

and the same to Certifie under their Hands and Seals, attested by the Commissary so administering the Oaths, as aforesaid, to the County-Court next ensuing after such Review so had and made, as aforesaid, and then to remain upon Record until the said Orphan or Heir come to Age, which Certificate so entred and remaining upon Record, as aforesaid, shall be sufficient Evidence in Law for the said Orphan or Orphans, to recover Double Damages in an Action of Waste, by them to be brought when at Age for any Waste, Sale or Destruction committed or done in any of the Premises, other than what the Persons have Certified and thought necessary, with due respect had to all Circumstances and matters aforesaid.

Evidence of Waste

And to the end, as well the Guardian and Guardians aforesaid, as the other Persons mentioned and appointed to value the Land, as aforesaid, may not fail to do their Duty, *Be it Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid,* That every Guardian or Guardians of any Orphan or Orphans; that shall for the future neglect within One Month after entring upon his or their Guardianship aforesaid, to do and perform what is by this Act required; shall forfeit the Sum of Five Thousand Pounds of Tobacco, and any Commissioner or Justice of the Peace, or other Person or Persons in the said County living, that shall refuse or neglect what is by this Act required of them to do and perform, being thereunto demanded, shall forfeit the Sum of Five Hundred Pounds of Tobacco each; One half thereof to our Sovereign Lord the King, His Heirs and Successors, for the Use of the Orphan or Orphans therein concerned, the other half to the Informer, or him or them that shall sue for the same, to be Recovered in any Court of Record in this Province, of all and every such Person that shall, so as aforesaid, refuse or neglect to perform what is by this Act required.

Guardians (and Valuers of Land) obliged to their Duty.

Penalty on Guardian, and on Justice and Valuer.

And whereas it has been doubted whether in Valuing or Estimating the said Orphan's Lands and Plantations; in this Act mentioned, the Quit-Rents to the Lord of the same are not to be considered and allowed for, as well as Reparations, and other things in this Act mentioned, *It is hereby further Enacted and Declared,* That the said Quit-Rents ought, and are hereby declared and enjoined to be considered, deducted and allowed upon the yearly value of the said Land, and the Guardian pay the same. And that any Guardian aforesaid, that shall neglect, after such Allowance made of the same, in the Value of the said Land, and hath not paid such Quit-Rents as aforesaid, shall forfeit to the Orphan, when at Age, Four-fold the Value of such Rents that he left in Arrears at the full Age of such Orphan, to be recovered by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

Quit-Rents to be Considered in Valuing Lands.

Penalty on Guardian for Non-Payment of them.

And be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Commissioner of each County-Court within this Province, by virtue of this Act, shall have Power; from time to time, and at all times hereafter, upon Presentment of the Orphan. Jury or other Information given to them of such Sale, Waste or Destruction made, done, committed upon any Orphan's Real Estate by any such Guardian, to Issue their Warrant, and cause such Guardian to Appear before them in the County-Court, and if upon Examination thereof, the said Information be sufficiently Proved, that the said Guardian shall answer the Damage of such Waste by him committed, contrary to this Law, to such Orphans when at Age; and the said Commissioners shall require such Guardian or Guardians to give sufficient

How Waste to be Enquired of and Punished.