

ing the execution of such Writ, shall first sell the goods and chattels which he could have sold before the passing of this Act, before he proceeds to sell any kind of property made liable to seizure and sale by this Act ; 5  
 Exception. except only, that in case the ownership of such goods and chattels be disputed, he may and shall sell the property made liable to sale by this Act, without first selling such 10  
 disputed goods and chattels.

Effect of the sale of choses in action.

II. And be it enacted, That the sale of any *choses* in action or property, made liable to seizure and sale under this Act, by any Sheriff or Officer having the execution of any such Writ, shall vest such *choses* in action 15  
 and property in the purchaser thereof, to the same extent as it was vested in the party against whose goods and chattels such execution issued ; and such purchaser shall for all purposes stand in the place of the party 20  
 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 in his own name, as the assignee thereof, but subject to all legal 25  
 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.

Sheriff to deliver *choses* in action sold by him, if he can do so, and a memorandum of the sale.

III. And be it enacted, That it shall be 30  
 the duty of every Sheriff or Officer, who shall sell any *choses* in action or property under this Act, to deliver such *choses* in action or property, so far as circumstances shall enable him so to do, together with a memorandum in 35  
 writing of such sale, to the effect that he, (the Sheriff or Officer,) by virtue of the Writ of execution under which the sale was made, for such a sum, did sell to the purchaser, 40  
 such a *chose* in action, bill, bond, note, account, debt or claim, (as the case may be,) and shall sign such memorandum in writing ; and the production of such memorandum shall be taken and received in all Courts of