

Children advanced in the Life-time of the Intestate.

XIII. *And be it further enacted*, That each Estate wherewith such Child or Children shall have been advanced in the Life-time of the Intestate, shall be accounted for upon the Oath of such Child or Children before such Judge of Probate of Wills, and for granting Letters of Administration, or by other Evidence to the Satisfaction of the Judge; and in case of refusal to account upon Oath, such Child or Children so refusing shall be debarred of any Share in the Estate of the Intestate.

Division of Lands.

Proviso.

XIV. *And be it further enacted*, That the Division of such Lands or Tenements shall be made by Five capable Freeholders upon Oath, or by any Three of them, to be for that purpose appointed and sworn by the Judge. *Provided always*, that if all the Parties interested in such Lands or Tenements, being of lawful age, shall by Deed agree to a Division, such Agreement, the same being acknowledged by the Parties thereto before the Judge, and being entered on Record in the *Probate Office*, shall be deemed a legal and valid Partition and Settlement of such Estate, as effectually, to all intents and Purposes whatsoever, as if the same had been divided and settled by Writ of Partition, and shall be received and allowed in Evidence on any Trial against the Parties so interested in the said Lands and Tenements.

Of Estates in Houses and Lands which cannot be divided without Prejudice to the whole.

XV. *Provided nevertheless*, That where any Estate in Houses and Lands cannot be divided among all the Children, without great Prejudice to the whole, the said Judge may, on sufficient Evidence of the same, order the whole to the oldest Son, or, upon his Refusal, to any other of the Sons successively; he paying unto the other Children of the Deceased their equal and proportionable Parts or Shares of the real Value of such Houses and Lands, upon a just Appraisement thereof to be made by Three sufficient unexceptionable Freeholders upon Oath, to be appointed and sworn as aforesaid, or giving good Security to pay the same in such convenient time as the said Judge