

manner now by law required, but during *three-fourths* only of the time for which the first notice of sale is required to be given, and on the day appointed by such second notice it shall be lawful for the Sheriff or Bailiff to sell the property, or so much thereof as was not sold at the first sale, (to any person not entitled to the money to be levied under the execution,) for whatever it will fetch, or to the party entitled thereto for any sum exceeding *three-fourths* of the appraised value; Provided that if at the time thus appointed for the sale, the officers shall deem it expedient and for the interest of all persons concerned therein to return goods on hand, in whole or in part, for want of purchasers, he may so return the execution, and a *venditioni exponas* may issue, and the Sheriff shall and may proceed thereon as before the passing of this Act.

Proviso: goods may be returned as unsold.

Notice of sale to be always given to the plaintiff.

IV. And be it enacted, That it shall be the duty of the Sheriff in every case immediately upon putting up notice of any intended sale under execution, to give notice to the plaintiff or party entitled to the money to be levied, his attorney or agent, of the day and place of such sale.

Return of sale to be accompanied by a schedule containing certain particulars: penalty for default, &c.

V. And be it enacted, That any Sheriff or Bailiff who may hereafter sell goods and chattels on execution, shall accompany his return of the execution with a schedule particularly describing the goods sold, the sum for which each article was sold, and the manner in which the proceeds of the sale were disposed of, with the particulars of the Sheriffs' fees or charges thereon in detail, and if he shall be guilty of any fraud in the sale, return or schedule, he shall be liable in an action on the case, at the suit of the party injured, for five times the amount of the actual damage sustained by reason of such fraud.

Sheriff may sell real property in one lot or in portions, at the request of the owner.

VI. And whereas doubts exist as to the right of Sheriffs in selling lands under execution to offer the same in separate quantities, and it is expedient to remove such doubts, Be it therefore enacted, that it shall be lawful for any Sheriff or Bailiff hereafter upon any sale of lands under execution, and they are hereby required to offer the same either in one lot or in such portions as may be desired by the party owning the lands; Provided always, that if a purchaser or purchasers cannot be obtained upon the lots or parcels of land when offered in this manner, then the Sheriff or Bailiff may offer and sell the same in one entire lot or otherwise as he may deem advisable, subject however in such case to the same liabilities as existed before the passing of this Act.

Proviso.