

C. P. belonging unto the Commissary Gen^l before whome all parties are to appear and Defend their Interest. And whereas many men have bequeathed and devised or hereafter may bequeath or Devise to their wives by their Last wills a Considerable part of their personall Estates Intending no Doubt but not Expressing that such bequest or devise should be in full of such wives part portion or third part of the said Testators Estate and yet such wives Widdows and relicts have not only Claimed such Devise and bequest as Legacies but have further Claim'd their part of the remaining Estate of their decēd husbands—

p. 245 Be itt further Enacted by the Authority af^d by and with the Advice and Consent af^d that in such Case where the Testator bequeaths or devises a Considerable part of his personall Estate to his wife and itt appears not in any part of his will or Codicill that he Intended the said Devise as a Legacie to his wife only and that she might Nevertheless have a Third part of his remaining Estate that itt shall be att the Election of such wife widdow or relict within forty days after the probatt of such will to make her Election before the Judge for probatt of wills or the respective deputy Com^{rys} in Each respective County whether she will be Content with such Devise or will have her third and release the Devise and if she make Choice to have what is soe bequeathed or devised to her then by that Choice she shall be forever barred from Claiming her third part af^d and if she renounce what is soe bequeathed and devised she shall then have her third part af^d and be barred of her devise but shall not Claime or have both but in Case such widdow shall Neglect to make such Election within the time af^d she shall then be Concluded by having a full third part of the Clear personall Estate of her decēd husband besides her dower of his reall Estate in full of all such devises or Legacys.

p. 246 Provided always that such part of the personall Estate or Estates be Lyable to pay the debts of the decēd as other part of the Estate is or ought to be and if such wife widdow or relict have any part of her husbands Lands or reall Estate of Inheritance devised to her by her husband And that itt doe not appear by any part of the will that he Intended her such a part of his reall Estate Af^d and her dower out of the rest of his reall Estate besides then itt shall be Lawfull for such wife widdow or relict to make her Election as af^d within the time af^d whether she will Accept of such devise or of the third part of all her husbands reall Estate of which she is Endowable and if she Accept of her devise she shall be forever debarred of her dower out of the rest of the Testators reall Estate af^d