

The administracōn with the will anexed 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 neerest of kinne to the Executor being an orphan or out of the Province or in defect of any liveing within the Province and able to undertake it then to the neerest of kinne to the deceased liveing within the Province 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 neerest 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 undertaking 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 claymeing the same And in 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 liveing within the Province & willing and able to undertake it as hath neerest right by the law of the Province to Succeed to the goods and in defect of such then to the greatest Creditor clayming the same & in defect of such then to such person as the judge shall think fittest. All causes of compl^t against the judge in Testamentary causes and all probats accompts or other matters testamentary wherein he is interested as a party shall be heard and determined by the Judge of the Provinciaall Court according to the law or usage of the Province or former precidents 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 & Administ^{rs} not being willing or able to undertake the paym^t 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 sett to Sale Provided that noe goods be Sold at Such outcry but to such persons as shall be excepted by the Credit^{rs} or Legataries 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 Cheifest Creditors or Legataries of the deceased And debts made or goods appraised in such manner as aforesaid shall be applyed to the Creditors or Legataries at those rates But it Shall be lawfull to the Executor or Administ^{rs} to take the goods at the appraisim^t if they will giveing good Security for the value Noe Executor or Administrator may dispose of any of the deceaseds Estate to the paym^t of any debt or

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