

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Sixth Day of June, 1770, in the Tenth Year of the Reign of Our Sovereign Lord George the Third, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. and there continued by several Prorogations until the Twelfth day of October, 1773, in the Thirteenth Year of His said Majesty's Reign, being the Fifth General-Assembly convened in the said Province.

13 George III – Chapter 2 (Session 2)

An Act for the rating and levying the Expences attending the executing Writs of Partition.

Whereas difficulties may arise in the recovery of the charges and expenses attending the executing writs of partition, unless the same is enforced by law;

I. Be it enacted, by the Governor, council and assembly, that all accounts of charges and expences, which have already arisen, or which may hereafter arise, for the obtaining and executing writs of partition for the division of lands in any township or place in this province, until final judgment thereon, together with the charges for surveying the said lands, and all other incident expenses relative thereto, shall be laid before his Majesty's supreme court, and when the same shall have been approved by the said court, two or more proper persons shall be appointed by the court to assess the amount thereof, in due proportion on each several share allotted and assigned to each and every proprietor, and be levied out of the profits and other extendible goods and chattels thereon, or belonging to such proprietor or person in possession of the same, or any part thereof, and shall be paid to the person or persons appointed by the court to receive the same.

II. And be it enacted, that if any proprietor or other person in possession of any land allotted and assigned as aforesaid, shall refuse or neglect to pay the sum assessed as his dividend or proportion of the charges aforesaid. It shall and may be lawful for any one of his Majesty's Justices of the Peace, on complaint of the receiver appointed as aforesaid, to issue a warrant of distress and sale of the delinquent's goods and chattels for the recovery of the sum so assessed with the charges of prosecution.

III. And be it also enacted, that in case no person be resident on any lands allotted and assigned as aforesaid, no any goods and chattels thereon, whereby the sum due as aforesaid may be levied, it shall and may be lawful for any one of his Majesty's justices of the peace to let out any part of such delinquents lands as may be sufficient to pay, by the produce of the same, any such dividend, proportion or charge so due, and in case no person shall offer to hire the same, such lands shall be held chargeable therewith.