

shall, for every such offence, forfeit and pay the sum of five pounds, to the public stock of the district.

remedy against
the undue de-
tention of such
children.

provision for
the issue of the
children of
slaves.

Security to be
given on libe-
rating a slave.

IV. *And be it further enacted by the authority aforesaid,* That in case any master or mistress shall detain any such child born in their service as aforesaid, after the passing of this act, under any pretence whatever, after such servant shall have attained the age of twenty-five years, except by virtue of a contract of service, or indentures, duly and voluntarily executed, after such discharge as aforesaid, it shall and may be lawful for such servant to apply for a discharge to any of his majesty's justices of the peace, who shall and is hereby required thereupon to issue a summons to such master or mistress, to appear before him to shew cause why such servant should not be discharged, and the proof that such servant is under the age of twenty-five years, shall rest upon and be adduced by the master or mistress of such servant; otherwise it shall and may be lawful for the said justice to discharge such servant from such service as aforesaid. Provided always, That in case any issue shall be born of such children, during their infant servitude, or after, such issue shall be entitled to all the rights and privileges of free born subjects.

V. *And be it further enacted,* That whenever any master or mistress shall liberate or release any person subject to the condition of a slave from their service, they shall at the same time give good and sufficient security to the church or town wardens of the parish or township where they live, that the person so released by them shall not become chargeable to the same, or any other parish or township.

C H A P. VIII.

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

Preamble.

Constitution &
jurisdiction of
the court of
probate.

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 king's 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, entitled an act to repeal certain parts of an act, passed in the fourteenth year of his majesty's reign, entitled, "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 Court 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 judgment 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*