

And be it farther inacted by the Authority aforesaid by and with the Advice and Consent aforesaid that when a full Account is made by any Administrator of any Intestates Estate the Judge aforesaid shall make distribution of the Surplusage of such Estate in manner and forme following (that is to say) One third part of the said Surplusage to the wife of the Intestate and all the residue by equall portions to and amongst the Children of such persons dying Intestate and such persons as legally represent such Children in Case any of the said Children be then Dead other than such Child or Children (not being heir at Law) or who shall have any Estate by the Settlement of the Intestate or shall be advanc'd by the Intestate in his life time by portion or portions equall to the share which shall by such Distribution be allotted to the other Children to whom such Distribution is to be made.

And in Case any Child (other than the heir at law) who shall have any Estate by Settlement from the said Intestate or shall be advanced by the Intestate in his life time by portion not equall to the Share which will be due to the other Children by such distribution as aforesaid then so much of the Surplusage of the Estate of such Intestate to be distributed to such Child or Children as shall have any Land by Settlement from the Intestate or were advanc'd in the life time of the Intestate as shall make the Estate of all the said Children equall as near as can be estimated but the heir at law notwithstanding any Land that he shall have by descent or otherwise from the Intestate is to have an equall part in the distribution with the rest of the Children without any Consideration of the value of the land which he hath by descent or otherwise from the Intestate.

And in case there be no Children nor any legall representatives of them then one Moyety of the said Estate to be allowed to the wife of the Intestate the residue of the said Estate to be distributed equally to every of the next of Kindred of the Intestate who are in equall degree and those who legally represent them (provided there be no representatives admitted among Collateralls after brothers and sisters Children) and in Case there be no wife then all the said Estate to be distributed equally to and amongst the Children and in Case there be no Child then to the next of Kindred in equall degree of or unto the Intestate or their legall representatives as aforesaid and in no other Manner whatsoever.

And after such division or distribution made by the Judge aforesaid the Judge shall transmitt the Account thereof to the severall and respective Justices of the County Courts where the said Estates shall be and remaine And if any part thereof belong to an orphan who is capable of choosing his Gardian