

those who legally represent them. Provided there be no Representatives admitted among Collaterals, 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 Children, to the next of Kindred in equal Degree of or unto the Intestate, or their legal Representatives as aforesaid.

C H A P.
XXXIX.

If no Widow, the Estate to be divided among the Children.

If no Children, among the next of Kindred in equal Degree, &c.

* In case there be a Widow, no other Collaterals shall be allowed than those directed by this Act; and she shall have the whole Residue. 1719, *ch.* 14, §. 4; and 1729, *ch.* 24, §. 19.

† In case the Administrator be of Kin to the Deceased, within the Fifth Degree, either of Consanguinity or Affinity; he, and all others equally related, shall have the same Right to the Residue as Brothers and Sisters Children. 1719, *ch.* 14, §. 3; and 1729, *ch.* 24, §. 18.

But in case there be no known Relations of the Intestate, or Representatives legally entitled to the Residue, the Administrator shall pay the whole Balance to the Visitors of the Public School in that County where the Deceased resided, for the Use of such School. 1719, *ch.* 14, §. 2; and 1729, *ch.* 24, §. 17.

VII. And after such Division or Distribution made, or caused to be made, by the Judge aforesaid, the said Judge shall transmit the Account thereof, if not before transmitted, to the several and respective Justices of the County Courts where the said Estates shall be and remain: And if any Part thereof belong to an Orphan who is capable of chusing his Guardian, such Orphan shall be called to Court, and shall then and there chuse his Guardian, into whose Hands the said Orphan's Estate shall be committed; but if such Orphan be not at Age, then the Justices aforesaid shall put the Person's Lands, Goods and Chattels of the said Orphans into the Hands of such Person or Persons as they shall think fit, and take a Bond, with two sufficient Sureties, in the Names of the Orphans themselves, for the securing and delivering of the said Estate to said Orphans or their Guardians, when thereunto lawfully called, according to the Rules and Directions by this Act prescribed, and not otherwise: Which Rules shall be Rules not only for the Justices of the County Courts to proceed by, in taking the Accounts of Guardians or Trustees for Orphans, but also for the Judge for Probate of Wills and granting Administrations, in the Accounts of Administrators, and bare Executors to the Benefit of Others: Nor shall the Judge give any other Allowances to any Administrator or Administrators, upon his, her, or their Accounts, but for Debts *bonâ Fide* owing from the Deceased, and really paid, or secured to be paid, by the several and respective Administrators, together with the necessary Charges.

The Commissary-General to transmit an Account of such Distribution to the County Court.

Orphans, if at Age, shall chuse their Guardians in Court, if not at Age, the Court shall put them, their Lands, &c. into fit Hands.

The Rules of this Act to be observed both by the County Court, and the Commissary-General. No Allowance to be made to Administrators, but for Debts of the deceased actually paid, &c.

|| Allowance for their Trouble, see below, §. 23, 24, 25, and 26. For Costs, see 1722, *ch.* 10, §. 4.

VIII. *First.* No Negro or other Slave shall be sold or disposed of, by any Administrator, for Payment of Debts, or otherwise reserved for the Administrator's own Use, in Satisfaction of any Debts due to the said Administrators; nor any Execution served upon any Negro, or other Slaves, so long as there shall be other Goods of the Deceased sufficient to satisfy the just Debt of the said Deceased; but shall be kept upon the Hazard of the Estate, and employed for the Benefit of the Creditors and Orphans, (if any be) until the Crop that was upon Hand, or shall have been begun in the Life Time of the Deceased, shall be finished; which shall always be deemed to be by the last Day of *January* next after such Intestate's Decease: After which the Administrator is to account for the Estate; and such Crop shall be Assetts to the Creditors, and dividable between the Wife and Child, or Children, or Relations of the said Deceased, if there be no Creditors: And the Judge for Probate of Wills, upon passing the Account by such Administrator, shall allow him his reasonable Charges expended in finishing such Crop.

Slaves not to be sold, &c. or taken in Execution for Debts of the Deceased, while there are other Goods sufficient.

† The Executor or Administrator shewing such other Goods, which the Sheriff is required to demand. 1729, *ch.* 24, §. 2.

IX. *Second.* That no Account be allowed for Diet, Cloaths or Physic, to any Administrator, or Guardian to any Orphan, against the Estate of the Intestate,

Orphans to be supported