



Common Law Procedure Act 1852

1852 CHAPTER 76

Ejectment

CLXXXIX. Trial and Judgment in Ejectment against Joint Tenants, Tenants in Common, and Coparceners.

Upon the Trial of such Issue as last aforesaid, if it shall be found that the Defendant is Joint Tenant, Tenant in Common, or Coparcener with the Claimant, then the Question whether an actual Ouster has taken place shall be tried, and unless such actual Ouster shall be proved the Defendant shall be entitled to Judgment and Costs ; but if it shall be found either that the Defendant is not such Joint Tenant, Tenant in Common, or Coparcener, or that an actual Ouster has taken place, then the Claimant shall be entitled to such Judgment for the Recovery of Possession and Costs.