

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the fifth day of December 1785, in the Twenty Sixth Year of his said Majesty's Reign, and there continued by several Prorogations unto the Twenty Fifth Day of February, 1790, in the Thirtieth Year of his Majesty's Reign, being the Fourth Session of the Sixth General Assembly convened in the said Province.

30 George III – Chapter 5

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.

Whereas 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 newspaper or papers of this province, and in one or more of the public news papers of the city of St. John [Saint 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 or refuse when called on to make distribution of the deceased estate, agreeable to this act, all such executor or executors, administrator or administrators, shall for each and every neglect or refusal forfeit and pay the sum of fifty pounds, to be

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recovered by bill, plaint or information in any of his Majesty's courts of record in this province by any or either of the heirs or creditors of the deceased.