

Public Record Office, London. C. O. 5, Vol. 731, Maryland. From 1694-1702. Acts

wasted & imbezeled, And if the woeman die, the said husband refuses to render an account of such estate, alleading that he is neither Executor nor Administrator of his wife nor of her former husband, Whereas at common Law a woeman covert Executrix can doe no act to prejudice her husband, all such acts dureing the same being void without his consent he not preventing such waste when in his power ought to answer for the same, Be it therefore Enacted by the Authority afforesaid by & with the advice & consent afforesaid that every such permitting & suffering such waste by such second husband dureing the coverture such husband shall account for the same & be liable 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 liveing & if the Security be insolvent then by himselfe and allso for all waste committed by his wife before Marriage, if sued during coverture. And whereas Orphans of persons dyeing intestate by the good provisions of the former Act in committing them to the care of the County Courts to Inspect the good condition of their securities & good usage according to the said Act are by experience found to be in better condition in respect of both then the Orphans of Testators whose Executors have hitherto rarely given any security & that the security they have given many times prov'd insolvent.

Be it therefore Enacted by the Authority afforesaid by & with the advice & consent afforesaid, that the Judge for probate of wills shall hereafter take good & sufficient Security of all Executors and Executrices to the use of any Orphan or Orphans in any will mentioned, & not solely to their own use for the true performance of such last will & testament according to the law & intent of the Testator, and the Justices of the severall County Courts shall at the same time that they by Jurey Inquire of the good usage & good condition of the security of other Orphans, shall allso Inquire the same of these, And if they find the Securities like to be insolvent or the Orphans ill used, to transmitt the same to the Judge for probate of wills for the time being to be releived according to law & the Testators intent, And for the more speedy Administracōn of Justice to Orphans Legatees & others in their Maj<sup>stes</sup> Courts of probate of wills & granting of Administracōns which hath hitherto by the tedious methods used in Chancery, before the Judges sentence in the said Court can take effect the methods of England being at present here not practicable; Be it further Enacted by the Authority afforesaid by & with the advice & consent afforesaid that every person or persons that shall not after Sentence given in the said Court against him or them within fifteen days after such sentence, enter his appeal with the said Judge from such sentence & within fifteen dayes more procure an Examination thereof by a Court of Deligates, nor in the mean time comply with the sentence of the said Judge, it being sent to them under the hand & seale of the said Judge nor give in Security to per-