

the defendant or defendants who may deem themselves thereby aggrieved, shall give notice to the sheriff, constable, or other officer levying such execution, he shall thereupon return the schedule to the court or justice of the peace, as the case may be, issuing such execution, and the court or justice of the peace, upon the return of such schedule, shall have power to inquire into the said complaint, and if the court or justice, as the case may be, shall be of opinion that the sheriff, constable, or other public officer, has not left in the hands of the defendant or defendants, bed, bedding, wearing apparel, or other necessary articles of house-keeping, to the amount and value of fifty dollars, they shall order and appoint such articles to be delivered out of the schedule, to the defendant or defendants, to make up the sum of fifty dollars; and if any plaintiff or plaintiffs, at whose instance the execution shall be levied, shall think himself aggrieved by the sheriff, constable, or other public officer, leaving in the hands and possession of the defendant or defendants to a greater amount than the sum of fifty dollars, he, she or they, may require the sheriff, constable, or other public officer, to make return of a schedule of the articles so left in the hands and possession of the defendant or defendants, to the court or justice of the peace issuing the execution, and if the court, or justice of the peace, as the case may be, shall be of opinion that the sheriff, constable or public officer, hath left in the hands of the defendant or defendants, property to a greater amount than fifty dollars, the court, or justice, as the case may be, may order and direct the sheriff, constable, or other officer, to take in execution a further part of the property contained in the schedule, so as to leave in the hands and possession of the defendant or defendants to the amount of fifty dollars, and no more.

2. *And be it enacted,* That wherever a distress shall be levied for rent hereafter to become due, it shall be the duty of the person levying the distress, to leave in the hands and possession of the tenant or tenants, bed, bedding, wearing apparel, and other necessary articles of house-keeping, to the amount of fifty dollars; and if any distress shall be levied, and the tenant shall deem himself aggrieved thereby, he, she or they, may apply to two justices of the peace at any time before the sale of the property, who shall give five days notice to attend at a time and place fixed in the notice, and upon hearing the allegations of both parties, and if it shall appear to them that the distress has not been levied according to the provisions of this section, shall order and direct so much of the property aforesaid to be returned to the defendant, as will, together with the property left by the landlord in the hands of the tenant, make up the sum of fifty dollars.

Person levying distress for rent to leave in hands of tenant, bed, &c

3. *And be it enacted,* That the fifth section of the act passed at April session seventeen hundred and fifteen, entitled, An act directing the manner of suing out attachments in this province; and limiting the extent of them, shall be and hereby is repealed.

Section of act repealed