

Case No. 4,170. DUNLOP ET AL. V. WEST.

{Brunner, Col. Cas. 27;¹ 2 Hayw. N. C. 346.}

Circuit Court, D. North Carolina.

1805.

SHERIFF—LIABILITY FOR NEGLIGENCE TO SELL AFTER EXECUTION.

Where a sheriff after seizing property on execution neglects to sell it, he is liable in damages.

PER CURIAM. If the sheriff or marshal seizes property in execution, and neglects to sell it, and is sued for his neglect, the plaintiff shall recover damages to the amount of what the property would have produced had he sold it.

¹ [Reported by Albert Brunner, Esq., and here reprinted by permission.]