

CHAP. 7.

make other provision, shall be ascertained, taxed, and allowed by the Orphans' Court of Kent county, State of Delaware; and the said court is hereby authorised and required to make such allowances for all services fairly rendered, and all expenses fairly incurred in and about the said business, as the said court shall deem just, keeping in view the present rate of allowances for like or similar services under the intestate laws of said State of Delaware; all the costs and expenses of procuring, effecting and completing the said assignment of dower and partition, according to the true intent and meaning of this act, and such concurrent act as the Legislature of Delaware may pass, shall be paid by the said parties concerned, in the following proportions: that is to say, the said Susan W. Cummins, widow of the said deceased, shall pay one equal third part of the costs and expenses, and the said twelve children of the said deceased, shall pay one equal twelfth part of the other two third parts thereof.

How assessed

Rule of valuation

Majority may act

Sec. 3. *And be it enacted*, That in laying and assigning to the said Susan W. Cummins, her dower or thirds as aforesaid, the commissioners shall have respect to the true annual rental value of said lands, tenements and heraditaments, 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 returns to be made as aforesaid, it shall be sufficient; but the commissioners agreeing shall sign the returns, and shall have been to, and seen all the said lands, tenements and heraditaments. The object of this act shall not fail by reason of death, refusal, neglect or inability to serve for one or more of the commissioners; provided a majority of the whole number appointed, (having acted together,) shall agree the said assignment of dower or partition to be made by authority of this act, (the Legislature of Delaware concurring,) shall be as valid, effectual and conclusive upon all the parties concerned, as if the said lands, tenements and heraditaments, were situated wholly in Queen Anne's county aforesaid, and the said assignment and partition had been made in pursuance and by authority of the existing intestate laws of this State, and shall remain firm and stable, any law usage or custom to the contrary thereof notwithstanding: *Provided nevertheless*, and it is hereby expressly declared and enacted, that this act shall not take effect, or be of any force or au-

Proviso