

222 The same shall be decided by the Commissary Generall or Judge in
Testamentary Causes & not by such person appointed in each County
as aforesd. neither shall such person grant administration or take the
probate of such Will till such time as such dispute or difference shall
be decided & determined by the proper Judge thereof & Certificate from
such Judge of such determination or decision & such person so appointed
as aforesd. shall & is hereby allowed as a fee for granting such Letters
of admⁿ con as aforesd. in swearing the admⁿ & appraisers or for the
probate of any Will & swearing the executor or co-executor appraisers and
letters Testamentary the sume of one hundred & fifty pounds of Tobacco
to be levied by Execution after the same Manner & under the same
penalties directed by the Act of Assembly of this Province for
Limitation of Officers fees against the person or persons requiring
& having Letters of admⁿ con or Letters Testamentary as aforesd. —
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 admⁿ con or Letters Testamentary
as aforesd. the sume of fifty pounds of Tobacco to be levied as aforesd. —
& no more & then & in every such Case the Commissary Generall shall
have no fees — And Be It Enacted by the authority aforesd. by &
with the advice & Consent aforesd. that all Guardians of Orphans
that shall have any real Estates in Lands with the Orphan or Orphans
to whom the same belong Comitted to them other then such whom the
Testator in his life time by his last Will & Testament hath otherwise
ordered & disposed of within one Moneth after taking upon him or her
the Guardianship of such Orphan or Orphans shall with one Comission
of the said County where the Land lyeth & two other persons of good repute
& well skilled in building & plantation affairs neither of them being
indebted or otherwise interested in either Orphan or Guardian (such
two persons to be Nominated by such Com^{is}.) Enter into the Lands &
plantation to such Orphan or Orphans belonging & View the dwelling
houses & out houses lands orchards & fences that are upon the
Plantation & then & there the sd. two persons so qualified as aforesd.
shall take their Corporall Oaths upon the holy Evange^list by the sd. Com^{is}
to be administered that according to the best of their Skill & Judgment
they will make a Just Estimate of the Annuall Value of the sd. Lands
& plantation & what dwelling houses out houses & orchards are upon
the same & what repair they are in what part of the said Land the
said Guardian may be farther permitted to Clear upon the sd. Plantation
as well to raise the yearly rent so Valued as aforesd. as also toward
the yearly Charge in keeping the said dwelling houses out houses
orchards & fences in repair & so by him to be left always having a
regard to leave a proportionable part both for quality & quantity —