

## GOVERNOR.

belonging to the People of this Province) shall pay to the Naval Officer, at the Time of Entering, or give Security for the Payment of Three Pence per Ton of the Burthen of such Ships or Vessels, to the Governor for the Time being. 1704, *ch.* 78.

2. In Case of the Death or Absence of the Governor, the first Person named in his Lordship's Commission to be of the Council, then living and residing in the Province (and in Case of his Death or Absence, the next Person likewise named, &c. successively) shall immediately take upon him the Administration; and with Advice and Consent of the Council, execute all the Powers, &c. of Government, until the Return of such absent Governor, or 'til his Lordship's Pleasure be farther known. 1716, *ch.* 21.

3. The Commission, Power or Authority of the Governor, for the Time being, shall not be dissolved by the Death of the Lord Proprietary; but such Lieutenant-Governor shall continue and act as such, until he be lawfully removed, discharged, or his Commission superseded or determined by the next Successor. 1751, *ch.* 27, §. 7.

For other Matters, see *Gold and Silver*, 1. *Independent Companies*, 2. *Inspectors*, 3, 6, 7, 10, 11. *Iron Works*, 2. *Letters Public*, 3. *Militia*, 1, 7. *Ministers*, 1. *Musters*, 9. *Naval Officers*, 3. *Parochial Libraries*, 6. *Passes*, 1, 3. *Prefs-Masters*, 5, 7. *Public Arms*, per Tot. *Rangers* 1, 4. *Troopers*, 1.

GOVERNOR AND COUNCIL. See *Amerciaments*, 2, 3. *Appeals*, 3, 7-9, 13. *Attorneys*, 3. *Highways*, 3. *Indians*, 5. *Levies*, 2. *Militia*, 7. *Musters*, 8. *Parochial Libraries*, 1, 2, 6. *Process Criminal*, 1, 2. *Small Provincial Charges*, per Tot. *Vestry*, 24, 29.

GRAND-JURY. See *Administrators*, 21. *Furors*, 5, 6. *Justices of Assize*, 1. *Manumission of Slaves*, 3, 5. *Process Criminal*, 1, 2. *Rangers*, 3.

GREAT MAN. See *Indians*, 10, 11.

GREAT SEAL. See *Seals*.

## GUARDIANS.

1. Orphans entitled to any Part of an Intestate's Estate (after Distribution made, and Balance returned by the Commissary to the County Court, (*but see below*, Art. 5,) shall be called into Court, then and there to chuse their Guardians, into whose Hands their Estates shall be committed. 1715, *ch.* 39, §. 7.

2. The Guardians so chosen shall, upon their Acceptance of the Guardianship, be obliged by the County Court, to give Bond with Two sufficient Sureties, in the Name of the Orphans, for securing and delivering the Estates to the said Orphans, their Executors or Administrators, when thereunto lawfully called, according to the Directions of the Act (of 1715, *ch.* 39,) for the better Administration of Justice in Testamentary Affairs, &c. 1752, *ch.* 3, §. 2.

3. On such Security given, the Court shall make an Order for delivering such Orphan's Estate into the Hands of such Guardian: And no Executor, Administrator, or former Guardian, shall pay such Orphan's Estate into the Hands of the Guardian so chosen, 'til he hath entered into such Bond, and shall have delivered unto such Executor, &c. a Copy of such Order, signed by the Clerk of the Court. *Ibid.* §. 3.

4. If such Orphans be not at Age to chuse Guardians, then shall the County Court appoint fit Persons to whom such Orphans and their Estates shall be committed, taking Bond with Two sufficient Sureties, for securing and delivering the same to the Orphans or their Guardians (when thereunto lawfully called) according to the Directions of this Act. 1715, *ch.* 39, §. 7.

5. To prevent the Waste which may be committed by Executors, Administrators or Others, intermarrying with Widows, and obtaining Possession of the Real Estates of Orphans, before any Balance be trans-

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mitted from the Commissary's Office (*see above*, Art. 1,) in which Case no Guardian can be appointed by the County Court under any Law of this Province: The County Courts, on Application, shall permit such Orphans, if above 14 Years of Age, to chuse Guardians, and if under 14, shall appoint Guardians, in the same Manner as if the Balances had been transmitted. And such Guardians shall have the same Powers, and be subject to the same Regulations as other Guardians, by the Laws of this Province; and as soon as the Balance is transmitted, shall receive the same as if then chosen or appointed. 1763, *ch.* 24.

6. Orphans shall not be charged by Guardians for Diet, Cloaths, Physic, or Education; but supported by the Interest of their Estate, or Increase of their Stock. 1715, *ch.* 39, §. 9.

7. All Cattle, Horses and Sheep, shall be returned by Guardians or Trustees, to the Orphans in Kind; and as near as can be, of the like Value. *Ibid.* §. 11.

8. All Money, Plate, Rings and Jewels, shall be preserved, and not used by the Guardians, &c. and delivered to the Orphans at Age. *Ibid.* §. 12.

9. All Household-stuff and Lumber shall be appraised in Money, and the Value paid to the Orphans, either in Money as appraised, or in Tobacco at the then Current Price; which Price, in Case of Dispute, shall be determined by the County Court. *Ibid.*

10. All Slaves shall be appraised to the Guardians or Trustees, and employed by them to their own Benefit: And the like Number of Slaves, of like Ability of Body, shall be returned to the Orphans, when at full Age. *Ibid.* §. 16.

11. If any of the Slaves be aged, or impotent, &c. so that the Increase will not make good the original Stock, as to Number and Ability, they shall again be appraised by the County Court, and the Guardian pay so much to the Orphan as the Slaves shall be adjudged worse than when first appraised. *Ibid.*

12. If no Guardian will accept of the Slaves on these Terms, then the County Court may put the said Slaves out, upon other Terms, to any other Person, so as the Slaves and their Increase may be best preserved to the Orphan. *Ibid.*

13. All Servants, for Years, shall be returned to the Orphans in Kind; *viz.* the like for Number, Age, Sex, Time of Servitude, and Ability of Body, as near as may be estimated. *Ibid.* §. 17.

14. Debts, returned *desperate* in the Inventory, shall be transmitted by the Commissary-General to the County Court; who shall enquire into the same, and commit the Balance, together with the said *desperate* Debts, to the Care of the Guardian; whom they shall call upon yearly to account for the same. And the Guardian, failing to give in such annual Account, or neglecting by Fraud or Covin to recover, shall stand accountable for all such Debts by him received and not accounted for, or neglected to be recovered. *Ibid.* §. 19.

15. The County Courts, as often as they shall find it necessary, may require new, or better Security, from the Guardian or Trustee for any Orphan's Estate. And, in case of Refusal, shall immediately remove such Orphan's Person and Estate into other Hands. And, in case such Guardian shall refuse to obey their Order of Removal, may issue Attachment, &c. against such Guardian, &c. to answer the Contempt, and commit him to Prison till such Order be complied with. 1729, *ch.* 24, §. 6. See also 1715, *ch.* 39, §. 20.

16. Guardians, to whom Real Estates of Orphans are committed (otherways than by Will) shall, within One Month after accepting the Guardianship, with One Commissioner of the County, and Two skilful indifferent Persons, (to be nominated by such Magistrate) enter and view the Lands, Houses, Orchards, Fences, &c. and shall estimate the annual Value of the Lands, &c. upon Oath, &c. And their Valuation and Report (certified under their Hands and Seals, and attested by the Magistrate) shall be returned to, and recorded