

Warrants to issue to such new commissioners, &c. New commissioners to proceed in the execution of original commission, &c.

SEC. 41. *And be it enacted*, That the register in chancery, or the clerk of the county court, as the case may be, shall thereupon issue a warrant, in the nature of a commission, directed to the persons so appointed commissioners, reciting in substance the facts set forth in said petition, and authorizing and requiring the said commissioners, or the major part of them, if more than two, forthwith to proceed in the execution and completion of the original commission, and directing them to return the said warrant, together with a certificate of their proceedings annexed to the same, with all convenient speed, and the said commissioners, upon receiving notice of the said warrant, shall repair before a justice of the peace, in and for the county wherein they shall respectively reside, and severally make oath or affirmation, that they will well and faithfully perform the duties required of them by the said warrant, and proceed in the execution and completion of the original commission therein mentioned, without favour, partiality or prejudice, and according to the best of their judgments and understanding; and the said justice shall duly certify the taking of such oath or affirmation, and endorse his certificate on the said warrant, or annex it to the same.

Commissioners to make a return of their proceedings, &c.

SEC. 42. *And be it enacted*, That the commissioners so appointed and qualified shall be authorized and empowered, and are hereby directed to proceed in the execution and completion of the said original commission, and to make a true and full return of their proceedings, according to the tenor and command of the said warrant; and the acts and proceedings of the said commissioners, or the major part of them, under and by virtue of the said warrant, shall have the like effect, and be of the same avail in law, as if such persons had been named and appointed in and by the said original commission.

If a majority of them qualify they may proceed to act, &c.

SEC. 43. *And be it enacted*, That whenever a majority of the commissioners to be appointed in virtue of this act shall qualify, they may proceed in the execution of the same, in the same manner as they may do when the whole commissioners qualify as aforesaid.

Where lands lie in different counties in same judicial district, how division, &c. may be made.

SEC. 44. *And be it enacted*, That where any lands, tenements or hereditaments, of any person dying intestate, shall lie in different counties, it shall not be necessary for the parties interested therein to apply to the chancellor for a commission thereon to sell or divide the same, but when it shall so happen that such lands, tenements or hereditaments, lie in different counties included in any one judicial district of this state, then and in such case application may be made to the county court of such judicial district where the greatest part of said lands and tenements may lie.