

Oath of commissioners.

Court or Circuit Court for said city, and the court shall appoint and issue a commission to 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 of 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, and all duties assigned to them under this article, and that they will proceed in the execution and completion of the said commission without favor, partiality, or prejudice, and according to the best of their judgment and understanding

Id s 33
1820, c 191, s 8
A majority to act.

33. Whenever a majority of the commissioners to be appointed in virtue of this article 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.

Id s 34
1820, c 191, s 14
Notice

34. In the execution of this article, and before any proceeding is had by the commissioners, they, or a majority of them, shall cause notice to be given to all parties concerned, by advertisement set up at the door of the court-house of the county, or counties, or city, where the lands may lie, and in such other public places in the county, or counties, or city, as they may direct, at least thirty days previous to their proceeding to execute the said commission

Id s 35.
1820, c 191, s 15
Appointment of guardian

35. If any minor shall be interested who hath not a guardian, then the court from which the commission issues shall appoint a guardian for the purpose.

Id s 36
1820, c 191, s 50.
Notice where any of the parties reside out of the State

36. In cases where a commission may issue from any court 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 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, or city, where the lands may lie, and in such other public places in the county, or counties, or city, and also published in such newspaper or papers as they may direct, at least two months previous to their proceeding to execute such commission.

Id s 37
1820, c 191, s 51
What evidence of notice

37. In all cases where by this article any notice or publication is required, a statement made in the proceedings that due notice, according to law, has been given, or to that effect, shall be *prima facie* evidence that notice was given according to law.

Id s 38.
1820, c 191, s 8
To value estate

38. The said commissioners, or a majority of them, shall adjudge and determine whether the estate will admit of being divided without injury and loss to all the parties entitled, and ascertain the value of such estate in current money, taking into consideration any incumbrance thereon, and ascertain the value of the estate subject to the incumbrance; and if the estate can, in the opinion and judg-