

shall be impowered to cause process to be issued against all and every person and persons who shall stand indebted for duties longer than three Months allowed for the payment thereof.

If the Treasurer shall not cause process to issue at the end of 3 months the duties in arrears shall be deemed assets in his hands.

VII. *And be it further enacted,* That if the said Treasurer shall not cause process to be made for any duties to arise by virtue of this act at the end of the said three Months, hereby limited for the payment thereof, such duties, and the arrears thereof, as he shall so omit to sue for, shall be deemed assets in his hands; and he shall in such case be answerable for the same accordingly.

Treasurer to appoint deputies to be approved of by the Lt. Governor, in the several counties who shall give good security to the Treasurer for the faithful discharge of their duty, and shall have 10 per cent. for their trouble.

VIII. *And be it further enacted,* That the Treasurer of the Province, for the time being, shall nominate fit persons to be approved of by the Lieutenant-Governor in the several counties in this province, to receive the several duties and impositions laid and imposed by this act, which persons so appointed shall give good and sufficient security to such Treasurer, for the faithful discharge of their duty, and to be accountable for all sums so to be received by virtue of this act, to the Treasurer, when thereunto required, which person so appointed shall have and retain *ten pounds* for every hundred pounds, they shall so receive in full for their trouble and services.

Money to remain in the treasury till disposed of by act of Assembly.

IX. *And be it further enacted,* That all the money to arise by virtue of this act, shall remain in the Treasury until the same shall be disposed of by an act or acts of the Lieutenant-Governor, Council and Assembly, to be passed for that purpose.

Act to be in force 18 Months.

X. *And be it enacted,* That this act shall continue and be in force for eighteen Months and no longer.

### CAP. III.

## An ACT for SECURING the PURCHASERS of MORTGAGED ESTATES.

WHEREAS it may be beneficial to Mortgagers and Mortgagees of real estates, that the sales of such estates, made in the manner herein-after directed, should not be subject to be redeemed in equity.

Preamble.

*Disallowed by the King in Council in 1790.*

I. *Be it enacted, by the Lieutenant-Governor, Council, and Assembly,* That it shall and may be lawful for the Mortgagees of any lands, tenements or hereditaments, that now are or hereafter shall be mortgaged, for the payment of any sum or sums of money, to sell such lands, tenements, and hereditaments, in the manner following, subject to the restrictions, and provisos herein after mentioned.

Mortgagees authorized to sell lands, &c. under restrictions.

II. *And be it further enacted,* That no good and *bona fide* sale of lands, tenements or hereditaments that shall be made in the manner herein directed by Mortgagees, their heirs, executors or administrators, shall be defeated, to the prejudice of the *bona fide* purchaser thereof, in favour or for the advantage of any person or persons claiming a right of redemption in equity. Provided always, that nothing in this act contained, shall be construed to prejudice any other Mortgagee of the same lands, tenements and hereditaments, or any part thereof, whose title accrued before the Mortgagee, in virtue of which such *bona fide* sale is made, or any Creditor to whom the mortgaged premises or any part thereof was before bound by any judgment at law, or decree in equity.

*Bona fide* sale of lands, &c. by Mortgagees, according to the Provision of this act, shall not be defeated in favour of any person claiming equity of redemption.

Such sale not to prejudice prior Mortgagee, or judgment creditor.

III. *And be it enacted,* That all mortgages under which any sale or sales shall be made in the manner herein after directed, shall be acknowledged or proved, and registered agreeable to law, before the notice of sale be given. And every such sale shall be made by the Sheriff of the County, at Public Auction, or Vendue. And no such sale shall be made by virtue of this act in less than twelve months from the time the money secured to be paid by such mortgage is made payable, nor without first giving three months notice of such sale, by public advertisement, to be inserted and continued in the News-Paper, printed by the King's Printer, and also fixing up the said notice for the same term, in the Registers office of the county where the lands, tenements or hereditaments so to be sold shall lie.

Deeds to be registered before notice of sale.

And such sale to be by the Sheriff at public auction.

No sale to be made in less than twelve months after the money secured becomes payable; nor without three months notice by advertisement in the news-paper, &c. and in the registers office.