

or in the whole, such plea shall and may be treated as a nullity unless it be accompanied by an affidavit or affirmation verifying the same, with a statement of the receipts and payments on account of the estate by the
5 personal representative.

VIII. And be it enacted, That the personal representative of any deceased person shall and may, as soon as he shall have paid or satisfied all such claims as aforesaid against the estate of such deceased person, as shall be
10 fyled as aforesaid within a year from the time of administration granted, distribute the residue of the said estate among the legatees or next of kin, as the case may be, according to law; and thereupon such personal representative shall be absolutely discharged from any claim, suit,
15 action or proceeding of any other person on account of the estate of such deceased person, and shall and may plead the same as an absolute bar to any such action, suit or proceeding.

After paying claims, the remainder to be distributed to legatees, or next of kin, &c.

IX. And be it enacted, That after distribution of the
20 residue of the estate of any deceased person by the personal representative as aforesaid, any person having any such claim, debt or demand as aforesaid against the estate of such deceased person, shall and may proceed for the recovery thereof, by action of debt against all or
25 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: Pro-
30 vided 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.

Parties having unpaid claims may proceed against those receiving such residue.
Proviso.

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

Time of proceeding in Probate or Surrogate Courts.

XI. And be it enacted, That the term "personal representative" used in this Act, shall include and extend to all
40 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.

Interpretation clause.

XII. And be it enacted, That the following fees shall
45 be allowed to the Official Principal of the Court of Probate, and Justice 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*.

50 XIII. And be it enacted, That this Act shall be in
force in Upper Canada only.

Extent of Act.