

CHAPTER DCIV.

1770.

A SUPPLEMENT to the act, entitled a supplement to the act, entitled an act for taking lands in execution, for the payment of debts, and for confirming partitions, in several instances heretofore made.

WHEREAS before the passing of the act, to which this act is a supplement, the Sheriff, or other proper officer, who had taken lands in execution, and sold the same for a *bona-fide* consideration had and received, in some cases died, or the term of his office expired by law, before any deed made by him to complete the title of the purchaser, and the said sales yet remain unconfirmed, and such purchasers are left without remedy, in as much as the said last recited act did not make provision for the cases which happened before the time of passing the same: *Be it therefore enacted*, That in all cases where it hath happened, before the passing of the said recited act, that the Sheriff or other proper officer, hath taken any lands, tenements or hereditaments in execution, and either with or without a writ of *venditioni exponas* sold the same, for a *bona-fide* consideration had and received, according to law, and after died, or was removed from his office by the expiration of the term thereof, or otherwise, not having made a deed to the purchaser, it shall and may be lawful to and for the plaintiff or purchaser, his heirs or assigns, to apply to the Supreme Court, or to the county Court of Common Pleas, where the judgment was obtained, and to set forth, by petition, his case to the Court; and thereupon the said Court may, as they shall see cause, and as justice and equity shall require, order and direct the Sheriff, or other proper officer, for the time being, to perfect such title, by executing a deed for the same to the plaintiff or purchaser, his heirs or assigns: and upon such order, obtained as aforesaid, and entered upon the records of the same Court, it shall and may be lawful to and for any Sheriff, or other proper officer, for the time being, according to the direction of the said order, and they are hereby empowered and required, upon payment of such costs and charges as remain unpaid to the former Sheriff, or other proper officer, to make, seal, deliver, execute and acknowledge any deed and deeds, and to perform and do any other matters and things, that by the former Sheriff, or other proper officer, might, could or ought to have been performed or done in or about the premises; which, when done and performed, shall be held and adjudged as valid and effectual in law, as if done and performed by the Sheriff or other officer, who took the said lands, tenements and hereditaments in execution.

Passed 24th February, 1770.—Recorded A. vol. V. page 357. (d)

(d) See the act, to which this is a supplement, (ante. chap. 510;) and for a general reference to the acts for taking lands in execution, and regulating Sheriff's deeds, see ante. chap. 152. (Note to former edition.) The act in the text is retrospective and of course

obsolete; but as much property may be held under it; and as it has been referred to in judicial decisions, (ante. pa. 66, as establishing the construction of the original acts, it is thought proper to retain it in this edition.)

Mode of
obtaining
proper
deeds, &c.