

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1845.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1845.

8 Victoria – Chapter 79

**An Act in further addition to the Acts regulating the sale of Real Estate seized and taken in Execution. Passed 27th March 1845.**

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That in all cases where any Real Estate has been or shall hereafter be duly and regularly advertised and sold as by Law is required, under and by virtue of any Writ of Execution heretofore or hereafter duly issued out of any Court of Law of competent jurisdiction in this Province, directed to any Sheriff of any County in this Province, and the Sheriff or other person duly authorized making sale thereof has died or may hereafter die before any conveyance made of the property so sold to the purchaser thereof as the Law directs, then and in every such case it shall and may be lawful for the Sheriff for the time being, of the County in which such Real Estate shall be, and he is hereby required upon payment being made of the purchase money for which such Real Estate was or may be so sold, either to the said Sheriff of the County for the time being, or to the party lawfully entitled to receive the same, or upon the said purchase money having been paid to the deceased Sheriff, or other officer who made such sale, previous to his death, to make and execute a conveyance of such Real Estate to such purchaser thereof in the same manner as such deceased Sheriff or other officer making such sale would have been required to do by Law; and every such deed of conveyance so made and executed by such said Sheriff for the time being, shall be as good and effectual to pass the said title to such Real Estate to such purchaser thereof, the same as if it had been made by such deceased Sheriff or other officer making such sale: Provided always, that nothing in this Act contained shall extend or be construed to extend to relieve any person claiming title under any such conveyance to any such Real Estate from the evidence now required by Law to sustain such title, unless the Sheriff executing such deed of conveyance or some officer acting under such deceased Sheriff or other officer making such sale, who shall have been duly appointed to such office, shall at the time of the execution of such deed of conveyance by the Sheriff for the time being, make affidavit before some Justice or other officer authorized by Law to take acknowledgments and proof of the execution of deeds to be registered, who shall and is hereby required to take the same affidavit, and endorse the same on such deed, that the said property, by such deed conveyed, was regularly seized, advertised and sold in every respect as by Law directed; which deed, with such affidavit, when so made and endorsed thereon, shall be held and taken to be a deed and affidavit executed and made within the intent and meaning of an Act made and passed in the fourth year of the Reign of King William the Fourth, intituled *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,'* and shall be held as prima facie evidence to the same extent as the deed and affidavit mentioned in the recited Act is therein declared to extend to, anything in the said recited Act to the contrary thereof in any wise notwithstanding.