

'and doubts have arisen whether an Executor or Administrator can in any case 'avail himself of the want of notice of any demand at the time of paying any 'such debts or proportion thereof, as a legal defence or answer to an action for such demand;' Be it therefore enacted, that when after the expiration of eighteen months from the date of the Letters Testamentary or of Administration, any Executor or Administrator shall have applied the assets in his hands to be administered to the payment of all such debts or any proportion thereof, of which he had notice at the time of such payment, and any Creditor shall afterwards bring an action against such Executor or Administrator for the recovery of any demand against the Estate, it shall be a good defence or answer to such action that such assets have been so applied before such Executor or Administrator had any notice of such demand; provided that such defence or answer be specially pleaded, on the trial of which issue the proof of such notice having been given, shall lie on the Plaintiff; and provided also, that the Plaintiff may, as in other cases, take judgment for such demand or any part thereof, to be levied of future assets in the manner and with the like effect as provided for in the thirty fourth section of the said recited Act.

Want of notice of demand to be a good defence in actions brought after due application of assets in payment of debts.

Judgment may be taken to be levied of future assets.

V. 'And whereas it is necessary to give further remedy in order to compel 'an Executor or Administrator to render an account of his Administration;' Be it therefore enacted, That if any Executor or Administrator shall neglect or refuse to render an account of his Administration, after being duly cited for that purpose, as provided for in the thirty fifth section of the said recited Act, he shall forfeit and pay the sum of five pounds every month from and after the time appointed by such citation, or any further time that may be allowed by the Surrogate for such account to be rendered, until he shall render such account; every such forfeiture to be had and recovered by action of debt in the Inferior Court of Common Pleas in the same County, in the name and for the use of any Heir, Legatee or Creditor of the Testator or Intestate, who shall first sue and prosecute for the same.

Penalty for not rendering accounts after citation.

VI. 'And whereas in cases of small Estates, it is desirable to lessen and limit 'the fees payable to the Surrogate Judge and Register of Probates respectively;' Be it therefore enacted, That when the Estate does not exceed one hundred pounds, and there shall be no contest, the fees of the Surrogate Judge shall be twenty shillings and no more; and when the Estate does not exceed two hundred pounds, and there shall be no contest, his fees shall be thirty shillings and no more; and in such cases the same fees shall be payable to the Register and no more; and in all cases where the Estate does not exceed two hundred pounds, if license be granted by the Surrogate Judge for the sale of the real Estate belonging to the same, and there shall be no contest, the fees of the Surrogate Judge for all proceedings relating to the application for and the granting of such license shall not exceed twenty shillings, and for the Register the like sum and no more, any thing in the said recited Act to the contrary notwithstanding.

Fees of the Surrogate Judge and Register.

Cap. XLII. and XLIII. will appear in next Gazette.

Cap. XLIV.

An Act to appropriate a part of the Public Revenue for the payment of the Ordinary Services of the Province.

Passed 13th April 1844.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That there be allowed and paid out of the Treasury of the Province for the services hereinafter mentioned, the following sums, to-wit:—

To the Chaplain of the Legislative Council in General Assembly the sum of twenty pounds.

Chaplains.

To the Chaplain of the House of Assembly the sum of twenty pounds.

To the Sergeant at Arms attending the Legislative Council in General Assembly the sum of fifteen shillings per diem during the present Session.

Sergeants at Arms.

To the Sergeant at Arms attending the House of Assembly the sum of fifteen shillings per diem during the present Session.

To the Clerk of the Legislative Council in General Assembly the sum of one hundred and fifty pounds for his services during the present Session.

Clerks of Council and Assembly.

To the Clerk of the House of Assembly the sum of one hundred and fifty pounds for his services during the present Session.

To the Clerk Assistant of the Legislative Council in General Assembly the sum of seventy five pounds for his services during the present Session.

Clerks Assistants.

To the Clerk Assistant of the House of Assembly the sum of seventy five pounds for his services during the present Session.