

execution of the same, in the same manner as they may do when the whole commissioners qualify as aforesaid.

34. In the execution of this article, 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 or city where the lands may lie, and in such other public places in the county or counties or city as they may direct, at least thirty days previous to their proceeding to execute the said commission.

35. 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.

36. In cases where a commission may issue from any court 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 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 published in such newspaper or papers as they may direct, at least two months previous to their proceeding to execute such commission.

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.

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.