

and the entry thereof in a book to be kept for that purpose, the Registrar of such Court shall be entitled to receive the sum of *one shilling*, and no more.

Personal representative to file an attested account of assets.

V. Immediately after the expiration of six calendar months from the time of administration granted of the estate and effects of any deceased person, the personal representative of such deceased person shall deliver into the Court by which such administration was granted, a statement in writing, verified by oath or affirmation, which oath or affirmation may be administered by any commissioner for taking affidavits, or any magistrate, of all the assets of such deceased person within the knowledge of such personal representative, and thereupon such Court shall, from time to time, upon the application of any such claimant who shall have filed his claim verified as aforesaid, have power to examine such personal representative on oath, and declare such dividends payable out of the said assets, as the same may be realized, as to the said Court shall seem meet; and such personal representative shall be liable in an action for money had and received, to the parties entitled to such dividends, if not paid at the time or times when the same shall be declared payable by such Court as aforesaid.

Court to declare dividends payable out of assets.

If personal estate be insufficient, Court may direct the sale of real estate.

VI. Whenever the personal estate of any deceased person shall be insufficient to pay all such claims, debts or demands as existed against such deceased person, and such deceased person shall have died seized or entitled to any such estate or interest in lands or tenements as might have been taken in execution therefor, it shall be lawful for such Probate or Surrogate Court having right to administration of the estate of such deceased person, on the application of any such claimant as aforesaid or of the said personal representative, to order and direct that any such estate or interest in lands shall be sold at such time and in such manner as such Court shall direct, and upon such sale, a deed or conveyance of such lands signed by the Registrar of such Court under the seal of such Court shall be sufficient to convey the estate and interest of such deceased person therein to the purchaser at such sale, and the amount realized at such sale beyond all costs and charges, shall be assets in the hands of such personal representative, to be applied to the payment of such claims, debts or demands as aforesaid: and for the execution of any such deed, such Registrar shall be entitled to the sum of *ten shillings*.

How such real estate if sold, shall be conveyed to purchaser.

Personal representative neglecting to file account may be compelled to do so.

VII. If within one calendar month after the expiration of the said six calendar months, such personal representative shall not deliver into the said Court such statement in writing as in the fifth section mentioned, it shall and may be lawful for any such claimant as aforesaid to obtain from the said Court an order *ex parte* upon such personal representative, to deliver in such statement within a time to be specified in such order; and if such order be not complied with, then upon due proof of a personal service thereof upon such personal representative, the said Court shall and may in its discretion make an order for the imprisonment of such personal representative in any gaol or prison, until such statement shall be delivered into Court, and an order made for the discharge of such personal representative from custody, upon the payment of such costs as such Court shall direct.

Plea of *plene administravit* must be verified.

VIII. If in any action or suit against the personal representative of any deceased person, such personal representative shall file any plea of *plene administravit*, in any form whatever, either in part or in the whole, such