

ready Collected to the Care and Collecting of the Sheriff of each Respective County or any other person as they Shall See meet & Convenient: And be it Enacted by the Authority Aforesaid that the Said Money So as aforesaid to be Collected Shall be payd at Philadelphia the Tenth day of the fifth Moneth 1697 Danger and Casualty Excepted, to James Fox, or in Case of Mortality to Such other Receiver or Receivers as Shall be by Law in that Case appoynted whose Receipt Shall be a Sufficient Discharge to be Disposed of as the aforesaid Act of Assembly Directs for Such Collectors And be it Enacted by the Authority Aforesaid that if any Person—rated by the Said Law Shall Refuse and Delay to Pay his just Proportion untill the Collector Shall be Necessitated to make distress, the Same Collector Shall & may take for his Soe Distraining as the Laws Allow the Sherriffs in Cases of Executions with other Reasonable Charges And be it further Enacted by the authority Aforesaid that if any of the Said Justices of the Peace of this Government Shall refuse or Neglect their Respective duties in the Premises and be duly Convicted thereof shall be fined by the Governor & Provinciaall Council in any Sum not exceeding Ten pounds to the use of the Governor and if any of the Said Collectors Sherriffs Clerks Constables or other Officers doe Refuse or Neglect their duty therein being duly Convicted thereof Shall be fined by the Justices of the Respective County Courts in any Sum not Exceeding five Pounds for Such use or uses as the County Court Shall Direct any Law or Usage within this Government to the Contrary Notwithstanding This Act to be in force untill the Rising of the Next Generall Assembly and 20 days after:

A.P.S., Original Laws of Pennsylvania from 1693 to 1700, f. 103.
H.S.P., Cadwalader Collection. Act of May 22, 1697, chapter 3. See chapter 137, 1698.

CHAPTER 130.

THE LAW ABOUT TESTATE & INTESSTATES ESTATES.

And be it farther Enacted by the Authority aforesaid that all Reall Estates and Lands Tenements and Hereditaments and all Personal Estates which any Person hath in this Province and Territories at the

Time of his Decease shall be Lyable either by Conveyance or Bill of Sale duly executed by the Lawful Executor or Administrator of Such Deceased and approved and acknowledged in open Court according to Law or by Judgment and order of the Respective Courts of Record, upon due Proceedure therein had, to be Seized and Sold for payment of the Decedents just Debts so far as the Same Estate Shall extend in due order of Law. That is to Say First Funeral Expenses Then Debts and duties due to the Governor, Then Judgments, Then Debts due by Recognizance, Then Debts due by Obligation, Then Bills, Then Rents, Then Servants and workmens wages, Then Merchants Books Lately Contracted, and Promises by word, Arears of Accompts, and Such Like, which Said Sales and Seizures are hereby declared to be Binding and Conclusive against Such Deceased and their Heirs and all Claiming under them. And after all Debts are payd as aforesaid then the Surplusage or Residue, if any be, of all the Testators Said personall estate Shall be by the Executor divided and Proportionally distributed according to their last wills, Allways Provided that his Widow have not Less than one Third part of the Said Personal Estate except where due and equivalent Provision hath been made before by the Testator.

And that the Surplusage or Residue of an Intestates Personal Estate, all debts being payd as aforesaid, Shall be thus disposd of and Distributed: To wit: One third Part thereof to the wife of the Intestate, the Residue among his Children and such as Legally Represent them, If any of them be Dead, the eldest Son having a Double part or Share; And if there be no Children nor Legal Representatives of them, one Moity Shall be allotted to the wife, The Residue equally to the next of Kindred to the Intestate in equal degree and those who Represent them—And if the Intestate Leaveth no wife Child nor Children it Shall go to his Brothers and Sisters, if any be, or to the Children of Such Brothers and Sisters, And in Case no Such be, it Shall go to the Parents, And for want of Kindred the one half to the Governor for the Time being, and the other half to the Publick Stock of the County where Such Estate Lyeth, And the Personal Estate of an Intestate widow Shall go to her Child or Children the Same to be Disposed of as aforesaid.

And the Personal Estate of a Single Man or Woman dying Intestate shall go to his and their Brothers and Sisters, if any be, and for want of Such, then as before Limited, Provided allways that where Such Testators or Intestators Said Personal Estates are Sufficient to Pay all Debts and Damages owing by them at the Time of their Decease with all Charges Incident thereunto That then their Respective Reall Estates aforesaid Shall be Disposed of and Distributed in maner following, That is to Say, all Testators reall Estates to be Invested and Remain as their Last Wills and Testaments Devise the Same, Provided allways, that no Less than one Third part of the Said Real Estate be allowed and invested in the Widow dureing her Naturall Life except where due and equivalent Provision hath been made before by the testator; And one Third part of all Intestates Lands and Tenements to the wife for her Life, the Residue and Remainder thereof to be allotted and distributed in the Same maner as the Surplusage of the Intestates Personall Estate as above Limited and Directed All which Distributions of the Remainders and Surplusages as well of the Testates as Intestates Estates are to be made by the Regester General for the Time being within Twelve Moneths after the Decedents Death: And every one to whom any Shares Shall be allotted Shall give Bond with Sureties to the Said Regester Generall that if Debts afterward be made to appear, he or shee Shall Refund his or her Rateable part thereof, and of the Executors or Administrators Charges accrewing Thereby—And that all Such of the Intestates Relations and Persons Concerned who Shall not Lay Legal Claimes to the Said Estates within Seven Years Next after the Decease of the Intestate Party, Shall be Debarred for ever: And be it further Enacted by the Authority aforesaid that all Executors and Guardians to Persons under Age Shall give Sufficient Bond to the Court of Orphans in the Precincts where they Live faithfully to Discharge their Trust: and that the Said Obligations shall stand in full force and virtue till they have Past their Accompts in Court and are Legally Discharged.

A.P.S., *Original Laws of Pennsylvania from 1693 to 1700*, f. 107.
H.S.P., *Cadwalader Collection*. Act of May 22, 1697, chapter 4. See
Vol. II St.L. 31, ch. XXXI.