

1719. MAY.

CHARLES LORD BALTIMORE.

C H A P. XII.

Single persons to give security, &c.

such places where they are employed, and such employers refuse to give them in as taxables, they not being constant residents in their families, by which means they frequently escape paying any tax at all, BE IT ENACTED, by the authority, advice and consent aforesaid, That it shall and may be lawful for any constable of any hundred in any of the counties within this province, upon finding any such single person or free man in their respective hundreds, who cannot procure some housekeeper within such hundred to give him in as a taxable, nor make appear that he is a resident, or taken as a taxable in some other hundred or county, to carry such person or free men before the next justice of the peace for such county, who is hereby empowered and required to commit such person or free man into the sheriff's custody, until he shall procure some housekeeper to return him as a taxable, and be answerable for his levy.

See the note under 1715, ch. 15.

C H A P. XIII.

Passed 6th of June, 1719.

An ACT for relief of John Beale, of Charles county, gentleman, and Richard Beale, a minor. Lib. LL. No. 4. fol. 440. Dissent.

C H A P. XIV.

An ACT for the application of such intestate's estates as leave no legal representatives, and for enforcing proceedings against temerary administrators. Lib. LL. No. 4. fol. 443.

Preamble.

WHEREAS it frequently happens that persons who are possessed of considerable personal estates die intestate, leaving no known relations or representatives, legally entitled to the residue thereof, in which cases 'tis observed some creditor or pretended creditor of such deceased most commonly obtains the administration of his goods and chattels, and thereby becomes legally possessed thereof, by virtue whereof he not only satisfies himself, but all other creditors their just claims, but likewise retains in his hands the total residue of such estate, and converts the same to his own use, on pretence of securing himself against such latent 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,

How the residue of intestates estates shall be disposed of.

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 afore-mentioned shall be obliged to pay and satisfy the balance of such estates to one of the (a) 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.

(a) By 1729, ch. 24, section 17, the balance of intestates 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, section 15, the surplus shall belong to the state, saving to the different schools the rights which they possess by existing laws.

Proviso.

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.

Proviso.

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, (b) but such widow shall have the whole residue of such estate, any thing herein before contained to the contrary thereof in anywise notwithstanding.

(b) See 1798, 101, ch. 11, section 1.

V. PROVIDED