

Orphan or Orphans, shall, with one Commissioner of the said County where the Land lieth, and two other Persons of good Repute, and well skilled in Building and Plantation Affairs, neither of them being of Kin, Indebted, or otherwise Interested, in either Orphan or Guardian, (such two Persons to be nominated by such Commissioner,) enter into the Lands and Plantation to such Orphan or Orphans belonging, and view the Dwelling-houses, and 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 Evangelists, by the said Commissioner to be administered, That "according to the best of their Skill and Judgment, they will make a just Estimate of the annual Value of the said Lands and Plantation; and what Dwelling-houses, Out-houses and 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 and Fences in Repair, and so by him to be left;" Always having a Regard to leave a proportionable Part, both for Quality and Quantity, of uncleared Land, for the Benefit and Advantage of the Orphans or Heir, when at Age to possess the said Land or Plantation; as also the Orphan's Maintainance 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 and Seals, attested by the Commissioner so administering the Oaths as aforesaid, to the County Court next ensuing after such View so had and made as aforesaid, and then to remain upon Record until the said Orphan or Heir come to Age: Which Certificate, so entered and 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 and thought necessary, with due Respect had to all Circumstances and Matters aforesaid.

C H A P. XXXIX.

by two indifferent Persons, nominated and sworn by a Magistrate.

Their Oath and Duty.

Their Valuation, &c. to be certified and recorded. Which Record shall be sufficient Evidence in an Action of Waste, for the Orphan to recover double Damages.

For the Obligation of Guardians to render Account to their Wards of the Surplus of the Profits of their Real Estates, beyond the necessary Expence of their Maintainance and Education: See 1729, ch. 24, §. 8.

XXXI. And to the End, as well the Guardian and Guardians aforesaid, as the other Persons mentioned and appointed to value the Land as aforesaid, may not fail to do their Duty; Be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That every Guardian or Guardians of any Orphan or Orphans, that shall for the future neglect, within One Month after entering upon his or their Guardianship aforesaid, to do and perform what is by this Act required, shall forfeit the Sum of Five Thousand Pounds of Tobacco: And any Commissioner or Justice of the Peace, or other Person or Persons in the said County living, that shall refuse or neglect what is by this Act required of them to do and perform, being thereunto demanded, shall forfeit the Sum of Five Hundred Pounds of Tobacco each; one Half thereof to our Sovereign Lord the King, his Heirs and Successors, for the Use of the Orphan or Orphans therein concerned, the other Half to the Informer, or him or them that shall sue for the same; to be recovered in any Court of Record in this Province, of all and every such Person that shall so as aforesaid refuse or neglect to perform what is by this Act required.

Guardians neglecting such View, &c. within the Time limited, forfeit 5000<sup>lb</sup> Tobacco.

Penalty on Magistrates or other Persons neglecting or refusing to act, when demanded.

XXXII. And whereas it has been doubted, whether in valuing or estimating the said Orphans Lands and Plantations in this Act mentioned, the Quit-Rents to the Lord of the same are not to be considered and allowed for, as well as Reparations and other Things in this Act mentioned? It is hereby further Enacted and Declared, That the said Quit-Rents ought, and are hereby declared and enjoined to be considered, deducted and allowed upon the Yearly Value of the said Land, and the Guardian pay the same. And that

Quit-Rents to be allowed in the Valuation, and paid by the Guardian,