

to make sale in certain cases, of the lands and real estates of persons dying intestate, and no provision appears to have been made, for the payment of the expences of the said commissioners, or the persons employed by them to survey and lay off the said lands when it may be deemed necessary: And whereas it is expedient and proper that deeds of conveyance should be executed and acknowledged to purchasers in those cases wherein it becomes necessary for the commissioners to make sale of the intestates estates, as manifesting the best evidence of their title in future times;

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II. BE IT ENACTED, by the General Assembly of Maryland, That the chancellor, or the respective county courts, as the case may be, shall be, and they are hereby authorized and empowered to allow to each commissioner, for every day he shall necessarily attend in the execution of such commission, a sum not exceeding two dollars per day, and to the surveyor employed by them, (when necessary,) a sum not exceeding four dollars per day for himself and chain-carriers, and such other expences as they may deem reasonable and proper; all which allowances and expences, together with the fees on the issuing and return of such commission, shall be paid by the representative or representatives, as the case may be, applying for the commission, when the lands or estate are divided, or by the representative making his or her election to take the estate pursuant to the original act, and such representative or representatives, as the case may be, may charge the other representatives with their respective proportions of the whole sum so paid, and each other representative, or his or her guardian, shall be obliged to repay or allow him his or her part thereof respectively; and in case the lands or estate shall be sold by the commissioners agreeably to the provisions of the said act, they shall then pay, out of the money arising from the sale, the whole of the expences attending the execution of their commission, to be allowed as above by the chancellor, or county courts.

Chancellor, &c.
may make allowance to commissioners, &c.

III. AND BE IT ENACTED, That in all cases of sale made by the said commissioners, after the same shall be ratified by the respective county courts, or chancellor, and the terms of sale shall have been complied with by the purchaser or purchasers having paid the purchase money agreeably to the said terms of sale, it shall then be the duty of the commissioners, or a majority of them, or the survivors or survivor of them, to make over unto the purchaser or purchasers, by deed duly executed and acknowledged according to law, all the right, title, claim, interest and estate, of the deceased intestate to the lands and premises sold by them in virtue of their commission, and the commission, and proceedings thereon, shall be recited in the preamble of the respective deeds; and every such deed shall be recorded within the time now limited by law.

Who may make over lands, &c.

IV. AND BE IT ENACTED, That when the estate of an intestate shall be sold on a credit, bonds shall be taken for the purchase money from the purchaser or purchasers by the commissioners, with security if required, and made payable to each representative respectively, according to his or her proportional part of the net amount of sales.

Bonds to be taken, &c.

V. AND, whereas it may be beneficial to the parties concerned, either where a division is adjudged to be made among the representatives, or a sale of the estate becomes necessary, that the widow's dower in and to the same should be previously ascertained and laid off; BE IT ENACTED, That the commissioners shall be and they are hereby empowered and directed to ascertain and lay off the widow's dower in and to the lands and tenements of the intestate, by virtue of their commission, before they shall proceed to divide or value the same; and the said commissioners shall make the ascertainment and location of such dower a part of their return to such commission; and the chancellor, or the county court, as the case may be, shall determine thereon, and confirm or reject the same, as in other cases under the said act.

Widow's dower may be laid off, &c.

VI. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED, That in case of sale of the intestate's real estate by the commissioners, if the widow will consent to the sale of the whole estate, she shall signify and subscribe her consent in writing, and the same shall be filed with the clerk of the county court, or with the register in chancery, as the case may be, and thereupon the said commissioners shall proceed to sell the whole real estate agreeably to the terms prescribed to them, disincumbered by any right or title of dower, and in consideration thereof the chancellor, or the county court, respectively, shall award to the widow such proportion of the purchase money as he or they shall think just and equitable, not exceeding more than one seventh part, nor less than one tenth part of the net amount of sales, according to the age, health and condition of such widow; and such award of payment shall be a sufficient bar to all and every right or title of dower which such widow may claim to the lands and tenements of such intestate.

Proviso.