

C H A P.
XXXIX.

Administra-
tors, &c. to
exhibit In-
ventories
within Three
Months, and
Accounts
within 12
Months,
failing here-
in, the Judge
may issue At-
tachments a-
gainst them,
and after two
Attachments,
may revoke
the first Ad-
ministration.

by and with the Advice and Consent aforesaid, First, That the Judge for Probate of Wills, and granting Administrations, shall call all Executors and Administrators to exhibit Inventories within Three Months, and render Accounts within Twelve Months, next after Administration committed, of the Personal Estates of such deceased Persons: And if any Administrator shall fail to exhibit such Inventory, or give an Account within the Time aforesaid, being lawfully thereunto cited, that then the said Judge, if he see just Cause, may issue forth Process of Attachment against such Administrator, to oblige him, her, or them, as well to exhibit an Inventory, or render Account as aforesaid, as to answer for his, her, or their Contempt of such former Process, after the usual Manner. And in case such Administrator shall not render such Account, or exhibit such Inventory, until two several Attachments shall be returned to two separate Courts against such Administrators, either that the Administrator hath been attached, or is not found in the County where they live, it shall and may be lawful for the said Judge to revoke the first Letters of Administration to such Administrator committed, and shall grant Administration, *de Bonis non administratis*, to such as shall have the next Right to such Administration; which said Administrator shall be duly qualified as usual, and give Security, as all other Administrators do, and shall sue and implead the former Administrator before the Judge aforesaid, for the exhibiting an Inventory, and rendering an Account of the Estate of the Intestate; or if he shall see fit, shall make Application to such Judge or Commissary-General, for the Assignment of the Bond entered into by the former Administrator and his Sureties, and shall or may put the same Bond in Suit against such Administrator and his Sureties (if need be) to be relieved thereon, for any Neglect or Male-Administration by such former Administrator done or suffered, of such deceased Person's Estates.

The Surplu-
sage of e-
very Intes-
tate's Estate,
shall be dis-
tributed, *viz.*
One Third to
the Widow,
and the Re-
mainder
equally a-
mong the
Children, &c.
such excepted
as have re-
ceived Porti-
ons in the In-
testate's Life
Time.

IV. And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That when a full Account is made by any Administrator, of any Intestate's Estate, the Judge aforesaid shall make, or cause to be made Distribution of the Surplusage of such Estate, in Manner and Form following, (*That is to say,*) One Third Part of the said Surplusage to the Wife of the Intestate, and all the Residue, by equal 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 advanced by the Intestate in his Life Time, by Portion or Portions equal to the Share which shall by such Distribution be allotted to the other Children to whom such Distribution is to be made.

But if such
Portions be
not equal to
the Share by
Distribution,
then shall
their Estates
be made
equal with
the others.
But the Heir
at Law shall
have a full
Share not-
withstanding
any Lands by
Descent, &c.

V. And in case any Child (other than the Heir at Law) who shall have an Estate by Settlement, from the said Intestate, in his Life Time, by Portion not equal 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 advanced in the Life Time of the Intestate, as shall make the Estate of all the said Children equal, 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 equal 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.

If there be no
Children,
&c. the Wi-
dow to have
one Half, &c.

VI. And in case there be no Child or Children, nor any legal Representatives of them, then one Moiety 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 equal Degree, and those