

termine that the land or estate can be divided without loss and 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 the commissioners appointed as aforesaid, or a majority of them, shall allot to the several parties their respective shares of the said land; and in case the estate shall consist of houses, the commissioners shall make allotment and partition between the parties; and the commissioners appointed, after having made partition or allotment in manner aforesaid, shall return their proceedings to the next county court, to happen thereafter, which shall be ratified or rejected as justice shall dictate, and if ratified, and no appeal by either party, the partition made as aforesaid shall be recorded and remain, and be binding; and if rejected, a new partition shall be made and returned as aforesaid, and either party may appeal to the chancellor from the judgment of the county court; and if the intestate has died possessed of more tracts of land than one, then the division shall be made so as not to split the several tracts of lands, if it can be done consistently with equality, and if it cannot be exactly done by this mode, then so much of the larger or more valuable tracts of land shall be taken and added to the less valuable as will make the portion equal in value; and if lands or other estate lie in different counties, then an application may be made to the chancellor, who shall appoint commissioners to make the whole examination and division, or commissioners for each county where the lands or other estate lie, as to him may seem most convenient, and the commissioners by him appointed shall proceed in the same manner as directed for commissioners appointed by the county courts, and shall make returns to the chancellor for his confirmation or rejection, and similar proceedings shall be had in the chancery court upon a commission issued from that court, as are before directed, upon commission issued from the county court, and in case of commission issued from the chancery court, either party may appeal to the court of appeals, but there shall be no appeal from the decision of the chancellor, in cases where the commission issues from the county court; and in the execution of this act, reasonable notice shall always be given by the commissioners to all parties concerned, before any proceeding is had, and 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, and no proceedings of the commissioners shall be set aside for matter of form; and if the estate consists of things indivisible in their nature, then the rule of the common law as to the enjoyment thereof shall take place between the parties entitled.—*ibid.* § 8.

8. If the inheritance consists of land not worth more than 15l. ready money per acre, to be ascertained by the commissioners aforesaid, then the same shall not be divided into any shares less than 50 acres each, and if the land shall not be above the value aforesaid, and there be not sufficient to distribute to each person entitled, 50 acres, and the land is de-  
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