

CHAPTER 24.

AN Additional and Supplementary Act to the several acts for the administration of justice in testamentary affairs.

SEC. 1, 2, 3, 4, 5, 6, 8, 10, 11, 12, 13, 14, 23. Are repealed by 1798, ch. 66, or consolidated in 1798, ch. 101.

Persons
trespassing
to pay, &c.

SEC. 7. *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 a guardian, or not having license from a guardian, to enter into, possess or occupy, any lands or tenements belonging 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 and reasonable to be paid to such orphan or orphans, on pain of being trespassers, and paying treble damages, and full cost to such orphan or orphans, to be recovered by the guardian during the orphan's minority, or by the orphan when at full age.

If convict
of waste to
give security,
&c.

SEC. 9. *And be it further enacted*, That when and as often as any county court shall, by the presentment of any grand jury or otherwise, be informed of any waste being done by any guardian upon any orphan's estate, to issue their warrant to cause such guardian to appear before them, and if, upon the said guardian's appearance before them, and being heard in his or her defence, or refusal to appear, being summoned, such information shall appear to be true, the said justices shall order the sheriff, with all possible speed, to summon a jury upon the place where the waste shall be committed, to inquire upon their oath into the same, and of what damage such waste shall be to such orphan, which being returned to the said justices, they are hereby required to oblige the guardian to give security for double the damages that shall be assessed by such jury, and in case of refusal to commit such guardian to prison, there to remain until he or she will comply with their order therein.

What preference
shall be
given, &c.

SEC. 15. *And be it further enacted by the authority aforesaid*, That executors or administrators shall proceed in the payment of debts in the same manner as they have been and are obliged by the said last mentioned act, entitled, An act for the better administration of justice in testamentary affairs, &c. without any other preference to debts due to his sacred majesty, his heirs or successors, or to the lord proprietary, his heirs or successors, than to such debts as are or shall be due to his sacred majesty, his heirs or successors, or to the lord proprietary, his heirs or successors, for the proper use and benefit of them, or either of them, any law, statute, usage or custom to the contrary notwithstanding.