

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 entred 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 Persons Estates.

And the first Administrator sued,
Or his Bond Assigned.

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 Intestates 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.

After full Account Distribution to be made.
And how.

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.

In case of Settlements by the Intestate in his life time,

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 who legally represent them, (Provided)

In case there be no Children, and a Widow, how distributed.

there be no representatives admitted among Collaterals, after Brothers and Sister's Children. And in Case there be no Wife, then all the said Estate to be distributed equally to and amongst the Children; And in

No remote Collaterals admitted.
In Case no Wife,

Case there be no Children, to the next of Kindred, in equal Degree, of or unto the Intestate, or their legal Representatives, as aforesaid. 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 severall 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 choosing his Guardian, such Orphan shall be called to Court, and shall then and there choose 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

After distribution, ballances to be transmitted to the County Justices.

And how proceeded in, if Orphan chooses Guardian.