



Sale of Farming Stock Act 1814

1816 CHAPTER 50

An Act to regulate the Sale of Farming Stock taken in Execution. [20th June 1814]

WHEREAS it is expedient that the Execution of legal Procefs, should be fo regulated, as to be confitent with good Hufbandry, and the Effect and Intent of Covenants and Agreements entered into between the Owners and Occupiers of Land let to farm;

be it enacted by the King's molt Excellent Majeffy, by and with the Advice and Confent of the Lords Spiritual and Temporal, and Commons, in this prefent Parliament affembled, and by the Authority of the fame,

No Sheriff or other Officer shall sell or carry off from and Lands and Straw, Chaff, or Turnips, in any Case, nor and Hay or other Produce contrary to the Covenant.

That from and after the palling of this Act, no Sheriff or other Officer in *England* or *Wales*, fhall, by virtue of any Procefs of. any Court of Law, carry off or fell; or difpofe of for the Purpofe of being carried off, from any Lands let to farm, any Straw threfhed or unthrefhed, or any Straw of Crops growing, or any Chaff, Colder, or any Turnips, or any Manure, Compoft, Allies, or Seaweed, in any Cafe whatsoever, nor any Hay, Grafts or Grafies, whether natural or artificial, nor any Tares .or Vetches, nor any Roots or Vegetables, being Produce of fuch Lands, in any Cafe where, according to any Covenant or written Agreement, entered into and made for the Benefit of the Owner or. Landlord of any Farm, fuch Hay, Grafts or Graffes, Tares and Vetches, Roots or. Vegetables, ought not to be taken, off or withholden from fuch Lands, or which, by the Tenor or Effect of fuch Covenants or Agreements, ought to be ufed or expended thereon, and of which Covenants or Agreements, fuch Sheriff or other Officer (hall have received a written Notice. before he shall have proceeded to Sale.

II Tenant to give Notice of the Existence of Covenants ; and Sheriff to give Notice to the Owner or Landlord.

And be it further enacted, That the Tenant or Occupier of any Lands let to farm, against whose Goods any Process of Law shall issue, whereby such Goods may be taken and fold, shall, on having Knowledge of such Process, give a written Notice to the Sheriff

or other Officer executing the same, of such Covenants or Agreements-, whereof he or she shall have Knowledge, and which may relate to and regulate, or are intended to regulate, the Use and Expenditure of the Crops or Produce grown or growing thereon, and also of the Name and Residence of the Owner or Landlord of such Lands ; and such Sheriff or other Officer shall forthwith, on executing such Process, and before any Sale shall have been proceeded in, send a Notice by the General post to the Owner or Landlord of such Lands, in all Cases where such Owner or Landlord shall be resident in any Part of this United Kingdom, and shall have been made known to and ascertained by such Sheriff or other Officer, and also to the known Steward or Agent of such Landlord or Owner, in respect of such Lands, stating to such Owner, Landlord and Agent, the Fact of Possession having been taken of any Crops or Produce hereinbefore mentioned ; and such Sheriff or other Officer shall, in all Cases of the Absence or Silence of such Landlord or Owner, or his or her Agent, postpone and delay the Sale of such Crops or Produce until the latest Day he lawfully can or may appoint for such Sale.

III Sheriff may dispose of Produce subject to an Agreement to expend it on the Land.

Provided always, and be it further enacted, That such Sheriff or other Officer executing such Process, may dispose of any Crops or Produce hereinbefore mentioned, to any Person or Persons, who shall agree in Writing with such Sheriff or other Officer, in Cases where no Covenant or written Agreement shall be shewn, to use and expend the same on such Lands, in such Manner as shall accord with the Custom of the Country; and in Cases where any Covenant or written Agreement shall be shewn, then according to such Covenant or written Agreement; and after such Sale or Disposal so qualified, it shall be lawful for such Person or Persons to use all such necessary Barns, Stables, Buildings, Outhouses, Yards and Fields, for the Purpose of consuming such Crops or Produce, as such Sheriff or other Officer shall allot or assign to them for that Purpose, and which such Tenant or Occupier would have been entitled to- and ought to have used for the like Purpose on such Lands.

IV Sheriff to assign Agreement to Landlord.

And be it further enacted, That such Sheriff or other Officer shall, on the Request of any Landlord or Owner who shall be aggrieved by any Breach of such Agreement, permit such Landlord or Owner to bring any Action or Actions in the Name of such Sheriff or other Officer, for the Recovery of Damages in respect of such Breach, such Landlord or Owner having nevertheless fully indemnified such Sheriff or other Officer against all Costs whatsoever, and all Loss and Damage, before any such Action shall be commenced.

V Sheriff to enquire as to the Name and Residence of the Landlord.

And be it further enacted, That such Sheriff or other Officer shall, before, any Sale of any Crops or Produce of any Lands let to farm shall be proceeded in, make, by all Ways and Means, due Enquiry within the Parish where such Lands shall be situate, as to the Name and Residence of the Landlord or Owner of such Lands.

VI Landlords not to distrain for Rent on, Purchasers of Crops severed from the Soil, or other Things fold subject to Agreement.

And be it further enacted, That in all Cafes where any Purchaser or Purchasers of any Crop or Produce herein-before mentioned, shall have entered into any Agreement with such Sheriff or other Officer, touching the Use and Expenditure thereof on Lands let to farm, it shall not be lawful for the Owner or Landlord of such Lands to distrain for any Rent on any Corn, Hay, Straw or other Produce thereof, which, at the Time of such Sale, and the Execution of such Agreement, entered into under the Provisions of this Act, shall have been fevered from the Soil, and fold, subject to such Agreement, by such Sheriff or other Officer ; nor on any Turnips, whether drawn or growing, if fold according to the Provisions of this Act; nor on any Horses, Sheep or other Cattle, nor on any Beasts whatsoever, nor on any Waggons, Carts, or other Implements of Husbandry, which any Person or Persons shall employ, keep or use on such Lands, for the Purpose of threshing out, carrying or containing any such Corn, Hay, Straw, Turnips or other Produce, under the Provisions of the Act, and the Agreement or Agreements- directed to be entered into between the Sheriff, or other Officer, and the Purchaser or Purchasers of such Crops and Produce, as herein-before are mentioned.

VII Sheriff not to fell any Clover, &c. growing with Corn.

And be it further enacted, That no Sheriff or other Officer shall, by virtue of any Process whatsoever, fell or dispose of any Clover, Ryegrass or any artificial Grafs or Graffes whatsoever, which shall be newly sown, and be growing under any Crop of slanding Corn.

VIII Act not to affect Contracts.

Provided always, and be it enacted, That this Act shall not extend to any Straw, Turnips or other Articles, which the Tenant may remove from the Farm consistently with some Contract in Writing.

IX Sheriff not to be liable for Damages, unless for wilful Omission.

And be it further enacted, That in every Cafe where any Action shall be brought against such Sheriff or other Officer, for any Breach of or Omission of Compliance with the Provisions of this Act, no Plaintiff shall be entitled to recover any Damages against such Sheriff or other Officer, unless it shall be proved on the Trial of such Action, that such Breach or Omission was wilful on the Part of such Sheriff or other Officer.

X Indemnity to Sheriff and others acting under the Provisions of this Act.

And be it further enacted, That no Sheriff or Under Sheriff, nor any or either of their Deputies, Agents, Bailiffs or Servants, nor any Person or Persons who shall purchase any Hay, Straw, Chaff, Turnips, Grafs or Graffes, or other Produce and Things herein-before mentioned, under the Provisions of this Act, nor his, her, or their Servant or Servants, shall be deemed or taken to be a Trespasser by reason of his, her, or their coming upon or remaining in Possession of any Barns or other Buildings, Yards or Fields, for the Purpose of threshing out or consuming any Straw, Hay, Turnips, or other Produce herein-before mentioned, under the Provisions of this Act, or for doing any Matter or Thing whatsoever, fit and necessary to be done for the Purpose of executing the same, and carrying into Effect all Stipulations contained in any Agreement made

under such Provisions, though such Acts shall have been done by such Sheriff or other Officer, and by such Person or Persons, his, her or their Servants, after the Return of the Process under which such Sheriff or other Officer shall have acted.

XI Assignee of Bankrupt, &c. not to take any Crop in any other way than the Bankrupt would have been entitled to do.

And be it further enacted, That no Assignee of any Bankrupt, or of any Insolvent Debtor's Estate, nor any Assignee under any Bill of Sale, nor any Purchaser of the Goods, Chattels, Stock or Crop of any Person or Persons engaged or employed in Husbandry, on any Lands let to farm, shall take, use, or dispose of any Hay, Straw, Grafts or Graffes, Turnips, or other Roots, or any other Produce of such Lands, or any Manure, Comport, Ashes, Seaweed or other Dressings intended for such Lands, and being thereon, in any other Manner, and for any other Purpose, than such Bankrupt, Insolvent Debtor, or other Person so employed in Husbandry, ought to have taken, used or disposed of the same, if no Commission of Bankruptcy had issued, or no such Alignment or Assignments had been executed, or Sale made.