

(38) Execution for the same when they might have received their dues without such
Execution. Altho they have and are allowed a large Commission for Collecting
the same and for that the power of Execution ought not to be used in oppression
of the people but only to enable the Sheriff to gather and Collect the public Dues
and officers Fees, with the greater facility. And for that persons whose goods are
taken in Execution for officers Fees are not expressly provided for by the Act to
restrain the ill practices used by Sheriffs in taking goods by fieri facias and
selling them by Venditione Exponas, altho within the Reason and Intent thereof
which Commission gives the Sheriff frequent Opportunities of oppressing
many of the poorer sort of people for prevention of which inconvenience
and spoils. Be it Enacted and declared that no Sheriff shall be allowed
any Fee or reward for Executing for any Publick or County Levys or any other
publick dues or officers Fees. And if the Sheriff shall transgress thus he
shall be liable to the same paines penalties and forfeitures that officers are
liable to by the Laws in force for taking more Fees than are allowed any
Magistrate or Custom to the contrary notwithstanding. And be it further enacted
and declared that where any Sheriff shall take any goods in Execution for
Officers Fees, such Sheriff shall proceed in the same manner as the Act Enti-
tuled and to restrain the ill practice used by Sheriffs in taking goods by
fieri facias and selling them by Venditione Exponas directs in Case of
goods taken by Virtue of a fieri facias any Law Magistrate or Custom to the
contrary Notwithstanding. And for that severall persons having Tobacco
in the Sheriffs hands and drawing notes for the same sundry Sheriffs
frequently refuse to pay or discount the Contents of such notes without
any allowance of Ten per Cent or some other allowance as a Reward for
paying or discounting their own just debts to the great prejudice of the
publick Credits and of severall private persons. Be it therefore enacted
that the severall Sheriffs within this Province shall be obliged to Discount
any debts due from them or any of them to any of the inhabitants of this
Province out of any Publick or County Levys publick dues or officers
Fees, and to allow and Discount the Contents of any notes that shall be
drawn payable or indorsed to any person being indebted to the Sheriff
on any of the Accounts already mentioned so far as they shall owe the
drawer of such notes without any deduction or allowance for such
Discount or pain of forfeiting Two thousand pounds of Tobacco for every
Offence One half thereof to the Lord Proprietary for the use of publick
Schools, where the offence shall be committed the other half to the party
grieved or other person that will sue for the same to be Recovered by
Action of debt Bill plaint or Information wherein no Exoner protection
or Wager of Law shall be allowed. Provided always that the Sheriff
shall not be obliged to discount a parcell so as to break an entire
hoghead. Except where the parcell shall be due immediately from the
Sheriff