

# An Act for Preservation of Orphans Real Estate

Whereas by a certain Act of Assembly of this Province entitled an Act for y<sup>e</sup> better Administration of Justice in Probate of Wills and Granting Administrations, recovery of Legacies, and Settling Fideicommitted portions; yett in full force and unrepealed. Amongst other things it was enacted that all Guardians of Orphans that have any real Estate in Lands <sup>or</sup> the Orphan or Orphans to whom y<sup>e</sup> same belong, Committed to them (otherwise than such whom y<sup>e</sup> Testator in his Test<sup>d</sup> time; by his last Will and Testament hath otherwise ordered and Disposed of; Within one Month after the taking upon him or her y<sup>e</sup> Guardianship of such Orphan or Orphans; shall with one Com<sup>r</sup> of y<sup>e</sup> said County where y<sup>e</sup> Land lyeth; and two other persons of good reputation and with Skill in plantation affairs neither of them being of kin indebted or otherwise Interested in either Orphan or Guardian enter into y<sup>e</sup> said Land or plantation to such Orphan or Orphans belonging; and Viewing y<sup>e</sup> Dwelling houses and out houses; Land Orchards and Fences that are upon y<sup>e</sup> said Land; and then and there the said two persons so-qualified as afores<sup>d</sup>. shall take their Corporate Oaths upon the holy Evangelists; by the said Com<sup>r</sup> to be Administr<sup>r</sup>; that according to y<sup>e</sup> best of their Skill and Judgment they will make just Estimate of y<sup>e</sup> Annual value of y<sup>e</sup> said Land and plants; and what Dwelling houses out houses are upon the same; and w<sup>h</sup> repair they in; and in w<sup>h</sup> part of the said Land they Judge y<sup>e</sup> said Guardian may be further permitted to plant upon the said Land; as well to raise y<sup>e</sup> yearly rent so- valued as afores<sup>d</sup>. As alsoe towards y<sup>e</sup> yearly charge in keeping y<sup>e</sup> said Dwelling houses out houses; Orchards and Fences in repair; and soe by him to be left; having always a regard to leave a proportionable part both for quantity and Quality ~~and quantity~~ of y<sup>e</sup> un-ward Land for y<sup>e</sup> benefit and Advantage of the Orphan and herie when at Age; To possess y<sup>e</sup> Land or plants; as alsoe maintaind out of y<sup>e</sup> same; where y<sup>e</sup> profits of y<sup>e</sup> personall Estate be insufficient to maintain him or them as y<sup>e</sup> said Act does more at large appoynt. And although the said Law be a good & beneficial Law for preserving such Orphans Estates as afores<sup>d</sup>. yett either through Negligence or selfe Interests in y<sup>e</sup> said Guardians or want of a speciallty to enforce y<sup>e</sup> Observation