

act, or any thing therein contained, be taken or construed to bar or affect any widow's right of dower.

Certain children legitimized, &c.

SEC. 7. *And be it enacted,* That if any man shall have a child or children by any woman whom he shall afterwards marry, such child or children, if acknowledged by the man, shall in virtue of such marriage and acknowledgment, be hereby legitimated, and capable in law to inherit and transmit inheritance, as if born in wedlock.

Where parties cannot agree upon division of intestate's estate, or any person entitled to a part be a minor, commission may issue for dividing estate, &c.

SEC. 8. *And be it enacted,* That in case the parties entitled to the intestate's estate cannot agree upon the division thereof, or in case any person entitled to any part be a minor, an application may be made to the county court of the county where the estate lies, and the court shall appoint and issue a commission to five discreet, sensible men, to be commissioners, authorizing and empowering them, or a majority of them, to proceed in the premises, according to the directions of this act, and in all respects conform to, and comply with, the provisions thereof; and the said commissioners, or a majority of them, before they proceed to act, shall severally take an oath or affirmation, (to be annexed to be said commission,) before some justice of the peace of the county, or other person authorized to administer an oath, well and faithfully to perform the duties required of them by the commission, and all duties assigned to them under this act, and that they will proceed in the execution and completion of the said commission, without favour, partiality or prejudice, and according to the best of their judgment and understanding; and the said commissioners, or a majority of them, shall adjudge and determine whether the estate will admit of being divided without injury and loss to all the parties entitled, and to ascertain the value of such estate in current money, taking into consideration any incumbrance thereon, and ascertain the value of the estate subject to the incumbrance; and if the estate can, in the opinion and judgment of the commissioners, or a majority of them, be divided without loss and injury to all the parties entitled, then they shall divide and make partition of the same, fairly and equally in value, between all the parties interested, according to their several just proportions; or if the estate cannot be divided equally and fairly between all the parties interested according to their several just proportions, then the commissioners, or a majority of them, shall have power to divide the estate into as many parts as it is susceptible of, without loss and injury, to all the parties entitled, and to ascertain the value of each part of such estate in current money, subject to any incumbrance thereon.

Oath of commissioners.

Commissioners to determine whether estate will admit of being divided, &c.

If estate can be divided then partition to be made.

If estate cannot be divided without

SEC. 9. *And be it enacted,* That if the said commissioners, or a majority of them, shall determine that the estate cannot be divided without loss and injury to all the parties, then they shall