattells distrained for rent the person or persons grieved thereby shall in a speciall action upon the case for the wrong thereby sustained recover his and their treble damages and costs of suite against the offender or offenders in any such rescous or pound-breach any or either of them or against the owners of the goods distrained in case the same be afterwards found to have come to his use or possession.

Wrongful distress, double damages and full costs.

5. In case any such distresse and sale as aforesaid shall be made by vertue or colour of this present Act for rent pretended to be arreare and due where in truth noe rent is arreare or due to the person or persons distraining or to him or them in whose name or names or right such distresse shall be taken as aforesaid that then the owner of such goods or chattells distrained and sold as aforesaid his executors or administrators shall and may by action of trespasse or upon the case to be brought against the person or persons soe distraining any or either of them his or their executors or administrators recover double of the value of the goods or chattells soe distrained and sold together with full costs of suite.

<sup>2</sup> pound *O*.

<sup>3</sup> and *O*