

to be sworn, two disinterested persons, whose duty it shall be, under the oath aforesaid, to estimate the money value of the specific amount or quantity of grain or other produce or proportion of the crops agreed upon as rent; and thereupon the said bailiff or person aforesaid shall proceed to levy the said distress as in ordinary cases of money rents, and taking said estimated value to be such money rent; and the said tenant shall have his election at any time before the goods and chattels and property distrained shall be sold under such distraint, to deliver the rent of grain or other produce or proportion of crops aforesaid to the landlord, or to pay him the said estimated value, together in both cases with the expenses of said distraint, whereupon all proceeding in the said distraint shall cease and be at an end. Provided however, that nothing herein contained shall debar said tenant from any action of replevin for the goods and chattels and property distrained as aforesaid; wherein it shall be lawful for said tenant to contest the said valuation in regard to the amount thereof; and such action of replevin shall in all respects be proceeded with and be subject to rendition of the same verdict or verdicts, as in cases of replevin for goods and chattels distrained for money rent, the jury assuming as, and in place of, such money rent the said estimated value, or such amount less than that as they shall deem that such value should have been determined to be by said appraisers."

Mr. Mayer from the committee on judicial proceedings, to which was referred the bill, entitled, an additional supplement to the act, entitled, an act for the speedy recovery of small debts out of court, and to repeal the acts of Assembly therein mentioned; reported that the committee had had said bill under consideration, and were of opinion it ought to pass with the following amendments, which were read the first time:

1st. Strike out the 2nd. section of the bill after the enacting clause, and insert in lieu thereof, the following:

"That it shall and may be lawful for any constable by virtue of any fieri facias or venditioni exponas as aforesaid, to seize and sell the right, title, claim, interest and estate at law, and in equity of the party or parties against whose property said execution shall have issued to, and in and out of any lands or tenements and real estate within the county in which such execution shall issue; and that said constable shall make return of said fieri facias or venditioni exponas, and all his proceedings thereunder, in and about said sale herein setting forth the terms and length of notice and