

## SESSIONAL PAPER No. 30

VII. And be it further enacted by the authority aforesaid, that no Letters Testamentary or Probate of any nuncupative Will shall pass the Seal of any Court 'till fourteen days at the least after the Decease of the Testator be fully expired, nor shall any nuncupative Will be at any time received to be proved, unless process have first issued to call in the widow or next of kindred of the deceased to the end that they may contest the same, if they shall be so advised.

VIII. And be it enacted by the authority aforesaid, that no Letters of Administration shall be granted by the Court of Probate, or by any Surrogate Court, of the goods chattels or credits of any person represented as having died intestate, until due proof be made before the said Judge or Surrogate to his satisfaction, that such person is dead and died intestate.

IX. And be it further enacted by the authority aforesaid, that when application is made for Letters of Administration of the goods chattels and credits of any person dying intestate by any person or persons not intitled to the same as next of kin to the intestate, the Judge of the Court of Probate, or the Surrogate to whom such application shall be made, shall before the granting of the Administration issue a citation to the next of kin to the intestate, summoning him or her, to appear and shew cause, if any they have, why the Administration should not be granted to the person or persons so applying, which citation shall be served upon the next of kin to the intestate residing within this Province, and if the next of kin nor any person of the kindred of the intestate shall happen to reside within this Province, then a copy of such Citation shall be affixed up in some public place in the Town where the intestate did reside at the time of his death, at least ten weeks before the return thereof and in case such intestate did not reside within this Province at the time of his death, then a copy of the Citation shall be published in the Upper Canada Gazette, once in every Month during the space of Eight Months before the return thereof. Provided always, that in case the person next of kin usually residing within this Province, and regularly intitled to administer, should happen to be absent from the Province, it shall and may be lawful for the Judge of Probate or Surrogate within the limits of his district, to grant a temporary administration, to the next of kin who shall be in the Province, of the intestate during a limited time, or to be revoked upon the return and application of such nearest of kin as aforesaid, and for that purpose to take sufficient bonds from the party to whom such temporary administration shall have been granted, for the surrender of such Letters of administration and to account for the same in manner hereinafter to be mentioned.

X. And be it further enacted by the authority aforesaid, that the Judge of Probate, & every Surrogate in his several District, shall and may upon their respective granting and committing Letters of Administration of the goods of persons dying intestate, take sufficient bonds of the respective person or persons to whom any administration is to be committed, with two or more able sureties, respect being had to the value of the Estate in the name of the Governor, Lieutenant Governor or Person administering the Government of the said Province, or with the condition in form and manner following,—*Mutatis Mutandis*.—"The condition of this obligation is such, that if the within bounden A.B. Administrator of all and singular, the goods, chattels and credits of C.D. deceased, do make or cause to be made, a true and perfect inventory of all and singular, the goods, chattels and credits of the said deceased, which have or shall come into the hands, possession or knowledge of him, the said A.B. or into the hands and possession of any other person or persons for him, and the same so made, do exhibit or cause to be exhibited into the Registry of

Court on or before                      day of                      next ensuing, and the same goods, chattels and credits, and all other the goods, chattels and credits of the said deceased at the time of his death, which at any time after, shall come to the hands