

How property is to descend in case of infants death.

her or their death without lawful issue, the proceeds of the said sale, or the said stock, shall be considered as real estate, and as such shall descend to those heirs or representatives who would be entitled to the said lands, in the same manner as if the same had not been sold in virtue of this law.

Award to widow entitled to dower, and consenting to a sale.

SEC. 10. *And be it enacted*, That in case a widow shall be entitled to any right of dower, and will consent to the sale of the whole estate, she shall signify her consent in writing, and the same shall be filed with the clerk of the county court, or the register of the chancery, as the case may be, and thereupon the trustee or trustees as aforesaid, shall proceed to sell the whole estate, according to the terms to be prescribed as aforesaid, free and disencumbered of any right of dower of the said widow in and to the same, and in consideration thereof the chancellor, or county courts respectively, shall award to such widow such proportion of the purchase 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 proceeds of the said 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 in and to such real estate so as aforesaid sold.

Proceedings in case widow does not consent.

SEC. 11. *And be it enacted*, That in case the widow shall not elect, that the lands, tenements or hereditaments, so ordered to be sold, shall be sold free, clear and unencumbered of any right of dower which she may have in and to the same, then and in that case it shall and may be lawful for the chancellor or the county courts, as the case may be, to issue a commission, to five commissioners, in the same manner as is directed by an act,* entitled, an act to direct descents, and of the several supplements thereto; and the said commissioners shall proceed in manner and form as is directed by the said acts, to lay off and locate the widow's dower, in and to the said lands, tenements and hereditaments, and the said commissioners shall make return of the said location to the chancellor, or county courts, as the case may be, for rejection or confirmation, as in other cases under the said act, and of the several supplements thereto.

* 1786, ch. 45.

Vacancy of trustee, how to be supplied.

SEC. 12. *And be it enacted*, That if any trustee or trustees appointed in and under this law shall depart this life, then and in such case it shall and may be lawful for the chancellor, or the county courts, as the case may be, to appoint a trustee or trustees, in the place of such trustee or trustees so dying, and the said trustee or trustees shall execute a bond in the manner prescribed by this law.

Powers of chancellor, &c. where infants are

SEC. 13. *And be it enacted*, That the chancellor, or the county courts of this state, shall and may exercise all and every the powers herein provided in all cases where an infant or infants