

interested reside out of this State, the commissioner, 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 by publication in such newspaper or papers as they may direct, at least two months previous to their proceeding to execute such commission.

1888, art. 46, sec 37 1860, art. 47, sec. 37. 1820, ch. 191, sec 51.

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.

Ibid., sec 38 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. 1860, art 47 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. 1860, art. 47, 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