

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.

This section referred to in construing sections 41 and 44. *Catlin v. Catlin*, 60 Md. 581.

Cited but not construed in *Jenkins v. Simms*, 45 Md. 536.

1904, art. 46, sec. 51. 1888, art. 46, sec. 51. 1860, art. 47, sec. 51.
1820, ch. 191, secs. 19, 21.

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 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.

The lien provided for by this section has reference exclusively to the legal proceeding in which the election is made, the right of which exists and can be exercised without respect to the consent of others. This section held to have no effect to extend a vendor's lien. *Thomas v. Farmers' Bank*, 32 Md. 67. And see *B. & O. R. R. Co. v. Trimble*, 51 Md. 107.

This section implies a preceding order of court before it can be complied with, or a non-compliance can amount to a default. *Jenkins v. Simms*, 45 Md. 538.

For cases dealing with limitations and laches as applicable to the bond and lien provided for by this section, see *B. & O. R. R. Co. v. Trimble*, 51 Md. 109; *Boyd v. Harris*, 2 Md. Ch. 213; *Stem v. Cox*, 16 Md. 538.

For a proceeding under this section held to be taken against the wrong parties, see *Stem v. Cox*, 16 Md. 534.

This section referred to in construing sections 41 and 44. *Catlin v. Catlin*, 60 Md. 582.

This section referred to in construing section 55. *Ridgely v. Iglehart*, 3 Bl. 546.

Cited but not construed in *Iglehart v. Armiger*, 1 Bl. 528.

See notes to sections 55 and 65.

Sales by Commissioners.

Ibid. sec. 52. 1888, art. 46, sec. 52. 1860, art. 47, sec. 52.
1820, ch. 191, secs 9, 11.

52. If all persons entitled to elect to take the estate, or any part thereof, at the valuation, shall refuse, then the estate, or such part thereof as the heirs may not elect to take, shall be sold by the said commissioners, or a majority of them, for money or upon credit, and in the manner and agreeably to the terms and conditions which the court from which the commission issued shall prescribe and direct; and no sale so to be made shall be valid until ratified by the said court, and the purchase money shall be justly divided among the several persons interested, according to their respective titles to the estate.