

CHAP. 191. as each may be entitled to agreeably to the order of the court; which bond shall be and remain a lien on the said real estate until the money intended to be secured thereby shall be wholly paid, and the said bond shall be recorded among the records of the county court from which the commission may have issued; and in case the commission shall have issued from the chancery court then the said bond to be recorded in the office of the court of appeals for the western shore; and upon such bond, or an office copy thereof, suit or suits may be instituted against the obligors therein, or any of them, for any breach of the condition thereof by any person interested therein; and the plea of *non est factum* shall not be received to any such suit unless the same is verified by the affidavit of the defendant or defendants tendering the same.

Allowance to the commissioners, &c. and how to be paid, &c.

23. *And be it enacted,* That the chancellor or the respective county courts as the case may be, shall be and they are hereby authorised and empowered, to allow to each commissioner, for every day he shall necessarily attend in the execution of such commission, a sum not exceeding two dollars per day, and to the surveyor employed by them (when necessary,) a sum not exceeding six dollars per day, for himself and chain carriers, and such other expenses as they may deem reasonable and proper; all which allowances and expenses, together with the fees on the issuing and return of such commission, shall be paid by the representative or representatives as the case may be, applying for the commission, when the lands or estate are divided; or by the representative making his or her election to take the estate; and such representative or representatives, as the case may be, may charge the other representatives with their respective proportions of the whole sum so paid, and each other representative, or his or her guardian, shall be obliged to repay or allow him, his or her part thereof respectively; and in case the lands or estate shall be sold by the commissioners agreeably to the provisions of this act, they shall then pay, out of the money arising from the sale, the whole of the expenses attending the execution of their commission, to be allowed as above by the chancellor or county courts as the case may be.

Commissioners to execute deeds to purchasers, &c.

24. *And be it enacted,* That in all cases of sale made by the commissioners, or a majority of them, after the same shall be ratified by the respective county courts, or chancellor, and the terms of sale shall have been complied with by the purchaser or purchasers having paid the purchase money agreeably to the said terms of sale, it shall then be the duty of the commissioners, or a majority of them, or the survivors or survivor of them, to convey unto the purchaser or purchasers by deed duly executed and acknowledged according to law, all the right, title, claim, interest and estate, of the deceased intestate, to the lands and premises sold by them in virtue of their commission, and every such deed shall be recorded within the time limited by law.

Whenever an estate shall be sold, and the purchaser dies, &c. before a deed is executed, court may order a deed.

25. *And be it enacted,* That whenever any estate shall be sold under and in virtue of this act, and the purchaser shall die or shall assign his equitable interest therein before any deed shall be executed, for the estate sold, then and in that case the county court or chancellor, as the case may be, on the application of the heir, devisee or assignee of such purchaser, and being satisfied