

(95)  
Lib. C

or suspend the use & effect of a Judgment of a Justice  
unless such only as shall be entered upon Record  
at or afore the time of such Judgment given provided  
that no Judgment upon a Recognizance or Confession  
of the defendant may be entered but in Court  
This Act to endure till the end of the next Assembly

An Act Touching Causes Testamentary  
The last disposition of the deceased bearing  
an Executor made either by words or writing touch-  
ing his or her lands or goods appearing by the  
oath of two witnesses shall be judged the last will  
and testament of the deceased and the Executor  
shall have the probate of the will under Seal  
If no Executor be named or the Executor named be  
not willing or able to undertake it or not inhabi-  
ting in these parts The administration with the  
will annexed shall be committed to the overseers if  
any be named on the will or some one of them  
And if none be then to the nearest of kinne to the  
Executor being an orphan or out of the province  
or in defect of any living within the province  
and able to undertake it then to the nearest of  
kinne to the deceased living within the pro-  
vince and able to undertake it And in defect of  
such then to the greatest Legatary And if such  
Legatary be not willing or able to undertake it  
or not inhabiting in these parts then to the near-  
est of kinne to such Legatary willing & able to  
undertake it and in defect of such then to the  
next greatest Legatary able and willing to under-  
take it and in defect of such then to any other  
Legatary willing and able to undertake it  
And in defect of such then to the greatest Creditor  
of the deceased claiming the same And in defect