

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Passed November 27, 1700; repealed by the Queen in Council, February 7, 1705-6.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.

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## CHAPTER XLVIII.

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### 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

and apprizement, made as aforesaid, such land and houses shall be and remain a free and clear estate to the purchaser or creditor, to whom they are so made over or sold, his heirs and assigns forever, as fully and amply as ever they were to the debtor.

[Section II.] Provided always and be it further enacted, That lawful interest shall be allowed to the creditor for the sum or value he obtained judgment for, from the time the said judgment was obtained till the time of sale, or till satisfaction be made.

Provided also, That the chief plantation or messuage shall be the last taken in execution; and that where the apprizement of the lands taken in execution amounts to more than the debt, costs and damage, the creditor shall not be obliged in such case to take the whole and pay the overplus, but shall only take so much as to satisfy the execution, and no more.

Passed November 27, 1700; allowed to become a law by lapse of time, in accordance with the proprietary charter, having been considered by the Queen in Council, February 7, 1705-6, and not acted upon. See Appendix I, Section II, and the Act of Assembly, passed January 12, 1705-6, Chapter 152; and the Act of Assembly, passed June 16, 1836, P. L. 772.

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## CHAPTER XLIX.

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### AN ACT FOR THE BETTER REGULATION OF SERVANTS IN THIS PROVINCE AND TERRITORIES.

For the just encouragement of servants in the discharge of their duty, and the prevention of their deserting their master's or owner's service:

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met, and by the authority of the same, That no servant, bound to serve his or her time in this province or counties annexed, shall be sold or disposed of to any person residing in any other province or government,