

CHAP. 191. such lands and estate may lie, for a commission to divide the same, and upon such application the court shall appoint five judicious and disinterested persons to divide and make partition among all the parties entitled to the same.

To take an oath and proceed to make division agreeably to the will of deceased

49. *And be it enacted,* That the said commissioners, or a majority of them, when so appointed, shall take the oath, (or affirmation, as the case may be,) herein first before directed, and shall proceed to divide the said lands, tenements or hereditaments, among the several devisees agreeably to the will of the deceased, in the same manner, and with the same effect, as if a writ of partition had been obtained for the same.

Where parties interested reside out of the state, commissioners shall cause notice to be given, &c See section 14

50. *And be it enacted,* That in cases where a commission may hereafter issue from any county court, or the court of chancery, to make partition of an intestate's estate, and any of the parties interested reside out of this state, the commissioners, or a majority of them, before they proceed in the 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, where the lands may lie, and in such other public places in the county or counties, and also published in such newspaper or papers as they may direct, at least two months previous to their proceeding to execute said commission.

What shall be deemed sufficient notice, &c

51. *And be it enacted,* That in all cases where by this act 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.

Acts repealed, reserving all rights, &c

52. *And be it enacted,* That an act, entitled, An act to direct descents, and the several supplements thereto, and the sixth section of the act, entitled, An act relative to proceedings in the court of chancery and land offices, and to the real estates of persons dying intestate, passed at November session seventeen hundred and ninety-seven, chapter one hundred and fourteen, be and the same are hereby repealed; *Provided,* that all estates which may have descended before the passage of this act, and during the continuance of the acts hereby repealed, and all rights acquired thereunder by any person or persons whatsoever, shall be subject to the rules and regulations mentioned and contained in the said acts hereby repealed, and the same proceedings may be had under those acts as to all such estates and rights, in the same manner as if the said acts had not been repealed.

CHAP. CXCII.

Passed Feb 16 1821

An Act for the relief of Harriet Mathews, of Baltimore County.

Divorce granted

1. *Be it enacted by the General Assembly of Maryland,* That the said Harriet Mathews be and she is hereby divorced from bed, board, and mutual cohabitation, with her husband Thomas L. Mathews.

To hold and enjoy property, &c

2. *And be it enacted,* That the said Harriet shall be entitled to have, hold, possess and enjoy, all property, both real and personal, which she may hereafter inherit or acquire in any way whatever, to her sole and separate use, in as full and ample a manner, as she might have done if she never had been married, and may sue and be sued as a *feme sole*.