

C H A P.
XXIV.

The County
Courts to en-
quire con-
cerning Debts
received, &c.
by Executors,

and cause the
same to be re-
corded;

which Record
shall be ad-
mitted as E-
vidence on
Suit.

The Com-
missary-Ge-
neral to send
Lists of Debts
to the County
Courts.

The Duty of
Justices of
Assize herein.

County
Courts may
require new
Security of
Guardians,
&c. and on
Refusal re-
move Or-
phans, &c.
into other
Hands.
Guardians
disobeying
such Order
may be at-
tached, &c.
Guardians
&c. proving
insolvent, the
Court may
take the Or-
phans into
their own
Hands, &c.

Persons tres-
passing upon
Orphans
Lands to pay
treble Dama-
ges.

III. **And be it further Enacted, by the Authority, Advice, and Consent afore-
said,** That the Justices of the several County Courts, shall, every Court, as
well by giving the same in Charge to the Grand Juries, as by such other
Ways and Means as the Truth may be best discovered, enquire, “ Whether
“ any Executor or Administrator hath received and not accounted for any
“ Debts due to the Deceased, or neglected or omitted to receive or recover
“ any Debt or Debts so due;” and to call such Executors or Administrators
before them: And if, upon Examination and Hearing of such Executor or
Administrator, in his or her own Defence, it shall sufficiently appear, that
such Executor or Administrator hath received, and not accounted for, or
neglected to receive or recover any such Debt or Debts, that the Justices shall
order their Clerk to enter the Particulars thereof on Record; which shall be
allowed and received in Evidence, in any Suit to be commenced by the Guar-
dian, during the Minority of the Orphan, or by the Orphan at full Age, or
by any Creditor against the Executor or Administrator, or by the Ward against
the Guardian.

IV. **And be it further Enacted,** That the Commissary-General shall be
obliged to send Lists of the sperate and desperate Debts, to the County
Courts, in the same Manner as Balances are already directed to be transmit-
ted, the better to enable the County Justices to make the Enquiries required
by this Act to be made.

V. **And be it Enacted,** That the Justices of Assize, shall give it in Charge
to the respective Grand-Juries, to enquire, “ Whether the Justices of the
“ County Courts duly execute what is required of them by this and other
“ Acts relating to Testamentary Affairs, &c.”

VI. **And be it further Enacted,** When, and as often as the Justices of the
County Courts shall find it necessary to oblige any Guardian, or other Person
in Possession of any Orphan's Estate; to give new or better Security for such
Estate; that in case of Refusal to comply with their Order therein, it shall
and may be lawful for the said Justices, and they are hereby required, imme-
diately to remove the Person and Estate of such Orphan into other Hands.
And in case the Guardian, or other Person as aforesaid, shall not obey such
Order of Removal, that then, and in such Cases, the said Justices shall and
may issue Attachment, or other Process against such Guardian, or other Per-
son, to answer his or her Contempt, and to commit him or her to Prison,
there to remain until the Order of the said Justices shall be fully complied
with: And that when, and as often as it shall appear to the Justices of the
County Courts, that the Guardians of Orphans, and Sureties for their Estates,
are insolvent; and that no Persons will undertake the Guardianship of such
Orphans, and give Security for their Estates, it shall and may be lawful for
the said Justices, and they are hereby empowered and required, to take the
said Estates into their own Hands, to sell and dispose thereof, (except Negroes
and Plate,) for the best Price they can: And also to dispose of the Money
and Tobacco arising by such Sale, and the Negroes and Plate; to the Or-
phan's best Advantage, and to take good Security for the same; and also to
demise any Lands or Tenements that shall belong to any such Orphan.

N. B. County Courts are invested with the same Powers in Regard to Guardians chosen by
Orphans, by 1752, ch. 3, §. 4.

VII. **And whereas** several Persons not being Guardians, have got into the
Possession of Lands belonging to Orphans, and demised or occupied the same,
and received the Profits thereof; **Be it Enacted,** That it shall not be lawful
for any Person whatsoever, not being Guardian, or not having License from
a Guardian, to enter into, possess, or occupy any Lands or Tenements be-
longing to any Orphan or Orphans, without first applying to the County
Court, and obtaining Leave from them, for such Rents as they shall think
just