

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1838. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1838.

1 Victoria – Chapter 12

**An Act in addition to the Acts regulating the sale of Real Estate seized and taken in execution.
Passed 9th March 1838.**

Whereas the time and place of sale of real estate seized in execution by the Sheriff of any County, are required to be advertised at least six months before such sale can be duly made: And whereas it may sometimes happen that the Sheriff by whom a seizure of real estate may have been made may go out of or be removed from office, or die before the completion of the sale thereof, and doubts have arisen whether such sale can be completed and a proper conveyance executed by the person succeeding to the said office;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That whenever hereafter it shall happen that the Sheriff who may have seized and taken any real estate in execution shall go out of or be removed from his office, or shall die before the completion of such execution by the sale of the said real estate, that then and in such case the person succeeding to the said office shall proceed to make the sale and conveyance of such real estate in the same manner as if he had seized and advertised the same, without any new writ to him directed for that purpose, and that the notices of the time and place of such sale duly made by his predecessor in office shall be as good and effectual as if no change in the office had taken place.

II. And be it further enacted, That the Sheriff's poundage, payable on any sale of real estate made in conformity to this Act shall be equally divided between the Sheriff by whom the sale and execution shall have been completed and the Sheriff who may have made the seizure, his Executors or Administrators, and the other execution fees, shall be paid to the officer by whom the duty on which the same are respectively chargeable may have been performed.