

## B I L L.

An Act to regulate the proceedings and jurisdiction of the Court of Probate and Surrogate Court in Upper Canada.

**W**HEREAS it is necessary to alter and amend the Laws now in force regulating the jurisdiction and proceedings of the Court of Probate and Surrogate Courts in Upper Canada:—Be it therefore enacted, &c.

Preamble.

- 5 That Her Majesty's Courts of Queen's Bench or Common Pleas shall be Courts of Appeal, and shall have appellate jurisdiction of all matters determined by the Judge of the Court of Probate or by any Surrogate, and all appeals from any order or decree of any Judge of the Court of Probate or of any Surrogate shall be to one or the other of said Courts.

Courts of Q. B. and C. P. to be Courts of Appeal from decisions of Court of Probate or any Surrogate Court.

- II. And be it enacted, That after the decease of any person intestate, administration of his effects, goods and chattels shall be granted to his widow or next of kin, upwards of *twenty-one* years of age, or to both, as the Judge of Probate or Surrogate may think fit within *sixty* days: And an inventory shall be taken of all the real estate, goods and chattels, rights or credits of the deceased within *five* months after granting such administration, by the said administrator or administrators and two suitable persons within the County where such intestate resided, to be appointed by the said Judge or Surrogate and by him sworn to discharge this trust faithfully; and if any portion of the estate lies without the County, such Surrogate or Judge shall appoint three persons to be sworn as aforesaid, to take an inventory thereof; and after the expiration of *sixty* days from the death of any person intestate, in case the widow or next of kin shall refuse or neglect to take out letters of administration, being cited before the Judge of Probate or Surrogate for that purpose, administration may be committed to some one or more of the principal creditors in the discretion of the said Judge or Surrogate; and, in case of their refusal, to such other person or persons as the said Judge or Surrogate may think fit. And every administrator shall before entering on the execution of his trust give bond according to the provisions of the Act of that part of this Province, formerly Upper Canada, passed in the 33rd year of the Reign of King George the Third, and intitled, "*An Act to establish a Court of Probate in this Province, and also a Surrogate Court in every District thereof.*"

To whom, within what time and on what conditions administration of intestate property shall be granted.

Act of U. C. 33 Geo. 3 c. 8.