

ARTICLE 46.

INHERITANCE.

Descents.

1. Lands held in fee; heirs.
2. Surviving husband or widow—share of; sale in equity.
3. Share of husband or wife where spouse dies testate; renunciation; spouse must join in deed.
4. Dower not abolished; renunciation.
5. How naked trusts to descend.
6. Child legitimated by subsequent marriage of parents and acknowledgment by father.
7. Inheritance among illegitimate children.

Division and Election.

8. Commissioners, how appointed; oath of.
9. Majority of, when qualified, may act.
10. Notice required to parties interested.
- 10A. Court to appoint a guardian for minor not having one.
11. Notice required to non-residents interested.
12. Recital of notice *prima facie* sufficient.
13. How commissioners shall divide lands susceptible of division.
14. How commissioners shall divide lands not susceptible of division.
15. Survey to be made of lands divisible into as many parts as heirs; several shares to be allotted to parties.
16. If lands not thus divisible, to be divided into as many parts as practicable; election by parties successively entitled.
17. After partition, proceedings to be returned to court for ratification.

Election.

18. Proceedings where estate is indivisible.
19. Election by eldest son.

20. If he refuses, next eldest son to elect, and so on.
21. Where a person is entitled to estate of one heir and cannot agree with other heirs.
22. Absence of party entitled to election; notice by publication to.
23. If *non compos*, person next entitled shall elect.
24. If eldest male be not of age, eldest female of age shall elect.
25. Election or refusal may be in writing.
26. Person electing to take shall give bond to other persons.

Sales by Commissioners.

27. If all parties refuse to elect, lands shall be sold by commissioners.
28. Where all parties are minors, estate not to be sold until eldest arrives at age.
29. Bonds for purchase money payable to each representative.
30. Bond to State for whole unpaid purchase money; bond to be lien on land.
31. Failure of purchaser to comply; proceedings upon.
32. Life estate of surviving husband.
33. Sale free of such life estate.
34. Allowance to such tenant for life.
35. Where such estate is acquired after return but before sale, return shall be altered accordingly.
36. Life tenant under deed or devise; same proceedings to be had.
37. Widow's dower to be laid off.
38. Consent of widow to sale; allowance out of proceeds.
39. Compensation to commissioners, how paid.