

render such Account: For which passing such Account, the said Deputy-Commis-
 sary 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-Commis-
 sary as aforesaid, shall exact, demand, or receive of any Person whatsoever,
 more than 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 Li-
 miting Officers Fees in this Province: But in case it shall so happen, that
 any Person or Persons having any Interest or Claim in such Estates, shall
 make any Objections to the Legality or Justice of any Article or Articles con-
 tained 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.

C H A P.
 XXXIX.
 Their Fee.

But in Case
 of Objection;
 such Ac-
 counts shall
 be determined
 by the Com-
 missary-Ge-
 neral.

* By the Temporary Act of 1763, ch. 18, §. 106, Deputy-Commissaries are empowered to
 pass any Accounts of the Estates of deceased Persons (without any special Commission from
 the Commissary General) where the Amount of the Inventory does not exceed 150*l.* Current
 Money.

† By §. 125 and 126 of the same Act, no Deputy-Commissary shall exact, &c. or receive any
 Fee, or Gratuity for giving his Advice in any Matter relative to his Office, or for procuring a
 Commission from the Commissary-General to pass any Account before him; or any other Fee
 for drawing and stating Accounts, than 1½ *lb* Tobacco for each Voucher produced and allowed
 in such Accounts, and no more.

XXXV. And whereas many Men have bequeathed and devised, or hereafter
 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 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 con-
 siderable 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 be-
 fore 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 afore-
 said, 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. 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.

In Case of a
 considerable
 Devise to the
 Widow, &c.

She shall
 make her E-
 lection whe-
 ther she will
 accept of the
 Devise, or
 have her
 Thirds?
 within 40
 Days after
 Probate of the
 Will; but
 shall not have
 both.

* Here the Law is altered by 1729, ch. 24, §. 10, which enacts, that if the Widow neglect
 making such Election within the Forty Days, she shall then be concluded by the Bequest, and
 shall not have or claim any more of the Personal Estate than shall be so bequeathed; and such
 Bequest shall be liable to pay the Testator's Debts, &c.

XXXVI. And if such Wife, Widow or Relict, have any Part of her Hus-
 band'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 of the Third Part of all her Husband's Real Estate

Where any
 Part of the
 real Estate is
 devised to the
 Widow, &c.
 she shall
 make her E-
 lection, with-
 in 40 Days,
 of