

C H A P.
XXXIX.

on forfeiture
of Four-fold
the Arrears.

County
Courts to in-
quire of, and
enforce Satis-
faction to
Orphans, for
Waste com-
mitted by
their Guardi-
ans.

And on his
Refusal to
give Security
to make Satis-
faction to
the Orphan
when of Age,
another
Guardian
shall be cho-
sen, or ap-
pointed,

who shall
bring an Ac-
tion of Waste
against the
former Guar-
dian.

Penalty on
the Justices
neglecting at
June Court
to give in
Charge to the
Orphan Jury
to inquire of
Waste made
on Orphans
Lands?

Power of the
Dep. Com-
missaries in
passing Ac-
counts,

which they
shall transmit
to the Com-
missary-Ge-
neral within
2 Months, on
Penalty of
2 0/6 To-
bacco.

that any Guardian aforesaid, that shall neglect, after such Allowance made of the same in the Value of the said Land, and hath not paid such Quit-Rents as aforesaid, shall forfeit to the Orphan, 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 Essoin, Protection or Wager of Law to be allowed.

XXXIII. 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 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 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 Orphans Real Estates into their Possession, 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 Orphans 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 inquire, *if any Waste hath been made of Orphans 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 Essoin, Protection or Wager of Law to be allowed.

* By 1729, ch. 24, §. 9, as often as the County Court shall be informed, by the Grand Jury, or otherwise, of Waste done by any Guardian on an Orphan's Estate, they shall issue their Warrant for bringing such Guardian before them: And, if such Information shall appear to be true, shall order the Sheriff to summon a Jury upon the Place, who shall inquire, on Oath, into the Damage. And the Court shall oblige the Guardian to give Security for double the Damages assessed by the Jury, or commit the Guardian till he comply with their Order therein.

XXXIV. And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the several and respective Deputy-Commissaries, 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 Dead Men's Estate, wherein they have granted Letters of Administration, or Letters Testamentary, not exceeding * Fifty Pounds in Money, 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