

CHAP. 191. into the common stock or hotchpot, if there be another child or children unprovided for.

Entails, &c not to be affected, &c nor any widow's right of dower

6. *And be it enacted,* That nothing herein contained shall be construed or taken to alter, or in any manner change the course of descent, as heretofore used and established, so as to affect the case of any entail, or limitation in tail whatever, made, created and in being, before the first day of January 1788, but the same shall, during the continuance of the estate in tail or limitation in tail, and until the same may be legally destroyed or barred, descend according to the course of descent heretofore used and established, nor shall any thing herein be taken or construed to interfere with or alter any limitation, grant or gift, by devise, conveyance or otherwise, to special or particular heirs in a different course of descent from what is by this act specified, but in such cases the descent shall be according to the limitation or form of the gift, devise or grant, until the entail shall be legally barred or destroyed; nor shall this act, or any thing therein contained, be taken or construed to bar or affect any widow's right of dower.

Certain children legitimized, &c

7. *And be it enacted,* That if any man shall have a child or children by any woman whom he shall afterwards marry, such child or children, if acknowledged by the man, shall in virtue of such marriage and acknowledgment, be hereby legitimated, and capable in law to inherit and transmit inheritance, as if born in wedlock.

Where parties cannot agree upon division of intestate's estate, or any person entitled to a part be a minor, commission may issue for dividing estate, &c

8. *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, an application may be made to the county court of the county where the estate lies, and the court shall appoint and issue a commission to five discreet, sensible men, to be commissioners, authorising and empowering them, or a majority of them, to proceed in the premises, according to the directions of this act, and in all respects conform to, and comply with, the provisions thereof; and the 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 the county, or other person authorised to administer an oath, well and faithfully to perform the duties required of them by the commission, and all duties assigned to them under this act, and that they will proceed in the execution and completion of the said commission, without favour, partiality or prejudice, and according to the best of their judgment and understanding; and the said commissioners, or a majority of them, shall adjudge and determine whether the estate will admit of being divided without injury and loss to all the parties entitled, and to ascertain the value of such estate in current money, taking into consideration any incumbrance thereon, and ascertain the value of the estate subject to the incumbrance; and if the estate can, in the opinion and judgment of the commissioners, or a majority of them, be divided without loss and injury to all the parties entitled, then they shall divide and make partition of the same, fairly and equally in value, between all the parties interested, according to their several just proportions; or if the estate cannot be divided equally and fairly between all the parties interested, according to their several just propor-

Oath of commissioners

Commissioners to determine whether estate will admit of being divided, &c

If estate can be divided, then partition to be made