

**Reprint**  
**as at 1 January 2008**

**Partition Act 1539**

Partition Act 1539: ceased to have effect as part of the laws of New Zealand, on 1 January 2008, pursuant to section 365(1) of the Property Law Act 2007 (2007 No 91).

Imperial Act 1

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

**Source: New Zealand Parliamentary Library, International Documents Collection**

**An Acte for joynt Tenants & Tenants in comon.****1 Inconveniencies resulting from joint-tenancy, etc undivided; joint-tenants and tenants in common shall be compellable to make partition, in like manner as coparceners**

FORASMUCHE as by the comen lawes of this Realme, diverse of the Kings subjects being seised of mannors lands tentes & hereditaments as joynt tenantes or as tenantes in comen with other, of any estate of enheritaunce, in their owne rights or in the right of their wyffes, by purchase discent or otherwise, and every of them so being joynt tenantes or tenantes in comen hathe like righte title interest and possession in the same mannors landes tentes and hereditaments for their parts or porcons joyntlye or in comen undevydedlye together withe other, and none of them by the lawe doeth or maye knowe their severall partes or porcons in the same, or that that ys his or theirs by hit selfe undevyded, and cannot by the lawes of this Realme otherwise occupye or take the pfytt [ed note: profit] of the same, or make any severans division or particon thereof, without either of their mutuall consentes and assents; by reason whereof diverse and many of them, beinge so joyntly and undevydedly seised of the saide mannors landes tents & hereditaments, often tymes of their perverse covetous and malicious myndes and willes, ayens all right justice equitie and good conscience by strenghe and power, hath not onlye cutt and fallen downe all the woodes and trees growinge uppon the same, but also hathe extirped subverted pulled downe and distroyed all the houses edificyons<sup>1</sup> and buyldngs meadowes pastures comens and the hoole comodities of the same, and hath taken and converted them to their owne uses and behooffs, to the open wronge & disherison & ayens the myndes and willes of other holdinge the same mannors landes tentes & hereditaments joyntlye or in comen withe them, and they have bene alwaies without assured remedy for the same; Be it therefore enacted by the Kinge our most drede Sovereaigne Lorde and by the assent of his Lordes

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<sup>1</sup> so also in the original Act. Printed copies read “Edifices”

Spirituell and Temporall and by the comons in this present Parliament assembled, that all joynttenants and tenantes in comen, that nowe be or hereafter shalbe of enny estate or estates of enheritaunce in their owne rights or in the righte of their wyffes, of any manners lands tents or hereditaments within this Realme of Englande Wales or the Marsches of the same, shall and maye be coacted and compelled by vertue of this present acte, to make pticon betwene them of all suche mannors landes tentes and hereditaments as they nowe holde or hereafter shall holde as joynttenants or tenantes in comen, by writt de pticoe<sup>2</sup> faciend, in that case to be devised in the Kinge our Sovereigne Lordes Courte of Chauncerie, in like manner and forme as coperceners by the comen lawes of this Realme have byne and are compellable to doe, and the same writt to be pursued at the comen lawe.

**2 After partition each shall have aid of the other**

PROVIDED always and be it enacted, that everye of the saide joynt tenants or tenantes in comen and their heires after suche particon made, shall and may have ayde of the other, or of their heires, to the intent to deraigne the warrantye paramounte and to recover for the rate as is used betwene coparceners after particon made by the order of the comen lawe; any thinge in this acte conteyned to the contarie notwithstandinge.

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**Notes****1 General**

This is an eprint of the Partition Act 1539. It incorporates all the amendments to the Act as at 1 January 2008. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

**2 About this eprint**

This eprint has not been officialised. For more information about officialisation, please see “Making online legislation official” under “Status of legislation on this site” in the About section of this website.

**3 List of amendments incorporated in this eprint (most recent first)**

Property Law Act 2007 (2007 No 91): section 365(1)

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