

nor 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.

The second Husband answerable for Waste, &c.

*Be it therefore Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid,* That for every such Waste by such second Husband, during the Coverture, such Husband, shall answer for the same and be liable to be sued, together with his Wife, if Living, or by himself, if she be Dead (as well as the Security) for the said Estate due to such Orphans, by such Orphan, if at Age, if under Age by his Guardian, and also for all Waste committed by his Wife before Marriage, or by himself afterwards.

Orphans of Intestates said to be better Secured than Orphans of Testators.

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 Securities, and good Usage, as aforesaid, are by Experience found to be in the 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, *Be it therefore Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid,* That the

Executors to give Security on Administration and how

Judge for Probate 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 Law, and the Intent of the Testator, and shall transmit an Account

And an Account of the Legacies to be transmitted to the County Courts. And secured at Intestates ballances

of the Legacies left to any Infant Orphans, to the County-Courts, to be by them secured in the same manner as the Ballances of Intestates Estates, so far as shall be Consonant to the Will of the Testator, and the Justices of the several County-Courts shall at the same time that they enquire by a Jury of the good Usage, and Condition of the security, or other Orphans also, Inquire of there, and if they find the security like to be Insolvent, or the Orphans Ill used, that then it shall

And good Security of Testators Orphans to be Enquired of &c.

and may be lawful for such Justices to Act therein as they are by this Law directed, in the case of Intestates Estates; *always provided,* That nothing shall be done by Virtue of this Act which shall seem repugnant or Contradictory to the last Will or Testament of any Person Deceased.

The Will not to be Contradicted,

Speedy recoveries in the Prerogative Court.

And for the more speedy Administration of Justice to Orphans, Legatees and others, in the Prerogative Court for Probate of Wills and Granting Administrations within this Province, which hath hitherto been often delayed by tedious Methods Used in Chancery, before the Judges sentence in the said Court could take effect, the Methods of England being at present not practicable here, *Be it therefore Enacted by the Authority aforesaid,* That the prerogative Court for Probate of Wills

By Enforcing Obedience According to Chancery Process.

within this Province, shall have such like Authority in the enforcing Obedience to the Process, Orders, Interlocutory Sentences and Decrees thereof, as the High Court of Chancery now hath, or of right ought to have, and that every Person or Persons that shall not, alter sentence given in the said Court against him or them, within fifteen Days after such sentence, enter his Appeal with the said Judge, 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 and Seal of the said

The time and Manner of Appeals if Neglected.

Judge may Issue Attachment against Body Goods or Chattels.

Judge, nor give in security to perform the same, and Oath made of the Refusal thereof, it shall and may be lawful to and for the said Judge to Issue