

(b) Lit. Sect. 246.  
Co. Lit. 167. a. b.

Shares to be ballotted for, and the Numbers drawn expressed in the Inquisition, and confirmed by the Court.

(c) Return of the Sheriff & Jurors by the Words of the Writ must be under their Seals.

Co. Lit. 168. b.  
Provoft Marshal to give 40 Days Notice to the Occupiers of the Lands, &c.

Persons duly notified, and neglecting to appear, shall be defaulted,

and final Judgment for Partition given against the Persons present; and also against the Persons defaulted, unless they shew a probable Matter in Bar, within 15 Days.

(d) Co. Lit. 169. a.

In Case of Inequality, the Court may order a new Partition,

which shall bind all Persons, except Infants, &c.

(e) Lit. Sect. 258.

Co. Lit. 171. a.

(f) Lit. Sect. 256. 257. Co. Lit. 170. b. 171. a.

who may have a new Partition, upon shewing a probable Matter in Bar.

The like Relief for Absentees.

to the Number of Grantees in each Township, each Number shall be written on separate Papers and rolled up and placed in a Box (b), from whence each Grantee present shall, in the Order wherein he is named in the Patent of Grant to the Township, draw out one of the said Papers, in the Presence of the Jury attending the Provoft Marshal or Deputy Provoft Marshal; and the Number so drawn shall be expressed in the Inquisition by the Jury, and be accordingly assigned by the Provoft Marshal or Deputy Provoft Marshal and the Justices, in their Return of the Writ of Partition (c); which shall be confirmed by the Judgment of the said Court: And the said Provoft Marshal or his Deputy are hereby required to give due Notice to the Tenants or Occupiers of the Lands, or if they cannot be found, to the Wife, Son, or Daughter, being of the Age of Twenty One Years and upwards, of the Tenant or Tenants, or to the Tenant in actual Possession by virtue of any Estate of Freehold, or for Term of Years, or uncertain Interest, or at Will, of the Lands, Tenements, or Hereditaments, whereof the Partition is demanded, Forty Days before the said Provoft Marshal shall proceed to execute the said Writ of Partition; and if it shall appear to the said Court, upon Return of the said Writ of Partition, that any of the Persons notified neglected to appear, Judgment shall be given by Default as against them, and a final Judgment for Partition shall be given against such Persons as were present at the Time of executing the Writ; and if the Persons against whom the Judgment shall be so given by Default shall not, within Fifteen Days after serving them with Notice of the said Judgment, apply themselves to the said Court by Motion, and shew a good and probable Matter in Bar of the said Partition, the said Judgment by Default shall be confirmed, and final Judgment entered (d). *Provided neverttheless*, that if the Tenants or Persons concerned shall shew to the Court any Inequality in the Partition, the Court may award a new Partition to be made in Presence of all Parties concerned, if they will appear, notwithstanding the Return and Filing upon Record the former; which said second Partition returned and filed shall be good and firm for ever against all Persons, except Infants (e), *Femes Covert*. (f), Persons of *Non sane* Memory, who shall, within One Year after the respective Disabilities shall be determined, be intitled to apply to the said Court, and shew a good and probable Matter in Bar of the said Partition, in which Case the said Judgment shall be set aside and a new Writ of Partition shall be awarded, and executed in Presence of all Parties concerned, which Partition shall be final and conclusive against all Persons whatsoever. *Provided also*, That all Persons absent may, within One Year after such Judgment of Partition, to be publickly notified in the *Nova Scotia Gazette*, or any other publick News Paper, three Weeks successively, by their Agents or Attornies apply to the said Court, and alledge any good and probable Matter against the said Partition, and such new Partition and Judgment