

*Pounds* of Tobacco of Fee, to be levied as above, and if more be exacted, the Deputy Commissary shall be liable to the Penalties contained in the Act for limiting Officers Fees: But if any Objection is made to any Articles in said Account, the same is to be marked and transmitted to the Commissary-General, with all Papers relative thereto, before whom all Parties are to appear and defend their Interest.

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 to his Wife as a Legacy only, and that she might nevertheless have a third Part of his remaining Estate, 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 chuses what is bequeathed or devised her, then she shall be for ever barred from claiming her third Part aforesaid; and if she renounce what is bequeathed or willed her, then she shall have her third Part, and be barred of her Devise, so that she shall not have both. But if she neglects to make her Choice as above, she shall then be concluded, by having a third Part of the personal Estate, and her Dower. Provided always, that her Share shall be liable to the Payment of a proportional Part of the Debts of the Deceased; and if she has any part of her Husbands Lands or real Estate devised her in the same Way, then she is to make her Election as above; which if she neglects to do she shall be concluded by her Dower, unless it shall appear to have been the Design of the Devisor, that she should have both Devise and Dower.

PROVIDED always, that if any married Woman shall have any Estate settled on her by Jointure or other Settlement before Marriage, such Jointure or Settlement shall barr her of her Dower of her Husbands Lands, yet it shall be lawful for her to accept what her Husband shall, by his last Will and Testament, devise her.

WHERE a Widow has an Estate in Possession by Will or Right of Administration, and marries again, in case of Waste by such second Husband, during the Coverture, the second Husband shall account for the same, and be liable to be sued together with his Wife, (if living) or by himself, (if she be dead) as well as the Security, for the said Estate due the Orphan, and also for all Waste committed by his Wife before his Marriage.

THE Judge for Probate of Wills shall take good and sufficient Security of all Executors and Administrators, to the Use of any Orphan in any Will mentioned, and not solely to their own Use, for the true Performance of such last Will and Testament according to Law and the Intent of the Testator, and shall transmit an Account of the Legacies left to any Infant Orphans, to the County Courts, to be by them secured in the same Manner, as the Ballances of Intestate's Estates, so far as shall be consonant to the Will of the Testator; the Justices are by a Jury, also to inquire of the good Usage and good Condition of the Se-

curity