

C H A P.
XVI.

Goods taken
by the Sheriff
on *Fieri faci-*
as,

how to be ap-
praised,

and Notice
thereof given
to the Credi-
tor, who shall
receive so
much thereof
in Satisfac-
tion, as ac-
cording to
the Apprais-
ment shall a-
mount to the
Debt and
Cost.

Or on his Re-
fusal to ac-
cept the same,
the Sheriff
may retain
such Goods
in his own
Hands at the
Risque and
Expence of
the Creditor,
and the She-
riff's Dis-
charge to the
Debtor for
such Amount,
shall be a per-
petual Bar a-
gainst the
Creditor.

Where either
Party is ab-
sent, the She-
riff may ap-
point Two
Appraisers in
his Behalf.

If both Par-
ties be Non-
Residents, or
absent, the
Sheriff may
choose Ap-
praisers for
both.

II. **Be it Enacted**, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That from and after the End of this present Session of Assembly, if any Writ of *Fieri facias* shall be delivered to any Sheriff of this Province, if the Defendant, where the Judgment is against him for his proper Debt or Cost, will upon Oath shew all his Personal Estate, when thereto required, or where Judgment is rendered against him, as an Executor or Administrator, shew all the Personal Estate of the Deceased's in his Hands unadministered, to the Sheriff or his Deputy, so that such Sheriff may levy such Part thereof as the Creditor or Plaintiff, or his Attorney in Fact, or in Law shall direct, such Sheriff shall within Three Days at furthest, cause such Goods, so taken, to be appraised by Four substantial Free-holders of his County, Two of them to be named by the Plaintiff, or his Attorney at Law or in Fact, and Two by the Defendant, and who are neither of Kin to Plaintiff or Defendant, Creditor or Debtor, who upon their Oaths to be administered to them by the said Sheriff, shall within Three Days, indifferently and justly Value and Appraise the said Goods and Chattels, so taken in Execution; and the Sheriff shall thereupon give Notice to the Creditor, or his Attorney at Law or in Fact, of the Value of the said Goods, and shall deliver so much of the said Goods, as according to such Appraisement, will amount unto the Debt or Damage, and Cost in such Execution mentioned, to the Plaintiff, or his Attorney at Law or in Fact, in Discharge of such Debt and Cost; and the said Plaintiff or Creditor is hereby obliged to take and accept the same at such Appraisement and Value as aforesaid, in Satisfaction of so much of his Debt, Damage or Cost, as such Goods, according to Appraisement, will amount unto. And if any Creditor or Plaintiff, or his Attorney in Fact, or Law, shall refuse or deny to take and accept the same, according to such Appraisement, such Sheriff is hereby authorized and empowered to retain in his Hands, at such Plaintiff's or Creditor's proper Risque, so much of the said Goods as will satisfy the same Debt or Damage, with Costs, for such Plaintiff's or Creditor's Use, who shall pay to such Sheriff all Costs and Charges he shall be at in keeping and securing such Goods and Chattels; and the said Plaintiff or Creditor shall have no other Action against such Sheriff than only for such Goods and Chattels, so taken and retained as aforesaid, and such Sheriff shall give a full and sufficient Discharge to such Debtor for so much of the Debt and Cost, as such Goods, by such Appraisement, shall amount unto; which shall be a sufficient Bar against such Plaintiff or Creditor, and perpetually bar and hinder him from taking out any other Execution against the Body, Goods or Chattels, Lands or Tenements of such Debtor, whose Goods and Chattels as aforesaid, have been taken in Execution as aforesaid, for so much as such Goods, by Appraisement, shall amount unto; any Law, Statute, Usage or Custom to the contrary notwithstanding.

III. **Provided always**, That in case the Plaintiff or Defendant are Non-Residents within the respective Counties wherein such Writs shall be executed as aforesaid, or have not left an Attorney at Law, or in Fact, who is a Resident within the County, so that the Sheriff cannot conveniently give him or them Notice within Three Days after the serving such Writs according to the Exigence of this Act, and who shall not be present at such Time and Place of Appraisement, or who, on Notice given, shall not think fit to be present at such Time and Place, it shall and may be lawful for the Sheriff to choose Two sufficient Free-holders, qualified as aforesaid, on Part and Behalf of such absent Party, to the Ends aforesaid. And in case that both Plaintiff and Defendant are likewise Non-Residents in such County, and cannot conveniently have Notice as aforesaid, nor shall be present thereat, that then such Sheriff, shall be, and is hereby empowered, on Behalf of both Parties, to choose Four Appraisers qualified as aforesaid, to make such Appraisement as aforesaid.

IV. **Pro:**