

No. 239.

2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

An Act to ensure the validity of Bid-
dings at Sales of Land made by order
of any Court of Justice, and to fix
the days on which the adjudications
thereof may be made.

Received and Read a first time, Thursday, 5th
April, 1849.

Second Reading, Monday, 9th April, 1849.

M. LAURIN.

BILL.

An Act to ensure the validity of Biddings at Sales of Land made by order of any Court of Justice, and to fix the days on which the adjudications thereof may be made.

WHEREAS serious inconveniences, delays and losses are often occasioned to parties interested in Judicial Sales, by the biddings of persons who have not the means of paying the amount thereof: Be it therefore enacted, &c. Preamble.

And it is hereby enacted by the authority of the same, That no bidding shall be received at any sale or adjudication of lands or immovable property, by authority of justice, under any Writ of Execution, unless the solvency and sufficiency of the party making such bidding shall be perfectly known to the Sheriff or other officer authorized to make such sale and receive such biddings, or unless the bidder shall produce as surety for his solvency and sufficiency, a certicator who shall be a resident of Lower Canada known to the Sheriff or other officer aforesaid, and whose name, surname, domicile and occupation shall be certified by such Sheriff or officer; or unless the bidder shall deposit a sufficient sum of money in the hands of the said Sheriff or officer, in which case the said certicator shall not be required; and one-fourth of the amount of the bidding shall be a sufficient deposit when the said bidding shall not exceed two hundred pounds currency, one-fifth of the amount bid when the said bidding shall exceed two hundred pounds, and shall be less than five hundred pounds, and the sum of one hundred pounds when the bidding shall exceed five hundred pounds currency. No bidding to be received, unless the bidder shall be known as solvent, or produce a certicator or deposit a certain sum.

II. And whereas the sale by auction and-adjudication of lands and other immovable property by authority of justice on fixed and certain days would probably attract a greater number of bidders, and secure a higher price at the said sales, to the advantage of all parties: Be it enacted, that all sales and adjudications of lands and other immovable property which shall be made under and by virtue of any Writ of Execution, at the office of any Sheriff whatsoever, or at the place where such lands or immovable property shall lie, shall henceforth be made and effected on the first Monday in every month, provided such Monday be not a holiday, in which case such sales and adjudications shall be made and effected on the next following day which shall not be holiday. Recital. Sales of land under execution to be made on certain fixed days only.