

Every Grant made after 6 May 1738, of any Ecclesiastical Living, &c. by any Papist, &c. void,

unless made for a valuable Consideration to a Protestant Purchaser, &c.

Every Devise made of any Ecclesiastical Living after 6 May 1738, by a Papist, void.

See farther 33 Geo. 2. c. 13.

it therefore enacted by the Authority aforesaid, That every Grant to be made from and after the sixth Day of *May* one thousand seven hundred and thirty-eight, of any Advowson or Right of Presentation, Collation, Nomination, or Donation, of and to any Benefice, Prebend, or Ecclesiastical Living, School, Hospital, or Donative, and every Grant or any Avoidance thereof, by any Papist, or Person making Profession of the Popish Religion, or any Mortgagee, Trustee, or Person any ways intrusted directly or indirectly, mediately or immediately, by or for any such Papist or Person making Profession of the Popish Religion, whether such Trust be declared by Writing or not, shall be null and void, unless such Grant shall be made *bona fide*, and for a full and valuable Consideration to and for a Protestant Purchaser or Protestant Purchasers, and meerly and only for the Benefit of a Protestant or Protestants; and that every such Grantee, or Person claiming under any such Grant, shall be deemed to be a Trustee for a Papist or Person professing the Popish Religion as aforesaid, within the true Intent and Meaning of the said Act; and that all such Grantees, or Persons claiming under such Grants, and their Presentees, shall be compelled to make such Discovery relating to such Grants and Presentations made thereupon, and by such Methods, as in and by the said Act of the twelfth Year of the Reign of *Queen ANNE*, are directed in the Case of Trustees of Papists or Persons professing the Popish Religion; and that every Devise to be made from and after the said sixth Day of *May* by any Papist or Person professing the Popish Religion, of any such Advowson or Right of Presentation, Collation, Nomination, or Donation, or any such Avoidance, with Intent to secure the Benefit thereof to the Heirs or Family of such Papist or Person professing the Popish Religion, shall be null and void; and that all such Devisees, and Persons claiming under such Devises, and their Presentees, shall in the like Manner, and by such Methods, be compelled to discover, whether to the best of their Knowledge and Belief, such Devises were not made with the said Intent.

### C A P. XVIII.

An Act to continue two several Acts therein mentioned; one for encouraging the Growth of Coffee in his Majesty's Plantations in *America*, and the other for the better securing and encouraging the Trade of his Majesty's Sugar Colonies in *America*.

Preamble.

The Act 5 Geo. 2. c. 24. relating to Coffee, continued for 7 Years.

'Farther continued by 25 Geo. 2. c. 35.'

And again by 32 Geo. 2. c. 23.

The Act 6 Geo. 2. c. 13. relating to Sugar, continued for 7 Years.

'Farther continued by 26

Geo. 2. c. 32.'

And again by

1 Geo. 3. c. 9.

'WHEREAS the Laws herein after-mentioned are found to be very useful and beneficial to the Publick, and are so near expiring, that it is fit they should now be continued;' Be it 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 an Act passed in the fifth Year of his present Majesty's Reign, intituled, *An Act for encouraging the Growth of Coffee in his Majesty's Plantations in America*, which was to be in Force from the twenty-fifth Day of *March* one thousand seven hundred and thirty-five, to the twenty-fifth Day of *March* one thousand seven hundred and thirty-nine, and from thence to the End of the then next Session of Parliament, shall be, and the same is hereby continued from the Time therein limited for the Expiration thereof, for the Term of seven Years, and from thence to the End of the then next Session of Parliament.

II. And be it further enacted by the Authority aforesaid, That an Act made in the sixth Year of his present Majesty's Reign, intituled, *An Act for the better securing and encouraging the Trade of his Majesty's Sugar Colonies in America*, which was to be in Force from the twenty-fourth Day of *June* one thousand seven hundred and thirty-three, for the Space of five Years, and to the End of the then next Session of Parliament, shall be, and the same is hereby continued from the Time therein limited for the Expiration thereof, for the further Term of seven Years, and from thence to the End of the then next Session of Parliament.

### C A P. XIX.

An Act for the more effectual securing the Payment of Rents, and preventing Frauds by Tenants.

Preamble.

Former Provisions concerning Rents,

32 H. 8. c. 37.

8 Ann. c. 14.

4 Geo. 2. c. 28.

Landlords may

distrain and sell

Goods fraudu-

lently carried off

the Premises

within 30 Days,

'WHEREAS the several Laws heretofore made for the better Security of Rents, and to prevent Frauds committed by Tenants, have not proved sufficient to obtain the good Ends and Purposes designed thereby, but rather the fraudulent Practices of Tenants, and the Mischief intended by the said Acts to be prevented, have of late Years increased, to the great Loss and Damage of their Lessors or Landlords;' For Remedy whereof, may it please your most Excellent Majesty, that it may be enacted, and be it 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 twenty-fourth Day of *June* in the Year of our Lord one thousand seven hundred and thirty-eight, in case any Tenant or Tenants, Lessee or Lessees, for Life or Lives, Term of Years, at Will, Sufferance, or otherwise, of any Messuages, Lands, Tenements, or Hereditaments, upon the Demise or holding whereof any Rent is or shall be reserved, due, or made payable, shall fraudulently or clandestinely convey away, or carry off or from such Premises, his, her or their Goods or Chattles, to prevent the Landlord or Lessor, Landlords or Lessors, from distraining the same for Arrears of Rent so reserved, due, or made payable; it shall and may be lawful to and for every Landlord or Lessor, Landlords or Lessors, within that Part of *Great Britain* called *England*, Dominion of *Wales*, or the Town of *Berwick upon Tweed*, or any Person or Persons by him, her, or them for that Purpose lawfully empowered, within the Space of thirty Days next ensuing such conveying away or carrying off such

such Goods or Chattels as aforesaid, to take and seize such Goods and Chattels, wherever the same shall be found, as a Distress for the said Arrears of Rent; and the same to sell, or otherwise dispose of, in such Manner as if the said Goods and Chattels had actually been distrained by such Lessor or Landlord, Lessors or Landlords, in and upon such Premises for such Arrears of Rent; any Law, Custom, or Usage to the contrary in any wise notwithstanding.

II. Provided always, That no Landlord or Lessor, or other Person intitled to such Arrears of Rent, shall take or seize any such Goods or Chattels as a Distress for the same, which shall be sold *bona fide*, and for a Valuable Consideration, before such Seizure made, to any Person or Persons not privy to such Fraud as aforesaid; any thing herein contained to the contrary notwithstanding. unless sold to any Person not privy to the Fraud.

III. And to deter Tenants from such fraudulent conveying away their Goods and Chattels, and others from wilfully aiding or assisting therein, or concealing the same; Be it further enacted by the Authority aforesaid, That from and after the said twenty-fourth Day of *June*, if any such Tenant or Lessee shall fraudulently remove and convey away his or her Goods or Chattels as aforesaid, or if any Person or Persons shall wilfully and knowingly aid or assist any such Tenant or Lessee in such fraudulent conveying away or carrying off of any Part of his or her Goods or Chattels, or in concealing the same; all and every Person and Persons so offending shall forfeit and pay to the Landlord or Landlords, Lessor or Lessors, from whose Estate such Goods and Chattels were fraudulently carried off as aforesaid, double the Value of the Goods by him, her, or them respectively carried off or concealed as aforesaid; to be recovered by Action of Debt in any of his Majesty's Courts of Record at *Westminster*, or in the Courts of Session in the Counties Palatine of *Chester*, *Lancaster*, or *Durham* respectively, or in the Courts of Grand Sessions in *Wales*, wherein no Essoin, Protection, or Wager of Law shall be allowed, nor more than one Impar lance. Penalty on the said Fraud, or assisting there-to.

IV. Provided always, and be it enacted by the Authority aforesaid, That where the Goods and Chattels so fraudulently carried off or concealed shall not exceed the Value of fifty Pounds, it shall and may be lawful for the Landlord or Landlords, from whose Estate such Goods or Chattels were removed, his, her, or their Bailiff, Servant, or Agent, in his, her or their Behalf, to exhibit a Complaint in Writing against such Offender or Offenders, before two or more Justices of the Peace of the same County, Riding or Division of such County, residing near the Place whence such Goods and Chattels were removed, or near the Place where the same were found, not being interested in the Lands or Tenements whence such Goods were removed; who may summon the Parties concerned, examine the Fact, and all proper Witnesses, upon Oath, or if any such Witness be one of the People called *Quakers*, upon Affirmation required by Law; and in a summary Way determine, whether such Person or Persons be guilty of the Offence, with which he or they are charged; and to enquire in like Manner of the Value of the Goods and Chattels by him, her or them respectively so fraudulently carried off or concealed as aforesaid; and, upon full Proof of the Offence, by Order under their Hands and Seals, the said Justices of Peace may and shall adjudge the Offender or Offenders to pay double the Value of the said Goods and Chattels to such Landlord or Landlords, his, her, or their Bailiff, Servant, or Agent, at such Time as the said Justices shall appoint: And in case the Offender or Offenders, having Notice of such Order, shall refuse or neglect so to do, may and shall, by Warrant under their Hands and Seals, levy the same by Distress and Sale of the Goods and Chattels of the Offender or Offenders; and for want of such Distress, may commit the Offender or Offenders to the House of Correction, there to be kept to hard Labour without Bail or Mainprize for the Space of six Months, unless the Money so ordered to be paid as aforesaid shall be sooner satisfied. If the Goods exceed not the Value of 50l. Landlords to have Recourse to 2 Justices.

V. Provided also, That it shall and may be lawful for any Person, who thinks himself aggrieved by such Order of the said two Justices, to appeal to the Justices of the Peace at their next General or Quarter Sessions to be held for the same County, Riding or Division of such County, who may and shall hear and determine such Appeal, and give such Costs to either Party as they shall think reasonable, whose Determination therein shall be final. Appeal from them to the Quarter Sessions.

VI. Provided also, That where the Party appealing shall enter into a Recognizance with one or two sufficient Surety or Sureties in double the Sum so ordered to be paid, with Condition to appear at such General or Quarter Sessions, the Order of the said two Justices shall not be executed against him in the mean Time. The 2 Justices Order, on such Appeal, not to be executed.

VII. And be it further enacted by the Authority aforesaid, That where any Goods or Chattels fraudulently or clandestinely conveyed or carried away by any Tenant or Tenants, Lessee or Lessees, his, her, or their Servant or Servants, Agent or Agents, or other Person or Persons aiding or assisting therein, shall be put, placed, or kept in any House, Barn, Stable, Out-house, Yard, Close or Place locked up, fastened, or otherwise secured, so as to prevent such Goods or Chattels from being taken and seized as a Distress for Arrears of Rent; it shall and may be lawful for the Landlord or Landlords, Lessor or Lessors, his, her or their Steward, Bailiff, Receiver or other Person or Persons empowered to take and seize, as a Distress for Rent, such Goods and Chattels (first calling to his, her, or their Assistance the Constable, Headborough, Borsholder, or other Peace Officer of the Hundred, Borough, Parish, District or Place, where the same shall be suspected to be concealed, who are hereby required to aid and assist therein; and in case of a Dwelling-house, Oath being also first made before some Justice of the Peace of a reasonable Ground to suspect that such Goods or Chattels are therein) in the Day-time to break open and enter into such House, Barn, Stable, Out-house, Yard, Close, and Place, and to take and seize such Goods and Chattels for the said Arrears of Rent, as he, she or they might have done by virtue of this or any former Act, if such Goods and Chattels had been put in any open Field or Place. Landlords may break open Houses to seize Goods fraudulently secured therein;

and may distrain  
Stock or Cattle  
on the Premises,  
for Arrears of  
Rent.

VIII. And be it further enacted by the Authority aforesaid, That from and after the said twenty-fourth Day of *June* which shall be in the Year of our Lord one thousand seven hundred and thirty-eight, 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 impowered by him, her or them, to take and seize, as a Distress for Arrears of Rent, any Cattle or Stock of their respective Tenant or Tenants, feeding or depasturing upon any Common, appendant or appurtenant, or any ways belonging to all or any Part of the Premises demised or holden; and also to take and seize 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 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 Barn 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 in convenient Time to appraise, sell or otherwise dispose of the same, towards Satisfaction of the Rent for which such Distress shall have been taken, and of the Charges of such Distress, Appraisalment and Sale, in the same Manner as other Goods and Chattels may be seized, distrained and disposed of; and the Appraisalment thereof to be taken when cut, gathered, cured, and made, and not before.

Tenants to have  
Notice of the  
Place where the  
Distress is  
lodged.  
Distress of Corn,  
&c. to cease, if  
Rent be paid  
before it be cut.

IX. Provided always, That Notice of the Place where the Goods and Chattels so distrained shall be lodged or deposited, shall, within the Space of one Week after the lodging or depositing thereof in such Place, be given to such Lessee or Tenant, or left at the last Place of his or her Abode; and that if after any Distress for Arrears of Rent so taken, of Corn, Grass, Hops, Roots, Fruits, Pulse, or other Product, which shall be growing as aforesaid, and at any Time before the same shall be ripe and cut, cured or gathered, the Tenant or Lessee, his or her Executors, Administrators or Assigns, shall pay, or cause to be paid to the Lessor or Landlord, Lessors or Landlords, for whom such Distress shall be taken, or to the Steward or other Person usually employed to receive the Rent of such Lessor or Lessors, Landlord or Landlords, the whole Rent which shall be then in Arrear, together with the full Costs and Charges of making such Distress, and which shall have been occasioned thereby; that then, and upon such Payment, or lawful Tender thereof actually made, whereby the End of such Distress will be fully answered, the same and every Part thereof shall cease; and the Corn, Grass, Hops, Roots, Fruits, Pulse, or other Product so distrained, shall be delivered up to the Lessee or Tenant, his or her Executors, Administrators or Assigns; any Thing herein before contained to the contrary notwithstanding.

Distresses may be  
secured, and sold  
on the Premises.

2 W. & M. c. 5.

4 Geo. 2. c. 28.

X. And whereas great Difficulties and Inconveniencies frequently arise to Landlords and Lessors and other Persons taking Distresses for Rent, in removing the Goods and Chattels or Stock distrained off the Premises, in Cases where by Law they may not be impounded and secured thereupon; and also to the Tenants themselves many Times, by the Damage unavoidably done to such Goods and Chattels, or Stock, in the Removal thereof; Be it enacted by the Authority aforesaid, That from and after the said twenty-fourth Day of *June* one thousand seven hundred and thirty-eight, it shall and may be lawful to and for any Person or Persons lawfully taking any Distress for any Kind of Rent, to impound, or otherwise secure the Distress so made, of what Nature or Kind soever it may be, in such Place, or on such Part of the Premises chargeable with the Rent, as shall be most fit and convenient for the impounding and securing such Distress; and to appraise, sell and dispose of the same upon the Premises, in like Manner, and under the like Directions and Restraints to all Intents and Purposes, as any Person taking a Distress for Rent may now do off the Premises, by virtue of an Act made in the second Year of the Reign of King WILLIAM and Queen MARY, intituled, *An Act for enabling the Sale of Goods distrained for Rent, in case the Rent be not paid in a reasonable Time*; or of one other Act made in the fourth Year of his present Majesty, intituled, *An Act for the more effectual preventing Frauds committed by Tenants, and for the more easy Recovery of Rents, and Renewal of Leases*; and that it shall and may be lawful to and for any Person or Persons whatsoever, to come and go to and from such Place or Part of the said Premises, where any Distress for Rent shall be impounded and secured as aforesaid, in order to view, appraise and buy, and also in order to carry off or remove the same, on account of the Purchaser thereof; and that if any Pound-breach or Rescous shall be made of any Goods and Chattels, or Stock distrained for Rent, and impounded or otherwise secured by virtue of this Act, the Person or Persons aggrieved thereby shall have the like Remedy, as in Cases of Pound-breach or Rescous is given and provided by the said Statute.

Attornment of  
Tenants, void.

XI. And whereas the Possession of Estates in Lands, Tenements and Hereditaments is rendered very precarious by the frequent and fraudulent Practice of Tenants, in attorning to Strangers, who claim Title to the Estates of their respective Landlord or Landlords, Lessor or Lessors, who by that Means are turned out of Possession of their respective Estates, and put to the Difficulty and Expence of recovering the Possession thereof by Actions or Suits at Law; For Remedy thereof, be it enacted by the Authority aforesaid, That from and after the said twenty-fourth Day of *June* in the Year of our Lord one thousand seven hundred and thirty-eight, all and every such Attornment and Attornments of any Tenant or Tenants of any Messuages, Lands, Tenements or Hereditaments, within that Part of *Great Britain* called *England*, *Dominion of Wales*, or *Town of Berwick upon Tweed*, shall be absolutely null and void to all Intents and Purposes whatsoever; and the Possession of their respective Landlord or Landlords, Lessor or Lessors, shall not be deemed or construed to be any wise changed, altered or affected by any such Attornment or Attornments: Provided always,  
That

That nothing herein contained shall extend to vacate or affect any Attornment made pursuant to and in consequence of some Judgment at Law, or Decree or Order of a Court of Equity, or made with the Privy and Consent of the Landlord or Landlords, Lessor or Lessors, or to any Mortgagee after the Mortgage is become forfeited. Exception.

And whereas great Inconveniencies have frequently happened to Landlords by their Tenants secreting Declarations in Ejectment, which have been delivered to them, or by refusing to appear to such Ejectments, or to suffer their Landlords to take upon them the Defence thereof; Be it further enacted by the Authority aforesaid, That from and after the said twenty-fourth Day of *June* one thousand seven hundred and thirty-eight, every Tenant, to whom any Declaration in Ejectment shall be delivered for any Lands, Tenements or Hereditaments, in that Part of *Great Britain* called *England*, Dominion of *Wales*, or Town of *Berwick upon Tweed*, shall forthwith give Notice thereof to his or her Landlord or Landlords, or his, her or their Bailiff or Receiver, under Penalty of forfeiting the Value of three Years improved or Rack Rent of the Premises so demised or holden in the Possession of such Tenant, to the Person of whom he or she holds; to be recovered by Action of Debt to be brought in any of his Majesty's Courts of Record at *Westminster*, or in the Counties Palatine of *Chester*, *Lancaster* and *Durham* respectively, or in the Courts of Grand-Sessions in *Wales*; wherein no Essoin, Protection or Wager of Law shall be allowed, nor any more than one Impar lance. Against Tenants secreting Ejectments.

XIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Court where such Ejectment shall be brought, to suffer the Landlord or Landlords to make him, her or themselves Defendant or Defendants, by joining with the Tenant or Tenants, to whom such Declaration in Ejectment shall be delivered, in case he or they shall appear; but in case such Tenant or Tenants shall refuse or neglect to appear, Judgment shall be signed against the casual Ejector for want of such Appearance; but if the Landlord or Landlords of any Part of the Lands, Tenements or Hereditaments, for which such Ejectment was brought, shall desire to appear by himself or themselves, and consent to enter into the like Rule that by the Course of the Court the Tenant in Possession in case he or she had appeared ought to have done; then the Court where such Ejectment shall be brought shall and may permit such Landlord or Landlords so to do, and order a Stay of Execution upon such Judgment against the casual Ejector, until they shall make further Order therein. Landlord empowered to make himself Defendant by joining with the Tenant, &c.

XIV. And to obviate some Difficulties that many Times occur in the Recovery of Rents, where the Demises are not by Deed, Be it further enacted by the Authority aforesaid, That from and after the said twenty-fourth Day of *June* it shall and may be lawful to and for the Landlord or Landlords, where the Agreement is not by Deed, to recover a reasonable Satisfaction for the Lands, Tenements or Hereditaments, held or occupied by the Defendant or Defendants, in an Action on the Case, for the Use and Occupation of what was so held or enjoyed; and if in Evidence on the Trial of such Action any Parol Demise or any Agreement (not being by Deed) whereon a certain Rent was reserved shall appear, the Plaintiff in such Action shall not therefore be nonsuited, but may make use thereof as an Evidence of the *Quantum* of the Damages to be recovered. Rents how to be recovered, where the Demises are not by Deed.

XV. And whereas where any Lessor or Landlord, having only an Estate for Life in the Lands, Tenements or Hereditaments demised, happens to die before or on the Day, on which any Rent is reserved, or made payable, such Rent, or any Part thereof, is not by Law recoverable by the Executors or Administrators of such Lessor or Landlord; nor is the Person in Reversion entitled thereto, any other than for the Use and Occupation of such Lands, Tenements or Hereditaments, from the Death of the Tenant for Life; of which Advantage hath been often taken by the Under-tenants, who thereby avoid paying any Thing for the same; For Remedy whereof be it enacted by the Authority aforesaid, That from and after the twenty-fourth Day of *June* one thousand seven hundred and thirty-eight, where any Tenant for Life shall happen to die before or on the Day, on which any Rent was reserved or made payable upon any Demise or Lease of any Lands, Tenements or Hereditaments, which determined on the Death of such Tenant for Life, that the Executors or Administrators of such Tenant for Life shall and may in an Action on the Case recover of and from such Under-tenant or Under-tenants of such Lands, Tenements or Hereditaments, if such Tenant for Life die on the Day on which the same was made payable the whole, or if before such Day then a Proportion, of such Rent according to the Time such Tenant for Life lived, of the last Year, or Quarter of a Year, or other Time in which the said Rent was growing due as aforesaid, making all just Allowances or a proportionable Part thereof respectively. Rents recoverable from Under-tenant, where Tenants for Life die before the Rent is payable.

XVI. And whereas Landlords are often great Sufferers by Tenants running away in Arrear, and not only suffering the demised Premises to lie uncultivated without any Distress thereon, whereby their Landlords or Lessors might be satisfied for the Rent-arrear, but also refusing to deliver up the Possession of the demised Premises, whereby the Landlords are put to the Expence and Delay of recovering in Ejectment; Be it further enacted by the Authority aforesaid, That from and after the said twenty-fourth Day of *June* one thousand seven hundred and thirty-eight, if any Tenant holding any Lands, Tenements or Hereditaments, at a Rack-rent, or where the Rent reserved shall be full three fourths of the yearly Value of the demised Premises, who shall be in Arrear for one Year's Rent, shall desert the demised Premises, and leave the same uncultivated or unoccupied, so as no sufficient Distress can be had to countervail the Arrears of Rent; it shall and may be lawful to and for two or more Justices of the Peace of the County, Riding, Division or Place (having no Interest in the demised Premises) at the Request of the Lessor or Landlord, Lessors or Landlords, or his, her or their Bailiff or Receiver, to go upon and view the same, and to affix, or cause Provision for Landlords, where Tenants desert the Premises.

to be affixed, on the most notorious Part of the Premises Notice in Writing, what Day (at the Distance of fourteen Days at least) they will return to take a Second View thereof; and if upon such second View the Tenant, or some Person on his or her Behalf, shall not appear, and pay the Rent in Arrear, or there shall not be sufficient Distress upon the Premises; then the said Justices may put the Landlord or Landlords, Lessor or Lessors, into the Possession of the said demised Premises; and the Lease thereof to such Tenant, as to any Demise therein contained only, shall from thenceforth become void.

Tenants may  
appeal from the  
Justices.

XVII. Provided always, That such Proceedings of the said Justices shall be examinable in a summary Way by the next Justice or Justices of Assize of the respective Counties, in which such Lands or Premises lie; and if they lie in the City of *London* or County of *Middlesex*, by the Judges of the Courts of *King's Bench* or *Common Pleas*; and if in the Counties Palatine of *Chester*, *Lancaster* or *Durham*, then before the Judges thereof; and if in *Wales*, then before the Courts of Grand-sessions respectively; who are hereby respectively impowered to order Restitution to be made to such Tenant, together with his or her Expences and Costs, to be paid by the Lessor or Landlord, Lessors or Landlords, if they shall see Cause for the same; and in case they shall affirm the Act of the said Justices, to award Costs not exceeding five Pounds for the frivolous Appeal.

Tenants holding  
Premises after  
the Time they  
notify for quit-  
ting them, to  
pay double Rent.

XVIII. And whereas great Inconveniencies have happened and may happen to Landlords, whose Tenants have Power to determine their Leases, by giving Notice to quit the Premises by them holden, and yet refusing to deliver up the Possession, when the Landlord hath agreed with another Tenant for the same; Be it further enacted by the Authority aforesaid, That from and after the said twenty-fourth Day of *June* one thousand seven hundred and thirty-eight, in case any Tenant or Tenants shall give Notice of his, her or their Intention to quit the Premises by him, her or them holden, at a time mentioned in such Notice, and shall not accordingly deliver up the Possession thereof at the Time in such Notice contained; that then the said Tenant or Tenants, his, her or their Executors or Administrators, shall from thenceforward pay to the Landlord or Landlords, Lessor or Lessors, double the Rent or Sum, which he, she or they should otherwise have paid; to be levied, sued for and recovered at the same Times, and in the same Manner, as the single Rent or Sum before the giving such Notice could be levied, sued for or recovered; and such double Rent or Sum shall continue to be paid, during all the Time such Tenant or Tenants shall continue in Possession as aforesaid.

2 W. & M. c. 5.

Distresses for  
Rent not un-  
lawful, &c.  
for any Irregu-  
larity in the Dis-  
position of them;

XIX. And whereas it hath sometimes happened, that upon a Distress made for Rent justly due, the Directions of the Statute made in the second Year of the Reign of King *WILLIAM* and Queen *MARY*, intituled, *An Act for enabling the Sale of Goods distrained for Rent, in case the Rent be not paid within a reasonable Time*, have not been strictly pursued, but through Mistake or Inadvertency of the Landlord or other Person intituled to such Rent and distraining for the same, or of the Bailiff or Agent of such Landlord or other Person, some Irregularity or tortious Act hath been afterwards done in the Disposition of the Distress so seized or taken, as aforesaid; for which Irregularity or tortious Act the Party distraining hath been deemed a Trespasser *ab initio*, and in an Action brought against him as such the Plaintiff hath been intituled to recover, and has actually recovered, the full Value of the Rent, for which such Distress was taken: And whereas it is a very great Hardship upon Landlords and other Persons entitled to Rents, that a Distress duly made should be thus in Effect avoided for any subsequent Irregularity; Be it enacted by the Authority aforesaid, That from and after the said twenty-fourth Day of *June* in the Year of our Lord one thousand seven hundred and thirty-eight, where any Distress shall be made for any Kind of Rent justly due, and any Irregularity or unlawful Act shall be afterwards done by the Party or Parties distraining, or by his, her or their Agents; the Distress itself shall not be therefore deemed to be unlawful, nor the Party or Parties making it be deemed a Trespasser or Trespassers *ab initio*; but the Party or Parties aggrieved by such unlawful Act or Irregularity shall or may recover full Satisfaction for the special Damage he, she or they shall have sustained thereby, and no more, in an Action of Trespass or on the Case at the Election of the Plaintiff or Plaintiffs: Provided always, That where the Plaintiff or Plaintiffs shall recover in such Action, he, she or they shall be paid his, her or their full Costs of Suit, and have all the like Remedies for the same as in other Cases of Costs.

nor Tenants to  
recover by Ac-  
tion, on Tender  
of Amends.

In Actions a-  
gainst Persons  
intituled to Rents,  
the Defendants  
may plead the  
General Issue,  
&c.

XX. Provided nevertheless, That no Tenant or Tenants, Lessee or Lessees, shall recover in any Action for any such unlawful Act or Irregularity as aforesaid, if Tender of Amends hath been made by the Party or Parties distraining his, her or their Agent or Agents, before such Action brought.

XXI. And be it further enacted by the Authority aforesaid, That from and after the said twenty-fourth Day of *June* one thousand seven hundred and thirty-eight, in all Actions of Trespass or upon the Case to be brought against any Person or Persons intituled to Rents or Services of any Kind, his, her or their Bailiff or Receiver, or other Person or Persons, relating to any Entry by virtue of this Act, or otherwise, upon the Premises chargeable with such Rents or Services, or to any Distress or Seizure, Sale or Disposal of any Goods or Chattels thereupon; it shall and may be lawful to and for the Defendant or Defendants in such Actions to plead the General Issue, and give the special Matter in Evidence; any Law or Usage to the contrary notwithstanding: And in case the Plaintiff or Plaintiffs in such Action shall become nonsuit, discontinue his, her or their Action, or have Judgment against him, her or them, the Defendant or Defendants shall recover double Costs of Suit.

XXII. And whereas great Difficulties often arise in making Avowries or Conuzance upon Distresses for Rent, Quit-rents, Reliefs, Heriots, and other Services; Be it further enacted by the Authority aforesaid, That from and after the said twenty-fourth Day of *June* one thousand seven hundred

dred and thirty-eight, it shall and may be lawful to and for all Defendants in Replevin to avow or make Conuzance generally, that the Plaintiff in Replevin, or other Tenant of the Lands and Tenements whereon such Distress was made, enjoyed the same under a Grant or Demise at such a certain Rent, during the Time wherein the Rent distrained for incurred, which Rent was then and still remains due; or that the Place where the Distress was taken was Parcel of such certain Tenements, held of such Honour, Lordship or Manor, for which Tenements the Rent, Relief, Heriot or other Service distrained for, was at the Time of such Distress and still remains due; without further setting forth the Grant, Tenure, Demise or Title of such Landlord or Landlords, Lessor or Lessors, Owner or Owners of such Manor; any Law or Usage to the contrary notwithstanding: And if the Plaintiff or Plaintiffs in such Action shall become nonsuit, discontinue his, her or their Action, or have Judgment given against him, her or them, the Defendant or Defendants in such Replevin shall recover double Costs of Suit.

XXIII. And to prevent vexatious Replevins of Distresses taken for Rent, Be it enacted by the Authority afore-mentioned, That from and after the said twenty-fourth Day of *June* one thousand seven hundred and thirty-eight, all Sheriffs, and other Officers having Authority to grant Replevins, may and shall in every Replevin of a Distress for Rent, take in their own Names, from the Plaintiff, and two responsible Persons as Sureties, a Bond in double the Value of the Goods distrained (such Value to be ascertained by the Oath of one or more credible Witnesses or Witnesses not interested in the Goods or Distress, which Oath the Person granting such Replevin is hereby authorized and required to administer) and conditioned for prosecuting the Suit with Effect and without Delay, and for duly returning the Goods and Chattels distrained in case a Return shall be awarded, before any Deliverance be made of the Distress; and that such Sheriff, or other Officer as afore-mentioned, taking any such Bond, shall at the Request and Costs of the Avowant or Person making Conuzance assign such Bond to the Avowant or Person afore-mentioned, by indorsing the same, and attesting it under his Hand and Seal in the Presence of two or more credible Witnesses; which may be done without any Stamp, provided the Assignment so indorsed be duly stamped before any Action brought thereupon; and if the Bond so taken and assigned be forfeited, the Avowant, or Person making Conuzance, may bring an Action and recover thereupon in his own Name; and the Court where such Action shall be brought may by a Rule of the same Court give such Relief to the Parties upon such Bond, as may be agreeable to Justice and Reason; and such Rule shall have the Nature and Effect of a Defeazance to such Bond.

## C A P. XX.

An Act for the more effectual securing the Payments of certain Sums of Money directed by an Act made in the forty third Year of the Reign of Queen ELIZABETH, intituled, *An Act for Relief of the Poor*, to be paid by the respective Treasurers of every County in *England* and *Wales*, for the Relief of the poor Prisoners of the *King's Bench* and *Marshalsea* Prisons.

WHEREAS by an Act made in the forty-third Year of the Reign of her late Majesty Queen ELIZABETH, intituled, *An Act for Relief of the Poor*, a Provision is made for raising, collecting and paying the several Sums of Money therein mentioned, for and towards the Relief of the poor Prisoners of the *King's Bench* and *Marshalsea* Prisons, the good Intent of which hath not been answered for want of a proper Method to enforce the Payment of the said Money by the Treasurers of the several Counties, who are directed by the said Statute to pay the same; For Remedy thereof, be it 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 twenty-fourth Day of *June* which shall be in the Year of our Lord one thousand seven hundred and thirty-eight, every Treasurer of every County within *England* and *Wales* shall on or before the first Day of *Trinity Term* yearly and every Year pay over to the Lord Chief Justice of *England*, and Knight Marshal for the Time being, or to such Person or Persons as they shall respectively appoint, taking their Acquittances for the same, or in Default of the said Chief Justice to the next most ancient Justice of the *King's Bench*, the several and respective Sums of Money which shall be then due from every such respective County, equally to be divided between the Prisoners of the *King's Bench* and *Marshalsea* Prisons for the charitable Purposes in the said Act in that Behalf mentioned.

II. And be it further enacted by the Authority afore-mentioned, That if any such Treasurer shall neglect or refuse to pay over such respective Sums of Money, or any Part thereof, in Manner afore-mentioned, that then upon the Report of the said Chief Justice, or of the said next most ancient Justice of the said Court of *King's Bench*, being made, or upon the Certificate of the said Knight Marshal, or the Certificate or Certificates on Oath of such Person or Persons as they shall appoint to receive the same, being delivered to the said Court, of such Neglect or Refusal, it shall and may be lawful for the said Court of *King's Bench* to make a Rule on every such Treasurer so neglecting or refusing as afore-mentioned, requiring such Treasurer to pay the Money so reported or certified to be due as afore-mentioned; and Obedience to such Rule shall and may be enforced by the said Court in such Manner and by such Ways and Means as Rules of the said Court of *King's Bench* are usually enforced.

III. And that the said Treasurers may be the better amenable to the said Court of *King's Bench*; Be it further enacted by the Authority afore-mentioned, That every Person who now is or hereafter shall be elected or appointed Treasurer of any County in *England* or *Wales*, shall, within thirty Days after

Defendants in Replevin to avow, &c. that the Plaintiff held the Premises at a certain Rent, &c.

To prevent vexatious Replevins.

Replevin Bonds may be assigned.

Preamble, reciting the Act 43 Eliz. c. 2. 22 & 23 Car. 2. c. 20. 8 & 9 W. 3. c. 27. 11 & 12 W. 3. c. 19. 1 Ann. st. 2. c. 6. 5 Ann. c. 9. 9 Geo. 1. c. 28. 11 Geo. 1. c. 22. Treasurers of Counties to pay the Monies to the Lord Chief Justice, &c.

or on Refusal, to be compelled by Rule of King's Bench.

Treasurers to give in their Names, &c. to the Clerk of the the Crown;