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## B I L L

TO

Amend the Law relating to the levying of Distress for Rent, and the execution of Small Debts in the City of Dublin. A.D. 1888.

**B**E 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 :

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

2. This Act shall apply only within the municipal boundaries of the city of Dublin. Extent.

10    3. This Act, except as herein otherwise provided, shall come into operation from and immediately after the *thirty-first day of October one thousand eight hundred and eighty-eight*. Commence-ment.

15    4. "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 *fifteen pounds sterling*. Interpreta-tion.

20    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, and executions under decrees or orders of the courts of the Dublin divisional justices in pursuance of their small debts jurisdiction; 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*. Certain goods ex-empted from distress and execution.

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Appoint-  
ment of  
bailiffs.

6. From and after the commencement of this Act no person shall act as a bailiff 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 5 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 10 bailiffs, subject to the approval of the Local Government Board; and it shall be lawful for the persons so authorised to act until their certificates be withdrawn or suspended as provided by this Act.

Small annual  
sum to be  
paid to  
bailiffs.

7. It shall be lawful for the municipal authority at any time to withdraw or suspend such certificate at their discretion. So long as 15 same shall remain in force they 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. 20

Names, &c.  
of bailiffs to  
be advertised  
and lists pub-  
lished for  
inspection.

8. 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 25 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. 30

Public store  
to be main-  
tained by the  
municipal  
authority.

9. 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 35 conveying goods thereto. Such goods shall be sold at such times 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 40 charge or possession of the municipal authority shall be deemed,

as regards them, in lawful custody: Provided that in case of a claim by a third party as to the ownership of such goods, they may refuse to receive them, or may re-deliver same to the debtor or claimant, except such security be given by the person on whose behalf the seizure  
 5 has been made, against loss to such claimant, as to the municipal authority shall seem sufficient or as shall be prescribed by rules under this Act. Save as aforesaid, this Act shall not affect or limit the remedies which any person might have had if this Act had not passed.

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10 10. 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 this Act. The fees payable in respect of seizures within this Act shall be prescribed in like manner, and the rules shall  
 15 provide for the due publication and notification of schedules of such charges and fees as aforesaid.

Storage charges to be as prescribed by rules under this Act.

11. If any bailiff under 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  
 20 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  
 25 not exceeding *ten pounds*, or imprisonment not exceeding *six calendar months*, with or without hard labour.

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

12. 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  
 30 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, and the court may order a return of  
 35 the goods on such terms as may appear just, and may order compensation, not exceeding *ten pounds*, to be made to the person aggrieved. 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  
 40 authority.

Summary jurisdiction in other cases.

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Mode of  
summary  
procedure.

**13.** Summary proceedings under 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.

5

Execution  
of decrees  
by police.

**14.** Nothing in this Act shall prevent the employment of members of the Dublin Metropolitan Police Force in executing decrees of the divisional justices, or in any other cases coming within this Act, in pursuance of any rules made under this Act and subject to the approval of the Chief Secretary to the Lord Lieutenant making 10  
provision for such employment.

Expenses of  
the municip-  
al autho-  
rity.

**15.** The expenses of the municipal authority in the carrying out 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 Act, 1878, and the Acts amending same.

15

Rules to be  
made for  
carrying out  
this Act.

**16.** The municipal authority, by and with the assistance of the Recorder of Dublin, and subject to the approval of the Lord Chancellor of Ireland, shall from time to time make rules for better carrying out the provisions of this Act and regulating the charges and fees payable in pursuance thereof; and such rules 20  
may be revised, varied, and altered by the same authority from time to time as occasion may require.



**Distress for Rent  
(Dublin).**

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**B I L L**

To amend the Law relating to the  
levying of Distress for Rent, and  
the execution of Small Debts in the  
City of Dublin.

*(Prepared and brought in by  
Mr. Murphy, Mr. Johnston, Mr. Dwyer Gray,  
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and Mr. T. Harrington.)*

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[Bill 159.]