

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Wednesday the first day of July, 1761, and in the first year of His Majesty's Reign, and there continued by several prorogations until the 19th day of October, 1763, in the Third Year of His Majesty's Reign.

3 George III – Chapter 8 (Session 2)

An Act to explain and amend an Act, made and pass'd in the 32d 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 clause of an Act made and pass'd in the 32d 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 the person or persons in possession of any lands and tenements on which the Provost Marshall or his deputy shall extend the execution, of any judgement the rents only and shall cause the person or persons, in possession, whether debtor or debtors, or their tenant or tenants, to attorn and become tenants to such creditor or creditors; and whereas many doubts have arisen concerning such debtor or debtors, or person in possession, refusing to attorn and become tenants, and neglecting or refusing to pay the rents as the same become due.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that every such debtor or debtors, or persons in possession of the premises, on which execution shall be extended, who shall refuse to attorn as tenants to the creditor or creditors, at the rent fixed by the appraisers; or shall neglect or refuse to pay the rent as it becomes due, then and in either of these cases, the person or persons in possession of the said lands or tenement, shall be deemed as guilty of wrongful detainer, and shall and may be prosecuted as is directed in, and by an Act made and pass'd in the 32d year of His late Majesty's Reign, intituled an Act directing the Proceedings against forcible entry or Detainer.

And whereas in the second clause of the above recited Act, it is among other things enacted, that the Provost Marshal or his deputy shall immediately deliver, reizin and possession to such creditor or creditors, of all lands and tenements the yearly rents of which shall not be sufficient to satisfy the debt, cost, and interest together with the charge of needful repairs, and cause the person or persons in possession or improvement thereof to attorn and become tenants to such creditor or creditors, and pay their rent to him or them: And whereas this part of the said Act has been found insufficient, to answer the purpose thereby intended; Be it therefore enacted, that in case the tenant or tenants, or other person in possession or improvement of all such lands or tenements, on which such execution shall be levied, shall refuse to attorn and become tenants to the creditor or creditors, at such rents as the said creditor or creditors shal think reasonable, and pay the same as it becomes due, that then and in either of these cases, the person or persons in possession of the said lands or tenements shall be held and deemed wrongfull detainers of the premises, and shall and may be prosecuted as is herein before directed.

And be it enacted, that the attornment, shall be in the form following.

“I A. B. of _____ do hereby attorn and become tenant to C. D. of _____ for _____
for the term of _____ at the yearly rent of _____ p annum; the said rent to be paid
quarterly, with liberty for the said C. D. or his attorney to enter into the said premises and
distrain for the said rent, if in arrear; in consideration of which attornment I have paid the
said C. D. the sum of one shilling. Witness my hand at _____ the _____ day of
_____.
Witness”.