

notices, for sending in such claims, be at liberty to distribute the assets of the testator or intestate, or any part thereof, amongst the parties entitled thereto, having regard to the claims of which such executor or administrator has then notice, and shall not be liable for the assets or any part thereof so distributed to any person of whose claim such executor or administrator shall not have had notice at the time of distribution of the said assets or a part thereof, as the case may be; but nothing in the present Act contained shall prejudice the right of any creditor or claimant to follow the assets or any part thereof into the hands of the person or persons who may have received the same respectively. 10 22 & 23 Vic., cap. 35, sec. xxix.

In case of deficiency of assets, certain debts to rank *pari passu*, and without priority over each other.

Exception

31. On the administration of the estate of any person dying after the passing of this Act, in case of a deficiency of assets, debts due to the Crown, and to the Executor or Administrator of the deceased person, and debts due to others, including therein respectively debts by judgment, decree or order, and other debts of record, debts by specialty, simple contract debts, and such claims for damages as by statute are payable in like order of administration as simple contract debts, shall be paid *pari passu* and without any preference or priority of debts of one rank or nature over those of another. But nothing herein contained shall prejudice any lien existing during the lifetime of the debtor on any of his real or personal estate. 15 20

If an executor or administrator rejects a claim, suit must be brought within a certain period, or be barred.

32. In case the Executor or Administrator gives notice in writing to any creditors or other persons of whose claims against the estate such Executor or Administrator has notice, or to the attorney or agent of such creditor or other person, that the said Executor or Administrator rejects or disputes such claim, it shall be the duty of the claimant to commence his suit in respect of such claim within six months after such written notice was given, in case the debt or some part thereof was due at the time of the notice, or within six months from the time the debt or some part thereof falls due, if no part thereof was due at the time of the said notice; and in default the said suit shall be forever barred. 25 30

After 1st of January, 1864 a suit to recover personal estate of an intestate or any part thereof, must be brought within the same time as a suit for a legacy.

33. After the first day of January, one thousand eight hundred and sixty-four no suit or other proceeding shall be brought to recover the personal estate, or any share of the personal estate, of any person dying intestate, possessed by the legal personal representative of such intestate, but within the time within which the same might be brought to recover a legacy, that is to say, within twenty years next after a present right to receive the same shall have accrued to some person capable of giving a discharge for or release of the same, unless in the meantime some part of such estate or share, or some interest in respect thereof, shall have been accounted for or paid, or some acknowledgment of the right thereto shall have been given in writing, signed by the person accountable for the same, or his agent, to the person entitled thereto, or his agent; and in such case no such action or suit shall be brought, but within twenty years after such accounting, payment, or acknowledgment, or the last of such accountings, payments, or acknowledgments, if more than one was made or given. 23 & 24 Vic., cap. 38, sec. 13. 35 40 45

Trustee, Executor, &c., may apply by petition to Judge of Chancery for opinion, advice, &c., in Management, &c., of Trust Property.

34. Any trustee, executor or administrator shall be at liberty, without the institution of a suit, to apply by petition to any Judge of the High Court of Chancery, or by summons upon a written statement to any such Judge in Chambers, for the opinion, advice or direction of such Judge on any question respecting the management or administration of the trust property or the assets of any testator or intestate, such application to be served upon or the hearing thereof to be attended by all persons interested in such application, or such of them as the said Judge 50 55