

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Thursday the Eleventh day of February, 1819, in the Fifty-Ninth 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 Eleventh General Assembly, convened in the said Province.

59 George III – Chapter 20

An Act in further addition to, and amendment of, an Act, passed in the third and fourth years of His present Majesty's Reign, entitled, "An Act for the relief of Insolvent Debtors."

Whereas, the benefit of the said act for the relief of insolvent debtors, and of the several acts made in addition to, and amendment thereof, hath been refused in certain cases when the parties applying have executed any deed or deeds of assignment in trust to, or for the benefit of, their creditors, and for the equal distribution of their effects among them: and whereas, it is expedient to extend the benefit of the said acts to such cases:

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, and by the authority of the same, that whenever, upon the examination of any petitioner or petitioners for the benefit of the said acts before any judges of His Majesty's supreme court, it shall appear that any assignment or conveyance of his or their estate or effects has been executed in trust for the equal distribution thereof, to and among his or their creditors, then, and in every such case, it shall and may be lawful to and for the said judges, and they are hereby authorised and required, to proceed, either by the examination of witnesses on oath, or otherwise, as to them shall appear most expedient, to enquire into, and examine, the nature and circumstances of such assignment, and the reason and inducements for executing the same, and the proceedings had in consequence thereof; and if, upon such examination and investigation, the said judges shall be satisfied that such assignment or conveyance in trust was made without fraud, and with the intent and purpose that the proceeds of the estate and effects assigned should be divided and distributed fairly and equally to and among the several creditors of the said petitioner or petitioners in proportion to their demands, then, and in every such case, the said judges shall, and they are hereby required, notwithstanding such assignment or conveyance, to extend the benefit of the said several acts, to the petitioner or petitioners, provided he or they shall in other respects comply with the provisions thereof.

II. And be it further enacted, that it shall and may be lawful for His Majesty's supreme court, at any of its sessions, upon the application of any person or persons interested in any such assignment, or conveyance in trust, that hath been adjudged of in manner aforesaid, by rule of order of the said court, from time to time, in a summary way, to call to account the trustee or trustees named in such assignment or conveyance, and to cause him or them to make distribution of all sums collected and received by virtue thereof, to and among the several persons for whose benefit the same was intended, according to the true intent and meaning thereof, and in such manner as shall be by such rule or order appointed and

directed, notwithstanding the monies collected by such trustee or trustees shall not amount to the dividend or dividends expressed in and appointed in such assignment or conveyance, to be paid by the trustee of trustees named therein.

Provided always, that nothing in this act contained, shall extend, or be construed to extend, to any person or persons, or to the case of any assignment, where application shall not be made for relief within sixty days after the publication of this act.

III. And be it further enacted, that this act shall continue, and be in force, until the eighteenth day of March, which will be in the year of our Lord one thousand eight hundred and twenty, and no longer.