

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Thursday the Sixth day of February, 1812, and continued by several Prorogations to Thursday the Ninth day of February, 1815, in the Fifty-fifth 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 Fifth 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.

55 George III – Chapter 14

An Act to provide an Easier Method than is now used for Barring Estates Tail in Lands.

Whereas the method now in use for barring estates tail in lands and hereditaments by common recoveries suffered at common law, is liable in this province to many objections:

I. Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, that whenever, after the publication of this act, any person, being the tenant in fee tail of any lands, tenements or hereditaments, within this province, and of full age, and entitled, by virtue of the laws now in force in England, if such lands were situate in that Kingdom, to suffer a common recovery, of such lands, shall be desirous of barring the estates tail therein, such tenant in tail shall personally appear before the justices of the supreme court of judicature of this province on some day in term time, in the county where the lands, tenements, or hereditaments, intended to be conveyed, be situate, and then and there shall cause the said court to be moved, for leave to acknowledge the execution of any indentures of lease and release, whereby the lands, tenements and hereditaments, held in fee tail, shall be granted and conveyed to any person or persons capable by law of holding lands in this province, for any uses, intents and purposes, in such indentures to be expressed; and also for a rule of the said court that such indentures be enrolled of record therein, for the purpose of barring the estates tail in such lands; and shall also then and there exhibit to the said justices the said indentures, and prove the deed or instrument whereby such estates tail were created; and that, by force of such gift, he, the party applying as aforesaid, is tenant in tail, and entitled as aforesaid, to suffer a common recovery of the lands granted in the indentures so intended to be acknowledged; whereupon the said court shall take the acknowledgment by the said tenant in tail of the due and voluntary execution of the said indentures, and cause an entry of such acknowledgment to be made by the proper officer: and shall make a rule of the said court, thereby ordering, that, unless good and sufficient cause to the contrary be shewn before the last day of the term then next ensuing, the said indentures, so acknowledged, shall be enrolled of record of the said court, for the purpose of barring all estates tail in the lands and tenements in the said indentures mentioned; and further, shall direct a copy of such rule, and a notice of the application for the same, and for all persons interested in the said lands held in tail, to appear in the said court, and to shew cause, if any they have against the said rule, before the same shall expire, to be inserted in

the newspaper called the Royal Gazette, at Halifax, continually from the date of the said rule until the time for shewing cause against it shall be elapsed.

II. And be it further enacted, that if sufficient cause against enrolling the said indentures for the purpose of barring such estates tail be not shewn to the said court before the last day of the term next ensuing that in which the rule shall be granted, the same on that day, upon proof being given of the insertion of the notice aforesaid in the said newspaper, shall be made absolute, and the same indentures, and all the proceedings relating thereto, shall be enrolled of record of the said court, after a docquet of the judgment for such enrolment shall have been signed in the same manner as the docquets of other judgments of the said court in civil cases.

III. And be it further enacted, that such indentures so enrolled as aforesaid, shall, from the time of their enrolment, be sufficient and effectual in law to bar all estates tail in the lands, tenements and hereditaments, by the said indentures granted and conveyed, with their appurtenances, and all right and title of the tenant or tenants in tail, and of their issue in tail, and of all others claiming under and by force of the original gift or grant which created such estates tail in and to the same lands, tenements and hereditaments; and all reversions and remainders expectant upon the determination of such estates tail; and to pass and to vest the said lands, tenements and hereditaments, in such indentures contained, with their appurtenances, to and for such estates, uses and purposes, as shall be limited, expressed and declared, therein, as fully and effectually as if the party by whom such indenture shall be acknowledged were seized of an estate in fee simple at the time of making such acknowledgment, or had suffered a common recovery in His Majesty's court of common pleas at Westminster, in England, for the same lands within its jurisdiction. Provided nevertheless, that the same indentures be also duly registered in the registry of deeds in the county or district wherein the lands thereby conveyed are situate.