

SEC. 45. *And be it enacted,* That where any lands, tenements or hereditaments, as aforesaid, shall lie in different counties of different judicial districts, and the said lands, (although in different counties,) shall lie adjoining, then and in such case application may be made to the court of the county where the greatest portion of said lands and tenements may lie, for the sale or division thereof.

Where they lie in different counties, &c. and adjoining how division to be made.

SEC. 46. *And be it enacted,* That where lands, tenements or hereditaments, as aforesaid, shall lie in different judicial districts, and not adjoining, but lie in different or detached parcels, then and in such case application may be made in the several districts to the respective county courts where the greatest proportion of such lands and tenements may lie, for the sale or division thereof as aforesaid.

Where they lie in different districts and not adjoining, how to be divided.

SEC. 47. *And be it enacted,* That the same proceedings shall be had on all such applications respectively, as if the lands and tenements laid in one county.

Same proceedings to be had as if they lay in one county.

SEC. 48. *And be it enacted,* That where any person may hereafter devise any lands, tenements or hereditaments, to two or more persons, by virtue of which devise such persons shall be entitled to hold the said estate as joint tenants, or tenants in common, according to the effect of such devise, it shall and may be lawful for any one or more of such devisees, (being of lawful age,) to make application to the county court of the county where such lands and tenements may lie, or if lying in different counties, then to the court of the county where the greatest proportion of such lands and estate may lie, for a commission to divide the same, and upon such application the court shall appoint five judicious and disinterested persons to divide and make partition among all the parties entitled to the same.

Devisees may apply for division of lands devised to them as joint tenants, &c. and commissioners be appointed, &c.

SEC. 49. *And be it enacted,* That the said commissioners, or a majority of them, when so appointed, shall take the oath, (or affirmation, as the case may be,) herein first before directed, and shall proceed to divide the said lands, tenements or hereditaments, among the several devisees agreeably to the will of the deceased, in the same manner, and with the same effect, as if a writ of partition had been obtained for the same.

To take an oath and proceed to make division agreeably to the will of deceased.

SEC. 50. *And be it enacted,* That in cases where a commission may hereafter issue from any county court, or the court of chancery, to make partition of an intestate's estate, and any of the parties interested reside out of this state, the commissioners, or a majority of them, before they proceed in the execution of said commission, shall cause notice thereof to be given by advertisement set up at the door of the court-house of the county or counties, where the lands may lie, and in such other public places in the county or counties, and also published in such

Where parties interested reside out of the state, commissioners shall cause notice to be given, &c. See sec. 14.