

sequently, when the division was made, their authority was exhausted. But independent of this, the Act of 1822, ch. 162, in my judgment, even if the plot, with the memorandum in question, created the estate (which, however, it does not), would prevent the effect supposed. It is not sufficient, in my opinion, that the words employed would, but for the Act, be construed to create a joint tenancy, unless the instrument *expressly provides* that it shall be held in joint tenancy.

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A. B. HAGNER, for Complainant.

McLEAN, for Defendants.