

W.H.H.

17D-817H

Pa

William H. Harris  
Deputy Sheriff

To

John Fraser

Dated 3<sup>rd</sup> July 1850

Provier of Registrar's Office  
Nova Scotia & Pictou 3<sup>rd</sup> July  
1850. I do hereby certify  
that the within instrument  
was duly registered at 5  
o'clock P.M. of the above  
day in Libe 34 folio 597  
in the oath of Donald Gunn  
a subscribing witness thereto  
pursuant to Law

Wm Harris Registrar

Done 3 July 1850. 5 P.M.

and fifty. Between William H. Harris of Petou in  
the County of Petou and Province of Nova Scotia Deputy  
Shuff of said County of the one part, and John Fraser  
Peterson, son, of Mr. Sellans Mortuette in the County and  
Province of Nova Scotia of the other part Witnesseth  
that whereas by a certain deed of indenture bearing date  
the nineteenth day of May in the Year of our Lord one thousand  
eight hundred and forty one, Donald McDonald and  
Isabella his wife for the security of the sum of One hundred  
Pounds of lawful money of Nova Scotia due from the  
said Donald McDonald to the said John Fraser  
did mortgage to the said John Fraser, the lands and  
premises hereinafter described, and intended to be hadly  
granted bargained sold and conveyed as by the said  
Mortgage and copy thereof will more fully appear  
And whereas under and Equivocal of an act of the  
Province aforesaid, made and passed in the third  
Year of the reign of His late Majesty King William  
the fourth, entitled an act for the more easy redemption  
and foreclosure of mortgages, and the acts in amendment  
thereof the said John Fraser as mortgagee as aforesaid  
by the construction of Her Majesty's Supreme Court held  
at Petou in the County of Nova Scotia in the term of October  
in the Year of our Lord one thousand and eight hundred  
and forty three rendered judgment against the said  
Donald McDonald for the sum of one hundred and  
fourteen Pounds and ten Shillings that being the amount  
due for the principal and interest on the said Mort-  
-gage and also the sum of six pounds seven Shillings

and whereas by a rule of said Court made in said  
cause during said term, it was ordered and directed  
that a sale of such mortgaged premises and hereditaments  
described in said Mortgage or of such part thereof as would  
be sufficient to pay and discharge the said principal sum  
or debt due on said Mortgage together with the costs to be  
taxed by the Court should be made by the Sheriff of  
the County of Peterborough or his deputy residing there at  
public auction to the highest bidder and that forty  
days notice of the time and place of such sale should  
be given by advertising the same in the Royal  
Gazette Newspaper in Halifax, and that the  
return thereof should be made by the said Sheriff  
or his deputy as aforesaid, and that out of the  
proceeds thereof the said Sheriff or his deputy should  
pay to the said Plaintiff the said sum or debt  
due as aforesaid together with the said costs, if  
the said land should sell for sufficient to dis-  
charge the said principal sum or debt and costs,  
the surplus should be paid over by the said Sheriff  
or his deputy to the said Defendant the Mortgagee  
and that a deed or deeds of bargain and sale  
of the said lands, tenements or hereditaments  
should be made executed and delivered by  
the said Sheriff or his deputy to the purchaser or  
purchasers under such sale, and that such deed  
or deeds should be sufficient to convey to the  
purchaser or purchasers the said lands, tenements  
or hereditaments, and all the estate right title  
claim and demand of the said Defendant,

And whereas the said lands and premises after being duly  
advertized for sale in manner and form aforesaid and  
directed in and by the said rule of Court was on  
the seven tenth day of October one thousand eight  
hundred and forty eight set up at auction at the  
time and place appointed for that purpose and  
knocked down and sold by the said Deputy Sheriff  
to the said John Fraser for the sum of one hundred  
and seventeen pounds — he being the highest  
bidder for the same at the said sale, With this  
Indenture Witnesseth that the said William H. Harris  
deputy Sheriff as aforesaid, in further pursuance of the  
said rule of Court and in consideration of the said sum  
of one hundred and seventeen Pounds — of  
lawful money of Nova Scotia to him in hand well and  
truly paid by the said John Fraser at or before the  
making or delivery of these presents the receipt  
whereof is hereby acknowledged. Hath granted  
bargained sold remised released conveyed and  
Confirmed, and by these presents doth grant bargain  
sell remise release convey and Confirm unto the  
said John Fraser his heirs and assigns forever, all  
the lot piece or parcel of land mortgaged as aforesaid  
and situate lying and being at Fox Brook and is  
abatted and bounded as follows, "that is to say"  
Beginning at a Beech tree upon the Southeast  
line of a certain James McLeod, and running  
from thence North forty five degrees west forty  
four rods, thence South forty five degrees west twenty  
six rods, thence South forty five degrees East  
three hundred and thirty four rods, thence

and whereas by a rule of said Court made in said  
cause during said term, it was ordered and directed  
that a sale of such mortgaged premises and hereditaments  
described in said Mortgage or of such part thereof as would  
be sufficient to pay and discharge the said principal sum  
or debt due on said Mortgage together with the costs to be  
taxed by the Court should be made by the Sheriff of  
the County of Peterborough or his deputy residing there at  
public auction to the highest bidder and that forty  
days notice of the time and place of such sale should  
be given by advertising the same in the Royal  
Gazette Newspaper in Halifax, and that the  
return thereof should be made by the said Sheriff  
or his deputy as aforesaid, and that out of the  
proceeds thereof the said Sheriff or his deputy should  
pay to the said Plaintiff the said sum or debt  
due as aforesaid together with the said costs if  
the said land should sell for sufficient to dis-  
charge the said principal sum or debt and costs;  
the surplus should be paid over by the said Sheriff  
or his deputy to the said Defendant the Mortgagee  
and that a deed or deeds of bargain and sale  
of the said lands, tenements, or hereditaments  
should be made executed and delivered by  
the said Sheriff or his deputy to the purchaser or  
purchasers under such sale, and that such deed  
or deeds should be sufficient to convey to the  
purchaser or purchasers the said lands, tenements,  
or hereditaments, and all the estate right title

Seven rods or to the first boundary or place of  
beginning containing One hundred acres more  
or less with all the privileges and appurtenances  
thereto belonging or in anywise appertaining  
and the reversion and reversions remainder  
and remainders rents issues and profits  
thereof and also all the estate right title  
claim interest property and demand whatever  
both at law and in equity of him the said  
Donald or Donald as mortgagor as  
aforesaid and of the said John Fraser as  
mortgagee as aforesaid their and each of  
their heirs executors administrators and  
assigns, and of all and every person or  
persons claiming by or under them or either  
of them, of in to or upon the said lot of land  
and premises, heretofore described and  
ordered to be sold as aforesaid — To have  
and to hold the said described lot of land and  
premises intended to be hereby granted bargained and  
sold with the appurtenances unto the said John Fraser  
his heirs and assigns forever, in as full and ample a manner  
as the same was or could have been held by the said Donald  
M. Donald as mortgagor as aforesaid or by the said John  
Fraser as mortgagee as aforesaid, or their or either of their  
heirs executors administrators or assigns. — In witness  
whereof the said William H. Harris Deputy Sheriff  
brought hereunto his hand and seal subscribed and set the  
day and Year first within written  
Signed sealed and  
Wm. H. Harris