

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Eighteenth day of November, 1806, and continued by several prorogations to Thursday the Ninth day of November, 1809, in the Fiftieth year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith &c. &c. being the Sixth Session of the Ninth General Assembly, convened in the said Province. From Henry H. Cogswell, The Statutes at Large passed in the General Assembly held in His Majesty's Province of Nova Scotia: from the Sixth Session of the Eighth General Assembly, to the Fifty-Sixth year of his Majesty's Reign. John Howe and Son, 1816.

50 George III – Chapter 16 (Session 2)

An Act to authorise the sale of part of the Lands and Tenements of Samuel Hart, of Halifax, merchant, a lunatick, or insane person, for payment of his Debts, and for his maintenance and support.

Whereas, a commission, in nature of a writ de lunatico inquirendo, was issued out of His Majesty's court of chancery, bearing teste the twelfth day of June, one thousand eight hundred and nine, directed to certain commissioners therein named, to enquire of the lunacy of Samuel Hart, of Halifax, merchant; and whereas, the said commission was duly executed, on the twenty-eighth day of June, before the commissioners therein named, and thereby it was found that the said Samuel Hart was then a lunatic, and not capable of the government of himself, his messuages, lands, tenements, good and chattles, and so had been for three weeks then last past. And whereas, on the petition of Rebecca Hart, the wife of the said Samuel Hart, and Foster Hutchinson, and George Grassie, of Halifax, Esquires, His Excellency the Lieutenant-Governor and Chancellor of this province, on the third day of July, was pleased to commit the custody of the person, and the care and management of the estate of the said Samuel Hart, unto the said Rebecca Hart, Foster Hutchinson, and George Grassie, who have given security for the faithful discharge of the trust reposed in them. And whereas, the said Samuel Hart, at and before the time of his said lunacy, was, and is still, indebted to divers persons in large sums of money, which his personal estate, and the rents of his real estate, are quite insufficient to discharge, and his said creditors threaten to institute suits at law, and in chancery, to compel the sale of his lands and tenements for payment of the said debts, which would cause a very grievous expense, and might leave the said Samuel Hart, and his family, entirely destitute of the means of support:

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, that it shall and may be lawful for the said Rebecca Hart, Foster Hutchinson and George Grassie, to set up an public auction, at such times and places pas they shall find expedient, so much of the lands, tenements and hereditaments, of the said Samuel Hart, as may be necessary for the payment of the debts contracted and actually owing by the said Samuel Hart, and for his maintenance and support; and all deeds, and conveyances, duly made and executed by and in the name and names of the said Rebecca Hart, Foster Hutchinson, and George Grassie, to the purchaser or purchasers of any of the lands or tenements of the said Samuel Hart, which

shall be sold in manner and for the purposes aforesaid, shall be sufficient and valid in law and equity to vest the title and interest in and to the said lands and tenements in such purchaser or purchasers thereof, according to the true intent and meaning of such deeds.

II. And be it further enacted, that before any sale shall be made of any part or parts of the real estate of the said Samuel Hart, public notice of the time and place of such intended sale, with a description of the lands and tenements to be sold, shall be inserted in one or more of the Halifax weekly newspapers for at least four weeks immediately preceding any intended sale, and every such sale shall be made at public auction, and the person or persons who shall be the highest and best bidder shall have the preference.

III. And be it further enacted, that the said Rebecca Hart, Foster Hutchinson, and George Grassie, shall and may receive the consideration money for the lands and tenements which may be sold under the authority of this act, and shall apply the same to discharge the debts due and owing by the said Samuel Hart, and for his maintenance and support, and shall render an account of all such sales and payments into the registry of the court of chancery when required, which account shall be open to the inspection of any party concerned.

And whereas it may facilitate and improve the sale of the said estates if they shall be sold free of dower:

IV. Be it therefore enacted, that if the said Rebecca Hart, shall be willing to relinquish her dower in any of the lands and tenements which may be sold pursuant to the provisions of this act, and in the deed or deeds of conveyance of any such lands or tenements, to be executed by her jointly with the said Foster Hutchinson and George Grassie, shall expressly assign and relinquish her right of dower in the lands or tenements thereby conveyed, and shall also acknowledge such deed or deeds before some one of his Majesty's justices of the peace, as in cases where the real estates of the husband are sold by the husband and wife jointly, such assignment and acknowledgment, shall forever bar her of all right and claim of dower in and to the lands and tenements in such deed or deeds mentioned and conveyed.

V. And be it further enacted, that before a sale of any of the said lands and tenements shall take place, the said Rebecca Hart, by two sureties, and the said Foster Hutchinson and George Grassie, by themselves and one surety each, shall give bond in such manner, and to such amount, as his excellency the Lieutenant-Governor may direct, having respect to the value of the property intended to be sold, and to the debts due by the said Samuel Hart, for the faithful execution of the trust and authority granted to them by this act.

VI. And be it further enacted, that if the said inquisition shall be quashed, and the said commission superseded, before the powers granted by this act are carried into full effect, all further and other execution of the said power and authority shall thenceforth cease and determine.