

any one or more credible witness other than the prosecutor, and the prosecution may be commenced at any time within six months after the offence committed; and one moiety of the penalty shall belong to the prosecutor, and the other moiety to Her Majesty, for the public uses of the Province.

IV. Provided always, and be it enacted, That the provisions of this Act shall not be in force in that part of the Province heretofore called Upper-Canada.

Act not to extend to U. C.

CAP. LXI.

An Act to amend and extend certain provisions of *An Act to facilitate the Partition of Lands, Tenements, and Hereditaments, in certain cases, in Lower-Canada.*

[1st February, 1849.]

WHEREAS it is expedient, for the furtherance of the ends of Justice, to amend and extend the provisions of the Act passed in the Session of the Parliament of this Province, which was held in the tenth and eleventh years of the Reign of Her Majesty, intituled, *An Act to facilitate the Partition of Lands, Tenements, and Hereditaments in certain cases, in Lower-Canada*, and to repeal certain provisions thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That whenever any Petitioner claiming an interest in any lands, tenements and hereditaments, to facilitate the Partition of which provision is made by the said Act, and demanding a Partition of such lands, tenements and hereditaments, under the provisions of the said Act, shall, by *prima facie* evidence have satisfied the Court of Queen's Bench for the District in which such lands, tenements and hereditaments are situated, that he is seized of lands and tenements held by him in common with others, in the manner mentioned in the said Act, it shall be lawful for the said Court, and the said Court is hereby required, in making, pronouncing, and rendering the judgment or order provided for by the second Section of the said Act, to order and direct that such judgment or order shall be posted up and published in the manner provided by the second Section of the said Act, at least six months before the time appointed in and by such judgment and order, for the appearance of the co-tenants of the said Petitioner, and of such other persons as may by law have a right to be maintained in possession of any portion or portions of such lands, tenements and hereditaments, or as may have an interest in the Partition thereof, for the purposes specified in the said Act.

Preamble.

10 & 11 V. c. 37 cited.

When a Petitioner demands a Partition of lands, Court in rendering judgment may order the same to be posted up for six months before time appointed for appearance of co-tenants of Petitioner.

II. And be it enacted, That all proceedings upon any Petition which, pursuant to the provisions, or under color of the said Act, may, since the passing thereof, have been presented or exhibited to any such Court, and upon which any judgment or order, such as it was lawful for such Court to pronounce, give or make under the provisions of the said second Section of the said Act, may have been pronounced, given or made, shall be suspended from and after the day appointed in such judgment or order for the appearance

All proceedings under Act hereby amended, suspended until 1st day of Term of Court after 1st May, 1849.