

Warner are hereby declared to be divorced *a vinculo matrimonii*; provided always, that nothing in this act contained shall be construed to illegitimate the children of the said Thomas Warner and Ruth Warner born prior to the passage of this act.

C H A P.
CLIX.

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A Further additional Supplement to an Act, entitled, An Act to direct Descents.

Passed 6th of
Jan. 1810.

WHEREAS it may frequently happen, that some person or persons may be entitled, as tenants by the courtesy, to a life estate in an undivided part of the real estate of an intestate, and there is no provision made in the act to which this is a further additional supplement, to empower the commissioners to ascertain and lay off the said tenant's part or portion: And whereas it may be beneficial to the parties concerned, either where a division is adjudged to be made among the representatives, or where a sale of the estate becomes necessary, that the aforesaid tenant's part or portion of, in and to, the same, should be previously ascertained and laid off;

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the commissioners shall be, and they are hereby empowered and directed, to lay off the part or parts, portion or portions, of a tenant or tenants by the courtesy, of, in and to, the lands and tenements of an intestate, by virtue of their commission, before they shall proceed to divide or value the same, and the said commissioners shall make such ascertainment and location of such tenancy a part of their return to their commission; and the chancellor, or the county courts, as the case may be, shall determine thereon, and confirm or reject the same, as in other cases under the said act.

III. AND BE IT ENACTED, That if any person shall become entitled, as tenant by the courtesy, to an undivided part of the real estate of an intestate, after the return of the commissioners aforesaid, and before the sale or division thereof, the courts of the several counties shall be and they are hereby empowered, to order that the commissioners shall alter and change their return, and the commissioners shall, upon service of the said order, proceed to alter their return, in such manner as that the tenant by the courtesy shall come in for his proportionable share of the said intestate's estate with those who by law are now entitled to take as heirs of the intestate.

IV. PROVIDED ALWAYS, AND BE IT ENACTED, That in case of the sale of the intestate's real estate by the commissioners, they shall proceed to sell the whole real estate of the intestate, agreeable to the terms prescribed to them, disincumbered by any tenancy by the courtesy; and the chancellor, or the county court, as the case may be, shall award to the tenant by the courtesy such proportion of the purchase money as he or they shall think just and equitable, and in decreeing such proportion of the said purchase money to the said tenant, the chancellor, or county court, as the case may be, 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 courtesy which such tenant may claim to the lands and tenements of such intestate.

V. AND BE IT ENACTED, That in case the parties entitled to the intestate's estate cannot agree upon the division thereof, or in case any person entitled to any part be a minor, the commissioners shall have power to divide the estate into as many parts as it is susceptible of, without injury and loss to all the parties entitled, and to ascertain the value of each part of such estate in current money, and if the judgment of the commissioners shall be confirmed by the county court, the right of election to take the several parts into which such estate may have been divided, shall be according to the rules of the act of assembly, entitled, An act to regulate descents, and the several supplements thereto.

VI. AND BE IT ENACTED, That the person making an election to take any part of the estate at the valuation of the commissioners, at the time of making the election shall severally give bond, with two or more sufficient securities, to be approved by the court in which the proceedings shall be had, to the other person or persons entitled to the said estate, for their several proportions of the sum of money at which said part is valued, which bonds shall bear interest from the date of the said election, and shall be made payable in such instalments as the court shall direct, and which bonds shall be and remain a lien on the lands for the purchase of which they were given, until the said bonds shall be wholly paid.

VII. AND BE IT ENACTED, That if all the parties of age, and entitled to elect to take any part into which the estate may have been divided by the commissioners, at the valuation thereof, shall