ye Creditor or Creditors in ye same proportion and with ye like allowance of Interest, & that ye
ye Judge shall see fitt, to be put likewise to ye Account of ye party
in Execution. And if ye Spirit (after ye is a prison built) suffer any party
Execution to go at liberty out of ye prison, without consent of ye Creditor, ye
shall be liable as in case of Escape. Exit Act to endure for ye next years from ye 1st day

An Act touching Causes Testamentary.

Ye last Disposition of ye deceased (naming an Executor) made either by words or writ
touching his or her lands or goods or any other matter, appearing by oath of two witnesses
shall adjudged ye last will and Testament of ye deceased. And ye Executor shall have
ye Probate of ye will under Seale.

If no Executor be named, or ye Executor named be not willing or able to undertake
take it, or not in ye first place, ye Administration with ye will annexed shall be committed
to ye Overseers (if any be named in ye will) or such one of them. And if none be
then to ye next of Kinne to ye Executor (being an Englishman or out of ye Province)
willing & able to undertake it, and in default of such, then to ye next of Kinne to
deceased, living within ye Province & willing & able to undertake it. And in default
of such, then to ye greatest Legatary living within ye Province & willing & able to undertake it, and in default of such then to ye next Legatary willing
& able to undertake it, & in default of such, then to ye next greatest Legatary, being
within ye Province, & willing & able to undertake it, and in default of Legatarie
to ye greatest Creditor of ye deceased, claiming it. And in default of Creditors ye
any person as ye Judge shall think fitt.

And where no will is proved, ye Administration shall be committed to such parties
living within ye Province, & willing & able to undertake it, as by ye next & exact by
ye Law of ye Province to succeed to ye goods. And in default of such, then to ye
greatest Creditor claiming it. And in default of such, then to such person as ye Judge
shall think fitt.

All causes of complaint against ye Judge in Testamentary causes, and all Proc
touching, or other matters Testamentary, wherein ye is interested as a party, shall
heard & determined by ye Judge of ye Provinciall Court, according to ye Law or
of ye Province, or former precedents of ye same or ye like nature (to be determined
by ye Judge) and in default of such, then according to ye best discretion.

Executors & Administrators not being willing & able to undertake ye pay
of all debts & Legacies of ye deceased within ye Province shall be charged by sale and
misuse, to sell ye goods of ye deceased wch shall come to their hands at an outcry (and
five days before, where goods are to be a Sunday or holyday) in ye Court or [illegible]
such goods are to be sold to sale. Provided yt no goods be sold at such out
but to such persons as shall not be excepted against by ye Creditors or Legataries of
deceased, then and there present (if any be) or ye major part of them. And wch
not so sold shall be appraised by ye oaths of two men nominated by ye next Creditors
Legataries of ye deceased, then and there present. And debts made & goods appraised
in such manner as aforesaid, may be applied to ye Creditors or Legataries at ye[ir] va
But it shall be lawfull to ye Executor or Administrator to take ye goods at ye appraisal
giving good security for ye value.

No Executor or Administrator may dispose of any of ye deceased estate to ye
of any debt or Legacie, before ye end of ye next Ordinary Court after ye Probate of
ministration under Seale: and after a Bill published at ye usuall place of ye Court
quiring persons claiming to yt estate, to enter their claime (in yt Court at least
ye end of ye next Court. And after such Court as aforesaid, ye Executor or Ad
Law shall be out-prudence of
it or Legacies, & may justifie ye payment of any, & it be
of greater debt by ye Law.
not found sufficient to all debts and Legacies, ye Executor
following. viz. yt Legacies in Kind