

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1786. Saint John, NB: J. Ryan, 1786.

26 George III – Chapter 12

An ACT subjecting real estates in the Province of New-Brunswick to the payment of debts, and directing the Sheriff, in his proceedings thereon.

Whereas it is highly reasonable and just that the real estate of every person or persons in this province should be subject to the payment of his, her or their debts due to all and every of his, her or their creditors, wheresoever resident.

Be it enacted by the Governor, Council and Assembly, That from and after the publication hereof, the houses, lands, real estate and hereditaments, situate or being in any part of this province, belonging to any person or persons whatsoever, indebted shall be liable to, and chargeable with all just debts and demands, of what nature or kind soever, owing by or due from any such person to his Majesty, or any of his subjects, and shall be and are hereby made chattels for the satisfaction thereof in like manner as personal estates within this province are seized, sold or disposed of, for satisfaction of debts.

Provided always, That every sheriff, or other officer, to whom any writ of *feri facias*, or other writ, shall be directed, shall first seize and take so much of the personal estate of the defendant or defendants as may be sufficient to satisfy the sum justly due to the plaintiff, with cost of suit, which shall be endorsed on the said execution before the sealing thereof, if so much within his bailiwick he can find, and if so much he cannot so find, then, and in that case the sheriff, or other officer shall seize, sell and dispose of so much and no more, as near as may be of the houses, lands, real estate and hereditaments of the defendant or defendants as will be sufficient to satisfy the whole, or the residue, as the case may require, of the monies so as aforesaid from him of them due, and on such writs payable.

And be it further enacted, That before any sale shall be made by any sheriff, or other officer of the houses, lands, real estate or hereditaments of any person or persons, he shall first advertise the time and place of such intended sale at least six months before he shall make the same, in the city, town or parish where the premises are or shall be, in three or more of the most public places of the county wherein such estate doth lay, and then and there between the hours of twelve and five in the afternoon shall sell the same to the highest bidder.

And be it further enacted, That every defendant and defendants whose houses, lands, real estate or hereditaments shall or may hereafter be taken into execution, shall and may have free election by himself, his attorney, his heirs or executors, at any time twenty days before sale thereof is as aforesaid to be made and signify in writing to the officer who is to make the same sale what part or portion of the same houses, lands real estate or hereditaments shall be sold, if a part or dividend thereof

may be sufficient to satisfy the monies on such execution due and payable as aforesaid; which part, if that shall be sufficient and no other, the sheriff or other officer shall on such writ of execution sell or dispose of.