

BILLS BEFORE THE LEGISLATURE.

land, or any one claiming, by devise or descent, under any person so interested.

2. The personal representative or any one or more of the personal representatives may, at any time, file in the Surrogate Court by which the letters were granted, the following papers, all verified under oath:—

(1). A detailed inventory of the personal estate of the deceased, shewing the value of each item;

(2). A detailed statement of the debts and funeral and testamentary expenses of the deceased;

(3). A detailed statement of the lands of the deceased, showing the supposed interest of the deceased in each parcel, and the estimated value of such interest, and the amount of incumbrance, if any, on the parcel, and showing the order in which it would be most for the advantage of the beneficiaries that the lands should be sold;

(4). A statement showing such further particulars as shall be proper for the information of the Judge.

8. Any creditor of the deceased may, at any time after the expiration of six months from the date of the grant of letters, file in the Surrogate Court by which the letters were granted, an affidavit showing that he is such creditor; that he has applied to one of the personal representatives for payment of his debt; that it has not been paid, and that in his belief, the personal estate of the deceased is insufficient to pay the debts of the deceased, and may thereupon apply *ex parte* to the said Court for an order directing the personal representative to file in the said Court, the several statements mentioned in the second clause of this Act.

4. Upon such application, the Judge shall if the affidavit is satisfactory, make an order directing the personal representative to file the said statements in the said Court within fourteen days after the service on him of such order.

5. In case there is more than one personal representative and one or more of the personal representatives is absent from the Province of Ontario, or cannot be found, the Judge may dispense with service of any process, under this Act, on such one or more of the personal representatives.

6. The personal representative shall file the said statements, verified under oath, within the time limited, or such further time as, on his application made during the said fourteen days, on two clear days' notice to the creditor, the Judge may allow.

7. In case the personal representative makes default in complying with the said order, or the statements filed by him are unsatisfactory, the Judge shall, on the application of the creditor, order that the personal representative do attend before him, or before the Registrar of the said Court, with the books and papers of the estate for examination, at a time fixed

by the order, and the personal representative, in upon due service of such order, shall attend, pursuance thereof, with such books and papers and may be examined on oath, on behalf of the creditor, before the Judge or Registrar touching the various matters to be comprised in the said statements, and shall answer all such relevant questions as may be proposed to him, and his examination shall be reduced to writing, and signed by him, and by the Judge or Registrar.

8. [Representative may be committed if he disobeys Judge's order.]

9. In case the statements made by the personal representative are incomplete, the creditor may file statements, verified under oath in completion thereof.

10. At any time, after the filing of the statements, the personal representative or any creditor of the deceased, may apply to the Judge for an order for the appointment of a real representative of the deceased, and the sale of so much of the lands of the deceased, as having regard to the value of the personal estate, may be necessary for the payments of the debts.

11. At least seven days' notice of such application shall be given by the applicant to one or more of the beneficiaries, and also to the personal representative, if he be not the applicant.

12. Upon the hearing of the application, the Judge may require any other or others of the beneficiaries to be served with notice thereof; and he may, in case it is made to appear to him that all the beneficiaries are absent from the Province of Ontario, or cannot be found, dispense with service of notice on any of them, and he may require further evidence on any of the questions before him, and he may adjourn the hearing of the application.

13. Every person notified shall be deemed a party to the proceedings; and any beneficiary, though not notified, may attend the proceedings as a party, and any beneficiary so attending, shall be deemed a party to the proceedings.

14. In case two or more distinct applications for any order authorised by this Act are made, the Judge shall have power to consolidate the applications, and to make such orders and give such directions as to the prosecution thereof, as shall seem best adapted for the speedy and economical disposal thereof.

15. Upon any application for any order authorised by this Act, the Judge may, at the instance of any of the parties, or for his own information, require the attendance of, and examine, or cause or permit to be examined, on oath or affirmation, as the case may be, any of the parties and witnesses *vis à vis*, or by interrogatories; and the Judge may, by writ of *subpœna* or *subpœna duces tecum*, as the case may be, command such attendance, and cause any deeds, evidences or writings to be produced before himself or otherwise.