

C A P. V.

An ACT in Amendment of Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of Estates of Intestates, and to enable Executors and Administrators the more speedily to settle the Estate of the Deceased.

W HEREAS from the neglect of Creditors in giving in their Claims or Demands against the Estate of the Deceased, it frequently happens Executors and Administrators are prevented making a Settlement of the Estate of the Deceased within a reasonable Period.

I. *Be it therefore Enacted, by the Lieutenant Governor, Council and Assembly,* That from and after the Publication of this Act, it shall and may be lawful for every Executor or Administrator having used out Letters Testamentary or Letters of administration at the Expiration of two Years, and six Months, from the Date of said Letters, &c. to pay all such Debts, Dues, and Demands as shall then be exhibited so far as the Real or Personal Estate of the Deceased in his Hands will enable him, and after the Payment of such Debts, Dues and Demands, if there shall remain any Overplus, to make such further Distribution of the same, as by Law or by the last Will and Testament of the Deceased is directed.

II. *And be it further Enacted,* That every Executor and Administrator previous to the Payment of Debts or Distribution of the Estate of the Deceased shall by advertisement in the public News Paper or Papers of this Province, and in one or more of the public News Papers of the City of St. John in New Brunswick, for the Space of six Months call on all Persons, who have any Demands on the estate of the Deceased, to exhibit such Demands within the Space of Eighteen Calendar Months from the Date of said Advertisement, which Advertisement made and published as aforesaid, shall exclude every Creditor who shall not exhibit his Demand in Manner aforesaid, *Provided always nevertheless,* That nothing herein contained shall extend to Judgments on Record or Mortgages registered, *And provided always,* That nothing in this Act contained shall extend or to be construed to extend to oblige any Executor or Administrator or Executors or Administrators to advertise in any other public News Paper other than in this Province unless the Inventory of the Deceased Estate returned into the Probate Office, shall exceed the Sum of One Hundred Pounds, any thing herein contained to the contrary thereof notwithstanding. *And be it further Enacted,* That any Executor or Executors, Administrator or Administrators who shall from and after the Publication hereof, neglect

Executors and Administrators after 2 years and 6 months may pay all debts then exhibited and to distribute any overplus according to Law and last Will.

Executors and Administrators previous to payment or distribution to advertise in the public News papers in Province of Nova Scotia and at St. John's, New Brunswick six months, for persons to exhibit their demands, within 18 months, which advertisement shall exclude creditors neglecting to make demand. Not to extend to judgement or Mortgage, nor to oblige executors or administrators to advertise except in the Province, unless the Inventory shall exceed £.100. Executors or Administrators neglecting to make distribution agreeable to this Act to forfeit £.50.