

should have been obliged to pay the same to any legal residuary legatee by law, in case any such should have appeared, to be applied to the use of schools, in the same manner as the additional duty of twenty shillings per poll on Irish servants and negroes is directed, save that, whereas by the act for the better administration of justice in testamentary affairs, &c., sundry particulars of goods and chattels are directed to be paid in specie, according to appraisement, to the residuary legatees, in this case, such administrator shall be obliged to pay the said balance of such estate, according to the true value thereof in current money, for the payment whereof he shall be allowed twenty *per cent.* that is to say, ten *per cent.* over and above the ten *per cent.* usually allowed.

By 1729, chap. 24, sec. 17, the balance of intestate's estates, directed by this paragraph to be paid to the public treasurers, was thereafter to be paid to the visitors of the public school of the county wherein the deceased resided, and the administrator to pay such balance in current money, or in specie, at the direction of the visitors, and, if paid in money, to be allowed ten *per cent.* if in specie, five *per cent.* and no more. By 1798, 101, ch. 11, sec. 15, the surplus shall belong to the state, saving to the different schools the rights which they possess by existing laws.

See 1802, ch. 101, sec. 2.

SEC. 3. *Provided*, That, in case such administrator be of kin Proviso. to the deceased, within the fifth degree of either consanguinity or affinity, that then such administrator, and all others that are as nearly related to the deceased as such administrator, shall have as good a right to such residue, as if he or they were brothers or sisters' children to the deceased, and such balance shall be distributed accordingly.

SEC. 4. *Provided, nevertheless*, That, in case there be a Proviso. widow, no collaterals shall be admitted, other than those directed by an act of Assembly of this province, entitled 'An act for the better administration of justice in testamentary affairs;' but such widow shall have the whole residue of such estate, any thing herein before contained to the contrary thereof in anywise notwithstanding.

See 1798, ch. 101; see ch. 11, sec. 1.

SEC. 5. *Provided, nevertheless, and be it enacted by the autho-* Proviso. *riety, advice, and consent aforesaid*, That, in case such residue shall happen to be paid to such treasurer as aforesaid, in default of legal representatives as aforesaid, and that any legal representatives of no remoter degree amongst collaterals, than brothers or sisters' children, shall at any time appear, and prove him, her, or themselves to be such legal representative or representatives, that then the treasurer that received the residue of such estate, if then in his hands, or the public stock of schools, if applied to their use, shall be liable, and are hereby obliged to refund to such legal representative, the sum that they received