



Distress for Rent Act 1689

1689 CHAPTER 5 2 Will and Mar

E+W

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An Act for enabling the Sale of Goods distrained for Rent in case the Rent be not paid in a reasonable time.

Editorial Information

- X1 Abbreviations or contractions in the original form of this Act have been expanded into modern lettering in the text set out below.

Textual Amendments

- F1 Act repealed so far as it requires any high sheriff or under-sheriff or constable to be aiding and assisting at any distress for rent or to swear any appraiser thereat by [Parish Constables Act 1872 \(c. 92\), s. 13](#)
- F2 Act repealed so far as it requires appraisement before sale of goods distrained except where tenant or owner of goods and chattels by writing so requires by [Law of Distress Amendment Act 1888 \(c. 21\), s. 5](#) and amended by *ibid.*, ss. 5, 6

Modifications etc. (not altering text)

- C1 Short title given by [Statute Law Revision Act 1948 \(c. 62\), Sch. 2](#)

[I.] Goods distrained for Rent may be appraised and sold, if not replevied with sufficient Security. **E+W**

Whereas the most ordinary and ready way for Recovery of Arrears of Rent is by Distresse yet such Distresses not being to be sold but onely detained as Pledges for inforceing the payment of such Rent the persons distraining have litle benefit thereby For the remedying whereof Where any Goods or Chattels 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 [^{X2}next]

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Distress for Rent Act 1689 (repealed). (See end of Document for details)

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 [^{F3}High Sheriff] according to Law 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 Chattels soe distrained to be appraised by two sworne Appraizers (whome such [^{F3}High Sheriff] Under Sheriffe or Constable are hereby impowred to sweare) to appraise the same truely according to the best of their Understandings and after such appraisalment 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 Appraisalment and Sale leaveing the Overplus (if any) in the Hands of the said [^{F3}High Sheriff] Under Sheriffe or Constable for the Owners use

Editorial Information

X2 interlined on the Roll.

Textual Amendments

F3 Words substituted by virtue of [Local Government Act 1972 \(c. 70\), s. 219\(1\)](#)

II Sheaves or Cocks of Corn loose, &c. or Hay, in any Barn, &c. may be detained, and if not replevied, sold. Corn, &c. not to be removed by Person distraining, to the Damage of Owner, from the Place where seized. E+W

And whereas noe Sheaves or Cocks of Corne loose or in the Straw or Hay in any Barne or Granary or on any Hovell Stack or Rick can by the Law be distrained or otherwise secured for Rent whereby Landlords are oftentimes cousened and deceived by their Tenants who sell their Corne Graine and Hay to Strangers and remove the same from the Premisses chargeable with such Rent and thereby avoid the payment of the same for remedying the said practice and deceit It shall and may be lawfull to and for any person or persons haveing Rent Arreare and Due upon any such Demise Lease or Contracting 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 [^{X3}Ground] charged with such Rent and to locke up or detain 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 appraisalment thereof to be made soe as neverthesse such Corne Graine or Hay soe distrained as aforesaid be not removed by the person [^{X4}or] persons distraining 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

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Editorial Information

- X3 Variant reading of the text noted in *The Statutes of the Realm* as follows: Pound O. [O. refers to a collection in the library of Trinity College, Cambridge]
- X4 Variant reading of the text noted in *The Statutes of the Realm* as follows: and O. [O. refers to a collection in the library of Trinity College, Cambridge]

III ^{X5}Pound-breach or Rescous, Treble Damages and Costs. **E+W**

And 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 . . . ^{F4} 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

Editorial Information

- X5 Unreliable marginal note

Textual Amendments

- F4 Words repealed by [Adminstration of Justice Act 1965 \(c. 2\)](#), [Sch. 2](#)

IV ^{X6}Wrongful Distress, Double Damages and full Costs. **E+W**

Provided alwayes and That in case any such Distresse and Sale as aforesaid shall be made by vertue or colour of this present Action 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 . . . ^{F5}

Editorial Information

- X6 Unreliable marginal note

Textual Amendments

- F5 Words repealed by [Adminstration of Justice Act 1965 \(c. 2\)](#), [Sch. 2](#)

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