

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 of 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. 22 & 23 Vic., cap. 35, sec. xxix. 10

28. 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, 15 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 20 any of his real or personal estate.

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

Exception.

29. In case the executor or administrator gives notice in writing to any creditor or other person 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 25 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 30 said notice; and in default the said suit shall be for ever barred.

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

LIMITATION IN INTESTACY.

30. After the first day of January, one thousand eight hundred and sixty-six, 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, 35 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 40 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 45 of such accountings, payments or acknowledgments, if more than one was made or given. 23 & 24 Vic., cap. 38, sec. xiii.

After 1st of January, 1866, 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.

SUMMARY APPLICATIONS TO CHANCERY.

31. Any trustee, executor or administrator shall be at liberty, without the institution of a suit, to apply by petition to any Judge of the Court of Chancery, or by summons upon a written statement to any such 50

Trustee, executor, &c., may apply by petition to