BILL.

An Act to explain the fifteenth section of an Act passed in the forty-first year of the reign of His late Majesty King George the Third, in relation to the rights of purchasers at Sheriffs' sales.

WHEREAS doubts have arisen as to the meaning and effect of the **Preamble.** enactment contained in an Act of the Province of Lower Canada, passed in the forty-first year of the reign of His late Majesty King George the Third, intituled, " *An Act to amend certain forms of proceeding in* **Act of L. C.** 5 " *the Courts of Civil Jurisdiction in this Province, and to facilitate* **41 G. iii., c. 7.** " *the administration of Justice ;*" Therefore, Her Majesty, &c., enacts as follows :

I. In every case in which real property shall be put to sale, any oppo- **Any opposant** sant or other party to a suit, who shall become the purchaser of such real **or party to a suit having an** 10 property or any part thereof, shall have all the rights which by law the **hypothec on** plaintiff suing out the writ of execution now has, and such opposant or **the property** party to the suit, may retain in his hands so much of the purchase money **sold, may if he becomes** as such opposant or party may have claimed to have and receive out of **the purchaser** such purchase money, until a final distribution of the proceeds shall **retain the** 15 have been ordered by the Court seized of such case, on which such pur- **amount of his claim until** chaser shall be held to pay into the hands of the Sheriff so much of the **final distribu-** said purchase money as shall exceed the sum ascertained by such report of **tion.** distribution to be due to such purchaser, and thereupon the Sheriff shall execute to such purchaser a good and sufficient Deed of Sale for the 20 property so purchased : Provided that the opposition or claim of such **Proviso, for** opposant shall be for some sum of money secured on the said property **folle en chère.** by privilege, hypothec, or mortgage, and that in the event of such surplus not being paid, such property may be resold at the *folle en chère* of such purchaser.

25   II. This Act shall apply to Lower Canada only.   **Act limited to L. C.**