creditors to ſtay proceedings, the court ſhall not proceed to decree a ſale, unleſs application be made by another creditor or creditors within three years after the death aforeſaid, or after the paſſage of this act.

3. Any heir or deviſee, who ſhall *bonâ fide* have ſold the land which to him or her hath deſcended or been deviſed as aforeſaid, before any application as aforeſaid of a creditor made to the chancery court, ſhall be anſwerable no further than the amount of the price of the land; and if any ſuch heir or deviſee ſhall have made ſuch *bonâ fide* ſale, and ſhall apply the money thence ariſing, without obſerving the rules laid down in this act, or the act of ſeventeen hundred and eighty-five, chapter eighty, as the caſe may require, he ſhall be liable, out of his own eſtate, for ſuch proportionable ſhare as any creditor of the deceaſed ought to have, to be recovered by ſuit within three years from the death of the anceſtor or teſtator, or the paſſage of this act.

4. No *bonâ fide* purchaſer from an heir or deviſee ſhall, in any manner, be anſwerable for any debt due from the anceſtor or deviſor, unleſs the ſame were known by, or notified to, the ſaid purchaſer, before the ſale; and ſuch perſon ſhall, in no caſe, and in no manner, be anſwerable, unleſs ſuit be brought within the time aforeſaid in the chancery court.

5. Whereas it is the intent of the act aforeſaid of ſeventeen hundred and eighty-five, chapter eighty, as well as of this act, that real aſſets, or land in the hands of an heir or deviſee, be diſtributed amongſt creditors in the ſame manner as perſonal aſſets, but it will be impracticable for a court of law, on ſuits brought by the different creditors, to do juſtice to all parties, according to the intent of the law, no ſuit ſhall be maintainable at law, againſt an heir or deviſee, but the proceedings may be as aforeſaid, in the court of chancery; provided nevertheleſs, that at the inſtance of either party, viz. of a creditor, or heir or deviſee, the ſaid court ſhall direct any iſſue or iſſues to be tried by a court of law, to eſtabliſh or refute a claim, or determine any fact thereto relative.

CHAP. XIII.

Diſtribution of an inteſtate's perſonal eſtate.

WHEN all the debts of an inteſtate, exhibited and proved, or notified and not barred, ſhall have been diſcharged, or ſettled and allowed to be retained, as herein directed, the adminiſtrator ſhall proceed to make diſtribution of the ſurplus as follows:

1. If the inteſtate leave a widow, and no child, parent, or collateral relation, more remote than a brother or ſiſter, or the child of a brother or ſiſter of the ſaid inteſtate, the ſaid widow ſhall be entitled to the whole.

2. If there be a widow, and a child or children, or a deſcendant or deſcendants from a child, the widow ſhall have one third only.

3. If there be a widow, and no child or deſcendants of the inteſtate, but the ſaid inteſtate ſhall leave a father or mother, or brother or ſiſter, or child of a brother or ſiſter, the widow ſhall have one half.

4. The ſurplus, excluſive of the widow's ſhare, or the whole ſurplus, (if there be no widow,) ſhall go as follows.

5. If there be children, and no other deſcendant, the ſurplus ſhall be divided equally amongſt them.

6. If there be a child or children, and a child or children of a deceaſed child, the child or children of ſuch deceaſed child ſhall take ſuch ſhare as his, her or their deceaſed parent would (if alive) be entitled to; and every other deſcendant, or other deſcendants in exiſtence at the death of the inteſtate, ſhall ſtand in