

such Joynture or Settlement shall bar her of her Dower of her Husband's Lands; yet it shall be lawful for her to accept what her Husband shall by his last Will and Testament devise her.

Orphans  
Prejudice, by  
Womens se-  
cond Marri-  
ages.

And whereas many Orphans have greatly suffered by the second Marriages of such Widows, who having Estates in 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 embezzled; and if the Woman die, the said Husband refuses to render an Account of such Estate, alledging that he is neither Executor 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 an-  
swerable 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,

Executors  
to give Secu-  
rity on Ad-  
ministration,  
and how.

*Be it therefore Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid,* That the 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 mention'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; and shall transmit an Account 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 if there, and if they find the Security like to be insolvent, or the Orphans ill used, that then it shall and may be lawful for such Justices to act therein as they are by this Law directed in the case of Intestates Estates;

And an Ac-  
count of the  
Legacies to  
be transmit-  
ted to the  
County courts

And secu-  
red at Intes-  
tates Ballances

And good  
Security of  
Testators Or-  
phans to be  
enquired of,  
&c.

The Will  
not to be  
contradict-  
ed.

Speedy Re-  
coveries in  
the Preroga-  
tive-Court.

*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.

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 Judge's Sentence