

part of their return to such commission; and the court shall determine thereon, and confirm or reject the same, as in other cases.

63. In case of sale of the intestate's real estate by the commissioners, if the widow will consent to the sale, she shall signify and subscribe her consent in writing, and the same shall be filed with the clerk of the court, and thereupon the said commissioners shall proceed to sell the whole real estate agreeably to the terms prescribed to them, disencumbered by any right of dower, and the court shall award to the widow such proportion of the purchase money as shall be just and equitable, not exceeding one-seventh part nor less than one-tenth part of the net amount of the sales, according to the age, health and condition of such widow; and such award of payment shall be a sufficient bar to all right of dower which such widow may claim in said lands.

64. The court shall 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 six dollars per day for himself and chain carriers, and such other expenses as they may deem reasonable and proper; all which allowances and expenses, together with the fees on the issuing and return of such commission, shall be paid by the representative applying for the commission, when the lands or estate are divided, or by the representative making his election to take the estate; and such representative may charge the other representatives with their respective proportions of the whole sum so paid, and each other representative, or his guardian, shall be obliged to repay or allow him his part thereof respectively; and in case the lands or estate shall be sold by the commissioners, they shall then pay, out of the money arising from the sale, the whole of the expenses attending the execution of their commission, to be allowed as above by the court.

65. In all cases where an election shall be made by any person under and in virtue of this article, or by the husband in right of his wife, and the valuation of the land of the said intestate hath been paid to the heir or heirs of the deceased, by the person so electing, the commissioners, or a majority of them, or the survivors or survivor of them, shall, under the direction of the court to which the return or returns shall have been made, make and