

## CAP. VIII.

AN ACT to establish a Court of Probate in this Province, and also a Surrogate Court in every District thereof.

WHEREAS it is expedient to Establish a Court for the purpose of granting Probate of Wills and committing Letters of Administration of the Goods of Persons dying intestate, having personal Estate within this Province; Be it enacted by the Kings Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled "an Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled an Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, that there be constituted and established, and there is hereby constituted and established, a Court with full Power and Authority to issue process and hold cognizance of all matters relative to the granting of Probates, and committing Letters of Administration, and to grant Probates of Wills, and commit Letters of Administration of the Goods of persons dying intestate, having personal Estate, rights and credits within this Province, to be called and known by the name of the Courts of Probate of the Province of Upper Canada, and that the Governor, Lieutenant Governor, or person administering the Government thereof, shall preside in the said Court, to hear, give order or decree or pronounce Judgement in all questions, causes or suits that may be brought before him, relative to the matters aforesaid, and that for such purpose he may from time to time, when he shall be so disposed, call such person or persons as he shall think proper to be Assessor or Assessors with him, and that it shall and may be lawful for the Governor, Lieutenant Governor or person administering the Government in this Province, to nominate and appoint from time to time, an Official Principal of the Court together with a Register and such Officers as may be necessary for the exercise of the Jurisdiction to the said Court belonging.

II. And whereas it will be convenient for the Inhabitants of this Province to be enabled to obtain Probate of Wills, and Letters of Administration within their several Districts, Be it enacted by the authority aforesaid, that it shall and may be lawful for the Governor, Lieutenant Governor or person administering the Government in this Province to institute and he is hereby authorized to institute by Commission under the great seal of this Province, in each District thereof, a Court for the purpose of granting Probate of Wills, and Letters of Administration of the Goods of Persons dying intestate, having personal Estate within the limits of each District respectively, which Courts shall be severally called and known by the names of the Surrogate Court of the Eastern District, the Surrogate Court of the Midland District, the Surrogate Court of the Home District, and the Surrogate Court of the Western District, and also to appoint from time to time a Surrogate to preside as Judge in each of the said Courts, to hear, give order, or decree, or pronounce Judgement in all questions, causes or suits that may be brought before him relative to the said matters, and also from time to time, to nominate and appoint a fit and proper person to be Register, and also such Officers as may be necessary for the exercise of the Jurisdiction to the said Courts belonging, and that each and every of the said Courts shall have full Power and Authority to issue process and hold cognizance of all matters relative to the granting of the Probate of Wills and Letters of Administration, and to grant Probate of Wills, and commit Letters of Administration, of all and singular the Goods, and Effects, Rights and Credits of Persons dying intestate, within the limits of their respective Districts, except in the cases herein after men-