

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 naming an  
Executor made either by words or writing touching his  
or her lands or Goods appearing by the Oath of two wit-  
nesses 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 able or willing to undertake it or not inhabiting  
in these parts the administration with the will annexed  
shall be committed to the overseers if any be named in the  
will or some one of them and if none be then to the nearest  
of kinne to the Executor being any where or out of the  
Province or in default of any living within the Province  
and able to undertake it then to the nearest of kin to  
the deceased living within the Province and able to un-  
dertake it and in defect of such 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 nearest of  
kin to such Legatary willing and able to undertake it  
& in defect of such then to the greatest Legatary able  
& willing to undertake it and in defect of such then