

tioned; Provided always, that in all cases where a Testator or Intestate shall die possessed of goods, chattels or credits to the amount of Five Pounds in any District, other than that in which he usually resided at the time of his decease, or when any testator or intestate shall die possessed of goods, to the value of five Pounds, in two or more several Districts within this Province, the Probate of such will and letters of administration of the goods and effects of such person shall be granted by the Court of Probate only, and not by any Surrogate Court.

III. And in order to give due authenticity to the Acts and proceedings of the said several Courts, Be it enacted by the authority aforesaid, that each of the said Courts be provided with a suitable seal, that on the seal of the Court of Probate be inscribed the name of the Province and on the several seals of the Surrogate Courts the name of the District, over which its Jurisdiction extends and that a particular description of such seals be respectively sent to the Office of the Secretary of the Province to be kept among the Records of the Province. Provided always, that no person shall be intitled or qualified to enter upon or execute the Office of Surrogate in any of the Courts so to be established until after he shall have taken the following Oath:

"I A.B. do solemnly promise and swear, that I will honestly and impartially execute the Office of _____ according to the best of my knowledge and ability.—So help me God."

And that no person shall be intitled to act as a Register in any of the said Courts until after he shall have taken the following Oath:

"I A.B. do promise and swear that I will diligently and faithfully execute the Office of _____ and that I will not knowingly permit or suffer any alteration, obliteration or destruction to be made or done by myself or others, on any Wills or Testamentary papers committed to my charge.—So help me God."

IV. And be it enacted by the authority aforesaid, that every Will or Testamentary paper, which shall be duly proved, approved and insinuated in the Court of Probate, or in any Surrogate Court within this Province, shall be kept and preserved among the Records of the said Court, and that a transcript thereof duly authenticated under the Seal of the said Court, shall be taken and received as the regular Probate of such Will or Testamentary paper, so far as the same may regard the disposal of any personal Estate or Effects, in all and every of his Majesty's Courts within this Province, or wherever it may be necessary to produce the same.

V. And be it enacted by the authority aforesaid, that from and after the passing of this act, no nuncupative Will, shall be good where the Estate thereby bequeathed shall exceed the value of thirty pounds, that is not proved by the Oaths of three witnesses at the least, that were present at the making thereof, nor unless it be proved that the Testator at the time of pronouncing the same, did bid the persons present or some of them bear witness that such was his will or to that effect, nor unless such nuncupative Will were made at the time of the last sickness, of the deceased, and in the House of his or her habitation or dwelling or where he, or she, hath been resident for the space of ten days or more, next before the making of such Will except when such person was surprised or taken sick being from his own home and died before he returned to the place of his or her dwelling.

VI. And be it further enacted by the authority aforesaid, that after six months passed after the speaking of the pretended Testamentary words, no Testimony shall be received to prove any Will nuncupative, except the said Testimony or the substance thereof were committed to writing within six days after the making of the said Will.