

P. G. L., (1860,) art. 47, sec 31    1820, ch. 191, sec. 5.

**31.** Any child or children of the intestate, or their issue, having received from the intestate any real estate by way of advancement, may elect to come into partition with the other parceners on bringing such advancement, or the value thereof at the time such advancement was received, into hotchpot with the estate descended; but such child or children, or their issue, shall not be entitled to claim a share by descent, without bringing such advancement, or the value thereof as aforesaid, into the common stock or hotchpot, if there be another child or children unprovided for.

Warfield v. Warfield, 5 H. & J. 459. Stewart v State, 2 H. & G. 114. Chase v. Lockerman, 11 G. & J 135. Young's Estate, 3 Md. Ch 461. Hoffer v. Dement, 5 Gill, 132. Morris v. Harris, 9 Gill, 19. Hayden v. Burch, 9 Gill, 79. Gilpin v. Hollingsworth, 3 Md. 190. Parks v. Parks, 19 Md. 324. Cecil v Cecil, 20 Md. 156. Clark v. Wilson, 27 Md. 693. Dille v. Love, 61 Md, 604.

#### Division and Election.

P. G. L., (1860,) art. 47, sec. 52.    1820, ch. 191, secs. 8, 13, 43, 45-46-47.

**32.** If the parties entitled to the intestate's estate cannot agree upon the division thereof, or if any person entitled to any part be a minor, an application may be made to the circuit court for the county where the estate lies, or if the land lies in different counties, to the circuit court for the county where the greater part of the land lies, or if the land lies in the city of Baltimore, then to the superior court or circuit court of said city; and the court shall appoint and issue a commission of five discreet, sensible men, to be commissioners, authorizing and empowering them, or a majority of them, to proceed in the premises according to the directions of this article, and in all respects conform to and comply with the provisions hereof; and the said commissioners, or a majority of them, before they proceed to act, shall severally take an oath, (to be annexed to the said commission,) before some justice of the peace for the county or city, or other person authorized to administer an oath, well and faithfully to perform the duties required of them by the commission, without favor, partiality or prejudice, and according to the best of their judgment and understanding.

Colston v Dorchester Co Court, 4 H & McH. 283. Massey v Massey, 4 H. & J. 141. Hardy v Summers, 10 G. & J. 322    Chaney v. Tipton, 11 G. & J.