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No. 250.

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1st Session, 6th Parliament, 22 Victoria, 1858.

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## BILL.

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

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Received and read, first time, Wednesday, 7th July, 1858.

Second reading, Saturday, 10th July, 1858.

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MR. ROSE.

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TORONTO:

PRINTED BY JOHN LOVELL, YONGE STREET.

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.

**W**HEREAS doubts have arisen as to the meaning and effect of the 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 the Courts of Civil Jurisdiction in this Province, and to facilitate the administration of Justice;*" Therefore, Her Majesty, &c., enacts as follows:

Preamble.

Act of L. C.

41 G. iii., c. 7.

I. In every case in which real property shall be put to sale, any opposant or other party to a suit, who shall become the purchaser of such real property or any part thereof, shall have all the rights which by law the plaintiff suing out the writ of execution now has, and such opposant or party to the suit, may retain in his hands so much of the purchase money as such opposant or party may have claimed to have and receive out of such purchase money, until a final distribution of the proceeds shall have been ordered by the Court seized of such case, on which such purchaser shall be held to pay into the hands of the Sheriff so much of the said purchase money as shall exceed the sum ascertained by such report of 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 property so purchased: Provided that the opposition or claim of such opposant shall be for some sum of money secured on the said property 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.

Any opposant or party to a suit having an hypothec on the property sold, may if he becomes the purchaser retain the amount of his claim until final distribution.

Proviso, for *folle en chère*.

II. This Act shall apply to Lower Canada only.

Act limited to L. C.