

to be publickly sold ; and the said Sheriff shall by way of Outcry sell the same to such Buyer as will give most for them, in part or in whole, not being less than what such Goods were appraised and valued at, as aforesaid : And if no Buyers offer at such Time and Place, it shall and may be lawful for the said Sheriff to deliver so much of the said Goods, as will amount unto the Debt and Cost in such Execution, or Writ of *Venditioni exponas* 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 shall, and is hereby obliged to accept and take the same at such Appraisement and Value, as aforesaid, in Satisfaction of so much of his Debt, Damage, or Cost, as such Goods amount unto ; and if any Creditor or Plaintiff, or his Attorney in Fact or Law, shall refuse or deny to accept and take the same, 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, 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 or 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 ; Any Law, Statute, Usage, or Custom to the contrary notwithstanding.

PROVIDED always, That nothing in this Act shall extend, or be construed to extend, to empower any Sheriff to levy, by Virtue of any *Fieri facias* for any Debt or Damage recovered against any Executor or Administrator, any Negro or other Slave, Plate or Jewels, reserv'd in Favour of Orphans by the Act for better Administration of Justice in Probat of Wills, and granting Administrations, &c. but that the Sheriffs shall be, and are hereby obliged to follow the Directions of that Act touching such Negroes and Slaves, Plate and Jewels ; Any thing in this Act to the contrary notwithstanding.

Pass'd November 14th, 1713.

Revis'd May 30th, 1715.

*An Act for Relief of Debtors ; and Ascertainning the Manner of Tenders in Tobacco.* No 47.

WHEREAS several honest Persons within this Province, being indebted in Tobacco to divers Persons, Merchants, and others, and well disposed to pay the same, taking Care therefore by providing the Tobacco, but oftentimes it so happens, that because an Opportunity or Conveniency doth not offer to the Creditors to dispose thereof, they do frequently refuse, neglect and delay to receive the said Tobacco in Discharge of the Debts, whereby the Debtor remains in Debt, and the Tobacco by him procured to pay the said Debts, remains in his Hands subject to all Casualty on the Debtor's Account, and which he dares not make Use of for Fear of his Creditors Demanding and Suing after for the Debt ; For Remedy whereof for the future, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's President, Council, and Assembly of this Province, and the Authority