

To be appropriated
to the payment of
the Debentures.

Compensation to
the Treasurer.

sums and at such times as the said Sessions may think fit, he rendering an account thereof in the same manner as in the case of monies hereinbefore mentioned; and it shall and may be lawful for the said Justices, in their said General Sessions, and they are hereby required to appropriate and apply such monies so as aforesaid received, for such debts from time to time in the payment of a certain number of the said debentures or notes, with the interest due thereon, in their due order as aforesaid, causing the like notice to be given thereof as aforesaid.

VII. And be it enacted, That the said County Treasurer shall be entitled to the sum of one pound five shillings per centum for his services in receiving and paying all the monies ordered to be assessed by and under the provisions of this Act, and no more.

CAP. XLI.

An Act further to amend the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates.

Passed 13th April 1844.

Preamble.

‘WHEREAS it is expedient to enlarge the time for granting Licenses to ‘sell or lease the Real Estate of any Testator or Intestate, for the ‘payment of debts;’

3 V. c. 61, in part
repealed.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much of an Act made and passed in the third year of the Reign of Her present Majesty, intituled *An Act in amendment of the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates*, as requires the application by any Executor, Administrator or Creditor of any Testator or Intestate for a license to sell or lease any Real Estate for the payment of debts to be made within three years after the granting of Letters Testamentary or of Administration, be and the same is hereby repealed.

Time within which
license for the sale
of the Real Estate of
a Testator or Intestate
may be granted,
extended.

II. And be it enacted, That the Court of Chancery or Surrogate Court, (as the case may be) may at any time within the period of seven years from the death of the Testator or Intestate, when such death may have taken place after the first day of January in the year of our Lord one thousand eight hundred and forty, or within twelve years after the death of any Testator or Intestate, when such death may have taken place previous to the said first day of January in the year one thousand eight hundred and forty, on the application of the Executor, Administrator or Creditor of such Testator or Intestate, grant a license for the sale or leasing of the Real Estate of such Testator or Intestate for the payment of debts in the manner prescribed in and by the said recited Act: Provided always, that no such License granted after the expiration of three years from the death of the Testator or Intestate shall extend to or in any wise affect the title to any Real Estate which any purchaser for a valuable consideration may have or claim, by, through or under any conveyance made by any Devisee or Heir of such Testator or Intestate, and duly registered agreeably to the directions of the Acts relating to the Registry of Deeds, before the granting of such License: And provided also, that no License shall be in force for a longer period than two years from the time of granting the same, and any sale or lease of Real Estate made thereunder after such License shall have expired, shall be null and void.

License to sell
granted after three
years from the
death, not to affect
a title to property
acquired through a
Devisee or Heir.

Court may grant
further time for
Executors or Admini-
strators to plead
when necessary, to
find out a true state
of the affairs of the
Estate.

III. ‘And whereas actions are frequently brought against Executors or Administrators before the true state of the assets of or demands against the Estate ‘can be ascertained, and it is expedient that in such cases time shall be given to ‘plead to such actions;’ Be it therefore enacted, that when any action shall be brought in any Court of Law against any Executor or Administrator as such, and it shall be made to appear by affidavit or otherwise to the satisfaction of such Court, or if in vacation, any Judge thereof, that such Executor or Administrator requires further information in regard to the true state of the affairs of the Estate, whether as regards the assets of or outstanding debts against such Estate, in order to enable him to plead to such action the proper defence or answer, it shall be lawful for such Court, or any Judge, in vacation, to make an order for such further time to plead as may by such Court or Judge be considered reasonable, and if need be, the same again further to extend.

IV. ‘And whereas in and by the thirty third section of the said recited Act, ‘it is amongst other things provided, that debts shall be paid in the order of ‘classes, and that all debts of the same class shall be paid in equal proportions,