

An Act for the preservation of Orphans and their Estates

Whereas a good and profitable Act formerly made and the same is
 renewed and made this session of Assembly intituled An Act for the
 better Administration of Justice in probat of wills granting Administration reco-
 =very of Legacies and securing of all portions the which said Act or
 any other heretofore made hath not any wayes effectually provided
 against waste sale and destruction Comitted of in or upon the real
 Estate of Orphans to and with dwelling houses out houses lands woods Orchards
 and fencings otherwise than what the Law of England hath prescribed
 which is thought too strict and severe for the present constitution of
 this Province where men cannot enjoy the benefit of the said Land with-
 =out clearing of the same in dooming whereof timber must be fallen with
 by the Law of England aforesaid is waste and the Damages ensuing
 thereupon is far greater many tymes than the full value of the Land
 here and It is most apparant that notwithstanding the parents of such
 Orphants and persons of great Estates whilst living yet their Orphants
 or heirs Heirs come to possess or enjoy any thing more than the
 lands and plantations by them left for the Remedy whereof for the future
 Be it Enacted by the King and Queens most Excellent Majesties by &
 with the consent of this present General Assembly and the Authority
 of the same that from and after this present session of Assembly all
 Guardians of Orphants that shall have any real Estate in lands with
 the Orphan or Orphants to whom the same belongs and comitted to them
 other than such whom the Testator in his life tymes by his last will and
 Testament hath otherwise ordered and disposed off within one month
 after taking upon him or her the Guardianship of such Orphant or
 Orphants shall with one Commissioner of the said County where the Land
 lyeth and two other persons of good Repute and well skilled in building
 and plantation affairs neither of them being of him indebted or otherwise
 interested in either Orphant or Guardian enter into the said Land and
 plantation to such Orphant or Orphants belonging and view the dwell-
 =ing houses out houses lands Orchards and fencings that are upon the said
 plantation and then and there the said two persons so qualified as