

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Thursday the Sixth day of February, 1812, in the Fifty-second 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 First Session of the Tenth 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.

52 George III – Chapter 3 (Session 1)

An Act in further addition to the Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estate of Intestates.

Whereas it is just and reasonable that in the settlement and distribution of insolvent estates, equal distribution thereof should be made to and among all the creditors without preference or partiality:

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, that in the settlement and distribution of the insolvent estates of deceased persons hereafter to be made, the whole of the real and personal estate (except such part thereof as shall have been allowed by the judge of probate or surrogate for the expences of the funeral, and the necessary attendance on the deceased in his last illness) shall be equally distributed, divided and paid, to and among the creditors, in proportion to their several and respective debts, without partiality or preference: and no executor or administrator, being a creditor, shall be allowed to retain out of the estate or effects which may come into his hands, more than his equal or rateable share or proportion thereof, in payment or satisfaction of his own debt. Provided always, that nothing herein contained shall extend, or be construed to extend, to affect debts due to the crown, or on mortgage, or on judgments docketed in the life time of the intestate, or testator, or to the widow's dower in real restate.

II. And be it further enacted, that it shall be no longer necessary to advertise in any other newspaper save the Royal Gazette, published in this province, for the creditors to the estate of the deceased, to bring in their demands against such estate, any law, usage or custom, to the contrary notwithstanding.

III. And be it further enacted, that it shall not be lawful to grant licence to any executor or administrator for the sale of real estate, until such executor or administrator shall file, in the secretary's office, the certificate of the judge of probate for the county or district where the lands lie, that full and ample security has been given to account for the proceeds of such sale according to law.

IV. And be it further enacted, that this act shall be in force for three years from the publication thereof, and from thence to the end of the next session of the general assembly.