

in the second partition no proprietor shall be divested of any Lands actually improved by him, but the equality shall be made out of unimproved Lands.

the said partition, and such new partition and judgment shall be had as aforesaid; which shall conclude such absent persons, and all other persons claiming and deriving under the grants so passed by His Majesty's government for the settlement and improvement of the province. *Provided likewise*, that in such second writs of partition, no lands that have been builded upon, ploughed, or otherwise improved *bona fide*, by the proprietor entitled under the former judgment of partition, shall be divested out of such proprietor, but that the equality of partition shall be made out of the unimproved lands.

No plea in abatement admitted in suits for partition. The appellee to pay costs when the first judgment is confirmed.

II. *And be it further enacted*, That no plea in abatement shall be admitted or received in any suit for partition, nor shall the same be abated by reason of the death of any tenant; and that in all cases where the former judgment shall, upon appeal be confirmed, the person or persons so appealing shall be awarded to pay costs.

His Majesty's Quit Rents to be recoverable out of every share, and to be levied out of the profits thereof.

III. *And be it also enacted*, That from and out of every several share so to be allotted and assigned to each and every proprietor, His Majesty's quit rents reserved and payable by every grantee in the respective patents named, shall be recoverable by the usual process, and be levied out of the profits and other extendible goods and chattels of such respective share; and that this Act nor any thing herein contained, shall extend or be construed to extend to impeach or prejudice His Majesty's rights to the said quit rents, or to any forfeitures or other rights in virtue of the said grants.

CAP. III.

Expired.

An ACT, in addition to an Act, entitled, an Act for granting to His Majesty a Duty on Wheel Carriages within the Peninsula of Halifax.