

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 & 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 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.

*Distribution
1/3 to the wife of*

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 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.

Children equal

And in case there be no 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 & those who legally represent them (provided there be no representatives admitted among collaterals after Brothers & Sisters children) and in case there be no Wife then all the said Estate to be distributed equally to and amongst the children, & in case there be no Children then to the next of kindred in equal degree of or unto the Intestate or their legal Representatives as aforesaid and in no other manner whatsoever.

Wife at Law an equal part with other children if no children or legal representatives of them the wife to have a moiety

And after such division or distribution made by the Judge aforesaid, the Judge shall transmit the Account thereof to the several and respective Justices of the County Courts where the said Estates shall be & remain, and if any part thereof belong to an Orphan who is capable of choosing his Guardian such Orphan shall be called to Court and shall then & there choose his Guardian into whose hands the said Orphans Estate shall be committed, but if such Orphan be not at age then the Justices aforesaid shall put the persons Lands Goods & Chattels of the said Orphan 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 & delivering of the said Estate to said Orphans or their Guardians when thereunto lawfully called according to the Rules & Directions hereafter by this Act prescribed & 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 Probat of Wills & granting Administrations in the account 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 or their Accounts but for debts bona fide owing from the deceased and really paid or secured to be paid by the several & respective Administrators.

F I R S T No Negro or other Slave shall be sold or disposed of by any Administrator for payment of debts or otherwise reserved for the Administrators own use in satisfaction of any debts due to the said Administrator nor any Execution served upon Negroes or other Slaves so long as there shall be other goods of the deceased sufficient to satisfy the just debts of the deceased but shall be kept upon the hazard of the Estate & employed for the benefit of the Creditors & Orphans (if any be) during the first year at the end of which the Administrator is to account for the Estate and the profits of such Slaves shall be Assents to the Creditors and dividable between the Wife & Children or Relations of the said deceased if there be no Creditors & the Judge for Probat of Wills upon passing the Account by such Administrator shall allow him his Reasonable Charges.

2^dly. That no Account be allowed for Diet Cloaths Physick or Education to any Administrator or Guardian to any Orphan against the Estate of the Intestate or against the Filial part of any Child committed to any Guardians or other persons intrusted by the County Court but the said Orphan shall be maintain'd and educated by the Interest of their Estate and the increase of their Stocks so far forth as their said interest and increase will extend, but if the Estate be so small as that it will not extend to a free education of such Orphans, then such Orphans shall be bound Apprentices to some handicraft Trade or other person at the discretion of the County Courts until they arrive to the Age of Twenty One Years, except some Kinsman or Relation or some other charitable