

tion shall be made shall be granted by the Court or Judge, as the case may be ; but the Court or Judge shall have full power, in all cases where it or he shall deem the justice of the case requires it, to set aside defaults, or grant hearings, *de novo*, on such terms as to time or costs, or otherwise, as it or he shall order and ordain.

Three Commissioners to be appointed.

IX. When such order or rule shall have been granted, the Court or Judge shall appoint three disinterested persons to be Commissioners to make partition, and to set off to the petitioners and other parties interested, the shares belonging to them : Provided always, that where the consent of all parties be for that purpose given, the said Court or Judge may appoint two or one Commissioners or Commissioner, with the like powers as aforesaid.

Two years allowed for part owners absent.

X. Where any person who is a part owner with any petitioner, and for whom a share is left on the partition, shall be out of the Island at the time of the partition, and shall not have been personally served with an attested copy of the petition or order, or otherwise, as provided for in the eighth section of the said recited Act, he may at any time within two years after final judgment in the return of the Commissioners appointed in the case to make partition, apply to the Court or a Judge for a new partition of the premises, who, upon hearing all parties interested, shall, if it appears that the share left for the applicant was less than he was entitled to, or that the part left for him was not at the time of the partition equal in value to his share of the premises, order a new partition thereof, by Commissioners, in manner as in the said Act, and this Act provided in other cases, and as also provided in the thirty-first and thirty-second sections of the said recited Act.

Other Acts, where to be construed by this.

XI. All words and expressions made use of in those parts of the said recited Act, as shall not be hereby repealed, and which relate to suits or pleas, or replications in suits for partition brought, shall be read and used in such a sense as to apply to and effectually carry out the provisions of this Act, and of the said recited Act, as hereby altered and amended, and where any difficulties shall arise, either in practice or otherwise, in carrying out proceedings for partitions, under this or the said recited Act, then, and in all such cases, and in order to prevent delay and failure of justice, the Supreme Court, in term time, shall have power to make rules and orders, either specially, for the purpose of any particular application, or generally with respect to all applications for partition, and to repeal and alter such rules and orders, or any of them, from time to time.