

lost and recovered in the names of the Orphans to whose use such Bonds were taken, either in the County or Provincial Court at the election and choice of the said Orphans, any Statute or usage to the contrary hereof in any wise notwithstanding. And for the ease and benefit of the good people that hereafter shall have occasion to resort to the said Judge in testamentary causes for the probat of Wills and granting Administrations,

Be it Enacted by the Authority aforesaid, that the Commissary General of this Province, Chancellor or other Person that shall from time to time be appointed as Judge in testamentary causes for granting administrations, shall from time to time and at all times during his continuance in such office, constitute, ordain and appoint some able and sufficient person of good repute and a freholder in every respective County within this Province to take the probat of any last will or testament of any person or persons either noncupative or in writing, even tho' the same be concerning titles of Land, and likewise the granting of any administration of persons dying intestate in the respective Countys where each person or persons so appointed shall reside and inhabit, which said person in each respective County of this Province so appointed as aforesaid, shall and may take the proof of any will whatsoever as aforesaid, of any person as aforesaid within the County as aforesaid and grant Letters testamentary upon the same, and likewise grant any administrations to any person or persons whatsoever that right has to the administration of any person deceased within the County where he dwelleth as aforesaid: But if any contest or dispute shall arise between any persons concerning the right to Administrations or Executorship, the same shall be divided by the Chancellor, Commissary General or Judge in testamentary causes, and not by such person appointed in each County as aforesaid, neither shall such person grant administration or take the probat of such will till such time as such dispute and difference shall be decided and determined by the proper Judge thereof, and certificate from such Judge of the same, and such person so appointed as aforesaid, shall and is hereby allowed as a fee for granting such Letters of Administration as aforesaid, swearing the Administrators and Appraisors as for the probat of any will, and swearing the Executor or Executrix and Letters testamentary the sum one hundred and fifty pounds of tobacco, to be paid by such person or persons requiring administration or letters testamentary as aforesaid, unless the Estate be so small as the Inventory of such Estate doth not amount to two thousand pounds of tobacco as aforesaid, there shall be paid to such person so appointed for such Letters of Administration or Letters Testamentary as aforesaid the sum of fifty pounds of tobacco and no more, and then in every such case the Commissary General shall have no fees.

Be it Enacted by the Authority aforesaid, that all Guardians of Orphans that shall have any real Estate in lands with the Orphan or Orphans to whom the same belongs committed to them, other then such whom the Testator in his life time by his last Will and Testament hath otherwise ordered and disposed of, within one month after the taking upon him or her the guardianship of such Orphan or Orphans shall with one Commissioner of the said County where the land lyeth & two other persons of good repute and well skill'd in building & Plantation affairs neither of them being of kin, indebted or otherwise interested in either Orphan or Guardian enter into the said Land and Plantation to such orphan or orphans belonging, and view the dwelling houses and out houses, lands, orchards and fences that are upon the said Plantation, and then and there the said two persons so qualified as aforesaid, shall take their corporal oaths upon Holy Evangelists by the said Commissioner to be administered, that according to the best of their skill and judgment they will make a just estimate of the annual value of the said lands and plantation, and what dwelling houses, out houses and orchards are upon the same, and what repair they are in, and in what part of the said land they judge the said Guardian may be further permitted to clear upon the said Plantation, as well to raise the yearly rent so valued as aforesaid, as also towards his yearly charge in keeping the said dwelling houses, out houses, orchards and fences in repair and so by him to be left, always having a regard to leave a proportionable part both for quality and quantity of the uncleared Land, for the benefit and advantage of the Orphans or Heir when at age to possess the said Land or Plantation, as also the Orphans maintenance out of the same, where the profits of personal estates be not sufficient to maintain him or them, and the same to certify under their hands and