

**Executor's Notice to Creditors.**—The following form of notice executors may use in a local newspaper or the official *Gazette*:

Re estate of . . . . ., deceased.

Notice is hereby given, pursuant to Chapter 129, Section 38, R.S.O. (or similar for other provinces), that all persons having claims against the estate of . . . . ., late of the Township of . . . . ., County of . . . . . (yeoman, or as the case may be), who died on or about the . . . . of . . . . . 19 . . . , are required to deliver their claims and full particulars of such claims to . . . . ., of the town of . . . . ., Executor, on or before the . . . . day of . . . . ., 19 . . . . And after the said . . . . day of . . . . ., 19 . . . ., I will distribute the assets of the said deceased among the parties entitled thereto, having regard only to the claims of which I shall have received notice.

A. D., *Executor*.

After the due publication of the above notice the executors may, after the expiration of the time stated in the notice, proceed to pay those who have delivered their claims, and then distribute the balance among the beneficiaries.

If debts should afterwards appear, be sued for, and recovered, each one shall refund and pay back to the executor or administrator his rateable part of the debt and costs.

**Powers and Liabilities of Executors and Administrators.**—They represent the deceased in settling the affairs of the estate, and distributing the proceeds among the beneficiaries according to instructions in the will, but if no will then according to statute.

They may pay debts or claims upon any evidence that they deem sufficient, may compromise or submit to arbitration any debt or claim as they think best, may give and execute such agreements, releases, etc., as they deem expedient without becoming responsible for any loss occasioned thereby, unless forbidden by the instrument appointing them.

They may complete whatever contracts the deceased was bound to complete if he had not died.

They may maintain an action for all torts or injuries to the person or estate of the deceased, except in cases of libel and slander, that have not been barred by statute. Third parties may also bring action against the executors or administrator for torts or injuries, as well as debt that they could have brought against the deceased if he had not died.

An executor of a deceased executor may draw deceased executor's trust funds from a bank.

The statutes allow an executor or administrator to withdraw money deposited in a bank in the name of the deceased testator.

Executor may mortgage an estate for necessary improvements, but not to himself. He could subsequently buy the mortgage and have it assigned to him, and hold it as security for the principal money and interest.

In Nova Scotia, chapter 27, 1910, provides that the conditions in such mortgage must have the approval of the Court endorsed on it.

Executors may provide for the education of the minor children and pay necessary expenses out of the estate.

They may also erect a suitable monument to deceased according to his station in life, and pay for the same out of the estate.

Executors of a deceased member of a partnership firm do not become partners, and cannot interfere with the partnership business. The deceased partner's interest must be ascertained and paid over by the surviving partners, and if this cannot be done satisfactorily to the executors, the executors may enter action for the partnership business to be wound-up and the assets converted into cash and divided as per partnership agreement.

**Discharge of Executors.**—An executor, who is believed by the heirs to be acting unwisely or unjustly, may be compelled to show his books before the County Judge by any of the heirs who is twenty-one years of age.