

15. On the ward's arrival at age as aforesaid, the guardian shall exhibit a final account to the orphans court, and shall deliver up, agreeably to the court's order, to the said ward, or the husband, (as the case may require,) all the property of such ward in his hands, including bonds, and other securities, and on failure his office bond shall be liable, and he shall also be liable to attachment and fine as aforesaid.

16. Nothing in this act contained shall be construed to affect the general superintending power exercised by the court of chancery with respect to trusts.

1. EVERY devise of land, or any estate therein, or bequest of personal estate, to the wife of the testator, shall be construed to be intended in bar of her dower in lands, or share of the personal estate respectively, unless it be otherwise expressed in the will.

CHAP. 13.

Rights of widows.

2. A widow shall be barred of her right of dower in land, or share in the personal estate, by any such devise, or bequest, unless within ninety days after the authentication or probat hath been made, a written renunciation in the following form, or to the following effect: "I, A. B. widow of ———, late of ———, deceased, do hereby renounce and quit all claim to any bequest or devise made to me by the last will of my husband, exhibited and proved according to law; and I elect to take, in lieu thereof, my dower, or legal share of the estate of my said husband, A. B." But by renouncing all claim to a devise or bequest, or devises or bequests of personal property, made to her by the will of her husband, she shall be entitled to one third part of the personal estate of her husband, which shall remain after payments of his just debts, and claims against him, and no more.

3. If the will of the husband devise a part of both real and personal estate, she shall renounce the whole, or be otherwise barred of her right to both real and personal estate.

4. If the will devise only a part of the real estate, or only a part of the personal estate, the devise shall bar her of only the real, or personal estate, as the case may require; provided nevertheless, that if the devise of either real or personal estate, or of both, shall be expressly in lieu of her legal share of one or both, she shall accordingly be barred, unless she renounce as aforesaid.

5. But if, in effect, nothing shall pass by such devise, she shall not be thereby barred, whether she shall or shall not renounce as aforesaid, it being the intent of this act, and consonant to justice, that a widow accepting, or abiding by a devise, in lieu of her legal right, shall be considered as a purchaser with a fair consideration.

6. If a widow commit waste in the lands of the deceased, she shall be liable to an action by the heir or devisee, or his or her guardian; and if she marry a second husband, he shall be answerable for any waste committed by her before marriage, or by himself.

7. A widow's remedy for dower shall be as heretofore.

1. IF any person entitled to administration shall deliver, or transmit to the orphans court, a declaration, in writing, that he is willing to decline the trust, the court shall proceed as if such person were not entitled.

CHAP. 14.

Appendix, containing rules omitted under their proper heads.

2. If an executor or administrator shall die before administration is completed, letters *de bonis non* may be granted, at the discretion of the court, with a copy of the will annexed, (if the case require,) giving preference, however, to the person entitled, if he or she shall actually apply for the same; and the form of the letters shall be as herein before directed, except that the words "already not administered," be added in their proper place; and the authority conferred by such letters shall be to administer all things herein described as assets, not converted into money, and not distributed or delivered, or retained by the former executor or administrator, under the court's direction.

3. A common warrant for land not executed or located in the life-time of the deceased, shall be assets after his death, in the hands of an executor or administrator, and subject to distribution, as well as every debt due to, or just claim of, the deceased; and if a common warrant for land be executed or located as aforesaid, it shall be considered as the property of the heirs.

4. No personal action shall abate by the death of either party, but executors and administrators shall notice and conform to the directions of the act of seventeen hundred and eighty-five, chapter eighty, respecting their prosecution or defence of such action.

5. If any thing be bequeathed to an executor, by way of compensation, no allowance of commission shall be made, unless the said compensation shall appear to the court to be insufficient, and if so, it shall be reckoned in the commission to be allowed by the court.

6. No executor shall be obliged to exhibit any inventory, or account, provided he will give bond, instead of the bond herein before directed, with such security, and in such penalty, as the court shall approve, to the state of Maryland, to be recorded and sued as before directed, with condition "for paying all just debts of, and claims against, the deceased, and all damages which shall be recovered against him as executor, and also all legacies bequeathed by the will," provided the said executor be residuary legatee, or provided the residuary legatee of full age, shall notify his or her consent to the court; and in case such bond be given by an executor, he shall be answerable for all debts, claims and damages, recovered against him as executor; and if suit be brought against him as executor, the judgment shall be for the whole sum found by the jury, or otherwise ascertained, and execution may issue, and have effect, as if he were sued in his own right; and any legatee shall be entitled to recover the full amount of his legacy, either in a suit upon the said executor's bond, or in a suit in chancery, as is usual in case of legacies, or in an action on the case, in which the giving of such bond shall be considered as an assent to the legacy.

7. No administrator, entitled to the whole residue after payment of debts of, and claims against, the intestate, shall be obliged to return an inventory or account, provided he will give bond, with such security, and in such penalty, as the court shall approve, conditioned for paying all debts, claims and damages, which shall be recovered against him, as administrator; and in case he shall give such bond, he shall be answerable for all debts, claims and damages aforesaid, and judgment may be given, and execution may issue and have effect, as herein directed with respect to an executor giving a similar bond.