the Lord High Chancellor, Lord Keeper or Lords Commissioners of the Great Seal for the time being; and if such benefice shall be within the patronage of the Crown in right of the Duchy of Lancaster, such instrument shall be executed by and any such notice shall be given to the Chancellor of the said Duchy for the time being; and the execution of such instrument by and any such notice given to such person or persons shall be deemed and taken for the purposes of this Act to be an execution by and a sufficient notice to the patron of the benefice.

How where patron is an incapacitated person.

127. And be it enacted, that in any case in which the consent of the patron of any benefice shall be required to the exercise of any power given by this Act, and the patron of such benefice shall be a minor, idiot, lunatic, or feme covert, it shall be lawful for the guardian or guardians, committee or committees, or husband of such patron (but in case of a feme covert with her consent in writing) to execute the instrument by which such power shall be exercised in testimony of the consent of such patron; and such execution shall, for the purposes of this Act, be deemed and taken to be an execution by the patron of the benefice.

CHAPTER 21.

An Act to amend the Law of Distress for Rent.

[7th August 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:

Short title.

1. This Act may be cited as the Law of Distress Amendment Act, 1888.

Extent.

2. This Act shall not apply to Scotland or Ireland.

Commencement.

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

Certain goods exempted from distress as under 9 & 10 Vict. c. 95. s. 96.

4. From and after the passing of this Act the following goods and chattels shall be exempt from distress for rent; namely, any goods or chattels of the tenant or his family which would be protected from seizure in execution under section ninety-six of the County Courts Act, 1846, or any enactment amending or substituted for the same.

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.

Repeal of 2 W. & M. c. 5. s. 1. except where appraisement is required in writing.

5. So much of an Act passed in the second year of the reign of their Majesties King William the Third and Mary, chapter five, as requires appraisement before sale of goods distrained is hereby repealed, except in cases where the tenant or owner of the goods and chattels by writing requires such appraisement to be made, and the landlord or other person levying a distress may, except as aforesaid, sell the goods and chattels distrained without causing them to be previously appraised; and for the purposes of sale the

goods and chattels distrained shall, at the request in writing of the tenant or owner of such goods and chattels, be removed to a public auction room or to some other fit and proper place specified in such request, and be there sold. The costs and expenses of appraisement when required by the tenant or owner shall be borne and paid by him; and the cost and expenses attending any such removal, and any damage to the goods and chattels arising therefrom, shall be borne and paid by the person requesting the removal.

Extension of time to replevy at request of tenant.

6. The period of five days provided in the said Act of William and Mary, chapter five, within which the tenant or owner of goods and chattels distrained may replevy the same, shall be extended to a period of not more than fifteen days if the tenant or such owner make a request in writing in that behalf to the landlord or other person levying the distress, and also give security for any additional cost that may be occasioned by such extension of time: Provided that the landlord or person levying the distress may, at the written request, or with the written consent, of the tenant or such owner as aforesaid, sell the goods and chattels distrained, or part of them, at any time before the expiration of such extended period as aforesaid.

Distress to be levied by certified bailiffs.

7. From and after the commencement of this Act no person shall act as a bailiff to levy any distress for rent unless he shall be authorised to act as a bailiff by a certificate in writing under the hand of a county court judge; and such certificate may be general or apply to a particular distress or distresses, and may be granted at any time after the passing of this Act in such manner as may be prescribed by rules under this Act. If any person holding a certificate shall be proved to the satisfaction of the judge of a county court to have been guilty of any extortion or other misconduct in the execution of his duty as a bailiff he shall be liable to have his certificate summarily cancelled by the said judge.

Nothing in this section shall be deemed to exempt such bailiff from any other penalty or proceeding to which he may be liable in respect of such extortion or misconduct.

A county court registrar may exercise the power of granting certificates hereby conferred upon a county court judge in cases in which he may be authorised to do so by rules made under this Act.

If any person not holding a certificate under this section shall levy a distress contrary to the provisions of this Act, the person so levying, and any person who has authorised him so to levy, shall be deemed to have committed a trespass.

Power to make rules.

8. After the passing of this Act the Lord Chancellor may from time to time make, alter, and revoke rules—

(1.) For regulating the security (if any) to be required from bailiffs;

(2.) For regulating the fees, charges, and expenses in and incidental to distresses; and

(3.) For carrying into effect the objects of this Act.

Repeal. 46 & 47 Vict. c. 61.

9. Sections forty-nine, fifty, fifty-one, and fifty-two of the Agricultural Holdings (England) Act, 1883, are hereby repealed from and after the commencement of this Act, but this repeal shall not affect anything done or suffered before the commencement of this Act under these sections.

CHAPTER 22.

An Act to amend the Factory and Workshops Act, 1878.

[7th August 1888.]

WHEREAS in many parts of Scotland sacramental fast days have been abolished, in consequence of which such days have been discontinued as holidays by the occupiers of factories and workshops, and whereas it is expedient to have certain times fixed as holidays:

Be it therefore 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:—

Short title.

1. This Act may be cited as the Factory and Workshop Amendment (Scotland) Act, 1888.

Commencement and extent.

2. This Act shall come into operation on the first day of September one thousand eight hundred and eighty-eight, and shall apply to Scotland only.

Amendment of 41 & 42 Vict. c. 16. s. 105.

3. Sub-section two of section one hundred and five of the Factory and Workshop Act, 1878, forty-first and forty-second Victoria, chapter sixteen, is hereby repealed, as far as relates to factories and workshops situate within a burgh, and in lieu thereof the following words shall be deemed and taken to be sub-section two of section one hundred and five of the last recited Act, and the last recited Act shall be read and construed as if sub-section two of the one hundred and fifth section thereof had been originally expressed in the following words, viz.:

"In lieu of Christmas day and either Good Friday or the next public holiday under the Holidays Extension Act, 1875, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop within a burgh the two days in each year set apart by the Church of Scotland for the observance of the sacramental fast in the parish in which the factory or workshop is situate, and in such burghs where such fast days have been abolished or discontinued there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop in such burghs such two whole days in each year separated by an interval of not less than three months as shall be fixed by the magistrates in such burghs, and such magistrates are hereby required to fix such holidays accordingly, and give public notice thereof fourteen days before the time fixed."