

XVI. The Commissary General of this Province or Judge in Testamentary causes, shall from time to time, constitute and appoint some able and sufficient Freeholder in every County to take the Probate of any Last Wills or Testaments, and likewise granting Administrations of persons dying intestate in the respective Counties. But if any dispute arises concerning the right to Administrations or Executorship, the same shall be divided by the Commissary General or Judge, and not by the person appointed in the County, neither shall he grant Administration, or take Probate, till the dispute shall be determined by the proper Judge. The Fees of such persons appointed to take Probats, &c. shall be 150 *l.* of Tobacco if the Inventory be above 2000 *l.* of Tobacco; if under, then 50 *l.* of Tobacco, and no more.

XVII. All Guardians of Orphans having a real Estate of the Orphans, shall (unless the Testator hath otherwise ordered by his Will) within one month after his taking on him the Guardianship, cause the Land and Plantation to be viewed in the presence of one Commissioner, and an Estimate to be made of the annual value of the same by the Oaths of two indifferent persons, &c. and the same to be certified under their Hands and Seals, and attested by the said Commissioner, which is to be recorded at the next County Court, and shall be sufficient Evidence for the Orphan, when of age, to recover double damages, for any Waste or Destruction, other than what hath been certified and thought necessary.

XVIII. The Commissioners of every County Court, shall upon presentment of the Orphan Jury, or other Information, of any Waste or Destruction committed by any Guardian, examine into the same, and upon proof require the Guardian to give sufficient security to make satisfaction to the Orphan when of age, and upon refusal a new Guardian shall be appointed who shall sue the former for the said Waste and Damages, &c.

XIX. The several Deputy Commissaries appointed in each County as aforesaid, are impowr'd to audite and allow such accounts as come before them relating to the deceased's Estate, not exceeding 50 *l.* Sterling, and transmit the same to the Commissary General; for which he shall