

decreeing such proportion 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, or as such surviving husband.

P. G. L., (1860,) art. 47, sec. 59. 1820, ch. 191, sec. 36

59. Whenever any person may be entitled as tenant by the curtesy or as surviving husband 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, or such tenancy for life; 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, or as such surviving husband, 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 by any tenancy by the curtesy.

Ibid. sec. 60. 1820, ch. 191, sec. 37.

60. If any person shall become entitled as tenant by the curtesy or as surviving husband 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 or surviving husband 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.

Ibid. sec. 61. 1820, ch 191, secs. 38-39. 1829, ch. 32.

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