

Oct. 1. 671

An act for preservation of Orphan Estates.

Forasmuch as the former Lawes made in this Province concern
Orphans estates are found by experience to be very defective, & not
sufficient for the preservation of Orphans estates, according to the ends or
purposes thereby intended & desired, the Delegates in this present
Assembly, assembled pray that it may be enacted, And

Be it enacted by the R^t. hon^{ble}. J^s. Prop^{ty} of this Province
y^e advice & consent of y^e upper & lower houses of this present general
Assembly & y^e authority of y^e same, that all Last-wills & Testaments
shall be firm & inviolable, unless y^e Executors or Overseers thereby
appointed doo refuse to execute y^e trust reposed in them by the Testator.
In such case the chief Judge for probats of wills & granting Administrations
shall grant administration wth y^e will annexed to some other person, as
in his discretion shall seem most. But if the will be so made that
no person will undertake y^e management of the s^d. estate, & duration
of y^e Orphans, according to y^e tenour of y^e s^d. will, then the estate
by y^e appointment of y^e Justices of y^e County Court where y^e estate
shall ly & be, shall be managed according to those following rules
hereafter in this present act prescribed. Provided always the
Children, if any be, be committed to persons of the same religion, wth their
deceased parents. And

It is further enacted by this present general Assembly, & y^e authority
of the same, that whosoever any person dieth intestate, that then y^e administration
shall be granted to such person or persons whom the said intestate shall have
appointed Overseers of his estate, if any such be, & in default of appointing
such Overseers, then Administration shall be granted to the wife of y^e intestate
if she be Living: & if not Living, then to y^e next of y^e blood of y^e person so
dying intestate, who shall enter into Bond, wth sufficient security, such as
y^e Judge for Probats of wills & granting Administrations shall approve of
well & truly to administer of the estate of the person so dying intestate,
thereof make a true & perfect inventory & appraisement of all & singular
y^e goods & Chattels, rights & credits belonging to y^e s^d. person so dying intestate
at the time of y^e intestate's death, & deliver y^e same to be recorded in the
Secretary's office, under y^e hands of sworn Appraisers for that purpose to be
by y^e s^d. Judge appointed, at a certain time by y^e s^d. Judge to be Limited:
also to give a true & perfect acct. of y^e s^d. estate so by him administered of,
unto the s^d. Judge, wthin Twelve months next after y^e obtaining the said
administration. And if y^e s^d. Admin^r shall fail to give an acct. wthin y^e t^{me}
afores^d, being by y^e s^d. Judge thereunto summoned, that then y^e s^d. Judge
grant administration a new to some other person as in his discretion he