

Debts as may thereafter appear ; whereby such Administrator has the sole Benefit of such Goods and Chattels, as he had no other Pretence of Right to, save for the satisfying himself a Debt, and perhaps but a small one, out of the Deceased's Estates : For the more just and better Application of which Residues for the future ;

C H A P.
XIV.

II. Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That every such Administrator as aforementioned, shall be obliged to pay and satisfy the Balance of such Estates to one of the Public Treasurers of this Province, for the Time being, in the same Manner as such Administrator 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.

How the Residue of Intestates Estates shall be disposed of who leave no legal Representatives, for the Benefit of Schools.

* By 1729, ch. 24, §. 17, the Balance of Intestates Estates directed by this Paragraph to be paid to the Public Treasurers, shall hereafter be paid to the Visitors of the Public School of the County wherein the Deceased resided : And that the Administrator shall pay such Balance in Current Money, or in Specie, at the Direction of the Visitors ; and if paid in Money, he shall be allowed 10 per Cent ; if in Specie, 5 per Cent, and no more.

III. Provided, That in case such Administrator be of Kin 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.

Administrators, of Kin to the deceased within the 5th Degree, have Right to the Residue.

IV. Provided nevertheless, That in case there be a 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 any wise notwithstanding.

In what case a Widow shall have the whole Residue.

V. Provided nevertheless, and be it Enacted, by the Authority, 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 on Account of such Residue ; and that the same Treasurer or Public Stock as aforesaid, (in case the Administrator shall be obliged to pay any further Debts or Duties that were due from the Deceased,) shall likewise refund to such Administrator the Value of what such Administrator shall be so obliged to pay.

If legal Representatives afterwards are proved, the Schools shall refund.

By 1729, ch. 24, §. 20, in case such Residue shall be paid to the Visitors, (see the Note on §. 2,) and legal Representatives of no remoter Degrees, &c. shall afterwards appear, &c. then shall the Visitors restore the same to such legal Representatives if in their Hands : But if actually applied to the Use of the School, then the Public Stock of such School shall be liable to make Satisfaction : And the Visitors shall give an Order for the same on the Public Treasurers, who shall