

## CHAP. 94.

Passed Jan. 2, 1803

## CHAP. XCIV.

*A Further Additional Supplement to the act, (a) entitled, An act to direct Descents. Lib. JG. No. 4, fol. 303.*

(a) 1786, ch. 45. Other supplements, 1805, ch. 119. November 1809, ch. 160. 1810, ch. 28. 1811, ch. 200. November 1812, ch. 68, ch. 181. 1814, ch. 109, and 1815, ch. 205.

In certain cases purchasers may obtain a division of real estate.

1. **BE IT ENACTED**, by the General Assembly of Maryland, That in all cases where any of the heirs of a person deceased without will shall sell out their right and title to the intestate's real estate, and the purchaser or purchasers, and the other heir or heirs, cannot agree upon a division, or in case any person entitled to any part be a minor, (b) in order to obtain a division of the estate, the purchaser or purchasers, heir or heirs, may effect the same agreeably to the directions and provisions of the act to which this is a supplement.

(b) If any person is entitled, as tenant by the curtesy, to an undivided part of an intestate's real estate, see November 1809, ch. 160, and November 1812, ch. 181. If any person is entitled by deed or devise to a life estate, an estate in remainder after such life estate, or as devisee in fee, in an undivided part of the real estate of an intestate, see 1810, ch. 28, and 1811, ch. 200.

Person making election to take estate at valuation of commissioners, to give bond.

2. **AND BE IT ENACTED**, That in all cases where the commissioners appointed, or hereafter to be appointed, under the said act, (c) shall determine that the estate cannot be divided (d) without loss to all the parties, and the court shall confirm their return, the person making an election (e) to take the estate at the valuation of the commissioners, at the time of making the election, shall severally give bonds, (f) with two or more sufficient securities, to be approved by the court in which the proceedings shall be had, to the other person or persons entitled to the said estate, for their several proportions of the sum of money at which the said estate is valued, which bonds shall bear interest from the date of the said election, and shall be made payable in such instalments as the court shall direct.

(c) By November 1812, ch. 181, if any of the commissioners die before having completely executed the commission, others may be appointed, &c. If a majority of the commissioners appointed shall qualify, they may proceed, &c.

(d) By November 1809, ch. 160, the commissioners may divide the estate into as many parts as it is susceptible of without injury, &c. and ascertain the value of each part. If the return is confirmed, the right of election to take the several parts shall be according to the rules of the act of 1786, ch. 45, &c. The person making an election to take any part of the estate at the valuation, shall severally give bond, &c. If all the parties of age, and entitled to take any part into which the estate is divided, at the valuation thereof, shall refuse, the estate shall be sold by the commissioners.

(e) By 1805, ch. 119, in case the eldest male is a minor, the eldest female of age may elect, &c.

(f) By 1815, ch. 205, it shall not be necessary, if the court deem it for the interest of all persons concerned, that the bond should be given to each of the representatives of the intestate; but such bond shall be given to the state, in such penalty and with such security as the court may direct, conditioned for payment of the valuation or purchase money to the legal representatives of the intestate, &c.

In certain cases court to order absent person to appear and make election.

3. **AND BE IT ENACTED**, That if any person or persons entitled to make election (g) to take the estate of any intestate as aforesaid, shall be absent from the county at the time when such election ought to be made, the court shall pass an order, to be published in some convenient news-paper at least four weeks successively, giving notice of the return and confirmation of the commission, and appointing some day in the term next succeeding that in which the

(g) See note (e) under the second section.