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and by and with the advice and consent of the said  
such wife where the Testator bequeathes or 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 a Third part of his remaining estate that  
it shall be at the Election of such wife widow or  
within forty days after the probatt of such will to  
make her Election before the Judge for probatt of wills  
or the respective deputy Comptrolers in each respective County  
whichever 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 bequeathed or devised to her  
then by that choice she shall be forever barred from  
claiming her third part and if she renounce  
what is bequeathed and devised she shall then  
have her third part 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 decedent.