

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.

P. G. L., (1860,) art. 47, sec. 48. 1820, ch. 191, sec. 31.

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.

Ibid. sec. 49. 1820, ch. 191, secs. 32-33.

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.

Stevens v. Richardson, 6 H. & J. 156.

Ibid. sec. 50. 1827, ch. 208, sec. 2.

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 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.