

at his entry thereupon as by this Act required until the said Orphan comes to age, and the said person so chosen or by the Justices put in possession as aforesaid shall in the name and to the use of such Orphan bring his Action of Waste against the former guardian for the damages by him committed, and the Commissioners of each respective County are hereby obliged to give the same in charge every June Court to the said Orphan jury under the penalty of sixteen hundred pounds of Tobacco one half thereof to her Majesty her Heirs & Successors for the support of Government the other half to him or them that shall sue for the same to be recover'd in the Provincial Court by Bill Plaint or Information wherein no Essoyn Protection or Wager of Law to be allowed.

And be it further Enacted by the Authority aforesaid by & with the Advice & Consent aforesaid, that the several & respective deputy Commissarys which are and shall be in the several & respective County's within this Province shall & are hereby sufficiently authorized & impowered to pass audite & allow all such Accounts as shall come before them relating to dead Mens Estates wherein they have granted Letters of Administration or Letters Testamentary not exceeding fifty pounds Sterling and to transmit such Accounts within two Months to the Commissary Generals Office at Annapolis under the penalty of two thousand pounds of Tobacco one half to her Majesty for the support of Government and the other half to such party that shall pass such Account & to transmit the same to the Commissary General for which passing such Account the said deputy Commissary shall be allow'd as a Fee the sum of fifty pounds of Tobacco and no more, and if such deputy Commissary as aforesaid shall exact demand or receive of any person whatsoever more than is by this Law for Executing such his office allowed him he shall be lyable to such pains & penaltys as are included in a certain Act for limiting Officers Fees in this Province, but in case it shall so happen that any person or persons having any Interest or claim in such Estates shall make any objections to the legality or justice of any Article or Articles contain'd in the said Accounts, then the said deputy Commissarys are forthwith to mark such Articles and transmit the Account with all Papers thereto belonging unto the Commissary General before whom all party's are to appear & defend their Interest.

And whereas many Men have bequeathed & devised or hereafter may bequeath or devise to their Wives by their last Wills a considerable part of their personal 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 Widows and Relicts have not only claimed such bequest & devise as Legacys but have further claim'd their part of the remaining Estate of their deceased Hu bands.

Be it further Enacted by the Authority aforesaid by & with the Advice and Consent aforesaid, that in such case where the Testator bequeaths & devises a considerable part of his personal Estate to his Wife and it appears not in any part of his Will or Codicil that he intended the said devise as a Legacy to his Wife only and that she might nevertheless have her third part of his remaining Estate that it shall be at the election of such Wife Widow or Relict within forty days inclusive to make her election before the Judge for Probate of Wills or the respective deputy Commissarys in each respective County whether she will be content with such devise or will have her thirds and release the devise, & if she make choice to have what is so bequeathed or devised to her then by that choice she shall be for ever barr'd from claiming her third part aforesaid, and if she renounce what is so bequeathed & devised she shall then have her third part aforesaid & be barr'd of her devise but shall not claim or have both.

Provided always that if ch part of the personal Estate or Estates belyable 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 Husbands Land or real Estate of inheritance devised to her by her Husband & that it do not appear by any part of the Will that he intended her such a 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 Husbands real Estate of which she is widowable, and if she accept of her devise she shall be for ever debarr'd of her Dower out of the rest of the Testators real Estate aforesaid, and if she accept of her Dower then such acceptance shall be adjudged a full recompence of her devise aforesaid and Land so devised as aforesaid to such Wife Widow or Relict shall be always intended to be but for Life except it be expressly devised for ever or to such Woman and her Heirs or to such Woman & her Assigns.

And be it further Enacted by the Authority Advice & Consent aforesaid, that every Woman who succ the 27th day of June 1699 having had any part of her Husbands personal Estate given or devised to her by her Husband in his last Will & Testament or Codicil and having no part or her part of her said Husbands Land or real Estate dev

*Janest to the wife*

*and the wife appearing in court to be administratrix*

*and she is to be barr'd*

*and she is to be barr'd*