

hold and enjoy the said Lands and Plantations, committing no Waste, and performing all such Matters and Things at his or their Entry thereupon, as by this Act is required, until the said Orphan or Orphans come to Age. And the said Person or Persons so chosen Guardian or Guardians, as aforesaid, or by the Justices of the County Court so appointed and put in Possession of the Orphan's Lands, as aforesaid, shall, by Virtue of this Act, 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 the several County Courts within this Province are hereby enjoined and required to give in Charge every *June* Court to the Orphan Jury, to enquire if any Waste hath been made of Orphans Lands, under the Penalty of Sixteen hundred Pounds of Tobacco; One Half thereof to His Majesty, His Heirs and Successors, for the Support of Government, the other Half to him or them that shall sue for the same, to be recovered in the Provincial Court by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law to be allowed.

A N D be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the several respective Deputy Commissaries, which are and shall be in the several and respective Counties within this Province, shall and are hereby sufficiently authorized and empowered to pass, audit, and 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 in Money, provided there be no Controversie thereon; and to transmit such Accounts within Two Months to the Commissary General's Office at the City of *Annapolis*, under the Penalty of Two thousand Pounds of Tobacco; One Half to His Majesty for the Support of Government, and the other Half to such Party as shall render such Account; for which passing such Account the said Deputy Commissary shall be allowed, as a Fee, the Sum of Fifty Pounds of Tobacco, to be levied, as aforesaid, and no more: And if such Deputy Commissary, as aforesaid, shall exact, demand, or receive of any Person whatsoever, more than what is by this Law, for Executing such his Office, allowed him, he shall be liable to such Pains and Penalties, 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 Claims in such Estates, shall make any Objections to the Legality or Justice of any Article or Articles contained in the said Accounts, then the said Deputy Commissaries are forthwith to mark such Articles, and transmit the Account, with all Papers thereto belonging, unto the Commissary General, before whom all Parties are to appear and defend their Interest.

A N D whereas many Men have bequeathed and devised, or hereafter may bequeath or devise, to their Wives, by their Last Wills, considerable Part of their Personal Estate, intending (no doubt) but not expressing, that such Bequest or Devise should be in full of such Wife's Part, Portion, or Third Part of the said Testator's Estate; and yet such Wives, Widows and Relicts, have not only claimed such Bequest and Devise, 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 bequeaths 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 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 Commissaries 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 so bequeathed or devised to her, then by that Choice she shall be for ever