

that the purchase money has been fully paid, agreeably to the terms of sale, shall order and direct the commissioners, who shall have made such sale, or a majority of them, or the survivors or survivor of them, to execute and deliver to such heir, devisee or assignee, a good and sufficient deed for the said estate in the manner as is herein before provided for respecting deeds to be executed to purchasers. CHAP. 191.

26. *And be it enacted,* That in case of the death, inability or removal out of the state of the commissioners, who shall make sale of any estate under and in virtue of this act, without having executed to the purchaser thereof a deed of conveyance for the same; so that there be not a majority, or survivors or survivor of the said commissioners in the state, and capable to execute such deed, then and in that case the county court or chancellor, as the case may be, on the application of the purchaser, his heirs, devisees, or assignees, and it appearing to the said court or chancellor that the purchase money hath been fully paid and satisfied, to appoint one or more commissioners, and authorise him or them to make and execute to such purchaser, his heirs, devisees or assignees, a deed of conveyance for the estate so purchased, and every such deed shall have the same operation and effect as if the same had been executed by the commissioners who made the said sale.

In case all the commissioners die without having executed a deed, court may appoint others to execute the same

27. *And whereas* it may be beneficial to the parties concerned, either where a division is adjudged to be made among the representatives, or a sale of the estate becomes necessary, that the widow's dower in and to the same should be previously ascertained and laid off, therefore, *Be it enacted,* That the commissioners, or a majority of them, shall be and they are hereby empowered and directed, to ascertain and lay off the widow's dower in and to the lands and tenements of the intestate, by virtue of their commission, before they shall proceed to divide or value the same; and the said commissioners shall make the ascertainment and location of such dower a part of their return to such commission; and the county court, or chancellor, as the case may be, shall determine thereon, and confirm or reject the same, as in other cases under this act.

Commissioners to lay off widow's dower before they proceed to divide estate, &c.

28. *Provided always, And be it enacted,* That in case of sale of the intestate's real estate by the commissioners, if the widow will consent to the sale of the whole estate, she shall signify and subscribe her consent in writing, and the same shall be filed with the clerk of the county court, or with the register in chancery, as the case may be, and thereupon the said commissioners shall proceed to sell the whole real estate agreeably to the terms prescribed to them, disencumbered by any right or title of dower, and in consideration thereof the county court or chancellor respectively, shall award to the widow such proportions of the purchase money as shall be just and equitable, not exceeding one seventh part nor less than one tenth part of the net amount of the sales, according to the age, health and condition of such widow; and such award of payment shall be a sufficient bar to all and every right or title of dower which such widow may claim to the lands and tenements of such intestate.

If the widow consents to a sale she shall signify her consent, &c. court to award her proportion of purchase money, &c.

29. *And be it enacted,* That in all cases where any of the heirs of a person deceased without will, have sold, or shall hereafter

Where heirs of intestate have sold their right, &c.