

lieth & two other persons of good repute & well skill'd in building & plantation affairs neither of them being akin indebted or otherwise interested in either Orphan or Guardian enter into the Lands & Plantation to such Orphan or Orphans belonging & view the dwelling Houses & out Houses Lands Orchards and Fences that are upon the said Plantation, and then and there the said two persons so qualified as aforesaid shall take their corporal Oaths upon the Holy Evangelist by the said Commissioner to be administered that according to the best of their skill & judgment they will make a just Estimate of the annual value of the said Lands and Plantation and what dwelling Houses out Houses & Orchards are upon the same and what repair they are in what part of the said Land the said Guardian may be further permitted to clear upon the said Plantation as well to raise the yearly Rent so valued as aforesaid as also towards his yearly charge in keeping the said dwelling Houses out Houses Orchards & Fences in Repair & so by him to be left, always having a regard to leave a proportionable part both for quality & quantity of unclear'd Land for the benefit & advantage of the orphans or heir when at age to possess the said Land or Plantation as also the Orphans maintenance out of the same where the profits of personal Estates be not sufficient to maintain him or them and the same to certify under their Hands & Seals attested by the Commissioner so administering the Oaths as aforesaid to the County Court next ensuing after such View so had & made as aforesaid, & there to remain upon record until the said orphan or heir come to age, which Certificate so entred & remaining upon Record as aforesaid shall be sufficient Evidence in Law for the said Orphan or Orphans to recover double damages in an Action of Waste by them to be brought when at age for any Waste Sale or Destruction committed or done in any of the premises other than what the persons have certified & thought necessary with due respect had to all circumstances & matters aforesaid.

And to the End as well the Guardian and Guardians aforesaid as the other persons mentioned & appointed to value the Lands as aforesaid may not fail to do their duty.

Be it Enacted by the Authority aforesaid by & with the Advice & Consent aforesaid that every Guardian or Guardians of any Orphan or Orphans that shall for the future neglect within one Month after coming upon his or their guardianship aforesaid to do & perform what is by this Act required shall forfeit the sum of five thousand pounds of tobacco and any two persons in the said County living being thereunto demanded that shall refuse or neglect what is by this Act requir'd of them to do & perform shall forfeit the sum of five hundred pounds of Tobacco each, one half thereof to our Sovereign Lady the Queen her heir & Successors for the use of such Orphans the other half to the Informer or him or them that will Sue for the same to be recover'd in any Court of Record in this Province of all & every such person that shall so as aforesaid refuse or neglect to perform what is by this Act required.

And whereas it hath been doubted whether in valuing or estimating the said Orphans Lands & Plantations in this Act mentioned the quit Rents to the Lord of the same are not to be consider'd & allow'd for as well as Reparations and other things in this Act mentioned.

It is hereby further enacted & declared that the said quit Rents ought & are hereby declar'd and enjoyned to be consider'd deducted and allowed upon the yearly value of the said Land and the Guardian pay the same.

And that any Guardian aforesaid that shall neglect after such allowance made of the same in the value of the said Land and hath not paid such quit Rent as aforesaid shall forfeit to the Orphans when at age four fold the value of such Rents that he left in Arrears at the full age of such Orphan to be recover'd by Action of Debt Bill Plaint or Information wherein no Essoyn Protection or Wager of Law to be allow'd.

And be it further Enacted by the Authority aforesaid by & with the Advice & Consent aforesaid, that the Commissioners of each County Court within this Province by vertue of this Act shall have power from time to time & at all times hereafter upon presentment of the Orphan Jury or other Information given to them of such Sale Waste or Destruction made done or committed upon any Orphans real Estate by any such guardian by legal Warrant to cause the said Guardian to appear before them in the County Court and if upon examination thereof the said Information be sufficiently proved that the said Guardian shall answer the damage of such waste by him committed contrary to the Law when Orphans come to age that then the said Commissioners do require the said Guardian to give sufficient security to make satisfaction to the said Orphan or Orphans when at age as aforesaid, & upon refusal thereof as the said Orphan or Orphans (if at age to choose us or their Guardians) shall elect, & if not then such other as the Commissioners shall think meet being willing to take the same who shall enjoy the said Land or Plantation committing no waste and performing all such matters & things