

29. In the payment of the debts of deceased persons, hereafter to be contracted, no creditor shall be entitled to any priority, except such as have judgment against the deceased, nor shall any preference be given to creditors in equal degree by the executor or administrator; and all executors, &c. in paying the debts of the deceased hereafter to be contracted, shall observe the following rules where it is apprehended the deceased has not left personal estate sufficient to satisfy the debts due by him, to wit: To pay no debt until the end of 12 months after the death of the deceased; to advertise publicly in all places within this and the other United States where any creditor or creditors of the deceased is or are supposed to reside, for all creditors to appear on a certain day, within 6 weeks after the expiration of the twelve months aforesaid, and at a certain place to be mentioned in such advertisements, with their claims against the deceased properly authenticated, at which time, or as soon thereafter as can be, the executor, &c. shall first discharge all judgments against the deceased, if there be assets sufficient in his hands for this purpose; and if not, and there be more judgments than one, a proportionable division of the assets shall be made between the judgment creditors; and if there be no debts or judgment, or a surplus of assets after paying the judgment, then the executor, &c. shall divide the assets in his hands equally between all other creditors without priority or preference, and if the executor, &c. judges it reasonable to dispute or litigate any claim brought against such estate as aforesaid, he may retain in his hands assets sufficient to discharge the just proportion of such claim, upon a supposition it may be recovered, which assets, or a just proportion of them, shall be accounted for to the other creditors in case such claim or the whole shall not be recovered; and if assets shall come to the hands of the executor, &c. after such first payment and division, such executor, &c. shall, by public advertisement, as aforesaid, give notice of the same to the creditors within a reasonable time after the assets come to the hands of such executor, &c. and shall pursue such rule of division among the creditors as is before directed, and so toties quoties until the estate of the deceased is justly and fairly administered; and any person neglecting to bring in his claim according to such notice, shall have no right to claim from the executor or administrator any division of the assets aforesaid, made at any time before such claim may be brought in, but such creditor, when his claim is brought in, shall have a proportionate share in all divisions made after such claim is brought in; and if any executor, &c. shall not observe these rules and directions, such executor, &c. shall be liable to pay out of his own estate the loss sustained by any creditor in consequence of the neglect or breach of the same.--1785, c. 80, § 7.

30. And in case there be not personal estate sufficient to pay the debts of the deceased, and he shall have left lands, &c. to descend, or hath devised the same, and the heir or devisee may be liable to pay the debts of the deceased remaining unsatisfied, to the value of the lands, &c. descended or devised, then such heir or devisee, being of age, or upon