

U. H. J. The Bill restraining the ill practices of Sherriffs on executing fieri facias &c with the House of Delegates last Endorsement thereon brought up by M^r Tyler and nineteen other Delegates being considered and debated and several Authoritys and precedents of the Sheriffs office being looked into,

Resolved that the following answer be endorsed on the Bill and Sent to the House of Delegates by the honble Sam^l Young Esq^r Col Addison Col Tilghman & Cap^t Dorsey

By the Council in Assembly
Novem^r 13th 1712

Gentlemen We are heartily Sorry to hear of such extraordinary oppressions and ill Practices by you represented to have been committed in Calvert County And thereupon have looked into the office of Sherriffs and particularly in relation to Executions made on fieri facias and Goods sold by virtue of Writts of Venditioni exponas And find that upon such Executions the Sherriff if he does not enquire of the Value of Goods and Chattells by him taken by a Jury yet he ought to do it by Oath of good men & take Care the Goods are not undervalued

p. 786 For it is instanced by Dalton's Sherriff's Office fol 526

The under Sherriff took Goods upon a fieri fac. And did not Sell them to half the Worth of them and upon motion It appeared to the Court that he had perswaded the Jury to undervalue the Goods and according to his perswasions the Jury appraised them and then the Sherriff sold them for the same mony to which they were appraised. The Court held that this was a grand oppression and thereupon ordered an Indictment against the under Sherriff.

Again in the same Authority fol 246 the Sherriff makes return of a Venditioni Exponas in these Words.

As yet the Goods and Chattells which I lately took into the Hands of our Lord the King of the Goods and Chattles of the Farm Possession & Tenement of the mannor of W. to the Value of X remain unsold for want of Buyers but from day to day I have exposed them to sale and as soon as I can will answer unto you for the expence thereupon arising

Which shews the Sherriff ought not to sell the Goods & Chattells levied under the Value appraised or that he is confined to sell them before the return of the Writt to any Bidder under the full Value of the Appraism^t nor ought he to levy more Goods and Chattells than what by the Appraism^t of indifferent men or a Jury as *āf^d* are Sufficient to answer the debt and Cost in the Execution commanded to be levied