

made to the satisfaction of the court of the due publication as aforesaid, and on the non-appearance of the person so absent, it shall be lawful for the person next entitled to come in and make election, in the same manner as if the person so absent had appeared and refused to take the estate.

48. If any person entitled to make election as aforesaid, shall be "non compos mentis," or otherwise disqualified to declare his intention, in such case the person next entitled shall be authorized to make his election, in the same manner as if the person disqualified had refused to make election.

49. In case the eldest male shall not be of age to make his election, it shall be lawful for the eldest female, if of the age of twenty-one years, to elect to take the lands at the valuation of the commissioners, notwithstanding the existence of any male minor, and any husband may elect to take in right of his wife.

50. Every person entitled to elect or refuse to take the whole or any part of any estate at the value ascertained and returned by the commissioners, may make such election or refusal in writing, to be signed by such person in the presence of one or more witnesses, who shall attest the same in writing; and such written election or refusal, when filed with the clerk among the proceedings in the case, shall have the same effect and validity as if such person had made his election or refusal in open court.

51. The person making an election to take the estate, or any part thereof, at the valuation of the commissioners, at the time of making the election, shall give bond or bonds with two or more sufficient sureties, to be approved by the court in which the proceedings may be had, to the other person or persons entitled to said estate, for their several proportions of the sum of money at which 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; and such bonds shall be and remain a lien on the lands for the purchase of which they were given until the said bonds shall be wholly paid.

SALES BY COMMISSIONERS.

52. If all the persons entitled to elect to take the estate, or any part thereof, at the valuation, shall refuse, then the estate or