

prejudice, and according to the best of their judgments and understanding; and the said justice shall duly certify the taking of such oath or affirmation, and endorse his certificate on the said warrant, or annex it to the same.

42. *And be it enacted.* That the commissioners so appointed and qualified shall be authorised and empowered, and are hereby directed to proceed in the execution and completion of the said original commission, and to make a true and full return of their proceedings, according to the tenor and command of the said warrant; and the acts and proceedings of the said commissioners, or the major part of them, under and by virtue of the said warrant, shall have the like effect, and be of the same avail in law, as if such persons had been named and appointed in and by the said original commission.

Commissioners to make a return of their proceedings, &c

43. *And be it enacted,* That whenever a majority of the commissioners to be appointed in virtue of this act 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.

If a majority of them qualify, they may proceed to act, &c

44. *And be it enacted.* That where any lands, tenements or hereditaments, of any person dying intestate, shall lie in different counties, it shall not be necessary for the parties interested therein to apply to the chancellor for a commission thereon to sell or divide the same, but when it shall so happen that such lands, tenements or hereditaments, lie in different counties included in any one judicial district of this state, then and in such case application may be made to the county court of such judicial district where the greatest part of said lands and tenements may lie.

Where lands lie in different counties in same judicial district, how division, &c may be made

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

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

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

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

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