

of the said purchase-money to the said tenant, the court shall be directed by the age, health, and condition of such tenant; and such award of payment shall be sufficient to bar such tenant from all and every right or title by such curtesy.

59. Whenever any person may be entitled as tenant by the curtesy to an undivided part of the real estate of an intestate, and the commissioners shall determine and so certify to the court in their return, that the said estate cannot be divided without loss and injury to all the parties concerned, the court shall proceed to award to such tenant such sum of money as the court shall think just and equitable in lieu of such tenancy by the curtesy; and in decreeing such value to the said tenant, the court shall be directed by the age, health, and condition of such tenant; and such award of value shall be sufficient to bar such tenant of all right by such curtesy which such tenant may claim, to the lands and tenements of such intestate; and the person making the election to take the estate at the valuation of the commissioners, shall hold the estate disencumbered of any tenancy by the curtesy.

Id s 59
1820, c 191 s 36.
Where curtesy
in undivided
part.

60. If any person shall become entitled as tenant by the curtesy to an undivided part of the real estate of an intestate, after the return of the commissioners, and before the sale or division thereof, the court shall order that the commissioners shall alter or change their return; and the commissioners shall, upon the service of the said order, proceed to alter their return in such manner as that the tenant by the curtesy shall come in for his proportionable share of the intestate's estate, with those who by law may be entitled to take as heirs of the intestate.

Id s 60
1820, c 191, s. 37.
same.

61. Where any person is entitled by deed or devise to a life estate in an undivided part of the real estate of an intestate, the same proceedings shall be had as are directed by this article with regard to tenancies by the curtesy; and where any person is entitled by deed or devise to the remainder after such life estate, the same proceedings shall be had as are directed by this article where a person is entitled to an undivided part of an intestate's estate, subject to a tenancy by the curtesy.

Id s 61
1820, c 191 ss.
38, 40, 1820, c 32.
Where life
estate in undi-
vided part

Remainder
after life estate.

62. The commissioners, or a majority of them, shall ascertain and lay off the widow's dower in and to the lands and tenements of the intestate, by virtue of their commission, before they shall proceed to divide or value the same; and the said commissioners shall make the ascertainment and location of such dower a part of their return to such commission; and the court shall determine thereon, and confirm or reject the same, as in other cases.

Id s 62
1820, c 191, s 27.
Dower to be
laid off
17 Md 231, 22
Md 42, 163, 38
Md. 265.

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

Id s 63
1799, c 49, s 6,
1820, c 191, s 28.
May be sold
clear of dower
by consent
3 Bl 186.

Allowance in
lieu of dower