

with all Papers thereto belonging, unto the Commissary-General, before whom all Parties are to appear and defend their Interest. And whereas many Men have bequeathed and devised, or thereafter 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 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,

Widow's
Thirds and
Legacies.

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 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 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.

Her Election
to be made
of one or
other,

In Forty
Days.

Or be con-
cluded by her
Thirds of
Personal
Estate, after
Debts paid.

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 Husband's 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 for ever 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.

In case
Lands be de-
vised to her,

To make
her Election
in Forty Days
of that, or
Thirds.

And be
concluded by
the Land de-
vised her, in
case of Neg-
lect to Elect.

Provided always, That if any married Woman shall have any Estate settled upon her by Joynture, or other Settlement before Marriage,

Joynture
or Marriage-
settlement to
bar Dower.