

CAP. XXVII.

18 Vic. cap. 18. An Act to alter and amend the Act for facilitating the par-
 28 Vic. cap. 7. titution of Lands held by persons as Joint Tenants, Co-parce-
 ners, or Tenants in common.

[Passed May 2, 1864.]

Preamble. **W**HEREAS many of the provisions of the Statute passed in
 the eighteenth year of the reign of Her Majesty, Queen
 Victoria, relating to the partition of lands held by persons as
 joint tenants, co-parceners, or tenants in common, have been
 18 Vic. cap. 18. found cumbersome and difficult in operation, and it is there-
 fore deemed expedient to amend and simplify the same.
 Be it therefore enacted by the Lieutenant Governor, Council
 and Assembly, as follows :

I. The application, by petition, for partition referred to in
 the second section of the said recited Act, may be made either
 18 Vic. cap. 18 extended. to the Supreme Court in term time, or to a Judge thereof in
 vacation, subject to such rules and regulations respecting the
 proceedings in any case, consequent thereon or subsequent
 thereto, as in the said Act, or in this Act, are contained.

Petition. II. The petition shall be laid before a judge at Chambers,
 in vacation, or the Supreme Court, in term time, and shall be
 verified on oath, according to the best of the petitioner's know-
 ledge, information and belief; and an order to appear and an-
 Order thereon. swer thereto shall be granted by the Judge of the Court, on
 application made for that purpose, which order shall be re-
 turnable either at Chambers before a Judge, or at a term of
 the Supreme Court, as the said Court or Judge shall, at the
 time in that behalf, order and direct; and a copy of such or-
 Service thereof der shall be served on each of the parties named in the peti-
 tion, as interested in the premises, if they shall be found in
 the Island, at least twenty days before the return day thereof;
 and such proceedings shall also be taken in cases where the
 parties interested shall be absent from the Island, as are or-
 dained in the eighth section of the said recited Act.

Parties absent from Island. III. If in any stage of the proceedings, it shall appear to
 the Court or Judge that any person interested, whether nam-
 ed in the petition or not, is out of the Island, and has not op-
 portunity to appear and answer to the petition, it shall be con-
 tinued from time to time, until sufficient time has been allowed
 to enable him to appear and answer thereto; and the said
 Court or Judge may, in their discretion, make an order to
 amend the said petition, by inserting the name or names of
 such absent person or persons.