

of such deceased person shall and may proceed for the recovery thereof, by action of debt against all or any of the parties to whom such residue shall have been distributed, and such parties shall be liable in such action to the extent of the residue received and no more : **Provided** 5  
**Proviso.** always, that the claimant, before instituting any such action, shall furnish a statement of his claim to the said parties against whom he claims the same, accompanied by an affidavit of the nature required by the third section of this Act. 10

**At what times proceedings may be had under this Act.** XI. And be it enacted, That for the purposes of this Act, proceedings may be had or taken in the said Probate and Surrogate Courts or either of them, at any time, without reference to any fixed or periodical sittings of such Courts. 15

**Interpretation Clause.** XII. And be it enacted, That the term "personal representative" used in this Act shall include and extend to all and every person to whom probate or administration of the estate of any deceased person shall be legally granted in any way, manner or form whatever. 20

**Fees.** XIII. And be it enacted, That the following fees shall be allowed to the Official Principal of the Court of Probate, and Judge of Surrogate Court, for services performed under this Act.

Declaring dividend, *one* per cent upon amount thereof.  
 Order to deliver statement, *five shillings*.  
 Order for imprisonment, *ten shillings*.  
 Order for sale, *ten shillings*.

**Extent of Act.** XIV. And be it enacted, That this Act shall not extend 25  
 to Lower Canada.