

(84)

## BILL.

An Act to regulate the proceedings relative to the seizure of real Property in cases of *Folle enchère*, in Lower Canada.

**W**HEREAS justice demands that creditors should not be deprived of their claims upon the real property of their debtors, or unjustly delayed in the recovery of their claims by the outbidding of insolvent and unknown purchasers at the sale and adjudication of the real property of their debtors, seized by authority of Justice; And whereas the Courts are not by law invested with sufficient authority to guard against the fraudulent arrangements of debtors with the bidders, on such occasions; Be it enacted, &c.,

Preamble.

- 10 That whenever it shall appear to the Court out of which the seizure shall have issued, by the return of the Sheriff or of any other officer of the Court duly authorized to act in such seizure, that the purchaser of real property taken in execution has neglected to pay the price of his adjudication according to the conditions of the sale, the Court, at the instance of the plaintiff or of the defendant or of any opposing party, shall order the Sheriff or other officer of the Court as above mentioned to proceed anew with the sale of the said real property at the *folle enchère* of the purchaser after two notices on two consecutive Sundays at the door of the Parish Church of the place in which such real property is situate, or if there be no such Church then at the most public place of resort, and after two advertisements published in a public newspaper in the District; and shall direct the said Sheriff or such officer of the Court to require every bidder presenting himself at the time of such second sale, before receiving his first bidding, to deposit and pay a sum equal to three times the amount of the costs then due to the plaintiff for costs of judgment and judicial seizure.
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- II. That if the said bidder refuse to pay such sum, such Sheriff or officer of the Court shall go on with the said second sale, starting from the next preceding bidding, as if such bidder had not offered any bidding.

Re-sales on *folle enchère* shall be made by the sheriff on the order of the Court, and at the instance of the plaintiff.

Deposits of a sum equal to treble costs.

In default of such deposit sale to go on.