

preference on
account of
their nature.

specialty, simple contract, wrongful act or other cause whatever, shall be entitled to be paid equally out of the assets of such deceased person, without any preference or priority by reason of the nature of such claim, debt or demand, having regard only to the amount thereof: Provided always, that every such claim, debt or demand shall be filed within one year from the time of administration granted to the estate and effects of such deceased person, in the Probate or Surrogate Court by which such administration shall be granted; for the filing of which claim, debt or demand, 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. 5 10

Account of
assets to be
fyled: Court
to make divi-
dends, &c.

V. And be it enacted, That immediately after the expiration of one year 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 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. 15 20 25 30

Liability of re-
presentative
if not paid.

Proceedings if
the personal
representative
do not fyle the
statement of
assets.

VI. And be it enacted, That if within three months after the expiration of the said year, such personal representative shall not deliver into the said Court, such statement in writing as in the next preceding clause mentioned, it shall and may be lawful for any claimant on the estate of such deceased person, who shall have filed his claim 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. 35 40 45

Plea of *plene
administravit*
to be verified
on oath, &c.

VII. And be it enacted, That 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 50