

after such View so had and made, as aforesaid, and then to remain upon Record until the said Orphan or Heir come to Age; which Certificate so entered, 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 the Premises, other than what the Persons have certified and thought necessary, with due Respect had to all Circumstances and Matters aforesaid.

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, within One Month after Entering upon his or their Guardianship, as 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 within this Province, of all and every such Person, that shall so, as aforesaid, refuse or neglect to perform what is by this Act required.

AND whereas it has been doubted whether in Valuing or Estimating the said Orphans Lands in 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-Rentsought, 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 Lands, and hath not paid such Quit-Rents, as aforesaid, shall forfeit to the Orphans, 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 Essoign, Protection, or Wager of Law to be allowed.

AND be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Commissioners 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 the Presentment of the Orphan, Jury, or other Information given to them of such Sale, Waste, or Destruction made, done, or 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 Security to make Satisfaction to the said Orphan or Orphans, when at Age, as aforesaid; and upon Refusal thereof the said Orphan or Orphans (if at Age to chuse his or their Guardian) 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 Possession, shall hold