

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.

refusal to elect,
may be made.
32 Md 57,
45 Md 532.

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.

Id s 51
1820, c 191, ss.
19-21
Person electing
to give bond.

Bond to be a
lien.

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 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.

Id s 52
1820, c 191, ss
9-11
When not taken
by election to
be sold
18 Md 260,
23 Md 86.

Sale to be
ratified.

53. But if all the parties entitled shall be minors at the death of the intestate, the estate shall not be sold until the eldest arrives at age, and the profits of the estate shall be equally divided in the mean time.

Id s 53
1820 c 191, s 9.
Where parties
all minors

54. When the estate of an intestate shall be sold on a credit, bonds shall be taken for the purchase-money from the purchaser or purchasers, by the commissioners, with security, and made payable to each representative respectively, according to his proportional part of the net amount of sales, with interest thereon from the day of sale, and in such instalments as the court shall direct, which bonds shall remain and be a lien on the lands for the purchase of which they were given, until the said bonds shall be paid.

Id s 54
1820, c 191, s 16.
Bonds to be
taken when sold
on credit
3 Bl 540

55. It shall not be necessary, if the court shall deem it to be the interest of all persons concerned, for the purchaser of any part of the real estate of any person dying intestate, which may be sold by commissioners, or where any one or more of the representatives of such intestate shall elect to take the same, or any part thereof, at the valuation made by commissioners, to give bond to each of the representatives of such intestate; but such purchaser or person who

Id s 55
1820, c 191, s 22.
Bond may be
given to the
State.
45 Md 532,
6 G & J 49.