

## CHAP. II.

*AN ACT to provide for Partition of Real Estates.*

[Royal Assent given by Message.]

Preamble.

**W**HEREAS in many cases much inconvenience is experienced from the want of some Court competent to order the Partition of Lands held in Joint Tenancy, Tenancy in Common, and Co-parcenary:—*Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That all Joint Tenants, Tenants in Common, and Co-parceners of any Estate or Estates, in Lands, Tenements or Hereditaments, within this Province, may be compelled to make or suffer Partition of such Estate or Estates in manner hereinafter prescribed, and that when such Estate or Estates is or may be situated in two or more Districts, the proceedings under this Act shall be heard before the Court of King's Bench, and where such Estate or Estates is or may be situated in one District only, the proceedings may be had before the District Court or Court of King's Bench.

Proceedings for the Partition of Real Estate may be had before King's Bench or District Court.

Petition may be presented to King's Bench or District Court, praying that Partition be made.

II. *And be it further enacted by the authority aforesaid*, That any person being a Joint Tenant, Co-parcener, or Tenant in Common of any such Estate or Estates, or the Executor, Administrator, Guardian or Agent of any such person, may file his or her Petition in the Court of King's Bench or District Court, as the case may require, praying that Partition of such Estate or Estates may be made, which Petition shall set forth the nature of the Title or Claim of the Demandant, the Tract or Tracts of Land, the Tenements or Hereditaments of which Partition is demanded, and also the name and place of residence of each Joint Tenant, Co-parcener and Tenant in Common, with such Demandant, if they shall be known to such Demandant, and if on examination it shall appear that the Demandant has a good and legal right and title to any part or proportion of such Estate or Estates, then the Court shall proceed at the term in which such Petition may be filed, to order and direct a Partition to be had and made; in the manner prescribed by the provi-