

If the intestate
died out of U.
C. leaving
property there.

III. And be it enacted, That when any person who has died or who shall die intestate without the limits of Upper Canada, shall leave any estate of any description within the same to be administered, any person interested in such estate shall be entitled to letters of administration in the same manner as if such intestate had died within the same: and the Judge of Probate (if such estate shall be in two or more Counties,) or Surrogate of the County wherein the same shall be found, (if only in one) shall have power to grant such letters of administration. 5 10

Administrator
to account to
the Judge or
Surrogate and
in what
manner.

IV. And be it enacted, That every administrator shall be held to account with the Judge or Surrogate for the personal estate of the intestate as the same shall be appraised, unless the Judge or Surrogate shall consider it for the benefit of the parties interested otherwise to dispose of the same; in which case the said Judge shall order the same or any part thereof to be sold at public auction or at private sale, in such manner as he may conceive best for the interest of all parties: and the administrator shall account for the proceeds of such estate as the same shall have produced at such sale. 15 20

Executors not
proving will
within a
certain time
to be held to
have renoun-
ced their
office.

V. And be it enacted, That whenever any executor or executors of the last will of any person deceased, knowing of their being so named or appointed, shall neglect to cause such will to be filed, within *sixty* days next after the death of the testator, in the Surrogate or Probate office, and prove and record the same within such time as such Judge or Surrogate may limit or appoint, such executor or executors shall be taken and deemed to have renounced such executorship; and the said Judge or Surrogate shall commit administration of the estate of such testator, with the will annexed, unto the widow or next of kin to the deceased, or one or more of the creditors or other persons, as he shall think fit. 25 30

Administra-
tion to be
granted, &c.

Distant
witnesses to a
will may be
examined
under *dedimus
potestatem*.

VI. And be it enacted, That when a will shall be offered for probate to any Judge of the Probate Court or Surrogate, and the witnesses, being out of the Province or more than *thirty* miles distant, or by reason of age or indisposition of body, are unable to appear and give evidence, the deposition of such witnesses in writing, taken before any two or more persons duly authorized by *dedimus potestatem* by such Judge, shall have the same force and effect as if taken before such Judge. 35 40

Executors
acting to give
security, and
to what effect.

VII. And be it enacted, That every executor named in any will hereafter to be proved, upon taking upon himself that trust, shall give bond to the Judge of Probate or Surrogate, with sufficient sureties to his satisfaction, resident within Upper Canada, to return upon oath a true and perfect inventory of the testator's estate (as well real as personal,) into the office of such Probate or Surrogate. 45 50