

The Court to have the like jurisdiction as in an action of partition.

same may be held as tenants in common, in like manner as in an action of partition instituted in the ordinary form of law: and the Court to which such petition shall be presented, shall have power to exercise the same jurisdiction, and to adjudge and award the same remedy to the petitioner or petitioners, against his or their co-tenants in common as might or could be exercised, adjudged and awarded in such action of partition.

The Court, after *prima facie* evidence of title of tenants in common petitioning, shall appoint a time for other tenants in common to answer the Petition.

Order of the Court to be made public, and how published.

II. And be it enacted, That after the petitioner shall have substantiated by *prima facie* proof to the satisfaction of the said Court, that he is seized of Lands, Tenements and Hereditaments held by him as tenant in common as aforesaid, in any such Township, it shall be lawful for the said Court by its judgment or order in this behalf, to order and direct, that the several co-tenants in common by whom the said Lands, Tenements and Hereditaments are held in common with the petitioner, shall and do on some certain day, in a future Term of the said Court, not less distant than twelve months, appear in the said Court, and answer the petition aforesaid, and shall and do at the same time make and exhibit a claim, or demand in intervention, to be filed in the said Court, of their respective shares, rights and interest in the said Lands, Tenements and Hereditaments, and also to order and direct that its said judgment or order in the premises, shall be posted up, in some frequented place in the Township in which the said Lands are situated, and if there be no frequented place in such Township, then in some frequented place in the next adjoining Township, at least fourteen days before the time appointed for the appearance of the said co-tenants as aforesaid, and shall also be published in the Quebec and Montreal Gazettes twice a week, during the same period immediately preceding the time to be appointed as aforesaid.

After publication the Court to pronounce final judgment on the petition, and on all demands in intervention.

Parties intervening may controvert the petition as in an action of partition.

Petitioner may controvert the demands in intervention.

III. And be it enacted, That after the judgment or order of the said Court shall have been posted up and published in manner aforesaid, and after the time appointed for the appearance of the co-tenants, and the making of their claims as aforesaid, it shall be lawful for the said Court to take cognizance of, hear, and determine, as well of and upon the Petition aforesaid, as of and upon the several claims or demands in intervention, which may have been made by co-tenants in common, or persons professing to be such aforesaid: And it shall be lawful for any of the co-tenants who may appear in pursuance of such judgment or order, as aforesaid, to controvert and plead to the allegations contained in the said Petition, and make their defence to the same, as might be done by Defendants to a Declaration in an action of partition; and in like manner the said Petitioner or Petitioners may, by plea, controvert and plead to the claims or demands in intervention of his or their co-tenants, or persons professing to be such, and issues of law and fact, may be raised and perfected, as well on the said Petition as on the said claims or demands in intervention, in like manner as might or could be done, in original actions, in the ordinary administration of Justice, to the end that it may be adjudged and determined by the said Court, whether, upon the said Petition, and upon the said claims or demands in intervention, a partition shall be made, and if made by and between whom, and for whose benefit the same shall be made.

Court may adjudge a partition to be made as in an action of partition, which shall be binding on all parties.

IV. And be it enacted, That it shall and may be lawful for the said Court upon the Petition aforesaid, and upon the claims or demands in intervention aforesaid, to adjudge that a partition shall be made, and by and between whom the same shall be made, in like manner as could and might be done in an action of partition, and to have and exercise upon the said Petition, and upon the said claims or demands in intervention, all and every the powers which might by the said Court be lawfully exercised in such action