

lands within this province or territories thereof, and leave a legal issue behind him, but no sufficient personal estate for their maintenance or pay of debts, in such case it shall be lawful for the widow or administrator to make sale of such part or parcel of the said lands as the Orphans' Court shall think fit, towards the defraying of the just debts of such intestate, the education of his children and the improving the remainder of the estate (if any be) to their advantage.

Passed November 27, 1700; repealed by the Queen in Council, February 7, 1705-6. See Appendix I, Section II, and the Act of Assembly, passed January 12, 1705-6, Chapter 133.

CHAPTER XLVII.

AN ACT FOR THE PRESERVATION OF THE PERSON OF THE PROPRIETARY AND GOVERNOR.

For the preservation of the person of our proprietary and governor from the violent hands and destructive designs and attempts of wicked and unreasonable men, and that the awe of punishment may deter them from all such evil, willful and malicious purposes:

[Section I.] Be it enacted by the Proprietary and Governor, and the freemen of this Province and Territories in General Assembly met, and by the authority of the same, That if any person within this province or territories thereof shall compass, devise or endeavor the death, destruction or any bodily harm tending to the death or destruction, maim or wounding, imprisonment or restraint of the person of the proprietary and governor, in order to deprive or depose him of or from his government, or do stir up or assist any to invade this province or territories, such person being legally convicted thereof by the testimony of two or more credible witnesses proving the same, or by due course of law, shall forfeit half his estate real and personal, or suffer imprisonment during one whole year.

Provided always, That no person, by virtue of this act, shall incur any penalty hereinbefore mentioned, unless such person be prosecuted within three months next after the offense is committed, and indicted within three months after such prosecution, anything herein contained to the contrary notwithstanding.

Passed November 27, 1700; repealed by the Queen in Council, February 7, 1705-6. See Appendix I, Section II.

CHAPTER XLVIII.

AN ACT FOR TAKING LANDS IN EXECUTION FOR THE PAYMENT OF DEBTS WHERE THE SHERIFF CANNOT COME AT OTHER EFFECTS TO SATISFY THE SAME.

To the end that no creditors may be defrauded of the just debts due to them by persons of this province or territories who have sufficient real estate, if not personal, to satisfy the same:

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of the said Province and Territories in General Assembly met, and by the authority of the same, That all lands and houses whatsoever within this government shall be liable to sale, upon judgment and execution obtained against the defendant, the owner, his heirs, executors or administrators, where no sufficient personal estate is to be found; with this due proviso, that the messuage and plantation with its appurtenances, upon which the defendant is chiefly seated, shall not be exposed to sale before the expiration of one whole year after judgment is obtained, to the intent that the defendant, or any other on his behalf, may endeavor the redemption of the same and before any such lands, messuages or houses, or any other lands or houses whatsoever, taken in execution shall be sold, they shall be duly appraised by twelve honest and discreet men of the neighborhood, and that then it shall and may be lawful for the sheriff to make sale of, and convey the same under his hand and seal; after which sale