

C. H. A. P. XIII. Passed 10th of August, 1716.  
 An ACT empowering the surviving executor of the last will and testament of Robert Smith, Esquire, late of Talbot county, deceased, to sell lands for the payment of his debts, and to make over other lands, according to the deceased's will, which were sold by the deceased, but never made over by him. Lib. LL. No. 4. fol. 329. A Private Act.

C. H. A. P. XIV.  
 An ACT for continuance of the process within this province on the change of the government from the crown to the right honourable the lord proprietary, and for the adjournment of several county courts from August, 1716. Lib. LL. No. 4. fol. 332.

C. H. A. P. XV.  
 An ACT for confirming three small tracts of land, lying in Anne Arundel county, to Susannah Johnson, her heirs and assigns for ever. Lib. LL. No. 4. fol. 333. A Private Act.

C. H. A. P. XVI.  
 An ACT to restrain the ill practices used by sheriffs in taking goods by *feri facias*, and selling them by *venditioni exponas*. Lib. LL. No. 4. fol. 335.

**W**HEREAS many of the good people of this province have of late been greatly damaged and abused in their estates by sheriffs, who upon receipt of any *feri facias*, or attachment issued out of the courts of this province, take, by virtue of such writs, great quantities of goods, more than will satisfy the debt, damages and costs in such writs mentioned, and keep them a long time in their custody, under pretence of want of buyers, whereupon it often happens upon the return of the said sheriffs, that writs of *venditioni exponas* are issued, commanding them to put the said goods to sale, which for the most part hath been done privately, and goods of great value have not been sold for the tenth part of their value; to the great loss of both the debtor and creditor, and to the ruin of some families; for the prevention whereof for the future, and to ascertain a way and method whereby the sheriffs of this province may securely act in writs of the like nature, more to the benefit and advantage of both debtor and creditor,

**I**T 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 *feri 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 freeholders 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 risk, 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,

Preamble.  
 Goods taken by the sheriff, how to be appraised, &c.