

of the same, That the Judge or Commissary General for Probate of Wills; and granting Administration, shall hold his Court once in Two Months at the least, or oftner, as the Case shall require; and therein shall proceed according to the Laws of *England* now in Force, or hereafter to be in Force, within Twelve Months after such Laws shall be published in the Kingdom of *Great Britain*, if pleaded before him; Saving in such Cases as by this present Act is provided. And it shall and may be lawful for the Judge for Probate of Wills to take the Probate, or cause to be proved any Last Will and Testament within this Province, although the same concerns Titles of Land; Any Law, Statute, Usage or Custom to the contrary notwithstanding.

AND to the End that all Filial Portions may be secured to the Children of all Persons dying Intestates, and Legacies paid to Legatees of Persons making Wills or Testaments; Be it likewise Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, First, That the Judge for Probate of Wills, and granting Administrations, shall cause all Executors and Administrators to exhibit Inventories within Three Months, and render Accounts within Twelve Months next after Administration committed, of the Personal Estates of such deceased Persons; and if any Administrator shall fail to exhibit such Inventory, or give an Account within the Time aforesaid, being lawfully thereunto cited, that then the said Judge (if he see just Cause) may issue forth Process of Attachment against such Administrator, to oblige him, her, or them, as well to exhibit an Inventory, or render Account as aforesaid, as to answer for his, her, or their Contempt of such former Process, after the usual Manner: And in Case such Administrator shall not render such Account, or exhibit such Inventory, until Two several Attachments shall be returned to Two separate Courts against such Administrator, either that the Administrator hath been attached, or is not found in the County where they live, It shall and may be lawful for the said Judge to revoke the first Letters of Administration to such Administrator committed, and shall grant Administration *De bonis non administratis* to such as 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 Mal-Administration by such former Administrator done or suffered of such deceased Persons Estates.

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 Intestate's 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 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. And in case any Child (other than the Heir at Law) who shall have any Estate by Settlement from the said Intestate in the 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,