

C H A P. XVI. 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.

Proviso.

III. PROVIDED ALWAYS, That in case the plaintiff or defendant are nonresidents 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 freeholders, 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 nonresidents 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.

Proviso.

IV. PROVIDED ALSO, That nothing in this act contained shall extend, or be construed to extend, to empower any sheriff to levy, by virtue of any *fiari facias*, for any debt or damage recovered against any executor or administrators, any negro or other slave, plate or jewels reserved 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.

Passed 10th of August, 1716.

C H A P. XVII.

An ACT empowering a committee to lay, assess and apportion the public levy for this present year, seventeen hundred and sixteen. Lib. LL. No. 4. fol. 338.

C H A P. XVIII.

An ACT to make firm and valid in law a sale of land made by Joseph Bridger, Esquire, late of the colony of Virginia, deceased, to Thomas Jones, of Somerset county, deceased. Lib. LL. No. 4. fol. 339. A Private Act.

C H A P. XIX.

An ACT to confirm his lordship's acceptance of the eighteen-pence per hoghead, formerly raised. Lib. LL. No. 4. fol. 344.

C H A P. XX.

An ACT permitting the inhabitants of this province to sue out writs when plaintiffs, and appear and give judgment when defendants, in the several courts thereof in their own proper persons. Lib. LL. No. 4. fol. 345.

Preamble.

FORASMUCH as it has been represented to this general assembly as a great grievance, that the several inhabitants of this province are not permitted to sue out writs when plaintiffs, or to appear and confess judgment when defendants, in the several courts thereof, but are in some courts obliged to employ attornies to do it for them, which creates an unnecessary charge;

Any person may order out process, &c.

II. BE IT THEREFORE 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 the authority of the same, That it shall and may be lawful for any person or persons whatsoever within this province, to order out process in their own proper names, without any titling from an attorney for the same, and the several and respective clerks of the several offices of the provincial and county courts of this province are hereby obliged, upon application to them made by any person or persons as aforesaid, to issue such writs as shall be by them demanded, the party or parties suing out the same, if nonresidents within this province, securing to the secretary, or the clerks of the several county courts, and all other officers, their lawful fees; and that any person or persons whatsoever that shall hereafter be sued or impleaded in the provincial court, or any of the county courts within this province, shall and may, in his or their own proper persons, come into court, and after special bail by him or them given, if adjudged so to do, to appear and imparle till next court, or to confess judgment, to any action or actions, in any of the courts aforesaid, commenced against him, her or them, any law, statute or custom to the contrary notwithstanding.

C H A P.