

fed to her shall by such bequest and devise of any part of the personal Estates except so mentioned in such Will or Codicil aforesaid be debarr'd of her Dower of his Land, but that if no Dower be assigned her she may notwithstanding the said Act now demand of sue for her Dower & the mean profits thereof if she have been defac'd contrary to the tenor of this Act.

Provided always that if any married Woman shall have any Estate settled upon her by Joynture or other Settlement before marriage such Joynture or Settlement shall bar her of her Dower of her Husbonds Lands, yet it shall be lawful for her to accept what her Husband shall by his last Will & Testament devise her.

And whereas many Orphans have greatly suffer'd by the second marryages of such Widows who having Estates in possession by Will or Right of Administration either by such Widows while sole or their Husbonds during the coverture the same have been walled & imbezeled and if the Woman die 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, whereas at common Law a Woman Covert Executrix can do no act to prejudice her Husband all such acts during 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 aforesaid by & with the Advice & Consent aforesaid, that for every such waste 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 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 waste 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 & 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 insufficient.

Be it therefore Enacted by the Authority aforesaid by & with the Advice & Consent aforesaid, that the Judge for Probate of Wills shall hereafter take good & 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 & Testament according to Law and the Intent of the Testator and the Justices of the several County Courts shall at the same time that they by a Jury inquire of the good usage & condition of the security of other Orphans also inquire of these, and if they find the security like to be insolvent or the Orphans ill used to transmit the same to the Judge for Probate of Wills for the time being to be relieved according to Law and the said aforesaid Intent.

And for the more speedy administration of Justice to Orphans Legatees and others in her Majestys Court for Probate of Wills & 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 be it often delayed

Be it therefore Enacted by the Authority aforesaid by & with the Advice & Consent 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 fifteen 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 & seal of the said Judge nor given in security to perform the same and Oath made of the refusal thereof it shall & may be lawful to and for the said Judge to issue forth of the said Office under his Hand & Seal an Attachment against the bodies of the said persons so refusing and him or them to imprison until he or they satisfy or comply with the said sentence or give in good security to do the same. This Law nor 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 & custom to compell them to the same.

And where as Orphans & Creditors are many times injured by the low appraisements and undervaluing of the Estates of the deceased therefore

Be it Enacted by the Authority aforesaid by and with the Advice & Consent aforesaid, that when any Executor or Administrator doth appraise the Estate of the deceased he shall give notice of such his appraisement and call together two of the next akin of the said deceased and two of the creditors of the said deceased if any there be who shall