

Upper Canada, the Sheriff or other officer having the execution thereof, may and shall seize and take, sell and convey every kind of interest in, and security upon such lands or hereditaments belonging to the party against whose lands such execution issued; and the sale and conveyance of such interest in, or security upon such lands, made in pursuance of this Act, shall vest in the purchaser all the estate, right, title, possession, claim and demand, both at law and in equity, in possession and expectancy of the party against whose lands such execution issued.

under any writ of fieri facias against lands.

Effect of the sale.

VIII. And be it enacted, That in all cases in which the title to any such land, shall at the time of such sale be in the Crown, the conveyance of the party's interest therein by the Sheriff or officer, to any purchaser, shall be a sufficient authority for the Commissioner of Crown Lands to transfer the right of the person against whose lands such execution issued, to the purchaser thereof, and to deal with him as the party entitled to the grant thereof: Provided always, that an affidavit of the due execution of the sale and assignment by the Sheriff, shall be made by a witness to the Deed, and produced in the same manner as is required in cases in which the sale and assignment is made by one party to another.

Sale to be sufficient authority for the Commissioner of Crown Lands to act upon.

Proriso: affidavit of the sale, &c. to be produced.

IX. And be it enacted, That in all cases in which the interest in any lands shall, at the time of the delivery of the writ of execution against lands to the Sheriff or officer charged with its execution, consist in a right of action created by writing or deed, such sale and conveyance shall operate as an assignment of such writing or deed, so as to vest in the purchaser the cause of action at law and in equity, in his own right and for his own use, as the assignee of such writing or deed.

Effect of the sale of a right of action created by deed.

X. And be it enacted, That in every case in which the party against whose lands an execution has issued, is in the actual possession of such lands at the time of the sale, the sale and conveyance thereof by the Sheriff or officer charged with such sale, shall entitle the purchaser to maintain an action of ejectment, or to proceed for the recovery of the possession thereof, in the manner herein-after provided, against the party so in possession, so as to recover such possession from him, but the recovery of such possession shall not operate to prejudice the interests of any other party otherwise entitled to the land.

In what cases possession may be recovered immediately upon the sale.

XI. And be it enacted, That in every action of ejectment or proceeding for the recovery of the possession of any lands or of any interest therein, sold by any Sheriff or officer under a writ of execution against lands, the production of the deed executed by such Sheriff or officer, shall be taken in all Courts of Law and Equity as prima facie evidence of the judgment, execution, sale and con-

Deed of sale from Sheriff to be prima facie evidence of the judgment, &c.