

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 4 (Session 2)

An Act 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."

Whereas in the first section of 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;" 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 legislature, that notice of any sale intended to be made by the provost 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.

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 needful 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 execution 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.

III. And whereas no provision is made in and by the afore-recited act, for the relief of femes 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.