

or someone of them and if none be then to the nearest of kin to the Executor (being an orphan or out of the Province) willing and able to undertake it and in default of such then to the nearest of kin to the deceased living within the Province and willing and able to undertake it and in defect of such then to the greatest Legatary living within the Province and willing and able to undertake it and in defect of such then to the nearest of kin to such Legatary willing and able to undertake it and in defect of such then to the next greatest Legatary being within the Province and willing and able to undertake it and in defect of Legataries then to the greatest Creditor of the deceased claiming it and in defect of Creditors then any Person as the Judge shall think fittest

And where no will is proved the administration shall be proved to such Party living within the Province and 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 it and 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 Probates accounts or other matters testamentary wherein 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 Presidents of the same or the like nature (to be determined by the Judge) & in defect of such then according to his own discretion,