

IV. And be it also further Enacted, That any one of His Majesty's Justices of the Peace, shall and may on his own View, or on the Oath of one credible Witness, impose a Fine, not exceeding Twenty Shillings, on any Person who shall encumber or stop up the way in any of the Roads or Streets in this Province, by laying Timber, Wood, Carts, Trucks or any other thing thereon, to be recovered by Warrant of Distress and Sale of the Offenders Goods and Chattels, or in Case such Offender shall not be known or found, the same shall be recovered by Sale of so much of the Timber or Wood, and the Carts, Trucks or other thing encumbering or stopping the Way in such Road or Street as aforesaid, and be paid to the Overseers of the Poor for the Use of the Poor of the Town or Place where, or nearest the Place where the Offence shall be committed, rendering the overplus, if any be, to the Owner when found. And if the said Nuisance shall continue, the same shall be deemed a new Offence, and shall be prosecuted, and liable to the Penalty aforesaid.

Penalty for encumbering or stopping Roads or Streets.

#### C A P. IV.

An A C T to further explain and amend an Act made in the Thirty Second Year of his late Majesty's Reign, intituled, *An Act for making Lands and Tenements liable to the Payment of Debts.*

\*\*\*\*\* *HEREAS* in the First Section of an Act made in the  
 \* W \* *Thirty Second Year of his late Majesty's Reign, intituled,*  
 \* \* \* \* \* An Act for making Lands and Tenements liable to the  
 Payment of Debts; *It is among other things Enacted,* " That  
 " when any Estate shall be found by the Appraisers to be of  
 " greater Value than the Debt and Cost, the Creditor or Creditors  
 " shall be obliged at the Expiration of Thirty Days next after  
 " the End of the said two Years, (if not sooner redeemed) to  
 " give public Notice by Advertisement, that the Lands or Tenements  
 " so extended, are to be sold at public Auction by the Provost  
 " Marshal or his Deputy." And *Whereas Doubts have arisen*  
*in what Manner Notice of such intended Sale should be given,*  
 It is hereby Declared and Enacted, by the Governor,  
 Council and Assembly, That it is the Intention of the Legis-  
 lature, that Notice of any Sale intended to be made by the Pro-  
 vost Marshal or his Deputy as aforesaid shall be published in the  
 Nova-Scotia Gazette or other public News-Paper, and in some  
 public Place in the Township or other Place where the Lands lie,  
 at least three several Times during three Months before such Sale.

Preamble.

Notice of Sale of  
 Lands by Provost  
 Marshal to be in  
 Nova-Scotia-Ga-  
 zette or other News-  
 Paper and posted  
 up in or near Place  
 where Lands lie.

II. And *Whereas by the Second Section of the afore-recited Act, It is Enacted,* “ That in case the yearly Rents of the Lands  
 “ or Tenements of the Debtor are not sufficient to satisfy the  
 “ Debt with Costs and Interest, together with the Charge of need-  
 “ ful Repairs, within the space of two Years, then the Execution  
 “ shall and may be levied on Part of such Estate.” And *Whereas*  
*great Detriment has arisen to Persons by the levying the Execu-*  
*tion in such Cases, in such Manner as to render the Remainder of the*  
*Estate of little Value, to the great Prejudice of the Debtor; for*  
*Remedy whereof, Be it Enacted,* That whenever an Execution  
 shall be levied as aforesaid, on a part of the real Estate of the  
 Debtor, there shall be Five Appraisers, fit and discreet Men, two  
 to be chosen by the Debtor, two by the Creditor, and one by the  
 Provost Marshal or his Deputy, who shall be sworn to do equal  
 Justice between Debtor and Creditor in valuing the same, and  
 shall set off so much thereof as they shall think sufficient to satisfy  
 the Debt with Costs and Interest, with as little Injury as may be  
 to the Debtor and to the Remainder of the said Estate, so as to  
 prevent any such Grievance as aforesaid; any Law Usage or  
 Custom to the contrary in any wise notwithstanding.

when Execution levied on part of real Estate, five appraisers shall set off so much thereof as shall be sufficient to satisfy debt and cost, with as little injury as possible to the remainder.

III. And *Whereas no Provision is made in and by the afore-recited Act, for the Relief of Femmes Covert, Persons non Compos Mentis, imprisoned, or in Captivity, Minors, or Persons out of the Province, to sue for Recovery of any Lands or Tenements so sold, to which they are intitled, Be it Enacted,* That nothing in the said Act, nor any thing therein contained, shall extend or be construed to extend, to bar the Title of any Minor, Feme Covert, or Person non Compos Mentis, imprisoned, or absent from the Province, but they shall be intitled to sue for, and recover any Lands or Tenements within this Province, to which they are intitled, within Six Years after such Impediment shall be removed, any thing in the said Act to the contrary in any wise notwithstanding.

Minors, &c. may recover lands within six Years after impediment removed.