

ment in England concerning the King's plantations, he is disabled to do or execute.

[Section III.] Provided always, and be it further enacted by the authority aforesaid, That all Swedes, Dutch and other foreigners who were settled in this province or territories before the date of the King's letters patent to the proprietary and governor, shall be deemed and by this act are declared to be fully and completely naturalized, and shall by virtue hereof have and enjoy to them and their heirs the same rights and immunities, of and unto the laws and privileges of this government, as any other foreigners may or can enjoy by virtue of this act, anything herein to the contrary notwithstanding.

Passed November 27, 1700; repealed by the Queen in Council, February 7, 1705-6. See Appendix 1, Section II.

CHAPTER XXXI.

AN ACT FOR ASCERTAINING THE DESCENT OF LANDS, AND BETTER DISPOSITION OF THE ESTATES OF PERSONS INTESTATE.

For the prevention of disputes and contests at law or otherwise concerning estates, real and personal, of persons dying intestate, and for the more equal payment of their debts:

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Counties annexed in General Assembly met, and by the authority of the same, That all lands, tenements and hereditaments and all personal estates whatsoever which any person hath or is seized or possessed of, in his or her own right, at the time of his or her decease, within this province and territories, shall be liable to be seized and sold by the lawful executor or administrator of the deceased by any lawful deed or conveyance, duly executed and approved and acknowledged in open court according to law, or by judgment or order of the respective courts of record, upon due procedure therein respectively had, for the payment of decedent's just debts, so far as the said estates shall

exten in due order of law: (That is to say) first, funeral expenses; secondly, debts and duties due to the King and the proprietary and governor; thirdly, judgments; fourthly, debts due by recognizance; fifthly, debts due by obligation; sixthly, bills; seventhly, rents; eighthly, servants' and workmen's wages; ninthly, merchants' and traders' books and promises by word, arrears of account and such like: which said seizures, sales and payments shall be binding and conclusive against such decedents, their heirs and all persons whatsoever claiming by, from or under them or any of them, and after all debts and dues paid and satisfied as aforesaid, the surplusage or residue (if any be) of all the testator's said personal estate, shall be by the executors divided and proportionably distributed according to the said testator's last will.

Provided always, That the widow shall not have less than one-third part of the said clear personal estate, except where equivalent provision hath before been made for her by the testator. And that the residue of the personal estate of intestates (all their debts being paid as aforesaid) shall be disposed of and distributed in the manner following: (That is to say) one-third part thereof to the relict or widow of the intestate aforesaid, and all the residue by equal portions to and amongst the children of the intestate, and such persons as legally represent such children, in case any of the children be then dead, other than such child or children who shall have any estate by the settlement of the intestate, or shall be advanced by the intestate in his or her lifetime, 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 who shall have any estate by settlement from the said intestate, or shall be advanced by the said intestate in his or her lifetime 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 said intestate's estate shall be distributed to such child or children as shall have any land by settlement from the intestate, or were advanced in the lifetime of the intestate, as shall make the estate of all the said children to be equal, or as near as can be estimated.

Provided, That the first-born, if a son, of the said intestate shall have a double portion or share of such clear residue of the intestate's estate as aforesaid, the widow's third being first therefrom divided: and in case there be no children nor legal representatives of them, then one moiety of such estate shall be allotted to the widow of the intestate, and the residue of the said estate distributed equally to every of the next of kindred of the intestate, who are in equal degree, and those who legally represent them: Provided, That there shall be no representations admitted amongst collaterals after brothers' and sisters' children. And in case the intestate shall leave no widow, then all the said estate shall be distributed equally to and amongst the children (the first-born, if a son, having a double share as aforesaid); and in case there be no child, then to the next of kindred of the intestate in equal degree, and their legal representatives as aforesaid; and in no other manner whatsoever.

[Section II.] And be it further enacted by the authority aforesaid, That in case such intestate shall leave no known kindred, then all his lands, tenements and hereditaments shall descend and go to the immediate landlord of whom such lands are held, his heirs and assigns; and if held immediately of the proprietary, then to the proprietary, his heirs and assigns; and all the goods, chattels and personal estate whatsoever of such person dying intestate and without kindred as aforesaid, shall go to the proprietary and governor, his heirs and assigns.

[Section III.] Provided always, and be it further enacted by the authority aforesaid, That where such testators' or intestates' personal estate are sufficient to pay all debts and damages owing by them respectively at the time of his, her or their deaths, with all charges incident thereunto, then the real estates, lands, tenements and hereditaments of such testators and intestates shall be disposed of and distributed in manner following: all testators' real estates shall be disposed and remain according to the last will and testament of the testator.

Provided always that no less than one-third part of any real estate be allotted to the widow of such testator during her natural life, except where due and equivalent provision hath been made before by the testator; and one-third part of all lands

tenements and hereditaments of or belonging to any person dying intestate, shall go and be allotted to his widow for her life; and the residue and remainder thereof shall be distributed and allotted in the same manner as the surplusage of the intestate's personal estates above limited and directed: all which distributions of the remainders and surplusages as well of testator's as intestate's estates shall be made by the respective registers of the counties where such testator's or intestate's estates shall lie for the time being, within twelve months next after the decedent's death; and every one to whom any share in the distribution shall be allotted, shall give bond with sufficient sureties to the said register, that if any debt or debts truly owing by the intestate shall afterwards be sued for and recovered or otherwise duly made to appear, that then and in every case, he or she shall refund and pay back to the administrator his or her ratable part of such debt or debts, and of the costs of suit and charges to the administrator by reason of such debt accruing, out of the part or share to him or her allotted as aforesaid, thereby to enable the said administrator to pay and satisfy the said debt or debts discovered, after the distribution is made, as aforesaid, and that all such of the intestate's relations and persons concerned, who shall not lay legal claim to their respective shares of such estates within seven years after the decease of the intestate, shall be debarred from the same for ever.

Passed November 27, 1700; repealed by the Queen in Council, February 7, 1705-6. See Appendix I, Section II.

CHAPTER XXXII.

AN ACT FOR RAISING COUNTY LEVIES.

Whereas there is a continual occasion for a public county stock to defray the necessary charges of each county, for the support of the poor, building and repairing of prisons and bridges, paying of salaries belonging to assemblymen, paying