

possession by will or right of Administration either by such widows while sole or their husbands during the Coverture the same have been wasted and imbezelled and if the woman dye the said husband refuses to render an Account of such Estate alledging that he is neither Executor or Administrator to his wife nor of her former husband Where as at Common law a woman Covert Executrix can do no Act to prejudice her husband all such Act during the same being void without his Consent, he not preventing such Wast when in his power ought to answer for the same.

Lib. L. L.
No. 64.

Be it therefore Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid that for every such Wast by such Second husband during the Coverture such husband shall account for the same and be lyable to be sued for the said Estate due to such Orphan by such orphan if at age or if under age by his guardian as well as the Security or together with his wife if living and if the Security be insolvent then by himself and also for all wast committed by his wife before Marriage if sued during the Coverture. And whereas orphans of persons dying intestate by the Good provision of this law in committing them to the care of the County Court to inspect the good Condition of their Securitys and good usage as aforesaid are by experience found to be in better Condition in respect of both than the orphans of Testators whose Executors hitherto have rarely given any Security and that the Security they have Given many times proves insolvent.

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Be it therefore Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid that the Judge for probatt of wills shall hereafter take good and Sufficient Security of all Executors and Administrators to the use of any orphan or orphans in any will mencon'd and not solely to their own use for the true performance of such last will and Testament according to law and the intent of the Testator & the Justices of the Svrall County Courts shall at the same time that they by a Jury Enquire of the good usage and condition of the Security of other orphans also enquire of these & if they find the security like to be insolvent or the orphans ill used to transmit the same to the Judge for Probat of Wills for the time being to be releived according to Law & the Testators intent and for the more Speedy Administration of Justice to orphans Legatees & others in her Majestys Court for probatt of wills and granting Administrations which hath hitherto by tedious methods used in Chancery before the Judges Sentence in the said Court can take effect the methods of England being at present not practicable here been often delayed.