

the effect that all creditors execute the deed within six months, did execute it within the 2nd June, 1864, for the benefit of the assignees who were represented by the plaintiff himself, who resided in London for the three months specified in said assignment, but the assignees and the plaintiff had then no dividend having come in and that he

the Court, all the executors of the will of the said testator, Surrey County, for said will of the said testator, and subsequently the sum of £1500

Court of Chancery account for funds due to the executor afterwards on the 2nd June, 1864, to the solicitors of the said testator held in trust

was executed on the 22nd day of June (B), is hereunto annexed in the "Royal Warrant" that all creditors of the said William Gohegan within three months from the date of said assignment. The said children of

said Richard Gohegan were, by letter dated 27th May, 1864, informed of said assignment by the said Robert G. Haliburton, who received in reply the letter, a copy whereof is hereunto annexed, marked (A).

After the three months specified in said assignment had expired, but before any distribution of the proceeds, the said Robert G. Haliburton, alleging that he had, since the expiration of the said three months, received due authority from England on behalf of said estate of Gohegan, claimed to come into said assignment as a creditor in his right as trustee as aforesaid, which was refused by the assignees and by creditors who had executed said assignment. No distribution has ever been made by the assignees of said William Gohegan Coombes' estate.

The question for the Court is whether by law or in equity the said Robert G. Haliburton, trustee, and duly empowered as aforesaid, was and now is precluded from coming in and sharing with other creditors in the distribution of said estate, who have duly executed said assignment within the time therein limited.

(A.)

62 Moorgate Street, E. C.,
London, 30th June, 1864.

DEAR SIR,—

We duly received your letter containing the terms of the proposed arrangement with Coombes' trustees and immediately applied to the Court of Chancery for permission to carry out your suggestions, and we have obtained an order for you to proceed as you think most for the benefit of Mr. Gohegan's estate.

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We will send you the Chancery order for your authority and guidance as soon as possible,—it is not quite ready for this mail.

Yours truly,

ROBERTS & SIMPSON.

R. G. Haliburton, Esq.,
Halifax, Nova Scotia.