

*In the Secretary's Office*

We also find, in the transcribed Book of Laws in the said Office, *Liber C*, and *W H*, Folio 11, *An Act for erecting a County Court, whereby the Justices had Power to appoint a Register*: Likewise, in the same Book, Folio 32, *An Act for assuring of Titles to Land*; in which all Persons inheriting by Testaments, were empowered to enter with the Register of every Court their Title. Also, in the same Book, Folio 61, the following Entry, viz. "Memorandum, That at the first Meeting of the Assembly, on the 25th Day of February, 1638, was enacted and ordained one Act as followeth; — precedent to which the former two Acts were recorded." But we cannot discover any Dates, so as to shew the Time they were enacted.

We find in *Liber S*, Folio 18, in the said Office, a Will recorded, and Probat of a nuncupative Will, taken before *William Bretton*, the 15th April, 1658. We also find in the same Book, Folios 74, 75, and 76, the Will of *John Lloyd*, dated June 26, 1658, recorded, and two of the subscribing Witnesses to the same sworn to the Proof thereof, before *William Bretton*; and the said *Bretton*, who likewise was a subscribing Witness to the same Will, was sworn to prove the same before *Philip Calvert*, Esq; And we likewise find in the same Book, Folios 76 and 77, That the said *Philip Calvert*, Esq; is styled Judge in Testamentary Causes, and Secretary. And we are informed by the Clerk of the Provincial Court, that he has seen several Wills and Testamentary Affairs recorded in the Books in the said Office; but not being regularly alphabetized, they cannot without Difficulty be found.

We also find in the aforesaid *Lib. C*, and *W H*, Folio 73, Bills enacted for Laws, at the Session of General Assembly, 12th August, 1641, one Act entituled, *An Act for Causes Testamentary*; wherein is contained, among other Things, that the Lieutenant-General, or, in his Absence, his Deputy, or other the first Counsellor resident in the County, shall prove Wills, and grant Administrations, and exercise all temporal Jurisdictions in Testamentary Causes appertaining.

We also find in *Liber W H*, Folio 139, *An Act for Preservation of Orphans Estates*, made Anno 1671; wherein among other Things it is enacted, That all last Wills and Testaments shall be firm and inviolable; unless the Executors or Overseers, thereby appointed, do refuse to execute the Trust reposed in them by the Testator: In which Case, the chief Judge for Probat of Wills and granting Administrations, shall grant Administration, with the Will annexed, to some other Person, as in his Discretion shall seem meet.

We also find in the same Book, Folio 276, *An Act for Limitation of Officers Fees*, made the 19th of May, 1676; among which Fees is as follows, viz.

*Fees to the Judge in Testamentary Causes.*

For every Commission to prove a Will.

For recording Wills.

We also find in the same Book, Folio 299, *An Act for Preservation of Orphan's real Estates*, made Anno 1688.

We likewise find in *Liber L L*, Folio 10, *An Act for the better Administration of Justice in Probat of Wills, granting Administrations, Recovery of Legacies, and securing filial Portions*, made Anno 1692; wherein it is enacted, Folio 19, That the Commissary-General of this Province, Chancellor, or other Person, that shall from time to time be appointed a Judge in Testamentary Causes for granting of Administrations, shall from time to time, and at all Times during his Continuance in the said Office, constitute, ordain, and appoint some able and sufficient Person of good Repute, and a Freeholder, in every respective County in this Province, to take the Probat of any last Will or Testament of any Person or Persons, either nuncupative or in Writing; even tho' the same be concerning the Title of Land, &c.

We also find in *Liber W H*, and Folio 79, *An Act for taking away all Errors in Proceedings at Law and Equity, and in the Courts for Probat of Wills*, occasioned by the late Revolution, made at a Session held 10 May, 1692. We likewise find in *Liber C* and *W H*, Folio 63, at a Session of Assembly 19th March, 1638, is the following Act, viz. *An Act ordering certain Laws for the Government of this Province*; a Clause of which, Folio 65, is as follows; viz. "The Secretary shall prove Wills, and grant Administrations, and use and appoint all Power and Means necessary or conducing thereunto."

All which is humbly submitted to the Consideration of the Honourable House.

Signed per Order, Wm. WILKINS, Clerk.

*Mr. Wortbington*, from the Committee of Accounts, delivers *Mr. Speaker* the following Representation; viz.

*By the Committee of Accounts*, March 25, 1746.

Y Our Committee having several Accounts of Fees charged to the Public, agreeable to his Lordship's Proclamation before them, for Allowance, desire the Direction of your House, in what Manner the said Fees shall be allowed.

Signed per Order, RICHARD DORSEY, Cl. Com. Accounts.

Which being read, Ordered, That such Part of the said Officers Accounts as shall be allowed, be made agreeable to the Regulation of Fees made in a Bill pass'd by both Houses of Assembly, the last Session, entituled, *An Act for Limitation of Officers Fees*.

*The House adjourns 'til 2 of the Clock.*

*Post Meridiem.*

The House met according to Adjournment.

*Col. Tasker*, from the Upper House, delivers *Mr. Speaker* a Petition of *William Thornton*, praying that Provision may be made for repairing the public Goal; Indoried, "By the Upper House of Assembly, March 25, 1746: