

visible without  
loss, to be  
valued

Right of  
election.

Id s 45  
1820, c 191, s 9  
Right of  
election.  
16 Md 534

Id s 46  
1820, c 191, s 31,  
1829, c. 32  
Same,  
45 Md 532.

Where person  
entitled by pur-  
chase.

Id s 47  
1820, c 191, s 13  
Notice to party  
entitled to elect  
out of the State

Id s 48  
1820, c 191, s 31  
Where person  
entitled dis-  
qualified, who  
may elect.

Id s 49  
1820, c. 191, ss.  
32, 33  
When person  
entitled, a  
minor.  
When a married  
woman

Id s 50  
1827, c 208, s 2.  
How election, or

all the parties, they shall make return to the court of their judgment, and the reasons upon which the same is formed, and the real value of the estate in current money, subject to the incumbrance, if any thereon; and if the judgment of the commissioners shall be confirmed by the court, then in the said court, and before the expiration of the term next succeeding that in which the return of the commissioners shall have been confirmed, the eldest son, child, or person entitled, if of age, shall have election to take the whole estate, and pay to the others their just proportions of the value in money.

**45.** If the eldest child, or person entitled, refuses to take the estate, and pay to the others money for their proportions, then the next eldest child, or person entitled, being of age, shall have the same election, and so on to the youngest child, or person entitled.

**46.** In all cases where a person is entitled by purchase or otherwise to the undivided estate of an heir to a person dying intestate, and any such person cannot agree with the other heirs or persons entitled upon a division, or in case any party entitled is an infant, or *non compos mentis*, then any such person shall have the right to proceed under this article, and the same right of election, as the heir would have had under whom he claims.

**47.** If any person entitled to make election to take the estate of any intestate as aforesaid, shall be absent from the county, or not residing therein at the time when such election ought to be made, and shall not appear in court and elect, or refuse to elect to take the said estate, or any part thereof, as the case may be, the court shall pass an order to be published in some convenient newspaper at least four weeks successively, giving notice of the return and confirmation of the commission, and appointing some day in the term next succeeding that in which the said order shall be passed for such absent person to appear in court and make his election as aforesaid; and on proof being 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