

The Provincial Statutes of Lower-Canada, Being the fourth session of the eleventh Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1824.

4 George IV – Chapter 12

An Act to explain and amend a certain Act therein-mentioned, relating to Voluntary Sheriff's Sales, (Décrêts Volontaires). (9th March, 1824.)

Whereas doubts have arisen upon the construction of the fifth, sixth, and seventh Sections of an Act passed in the third year of His Majesty's Reign, intituled, "An Act to render Voluntary Sheriffs' Sales, (Décrêts Volontaires,) more easy and less expensive;"—And whereas it is expedient to amend the said Act and to make further provision respecting such Voluntary Sheriffs' Sales—Now, therefore, be it enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that the Sheriffs, in cases of Voluntary Sheriffs' Sales, (Décrêts Volontaires,) shall not be entitled to any Fee, Commission or Poundage upon any opposition afin de conserver to be made and fyled in manner as directed by the aforesaid Act, any thing therein contained to the contrary thereof notwithstanding, the taxed fees of Court for receiving, fying, and taking the security upon the said oppositions, as directed by the said Statute only, excepted.

II. And whereas it is also necessary to make provision in cases where any other person than he who may sue for such Voluntary Sheriffs' Sales (Décrêts Volontaires,) as aforesaid, shall become the purchaser or adjudicataire;—Be it therefore enacted by the authority aforesaid, that whenever the proprietor of any real property or hereditaments, or any other person shall or may become the purchaser or adjudicataire of any real property or hereditament for which an order of sale shall have been obtained in the manner directed by the aforesaid Statute, such purchaser or adjudicataire shall not be obliged to place the whole price of the adjudication in the Sheriff's hands unless it shall have been otherwise agreed between the parties interested, but only the necessary expenses of the proceeding to such Sheriff's Sale, and the amount of the sums for which oppositions a conserver shall have been made; with the right, nevertheless, of giving security, for the amount of the said, oppositions, in the manner and upon the conditions prescribed in and by the aforesaid Statute.