

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 impowered to retain in his Hands at such Plaintiff or Creditor's proper Risque, so much of the said Goods as will satisfy the same Debt or Damage, with Cost, for such Plaintiff 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 Chattles; and the said Plaintiff or Creditor shall have no other Action against such Sheriff than only for such Goods and Chattles 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 Chattles, Lands or Tenements of such Debtor, whose Goods and Chattles 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.

If refused, to be kept at the Plaintiff's Risque and Charge.

Who shall have no other Action or Exemption but for said Goods.

*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 any 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 impowered, on Behalf of both Parties, to choose Four Appraisers qualified as aforesaid, to make such Appraisement as aforesaid.

In case of Non-Residence, the Sheriff may choose Appraisers for the Plaintiff and Defendant, or both.

*Provided also,* That nothing in this Act contained shall extend or be construed to extend, to impower any Sheriff to levy by Virtue of any *Fieri Facias*, for any Debt or Damages recovered against any Executor or Administrator, any Negroe or other Slave, Plate or Jewels reserved in Favour of Orphans, by the Act for better Administration of Justice in Probate 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.

Not to prejudice the Act for better Administration of Justice in Probate of Wills, &c.