

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Tuesday the 4th day of December 1759, and in the 33^d year of His Majesty's Reign, and there continued by several Prorogations until Monday the 8th Day of September, 1760, in the 34th Year of His Majesty's Reign.

34 George II – Chapter 5

An Act in Amendment of an Act, made and passed in General-Assembly, at the Session begun and holden at Halifax, on the Second Day of October, 1758, intituled, "An Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates."

Whereas by an Act made and passed in General-Assembly, at the session begun and holden at Halifax, on the second day of October, 1758, intituled, "An Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates:" It is amongst other matters enacted, "That in case that personal assets shall be deficient for the payment of any debts or legacies, and it shall be found necessary by any executor or administrator, to make sale of any part of the real estate of the deceased for the payment of any debts or legacies, such executor or administrator shall apply to the General-Assembly, to grant a licence for the sale of such part of such real estate, as may be most convenient, for the payment of such debts or legacies; and before any sale be made of any real estate, the executor or administrator shall give thirty days public notice, by posting up notifications in the most public places, in the town where the deceased person last dwelt, and in the public prints, if any such there be; and whoever will give most shall have the preference in such sale: and in case the estate of such intestate shall be insolvent, the executor or administrator shall make like application to the General-Assembly for an Inquiry, and for the appointment of commissioners to enquire into such insolvency, and to examine and settle the claims of all creditors, and the amount of the estate of such insolvent, and to authorize such executor or administrator to sell all the lands and tenements of such insolvent, and to divide the produce of the whole of such estate, in due proportion to and among the creditors."

And whereas inconveniences have already arisen, and may hereafter arise by the delays hereby necessarily occasioned, during intermissions of the convention of the General-Assembly.

Be it therefore enacted, by his Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted, that all such applications as by the before recited clause of the said Act, are to be made by any executor or administrator to the General-Assembly, shall, from and after the publication hereof, be made to the Governor or Commander in Chief for the time being, and His Majesty's Council of this Province, who are hereby authorized and empowered to take cognizance thereof, and to proceed thereon in like manner, as by the before recited clause of the said Act, should have been done by the General-Assembly.

And be it further enacted, that every executor or administrator, who may, by virtue of this Act, be authorized and impowered to make sale of any real estate, shall, before such sale made, give bond by himself or his lawful attorney, with two sureties, at the office of the register of the court of probates, in the county where such real estate shall lie, for the just and legal distribution of the monies arising from such sale, in the full value which, by the report of the commissioners for that purpose appointed, shall be certified to be necessary to be raised by such sale.

And be it further enacted by the authority aforesaid, that all lands, tenements, or hereditaments, sold by any executor or administrator by virtue of this Act, shall become the absolute and undoubted right and property of the purchaser or purchasers thereof, from and after the time of such sale.