

Proviso.

copy to be recorded

thirds, as aforesaid, the commissioners shall have respect to the annual rental value of said land, tenements and hereditaments, clear of reprises, and in making partition of the remaining two-thirds as aforesaid, they shall have respect to the true fee simple value thereof; the acts of a majority of the commissioners shall be as valid as the acts of the whole of them, and if a majority of them concur in the return to be made as aforesaid, it shall be sufficient, but the commissioners agreeing, shall sign the return, and shall have been to and seen all the said lands, tenements and hereditaments; the object of this act shall not fail by reason of the death, refusal, neglect or inability to serve of one or more of the commissioners; *Provided*, a majority of the whole number appointed having acted together shall agree, and if one or more of the said commissioners named in this act residing in Kent county in this State, shall die, resign or refuse to act, before the duties assigned to the commissioners are fully performed, the Orphans' court of Kent county, in this State, shall fill the vacancy or vacancies thus occasioned; the said assignment of dower and partition, to be made by authority of this act, and the said act of the Legislature of the State of Delaware, in General Assembly, shall be as valid, effectual and conclusive upon all the parties concerned, as if the said lands, tenements and hereditaments were situated wholly in Kent county, in the State of Maryland, and the said assignment and partition, had been made in pursuance and by authority of the existing laws of this State, and shall remain firm and stable, any law, usage or custom to the contrary thereof notwithstanding.

Copy of act to be recorded with the return and plat.

SEC. 4. *And be it enacted*, That an authenticated copy of the said act of the Legislature of Delaware, shall be recorded with the return and plot mentioned in the first section of this act in the office of the clerk of the circuit court for Kent county, in this State, and that the said act, return and proceedings, or a copy thereof under the hand and official seal of the said clerk, shall be received as evidence in all the courts of law and equity and places whatsoever in this State.

In force.

SEC. 5. *And be it enacted*, That this act shall take effect and be in force from the time of its passage.