

BILLS BEFORE THE LEGISLATURE.

the sale, the real representative may, on payment of the purchase-money, execute a conveyance to the purchaser of the premises sold, and the Judge shall certify on the margin of the first page of such conveyance, under his hand, and the seal of the Court, that the sale thereby made has been confirmed.

47. The conveyance so executed shall vest in the purchaser and his heirs, all the estate which was of the deceased at the time of his death, in the land, as effectually as if such conveyance had been executed by all the beneficiaries, as granting parties; and it shall not be necessary for any person claiming under the conveyance to produce or prove, in order to establish the conveyance, anything beyond the order for sale, and the conveyance so certified as aforesaid.

48. In proceedings under this Act, the Judge shall have power to determine how the costs of the proceedings shall be borne and paid, and may order them to be paid out of the estate of the deceased or by any of the parties, or partly out of the estate and partly by any of the parties.

49. The proceeds of any sale under this Act shall be applied by the real representative in or towards the payment of any costs ordered by the Judge to be paid thereout, and of the costs of the sale, and thereafter in or towards the payment of the debts and funeral and testamentary expenses of the deceased, in the same manner as the same should be applied if the said proceeds were personal estate come to the hands of the real representative, and the real representative shall be liable to the creditors of the deceased in respect of the said proceeds in the same manner and to the same extent as the personal representative would be liable to such creditors in respect of personal estate come to his hands; but the said proceeds shall, subject to the application thereof aforesaid, be deemed and taken to be the proceeds of the real estate of the beneficiaries in the hands of the real representative as trustee for the beneficiaries.

50. [Real representative to give bond as security in form given.]

51. [Penalty in bond to be double the value of lands. Judge may direct as to bonds.]

52. [If condition broken, bond to be assigned by Judge's order for suit.]

53. [Real representative may be removed, &c., on seven days' notice, and new one appointed, &c.]

54. The Judge may allow to the real representative a fair and reasonable allowance for his care, pains and trouble, and his time expended in or about the discharge of the duties devolving on him as real representative, and therefor, may make an order or orders from time to time, and the amount so allowed may be returned by, and shall be allowed to the real representative for his accounts.

tion for the appointment of a Real Representative, and for a sale of lands, or to whom notice of such an application has been given, or who has appeared on such an application, may appeal to the Court of Chancery from the order made on such application within fourteen days from the date of such order.

56. Any beneficiary to whom no notice of an application for the appointment of a real representative, and for a sale of lands has been given, and who has not appeared on such application, may at any time before the sale apply to the Court of Chancery to reverse, vary, or suspend the order made on such application.

57. Any person affected by any order or ruling of a Judge made on any application, or in any proceeding other than an application for the appointment of a real representative and for the sale of lands, may appeal to the Court of Chancery for such order or ruling within seven days from the date thereof.

58. [Chancery may reverse, vary, &c.]

59. In case it appears that for any reason the proceeds of the land sold under any order for sale are insufficient to pay the debts, funeral and testamentary expenses and the expenses of administration, the real representative, or any other person who might have made the original application, may apply to the Judge on affidavits of the material facts for an order for the sale of other lands of the deceased.

60. The proceedings on such application shall be conducted as nearly as may be in like manner as proceedings on an original application under this Act, dispensing with all such proofs as have been furnished on the original application.

61. The Judge shall have like powers with reference to the subject matter of such application as are conferred on him in respect of the original application.

62. After this Act takes effect, no writ of *feri facias de terris* shall issue on any judgment recovered against a deceased person in his lifetime and revived against his personal representative, or on any judgment recovered against the personal representative of a deceased person in his representative capacity.

63. Nothing in this Act contained shall in anywise affect or impair the jurisdiction of the Court of Chancery in the administration of the estates of deceased persons.

64. No order for the appointment of a real representative, or for the sale of lands of a deceased person, shall be made under this Act, after a decree for the administration of the real estate of the deceased person has been made.

65. [Judges of Surrogate Court to take fees, as in Schedule.]

66. [Registrars, Solicitors, &c., to have certain fees.]

67. [Judges in Chancery may make orders