

purposes stand in the place of the party whose *choses* in action and property have been sold ; and such purchaser may claim and demand such *choses* in action and property, and maintain an action, or file a bill in Equity, as the case may be, in his own name, as the assignee thereof, but subject to all legal and equitable defences to which they were subject at the time the party against whom such *choses* in action existed, had notice of such seizure or sale, and also to any right of set off that may have then existed. 5

Sheriff to give Bill of sale. IV. And be it enacted, That it shall be the duty of every Sheriff or Officer, who shall sell any *choses* in action or property under this Act, to execute a bill of sale of such property or *chose* in action, sealed with his seal of office, which said bill of sale shall recite the execution under which Writ seizure was made, the judgment upon which the same was granted, the seizure and sale, and shall transfer to the Execution Creditor all the right of the party against whom such execution was issued : and the said bill of sale shall be *prima facie* evidence of the said facts so recited in every Court of Law or Equity in Upper Canada. 10 15 20

What such Bill of sale shall contain.

Its effect.

Book debts, &c. to be sold in lots of about £5 each. V. And be it enacted, That in selling book debts, or other debts, bills, bonds, promissory notes, warehouse receipts, or other *choses* in action, it shall be the duty of the Sheriff or Officer where such *choses* in action severally exceed in amount the sum of five pounds, to expose them severally as distinct chattels, but in cases in which the *choses* in action are under five pounds, he may include in one offer any number not exceeding in amount five pounds ; and in case any book or paper shall contain entries or evidences of several debts or *choses* in action it shall be his duty to keep such book or paper for the benefit of all concerned, whether the execution debtor himself or any execution creditor, and the said Sheriff shall give all parties inrested access thereto, on payment of such a fee as the Court out of which the execution issued, or a Judge thereof, shall direct or appoint. 25 30 35

Sheriff to retain certain books, &c. for the use of all parties.

Rights of purchaser of *choses* in actions. VI. And be it enacted, That the purchaser of any *chose* in action sold under this Act, shall have the legal and equitable right as the case may be, to demand, sue for, release and acquit such *chose* in action as fully as the original party : Provided always, that the claim and suit shall be in the name of the purchaser as the assignee of the original party to such *chose* in action ; and in case such *chose* in action shall have been sold oftener than once, the claim and suit shall be in the name of the last purchaser. 40 45

Proviso : he shall sue as assignee of such *choses*.

What the Sheriff shall seize and sell under any writ of *feri facias* against lands. VII. And be it enacted, That by virtue of any writ of *Fieri Facias* against lands, to be sued out of any Court in Upper Canada, the Sheriff or other officer having the execution thereof, may and shall seize and take, sell and 50