

and it being suggested to the Chancellor, that you are discreet and sensible men within the said county; and the Chancellor having great confidence in your prudence and integrity, hath therefore assigned, commissioned, and appointed; and doth hereby assign, commission and appoint you, or a majority of you, having first taken the oath hereto annexed, to adjudge and determine whether the said estate will admit of being divided without loss or injury to all the parties entitled, and to ascertain the value of the said estate in lawful money, taking into consideration any incumbrances thereon; and to ascertain the value of the said estate subject to the incumbrances; and if the said estate can, in your opinion and judgment, or in the opinion and judgment of a majority of you, be divided without loss and injury to all the parties entitled, then to divide and make partition of the same fairly and equally in value, among all the parties interested, according to their several just proportions; or if the said estate cannot be divided equally and fairly among all the parties interested according to their several just proportions, then you, or a majority of you, shall divide the estate into as many parts as it is susceptible of, without loss and injury to all the parties entitled, and ascertain the value of each part of such estate in lawful money, subject to any incumbrance thereon; and if, in your opinion and judgment, or in the opinion and judgment of a majority of you, the said estate cannot be divided without loss or injury to all the parties, then you, or a majority of you, shall make return to our Court of Chancery of your judgment, and the reasons upon which the same was formed, and the real value of the said estate in lawful money, subject to the incumbrance if any thereon; and if you, or a majority of you, shall determine that the said estate can be divided in either of the ways hereinbefore mentioned, without loss and injury to all parties, then you shall cause the lands to be surveyed and laid out by the county surveyor, or such other person as you may think qualified, for the several parties in case the estate consists of lands; and if the said estate shall be equally divided among

49 *all the parties interested according to their several just proportions, then you, or a majority of you, shall allot to the several parties their respective shares of the said land: and in case the said estate shall consist of houses, you, or a majority of you, shall make allotment and partition among the parties. And you, or a majority of you, are hereby empowered and directed to ascertain and lay off the widow's dower in and to the lands and tenements of the estate, before you shall proceed to divide or value the same; and you, or a majority of you, shall make the ascertainment and location of such dower a part of your return to this commission. And you, or a majority of you, shall cause notice to be given to all parties concerned, by advertisement, set up at the Court-house, and in such other public places in the said coun-