

not expressing that such Bequest or Devise should be in full of such Wives Part, Portion or Third part of the said Testator's Estate; and yet such Wives, Widows and Relicts have not only Claimed such Devise and Bequest, as Legacies, but have further claimed their part of the remaining Estate of their deceased Husbands, *Be it further Enacted by the Authority aforesaid, by and with the advice and Consent aforesaid,* That in such case where the Testator Bequeathes or deviles 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 Relict, within Forty Days after the Probate of such Will to make her Election before the Judge for Probate of Wills, or the respective Deputy - Commisaries in each respective County, whether she will be content with such Devise, or will have her Thirds, and release the Devise; and if she make Choice to have what is to bequeathed or devised to her, then by that Choice she shall be forever 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 Husbands 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 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 the Third part of all her Husband's Real 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 Testator's Real Estate 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 be thereby barred of her Dower of such Deceased's Real Estate, unless it shall appear to be the design of the Devisor, that such Widow shall 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 Joynture, or other Settlement before Marriage, such Joynture 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.

Her Election to be made of one or other,

In Forty Days

Or be concluded by her Thirds of Personal Estate, after Debts paid

In case Lands be devised to her,

To make her Election in forty Days of that of Thirds.

And be concluded by the Land devised her, in case of Neglect to Elect

Joynture or Marriage settlement to Bar Dower.

Orphan's prejudice by Womens second Marriages.

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 Embezeled; and if the Woman die, the said Husband refuses to render an Account of such Estate, alledging that he is neither Executor