

27 Vic., Cap. 9,
as respects parti-
tion cases, sub-
ject to certain
provisions.

VI.—The terms of the Act 27 Vic., Cap. 9, so far as they apply to the Partition of Property of Infants, or of Persons of Unsound Mind, held in joint tenancy, co-parcenary or common, shall be subject to the following provisions, viz.: the Court may, of its own motion, or upon that of any party to a Writ of Partition, or of the Guardian or next Friend of an Infant, or of the Guardian or next Friend of a Person of Unsound Mind, direct the Guardian of such Infant or Person of Unsound Mind to be made a party to such Writ, and in such cases the judgment to be had shall be as final and binding upon such Infant or Person of Unsound Mind, his representatives and estate, as other parties to the proceedings. If there be no such Guardian existing, one may be appointed by the Court, and the provisions of this Section shall apply in such cases.

Record of par-
tition to be regis-
tered.

VII.—The Record of the Partition, under a Writ of Partition, shall be registered in the Registry of Deeds for the District in which the Lands are situated.

CAP. XII.

An Act to amend an Act passed in the Twenty-ninth Year of the Reign of Her present Majesty, entitled "An Act to Empower the Superior Courts of this Colony to direct certain Offenders to remove therefrom, and for other purposes."

[Passed 26th April, 1867.]

Preamble.

WHEREAS it is expedient to amend an Act passed in the Twenty-ninth year of the Reign of Her present Majesty, entitled "An Act to Empower the Superior Courts of this Colony to direct certain Offenders to remove therefrom, and for other purposes."

Be it therefore enacted, by the Governor, Legislative Council, and Assembly, in Legislative Session convened, as follows :—

I.—The First Section of the Act passed in the Twenty-ninth year of the Reign of Her present Majesty, entitled “An Act to Empower the Superior Courts of this Colony to direct certain Offenders to remove therefrom, and for other purposes,” shall be, and the same is, hereby Repealed.

29 Vic., Cap. 14, Sec. 1, Repealed.

II.—It shall be lawful for the Supreme and Circuit Courts of this Colony, when any Person shall be convicted before them of any Felony, not a Capital Felony, if they shall see fit, to adjudge and sentence that such Person shall, in addition to any other punishment, or without any other punishment, leave this Colony after, or at the expiration of such other punishment, where other punishment may be adjudged, and within a time to be named by the Court as part of the sentence ; and that the Person so adjudged to leave, shall remain away, either for a term of years or for life ; and such Court shall, as part of the original sentence, further adjudge, that in case of such Person not departing within the time specified in the sentence, or in case of his returning before the expiration of his sentence (his punishment in that behalf not being lawfully remitted), that such Person shall be again arrested and committed to prison, there to remain for such period, not exceeding three years, as the Court may direct, and thereto be subject to hard labour, or otherwise ; and such Person shall, in the event of his not departing, or of his returning as aforesaid, be liable to arrest and detention by any Person, at any place within this Colony, for the purpose of his being again imprisoned in manner aforesaid ; and such arrest, detention and imprisonment, may be without Warrant.

Persons convicted of Felony, not capital, may be adjudged to leave the Colony.

Penalty on Returning.