

## C A P. II.

An ACT for Partition of Lands in Coparcenary, Jointenancy, and Tenancy in Common, and thereby for the more effectual collecting His Majesty's Quit Rents in the Colony of *Nova Scotia*.

\*\*\* HERE AS for the more speedy Settlement of the Province,  
 \* W \* it became necessary to creēt Townships in divers Parts of the Preamble.  
 \* \* \* same, and for inducing Persons to remove into the Province  
 and become Settlers and Inhabitants of the said Townships, it  
 was found requisite by Grants to the severall Petitioners to convey, previous  
 to their Arrival in the Province, certain Shares or Rights in the re-  
 spective Townships, and inasmuch as the said Rights could not, without  
 greatly retarding the Progress of the Settlements, be surveyed and set  
 out to each respective Grantee by Metes and Bounds in Severalty, it was  
 judged expedient to convey the Lands in the said Townships to the Per-  
 sons named in the respective Patents as Jointenants or Tenants in Com-  
 mon. And Whereas many of the Grantees have never arrived, or by  
 themselves or others taken any actual Possession of their Shares in the  
 said Townships, and yet by the Terms and Periods in the said Patents  
 they are intituled and will long remain intituled to the said Shares, by Rea-  
 son whereof numerous Inhabitants in the respective Townships having un-  
 divided Parts are greatly oppressed and prejudiced, who on account of  
 such Absentees cannot proceed to divide their Rights by private Deeds  
 of Partition, nor can any Summons be legally served as against such Ab-  
 sentees upon Writs of Partition, and for want of dividing the said Lands,  
 a considerable Part thereof is wasted and destroyed by frequent Trespasses  
 and otherwise, or lie uncultivated and unmanured, so that the Profits of  
 the same are totally or in a great Measure lost, to the Injury of His Ma-  
 jesty's Rights in the Quit Rents respectively reserved, as to the Means of  
 levying the same, and tending to the Vexation of the Inhabitants, by be-  
 ing liable to Suits for an Account of Profits demandable by one Tenant in  
 Common against another, For Remedy whereof, Be it Enacted by  
 the Lieutenant Governor, the Council, and Assembly, That upon the  
 Petition of any one or more of the Inhabitants in each Town-  
 ship, to the Supream Court, praying a Division of the Lands to  
 the Proprietors in Severalty, according to their Shares and  
 Rights, it shall and may be lawful for the said Court to award  
 a Writ of Partition in the usual Form (a), to the Provost Mar-  
 shal, to be executed by him or his Deputy, in the Prefence of two  
 Justices of the Peace, in Manner following, That is to say, that  
 in assigning the Shares in Severalty, in virtue of the said Writ of  
 Partition, the Lands actually occupied and improved shall be set  
 off and assigned to all such Proprietors respectively, who have so  
 occupied and improved the same; and that in assigning the Rights  
 to Lands unimproved, after Division thereof into Shares according

Eng. Stat. 8. & 9.  
 Will. 3. c. 31. made  
 Perpetual by 3. & 4.  
 Ann. c. 18. Sect. 2.  
 Upon Petition of  
 any Inhabitant of  
 any Township,  
 the Supream Court  
 may award a Writ  
 of Partition,  
 (a) Regist. Brev.  
 Judicial. 20. a  
 F. N. B. 137. R.  
 to be executed by  
 the Provost Mar-  
 shal, in Prefence of  
 two Justices.  
 Lands actually im-  
 proved by any Pro-  
 prietors, shall be  
 set off to them.