

ever barred from claiming her Third Part aforesaid; and if she renounce what is so bequeathed and devised, she shall then have her Third Part aforesaid, and be barred of her Devise, but shall not claim or have both: But in case such Widow shall neglect to make such Election within the Time aforesaid, she shall then be concluded, by having a full Third Part of the clear Personal Estate of her deceased Husband, besides her Dower of his Real Estate, in full of all such Devises or Legacies. Provided always, That such Part of the Personal Estate or Estates be liable to pay the Debts of the Deceased, as other Part of the Estate is or ought to be: And if such Wife, Widow, or Relict have any Part of her Husband's Lands, or Real Estate of Inheritance devised to her by her Husband, and that it do not appear by any Part of the Will, that he intended her such Part of his Real Estate aforesaid, and her Dower out of the rest of his Real Estate besides, then it shall be lawful for such Wife, Widow, or Relict, to make her Election, as aforesaid, within the Time aforesaid, whether she will accept of such Devise, or of the Third Part of all her Husband's Real Estate, of which she is indowable; and if she accept of her Devise, she shall be for ever debarred of her Dower out of the rest of the Testator's Estate Real aforesaid; and if she accept of her Dower, then such Acceptance shall be adjudged a full Recompence of her Devise aforesaid: But in case she shall neglect to make such Election within the Time aforesaid, she shall then by such Neglect be concluded by what is devised to her, and shall thereby be barred of her Dower of such Deceased's Real Estate, unless it shall appear to be the Design of the Devisor, that such Widow should have both Devise and Dower; Any Law, Statute, Usage, or Custom to the contrary notwithstanding.

PROVIDED always, That if any married Woman shall have any Estate settled upon her by Jointure, or other Settlement before Marriage, such Jointure 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.

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 imbezilled; and if the Woman die, the said Husband refuses to render an Account of such Estate, alleging 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; 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 account 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 Orphan (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.

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 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 Judge for Probate of Wills shall hereafter take good and sufficient Security of all Executors and Administrators to the Use of