

Where new Guardians to be Chosen and how to demean themselves.

sufficient security to make Satisfaction to the said Orphan or Orphan when at Age, as aforesaid, and upon refusal thereof, the said Orphan or Orphans (if at Age to Choose his or their Guardians) shall elect his or their Guardian or Guardians; and if not at Age to make such Election, such other Person or Persons shall be appointed as the Commissioners of the County-Court, where the said Land lies, shall think meet; which said Guardian or Guardians, or other Person or Persons so chosen or appointed, as aforesaid, being willing to take the said Orphan's Real Estates into their Possessions, shall hold and enjoy the said Lands and Plantations, Committing no Waste, and performing all such matters and things at his or their Entry thereupon, as by this Act is required, until the said Orphan or Orphans come to Age; and the said Person or Persons, so chosen Guardian or Guardians, as aforesaid, or by the Justices of the County-Court so appointed, and put in possession of the Orphan's Lands, as aforesaid, shall, by virtue of this Act, in the Name and to the Use of such Orphan, bring his Action of Waste against the former Guardian, for the Damages by him committed. And the Commissioners of the several County-Courts within this Province are hereby enjoined and required to give in Charge every June Court, to the Orphan Jury, To Enquire if any Waste hath been made of Orphan's Lands, under the Penalty of Sixteen Hundred Pounds of Tobacco, One half thereof to his Majesty, his Heirs and Successors, for the support of Government, the other half to him or them that shall sue for the same, to be recovered in the Provincial Court, by Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

Charge to the Jury in June Court about Wastes.

Penalty on the Justices.

Deputy Commissary's Authority in passing Accounts.

And be it further Enacted, by the Authority aforesaid, by and with the advice and Consent aforesaid, That the several and respective Deputy Commissioners, which are and shall be in the several and respective Counties within this Province, shall and are hereby sufficiently Authorized and Impowered to pass, audit and allow all such Accounts as shall come before them relating to deceased Men's Estates, wherein they have granted Letters of Administration, or Letters Testamentary, not exceeding Fifty Pounds in Money.

Where no Controversy arises and to be returned in two Months to the Office.

The Penalty

His Fee,

In case of Controversy, to be sent to the Commissary General, and all heard.

Widow's thirds and Legacies.

Provided, there be no Controversy thereon, and to Transmit such Accounts within two Months to the Commissary General's Office at the City of Annapolis, under the Penalty of Two Thousand Pounds of Tobacco, One half to his Majesty, for the support of Government, and the other half to such party as shall render such Account; for which passing such Account, the said Deputy Commissary shall be allowed, as a Fee, the Sum of Fifty Pounds of Tobacco, to be Levied as aforesaid, and no more; and if such Deputy Commissary, as aforesaid, shall exact, demand or receive of any Person whatsoever, more than is by this Law for executing such his Office allowed him, he shall be liable to such Pains and Penalties as are included in a certain Act for Limiting Officer's Fees in this Province; but in case it shall so happen, that any Person or Persons having any Interest or Claim in such Estates, shall make any Objections to the Legality or Justice of any Article or Articles contained in the said Account, then the said Deputy Commissioners are forth-with to mark such Articles, and Transmit the Account, with all Papers thereto belonging, unto the Commissary General, before whom all parties are to appear and defend their Interest. And whereas many men have bequeathed and devised, or thereafter may bequeath or devise to their Wives, by their last Wills a considerable part of their Personal Estates, intending, no doubt, but