

cluding bonds, and other securities, and on failure his office bonds shall be liable, and he shall also be liable to attachment and fine as aforesaid.

16. Nothing in this act contained shall be construed to affect the general superintending power exercised by the court of chancery with respect to trust.

CHAP. 13. *Rights of Widows.*

1. EVERY devise of land, or any estate therein, or bequest of personal estate, to the wife of the testator, shall be construed to be intended in bar of her dower in lands, or share of the personal estate respectively, unless it be otherwise expressed in the will.

2. A widow shall be barred of her right of dower in land, or share in the personal estate, by any such devise, or bequest, unless within ninety days after the authentication or probat of the will, she shall deliver, or transmit to the court, where such authentication or probat hath been made, a written renunciation in the following form, or to the following effect:

“ I, A. B. widow of ———, late of ———, deceased, do hereby renounce and quit all claim to any bequest or devise made to me by the last will of my husband, exhibited and proved according to law; and I elect to take, in lieu thereof, my dower, or legal share of the estate of my said husband, A. B.” But by renouncing all claim to a devise or bequest, or devises or bequests of personal property, made to her by the will of her husband, she shall be entitled to one third part of the personal estate of her husband, which shall remain after payments of his just debts, and claims against him, and no more.

3. If the will of the husband devise a part of both real and personal estate, she shall renounce the whole, or be otherwise barred of her right to both real and personal estate.

4. If the will devise only a part of the real estate, or only a part of the personal estate, the devise shall bar her of only the real, or personal estate, as the case may require; provided nevertheless, that if the devise of either real or personal estate, or of both, shall be expressly in lieu of her legal share of one or both, she shall accordingly be barred, unless she renounce as aforesaid.

5. But if, in effect, nothing shall pass by such devise, she shall not be thereby barred, whether she shall or shall not renounce as aforesaid, it being the intent of this act, and consonant to justice, that a widow accepting, or abiding by a devise, in lieu of her legal right, shall be considered as a purchaser with a fair consideration.

6. If a widow commit waste in the lands of the deceased, she shall be liable to an action by the heir or devisee, or his or her guardian; and if she marry a second husband, he shall be answerable for any waste committed by her before marriage, or by himself.

7. A widow's remedy for dower shall be as heretofore.

CHAP. 14. *Appendix, containing rules omitted under their proper heads.*

1. IF any person entitled to administration shall deliver, or transmit to the orphans court a declaration, in writing, that he is willing to decline the trust, the court shall proceed as if such person were not entitled.

2. If an executor or administrator shall die before administration is completed, letters *de bonis non* may be granted, at the discretion of the court, with a copy of the will annexed, (if the case require,) giving preference, however, to the person entitled, if he or she shall actually apply for the same; and the form of the letters shall be as herein before directed, except that the words “already not administered,” be added in their proper place, and the authority conferred by such letters shall be to administer all things herein described as assets, not converted into money, and not distributed or delivered, or retained by the former executor or administrator, under the court's direction.

3. A common warrant for land not executed or located in the life-time of the deceased, shall be assets after his death, in the hands of an executor or administrator, and subject to distribution, as well as every debt due to, or just claim of, the deceased; and if a common warrant for land be executed or located as aforesaid, it shall be considered as the property of the heirs.

4. No personal action shall abate by the death of either party, but executors and administrators