

CHAP. 191. tion, or a part only shall be taken by election, then the estate, or the part which shall not be taken by election, as the case may be, shall be sold by the commissioners, or a majority of them, upon such terms and conditions as shall be prescribed by the court, and the proceeds of such sale divided in the manner herein before directed.

Commissioners, after having made partition shall return their proceedings, &c

12. *And be it enacted,* That the commissioners appointed as aforesaid, or a majority of them, 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 from the judgment of the county court, to the court of appeals of the shore.

Where lands lie in different counties, application may be made to chancellor, &c

13. *And be it enacted,* That if the lands or 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, or a majority of them, 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 court of chancery 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 court of chancery either party may appeal to the court of appeals of the western shore.

Commissioners shall cause notice to be given to parties, &c. See section 50

14. *And be it enacted,* That in the execution of this act, 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 where the lands may lie, and in such other public places in the county or counties as they may direct; at least thirty days previous to their proceeding to execute the said commission.

If a minor is interested who has no guardian, court to appoint one

15. *And be it enacted,* That 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.

Proceedings not to be set aside for matter of form

16. *And be it enacted,* That no proceedings of the commissioners shall be set aside for matter of form.

If the estate consists of things indivisible it shall be sold, and the proceeds shall be the same right of election, &c. If all refuse, it shall be sold, &c

17. *And be it enacted,* That if the estate consist of things indivisible in their nature, then the commissioners, or a majority of them, shall proceed to appraise and value the said estate, and make return thereof to the court as herein before directed, and if the judgment of the commissioners shall be confirmed by the court, then the person or persons entitled under this act to elect to take other estate at the valuation of the commissioners, shall have the same election as it respects the estate last provided for; and if all refuse then the estate shall be sold by the said commissioners, or a majority of them, upon such terms and conditions as shall be prescribed by the court, and the proceeds divided in such manner as is herein before directed.