

XI. AND, If such wife 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 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 ever debarred of her dower out of the rest of the testator's real estate, 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 deviser that such widow shall have both devise and dower, any law, statute, usage or custom to the contrary notwithstanding.

C. H. A. P.  
XXIV.  
And also in  
case of a devise  
of real estate.

N. B. This clause is the same with 1715, ch. 39, section 36.

XII. AND BE IT ENACTED, That where any person being a protestant, who shall die and leave a widow and children, and such widow shall intermarry with a papist, or be herself a papist, that it shall and may be lawful for the justices of the county courts, upon application, to remove such child or children out of the custody of their mother, and place him, her or them, where he, she or they, may be securely educated in the protestant religion, and to allow the interest of such orphan's estate, or such part thereof as may be necessary for his, her or their support; and that the like care be taken that all children, whose fathers died in, or professed themselves to be of, the communion of the church of England, be educated and instructed in the doctrine and principles of that church.

Courts may, on  
application, re-  
move children,  
&c.

This section is repealed by 1798, ch. 66.

XIII. PROVIDED ALWAYS, That any person who shall think him or herself aggrieved by the justices of the county court in the premises, may appeal to the governor and council, who may hear and finally determine the same.

Proviso.

This section is repealed by 1798, ch. 66.

XIV. AND BE IT FURTHER ENACTED, *by the advice, consent, and authority aforesaid*, That the commissary-general shall be obliged to send the lists of the names and surnames of sureties, with their places of abode, to the several county courts, with the accounts or balances required to be transmitted by the act, entitled, An act for the better administration of justice in testamentary affairs, granting administrations, recovery of legacies, securing filial portions, and distribution of intestates estates.

Commissary to  
send lists, &c.

XV. AND BE IT FURTHER ENACTED, *by the authority aforesaid*, That executors or administrators shall proceed in the payment of debts in the same manner as they have been and are obliged by the said last mentioned act, entitled, An act for the better administration of justice in testamentary affairs, &c. without any other preference to debts due to his sacred majesty, his heirs or successors, or to the lord proprietary, his heirs or successors, than to such debts as are or shall be due to his sacred majesty, his heirs or successors, or to the lord proprietary, his heirs or successors, for the proper use and benefit of them, or either of them, any law, statute, usage or custom to the contrary notwithstanding.

What preference shall be  
given, &c.

XVI. AND, whereas by the laws of England the age is not allowed to any but the heir at law, and it appears to this general assembly that children, other than the heir at law, are within the same reason, and the allowing thereof here will be advantageous to minors, BE IT ENACTED, *by the authority aforesaid*, That all persons under the age of twenty-one years, who shall hereafter be entitled to any lands, tenements or hereditaments, by purchase, shall not be obliged, during their minority, to answer any suit or ejection in relation to the said lands, tenements, hereditaments, any more or otherwise than they would be if such lands, tenements or hereditaments, became their right by descent.

Minors not  
obliged to an-  
swer, &c.

XVII. AND BE IT FURTHER ENACTED, *by the authority aforesaid*, That every administrator obliged by the act, entitled, An act for the application of such intestates estates as leave no legal representatives, &c. to pay the balance of the estate to one of the public treasurers, shall hereafter be obliged to pay and satisfy the balance of such estate to the visitors of the public school of the county where the deceased resided, in the same manner as such administrator should have been obliged by law to pay the same to any legal representative in case any such should have appeared, to be applied to the use of such school; save that by the acts now in force, sundry particulars of the goods and chattels are directed to be paid in specie, according to appraisement, to the legal representatives, in this case,

Administrator  
to pay the ba-  
lance, &c.

such