

Limited, in
case of Con-
test.

Their Fees
On Execution
The Penalty
of Executing.

Estates un-
der 10l. ad-
judged Pau-
pers.

Guardians of
real Estates,
their Duty.

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 decided by the 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 Probate of such Will, 'till such Time as such Dispute or Difference shall be decided and determined by the proper Judge thereof, and Certificate from such Judge of such Determination or Decision. 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 Appraisers, or for the Probate of any Will, and swearing the Executor or Executrix, Appraisers, and Letters Testamentary, the Sum of One Hundred and Fifty Pounds of Tobacco, to be levied by Execution, after the same Manner, and under the same Penalties directed by the Act of Assembly of this Province, for Limitation of Officers Fees, against the Person or Persons requiring and having Letters of Administration or Letters Testamentary as aforesaid; unless the Estate be so small as the Inventory of such Estate doth not amount unto Ten Pounds in Money, 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, to be levied as aforesaid, and no more; and then, and in every such Case, the Commissary shall have no Fees.

And be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all Guardians of Orphans, that shall have any real Estates in Lands with the Orphan or Orphans, to whom the same belong, committed to them, other than such to whom the Testator in his Life-time, by his last Will and Testament hath otherwise ordered and disposed of, within One Month after taking upon him or her the Guardianship of such Orphan or Orphans, shall, with One Commissioner of the said County, where the Land lieth, and Two other Persons of good Repute, and well-killed in Building and Plantation Affairs, neither of them being of kin, indebted, or otherwise interested in either Orphan or Guardian, (such Two Persons to be nominated by such Commissioner,) enter into the Lands 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 the Holy Evangelist, 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; What Part of the said Land 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 toward 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 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