



Charlottetown, Prince Edward Island, Thursday, August 20, 1868.

LAWS OF PRINCE EDWARD ISLAND.



An Act for shortening the language of Sheriffs' Deeds.

WHEREAS the number of statutes relating to the execution of deeds of land sold by Sheriffs under execution for the payments of debts is very great, and the recital of such statutes in such deeds tends to great prolixity and unnecessary expense :

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, that any deed already executed by any Sheriff, of any lands sold under and by virtue of any execution issued forth on any judgment in the Supreme Court, or any deed hereafter to be executed, shall be valid, although the several acts relating thereto be not recited and particularly set forth in such deed, provided that it appear therein that such deed was executed by the said Sheriff as Sheriff.

II. In all deeds to be executed after the passing of this act, it shall be declared therein, that such deed is executed by the said Sheriff as such Sheriff, by virtue of, and in obedience to the execution therein recited, and of all acts of the General Assembly, and of all other powers and authorities in anywise that behalf enabling him.

III. The recitals in such deed shall be made as short and concise as is consistent with a clear and distinct statement of the facts intended to be set forth, and the said several deeds shall be in the form, and to the effect of the Schedules to this act annexed, marked (A), or as near thereto as the circumstances of the case permit.

IV. Any deed now or hereafter to be executed by any Sheriff shall be valid, although the same has been executed by the Deputy Sheriff, and it shall not be necessary to prove a power under the hand and seal of the said Sheriff to the said Deputy Sheriff, authorising

him to execute such deeds ; but general evidence of such. Under or Deputy Sheriff having acted on such in the execution of writs or other process, shall be sufficient evidence of his appointment as Deputy Sheriff, and of his authority to execute such deed for and in the name of the Sheriff.

V. The Deputy Sheriff of any late Sheriff, may execute any such deed for and in the name of the said Sheriff, in like manner as if his principal then held the office of Sheriff.

VI. Appraisements of land, and all returns to executions shall shortly set forth the facts required to be stated therein, and shall as far as the circumstances of the case permit, be to the effect of Schedules hereunto annexed, marked (B) and (C) respectively, and all appraisements and returns now made, shall be deemed to be as valid as if they had been made subsequently to the passing of this act, and had then complied with this section.

VII. No such deed already executed or hereafter to be executed by any such Sheriff, shall be void by reason of the mis-recital or non-recital of any statute or of any matter required to be done by such Sheriff in the premises ; but if the said Sheriff or late Sheriff, or Deputy Sheriff, (if such deed be executed by him,) shall at any time make oath to be indorsed upon said deed, and sworn before a Commissioner for taking affidavits in the Supreme Court, or the Register of Deeds, that the said lands and premises therein mentioned, were regularly seized, appraised, advertised and sold in every respect as by law directed, (according to the Schedule hereunto annexed marked D), then such deed, whether executed before or after the passing of this act, when produced in any court, shall be *prima facie* evidence of all the facts therein stated, and that all things were done according to law, and the *onus* of proving any defect in any proceeding or matter requir-