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defect of such then to any person as the Judge shall think fittest and where no will is proved the administration of the intestates goods shall be committed to such party living within the Province & willing and able to undertake it as hath nearest right by the law of the Province to Succeed to the goods and in defect of such then to the greatest creditor claiming the same & in defect of such then to such person as the judge shall think fittest. All causes of complaint against the judge in Testamentary causes and all probats accounts or other matters testamentary where in he is interested as a party shall be heard and determined by the Judge of the Provincial Court according to the law or usage of the Province or former precedents of the same or the like nature (to be determined by the Judge) and in defect of such then according to his sound discretion. Executors & Administrators not being willing or able to undertake the payment of all debts and legacies of the deceased within this Province shall be charged by oath and Recognizance to sell the goods of the deceased which shall come to their hands at an outcry (published 5 days before whereof one to be a Sunday or holy day) in the County or hundred where such goods are to be sold to Sale provided that noe goods be sold at such outcry but to such persons as shall be accepted by the Creditors or Legatories of the deceased then and there present if any be or the major part of them And what is not soe sold shall be appraised by the oath of two men nominated by the chiefest Creditors or Legatories of the deceased And debts made on goods appraised in such manner as aforesaid shall be applied to the Creditors or