

notice, according to law, has been given, or to that effect, shall be *prima facie* evidence that notice was given according to law.

P. G. L., (1860,) art. 47, sec. 38. 1820, ch. 191, sec. 8.

**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 encumbrance thereon, and ascertain the value of the estate subject to the encumbrance; and if the estate can, in the opinion and judgment of the commissioners, or a majority of them, be divided without loss and injury to all parties entitled, then they shall divide and make partition of the same, fairly and equally in value, between all the parties interested, according to their several just proportions.

Kilgour v. Ashcom, 5 H. & J. 82. Wilhelm v. Wilhelm, 4 Md. Ch. 330. Catlin v. Catlin, 60 Md. 573.

Ibid sec. 39. 1820, ch 191, sec. 9.

**39.** If the estate cannot be divided equally and fairly between all the parties interested, according to their several just proportions, then the commissioners, or a majority of them, shall have power to divide the estate into as many parts as it is susceptible of without loss and injury to all the parties entitled, and to ascertain the value of each part of such estate in current money, subject to any encumbrance thereon.

Ibid.

Ibid sec. 40. 1820, ch. 191, sec. 10.

**40.** If the commissioners, or a majority of them, shall determine that the land or estate can be divided, in either of the ways hereinbefore mentioned, without loss or injury to all the parties, they shall cause the lands to be surveyed and laid out by the county surveyor, or such other person as they may think qualified, for the several parties, in case the estate consists of lands; and if the estate shall be equally divided between all the parties interested, according to their several just proportions, then the commissioners, or a majority of them, shall allot to the several parties their respective shares of the said land; and in case the