

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1834. Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1834.

4 William IV – Chapter 22

An Act in further Amendment of an Act, intituled An Act subjecting Real Estates in the Province of New Brunswick to the Payment of Debts and directing the Sheriff in his Proceedings thereon. Passed 22d March 1834.

Whereas the Proof required by Law to make a good Title under and by virtue of a Sale of Lands and Sheriff's Deeds thereon, has been found productive of great Inconvenience, and in many Cases of serious Injury to the Party or Parties claiming Title thereto; for Remedy whereof,

Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the Deed of the Sheriff or other Officer authorized to execute the same, duly executed, acknowledged and recorded as the Law directs, and the Exemplification of the Judgment and Execution upon which the same is founded, shall in all Cases be *prima Facie* Evidence of all the Matters and Things therein set forth, so far as the obtaining the Judgment, issuing Execution, levying upon the Property sold for the Want of Goods and Chattels of the Defendant from whom the Property is taken, the advertising the same by the Sheriff as by Law required, and the Sale thereof under the Execution recited in the said Deed and exemplified as aforesaid; and that the Onus of proving any Defect in the advertising and Sale of the Property conveyed, Neglect or Malpractice on the Part of the Sheriff or any of his Officers, shall henceforth lie on the Party or Parties disputing the same, any Thing in any Law or Usage to the contrary in anywise notwithstanding; Provided always, that the Sheriff or other Officer by whom the Deed was executed, under and by virtue of which the Party or Parties in any Action or Actions claim Title, or some One of the Under Sheriffs or Deputies of such Sheriff, regularly appointed, shall at the Time of the Execution of the said Deed, make Affidavit before the Justice or other Officer authorized by Law to take Acknowledgments and Proof of the Execution of Deeds and other Instruments, who shall and is hereby required to take the same Affidavit, and endorse the same thereon, that the said Property by such Deed conveyed was regularly seized, advertised and sold in every Respect as by Law directed.