

Neither Executor nor Administrator of his Wife, nor of her Husband, whereas at common Law a Woman Cover Executrix can do no act to prejudice her Husband, all such acts during the same be void without his consent, he not preventing such wast when in his power ought to answer for the same.

Be it therefore Enacted by the Authority aforesaid, &c. that every such permitting and suffering such wast by such second Husband during the coverture, such Husband shall account for the same, and 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 living, and if the Security be insolvent then by himself, and also for all wast committed by his Wife before marriage if sued during 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 rarely given any Security, and that the Security they have given many times proved insolvent.

Be it therefore Enacted by the Authority aforesaid, that the Judge for probat 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 mentioned (and not solely to their own use) for the true performance of such last will and testament according to the Law and Intenr of the Testator, and the Justices of the several County Courts shall at the same time that they by the Jury inquire of the good usage and good condition of the Security, or other Orphans shall also inquire of these, and if they find the Securitys 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 relieved according to Law and the Testators intent. And for the more speedy administration of Justice to Orphans, Legatees and others in his Majestys Court for probat of wills and granting administrations 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 not practicable here.

Be it therefore Enacted by the Authority aforesaid, 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, and within 15 days more procure an examination thereof by a Court of Delegates, nor in the mean time comply with the Sentence of the said Judge, it being sent to them under the hand and seal of the said Judge, nor give in Security to perform the same and oath made of the refusal thereof, it shall and may be lawful for the said Judge to issue forth of the said Office under his hand and seal an attachment against the bodys of such persons so refusing, and him or them to imprisonment until he or they satisfy and comply with the said sentence or give in good security to do the same, this Law not to barr the said Judge to proceed against persons not complying with sentences given before the making of this Act according to the former usage and custom to compel them to the same; And whereas Orphans and Creditors are many times injured by the low appraisments & undervaluing of the Estates of the deceas'd. therefore

Be it Enacted by the Authority aforesaid, that when any Executor or Administrator doth appraise the Estate of the deceas'd he shall give notice of such his appraisment, and call together two of the next of kin to the said deceas'd and two of the Creditors of the said deceas'd if any then be, who shall be present at the said appraisment with the sworn appraisors, and shall certify to the Commisary or his deputy under their hands that they were present at the appraisment & do approve thereof, and if any Executor or Administrator return any Inventory without such certificate as aforesaid, the said Judge or his deputy in each respective County of this Province shall not accept or receive the same into his or their Office.

An Act for enrolling of Conveyance, and securing the Estate of Purchasers.

1697

FOR the better establishing a way and method for conveying of Mannors, Lands, Tenements and Hereditaments for the future, and for the avoiding abuses and deceits by Mortgages

BE IT ENACTED by the Kings most Excellent Majesty by & with the Advice