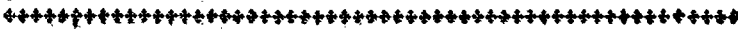


usual landing place, below the town of Fredericton, to the usual landing place above the said town, where the Road shall be marked upon the land through the front street of the Town Plat.

III. *And be it further enacted*, That the said Commission-Roads to be laid out
ers, or either of them, are hereby required to lay out the said on each side of, and
Winter Roads, on each side of, and within six feet from the six feet distant from
said one row of bushes, erected as aforesaid, and all persons the row of bushes.
travelling with their horses, cattle, sleds and carriages of eve-Travellers to leave
ry denomination, on the said Roads, within the aforesaid li-the bushes on the left
mits, shall leave the said one row of bushes always on the left hand, under the pe-
hand, under the penalty of *ten shillings*, for each and every nalty of 10s.
offence committed contrary to the true intent and meaning
of this Act, to be recovered upon conviction, before any one-To be recovered bea
of His MAJESTY's Justices of the Peace, upon the oath of fore a Justice.
one or more credible witness or witnesses, and levied by And levied by war-
warrant of distress and sale of the offenders goods, rendering rant of distress.
the overplus, if any, after deducting the costs and charges, to To the use of the in-
the offender, to and for the use of the informer; and for want former.
of such effects whereon to levy, the offender or offenders, shall For want of effects
be imprisoned for a time not exceeding four days. offender to be impris-
soned.

IV. *And be it further enacted*, That the said herein before Recited Act confirm-
recited Act, and every clause, matter and thing, therein con-ed.
tained, except wherein the same is hereby altered and repeal-
ed, shall be, and continue in full force; any thing herein con-
tained to the contrary in any wise notwithstanding.



CAP. XIX.

An ACT to amend an Act, intituled " An Act to provide for the more easy partition of Lands in Coparcenary, Joint-Tenancy, and Tenancy in Common." Passed the 7th of March, 1812.

WHEREAS by the first Section of an Act, made and passed in the fiftieth year of His Present MAJESTY'S Preamble.
Reign, intituled " An Act to provide for the more easy Par-
" titution of Lands in Coparcenary, Joint-Tenancy, and Te-
" nancy in Common," it is enacted that upon the petition of
any one or more Coparceners, Joint-Tenants or Tenants in
Common, to the Supreme Court praying a division of the
lands in which they may be interested, to the proprietors in
severalty according to their respective shares and rights, it
shall and may be lawful for the said Court to examine the
title of the Petitioners preferring such petition, and the quan-
tity of their respective parts and purparts, and accordingly as
they shall find their respective rights, parts, and purparts to
be, to award a writ of Partition, as nearly as may be in the
form for that purpose established in the register of Judicial
writs, and whereas the said recited part of the said Act has
been found to be inconvenient.

Part of recited Act repealed.

I. *Be it therefore enacted by the President, Council, and Assembly,* That the same part of the said Act be, and the same is hereby repealed.

Proceedings at law for partition shall commence by writ out of the Supreme Court, as nearly as may be in the form of the writ from chancery.

And after return of such writ and affidavit made of due notice to the Tenant, and of a copy being left with the occupier or Tenant, &c.

or if they cannot be found, being published in the Royal Gazette for 30 days, if an appearance be not entered by the first day of the next term, after the return of the writ.

the demandant having entered his declaration, the Court may examine the title and give judgment by default, and award a writ to make partition.

And proceedings shall be as directed by recited Act.

If defendants appearing to be according to law, and upon judgment for partition, a writ to be awarded and executed as directed by the recited Act.

Twenty days notice to be given of executing writ to make partition.

Recited Act confirmed.

II. *And be it further enacted,* That from and after the first day of May next, all proceedings at law for partition between Coparceners, Joint-Tenants, and Tenants in Common, shall commence by writ issuing out of the Supreme Court, as nearly as may be in the form of the writ of Partition issuing out of the Court of Chancery in England, and after such writ of Partition returned, and affidavit being made by any credible person of due notice given of the said writ of Partition to the Tenant or Tenants to the action, and a copy thereof left with the occupier or Tenant or Tenants, or if they cannot be found, to the wife, son or daughter, (being of the age of twenty-one years or upwards) of the Tenant or Tenants, or to the Tenant in actual possession, by virtue of any estate of Freehold, or for term of years, or uncertain interest, or at will, of the lands, tenements or hereditaments, whereof the Partition is demanded (unless the said Tenant in actual possession be demandant in the action) or if no such person can be found by publishing such copy in the Royal Gazette, at least thirty days before the day of the return of the said writ of Partition, if the Tenant or Tenants to such writ, or any of them, or the true Tenant to the messuages, lands, tenements and hereditaments as aforesaid, shall not in such case, on or before the first day of the term next after the return of such writ, cause an appearance to be entered, then in default of such appearance, the demandant having entered his declaration, the Court may proceed to examine the demandants title and quantity of his part and purpart, and accordingly as they shall find his right, part, and purpart to be, they shall for so much thereof give judgment by default, and award a writ to make partition, and such proceedings shall be had thereon in every respect as are directed in and by the said herein before recited Act, any thing herein before contained to the contrary thereof, in any wise notwithstanding.

III. *And be it further enacted,* That if such defendants or Tenants shall appear, the cause shall proceed according to due course of law, and upon judgment that Partition be made between the parties in such action, a writ to make Partition shall be in like manner awarded, and the same shall be executed in such manner and form as are particularly mentioned and directed in and by the same Act, any thing in the same Act contained to the contrary thereof in any wise notwithstanding.

IV. *And be it further enacted,* That the Sheriff's respectively, shall give twenty days notice of the execution of the writ to make Partition, instead of forty days, as required by the first Section of the said in part recited Act.

V. *And be it further enacted,* That the said herein before recited Act, and every clause, matter and thing therein contained, not altered or amended by this Act, shall be and remain in full force, any thing herein before contained to the contrary thereof in any wise notwithstanding. CAP.