

LAWS OF MARYLAND

CHAPTER 168.

Dec. 20, 1826

Passed March 4, 1826.

Commissioners to divide estate.

An act for the benefit of William Cord of Cecil county, and others.

Sec. 1. *Be it enacted by the General Assembly of Maryland,* That it shall and may be lawful for Cecil county court upon the application of William Cord or any of the surviving brothers and sisters of John Cord, late of Cecil county deceased, or their assigns, to issue a commission to five discreet sensible and disinterested citizens of Cecil county, to value and divide the real estate, whereof the said John Cord died seized in fee tail, who or a majority of whom shall have full power and authority to value and divide the same among all the parties entitled, or into two or more divisions as they may think best; *Provided,* it can in their judgment be done without loss or injury to all the parties entitled thereto.

2. *And be it enacted,* That if said commissioners or a majority of them shall be of opinion that the said land will not admit of division among all the parties entitled, they shall make a return of the value thereof; and the several parties entitled thereto, shall have the right to elect, to take the same in the same order and same manner as is now provided by law, in relation to intestates real estate, and in case all should refuse to take the same at the valuation so as aforesaid, to be made, that it shall and may be lawful for said court to order and direct said commissioners, or a majority of them to make sale thereof, on such terms and conditions as said court shall deem best, and the proceeds arising from said sale, after deducting all expences attending said commission and proceedings, be divided among the several parties entitled thereto, according to their several and respective interest in said estate, under the direction of said court.

Cases of difficulties--proceedings directed.

3. *And be it enacted,* That in case any one or more of said parties should elect, to take said estate, or any part thereof which may be divided at the valuation ascertained by said commissioners, they shall give bond with security to be approved of by said court, to the others entitled, for their respective shares, after deducting from the whole amount the expences attending said commission and proceedings, to be ascertained by the judges as aforesaid, which said bonds as well as any which may be taken by said commissioners in case of a sale of the whole or any part thereof, shall be a lien on said land.

Bonds required.

4. *And be it enacted,* That said commissioners or a majority of them before they proceed to act, shall severally take an oath or affirmation to be annexed to the said commission, before some justice of the peace of said county or other person authorized to administer an oath, well and faithfully to perform the duties required of them by the commission, and that they will proceed in the execution and completion of said commission, without favor partiality or prejudice according to the best of their judgment and understanding.

Oath.