

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.

CHAPTER XLIX.

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,

without the consent of the said servant and two justices of the peace of the county wherein he lives or is sold, under the penalty of ten pounds, to be forfeited by the seller.

[Section II.] And be it further enacted, That no servant shall be assigned over to another person by any in this province or territories but in the presence of one justice of [the] peace of the county, under the penalty of ten pounds; which penalty, with all others in this act expressed, shall be levied by distress and sale of goods of the party offending.

[Section III.] And be it enacted by the authority aforesaid, That every servant that shall faithfully serve four years or more, shall, at the expiration of their servitude, have a discharge, and shall be duly clothed with two complete suits of apparel, whereof one shall be new; and shall also be furnished with one new ax, one grubbing hoe and one weeding hoe, at the charge of their master or mistress.

And for prevention of servants quitting their master's service.

[Section IV.] Be it enacted by the authority aforesaid, That if any servant shall absent him or herself from the service of their master or owner for the space of one day or more, without leave first obtained for the same, every such servant shall, for every such day's absence, be obliged to serve five days after the expiration of his or her time, and shall further make such satisfaction to his or her master or owner for the damages and charges sustained by such absence as the respective county court shall see meet, who shall order as well the time to be served as other recompense for damages sustained.

And whoever shall apprehend or take up any runaway servant, and shall bring him or her to the sheriff of the county, such person shall, for every such servant, if taken up within ten miles of the servant's abode, receive ten shillings; and if ten miles or upwards, twenty shillings reward, of the said sheriff, who is hereby required to pay the same and forthwith to send notice to the master or owner, of whom he shall receive five shillings prison fees, upon the delivery of the said servant, together with all other disbursements and reasonable charges for and upon the same.

And to prevent the clandestine employing of other men's servants:

[Section V.] Be it enacted by the authority aforesaid, That whosoever shall conceal any servant of this province or territories or entertain him or her twenty-four hours, without his or her master's or owner's knowledge and consent, and shall not within the said time give an account thereof to some justice of the peace of the county, every such person shall forfeit twenty shillings for every day's concealment. And in case the said justice shall not, within twenty-four hours after complaint made to him, issue his warrant, directed to the next constable, for apprehending and seizing the said servant, and commit him or her to the custody of the sheriff of the county, such justice shall for every such offense forfeit five pounds. And the sheriff shall by the first opportunity, after he has received the said servant, send notice thereof to his or her master or owner; and the said sheriff, neglecting or omitting in any case to give notice to the master or owner of the servant being in his custody as aforesaid, shall forfeit five shillings for every day's neglect after an opportunity has offered, to be proved against him before the next county court and to be there adjudged.

And for the more effectual discouragement of servants embezzling their master's or owner's goods:

[Section VI.] Be it enacted by the authority aforesaid, That whosoever shall clandestinely deal or traffic with any servant, white or black, for any kind of goods or merchandise, without leave or order from his or her master or owner, plainly signified or appearing, shall forfeit treble the value of such goods to the owner; and the servant, if a white, shall make satisfaction to his or her master or owner by servitude, after the expiration of his or her time, to double the value of the said goods: And if the servant be black, he or she shall be severely whipped in the most public place of the township where the offense was committed.

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. See Appendix I, Section II, and the Acts of Assembly passed February 14, 1729-30, Chapter 314; March 9, 1771, Chapter 625; and April 5, 1790, Chapter 1516.