

ted within 20
years.

and Parish of Montreal as aforesaid, and the tenure whereof is not already commuted, shall be commuted within twenty years from the passing of this Act, and if not so commuted voluntarily, the commutation fine thereon, calculated and ascertained in the manner prescribed by the said Ordinance, subject to the provisions of this Act, shall become payable to the Seminary, and shall be secured by the same privileges as the commutation fine mentioned in the next preceding Section. 5

How the value
of the property,
&c., shall
be ascertained
if not agreed
upon.

14. If the value of the property, the tenure of which is to be commuted under the two next preceding Sections and of the capital of the *cens et rentes* thereon, have not been ascertained or agreed upon them, the said Seminary, whenever such commutation has become compulsory on the owner thereof, may serve a notice on such owner naming some disinterested person as their arbitrator to fix such value, and requiring such owner to name another disinterested person as his arbitrator, and if the owner does not within six days after the service of such notice notify to the said Seminary the name of such arbitrator, or appoints a person who is disqualified, the said Seminary may apply by summary petition to any Judge of the Superior Court at Montreal, who may on such application appoint an arbitrator on behalf of such owner, and the two arbitrators, or if they cannot agree, any Judge of a Superior Court, on the application of either, may name a third arbitrator, and the award of such three arbitrators, or of any two of them, fixing the value of the property or of any buildings thereon, and of the capital of the *cens et rentes*, shall be conclusive evidence of such value and capital for the purpose of ascertaining the commutation fine or indemnity to be paid by such owner, and shall be returned into, filed and enrolled by the Superior Court at Montreal and by the said Court duly confirmed, and may then be enforced by the Seminary by action if need shall be: and the costs of such arbitration shall be borne by the parties in equal shares. 10 15 20 25 30

Arbitration.

Costs.

Act not to
prevent voluntary
commutation.

Owner may
convert commutation
money into constituted
Rent, if it amounts
to £100.

15. Provided always, that nothing in the three next preceding sections of this Act shall prevent the owner of any such property from commuting the tenure thereof in the manner prescribed by the said Ordinance at any time, if he thinks fit so to do; and that whenever the commutation fine or indemnity amounts to not less than one hundred pounds currency, the owner of the property shall always have the right to declare his option that such commutation fine or indemnity, shall remain charged upon the property at and for a constituted rent according to the laws of Lower Canada, as provided by the seventh section of the said Ordinance, and the same shall remain so charged accordingly: And whenever a commutation fine is paid, or converted into a constituted rent, the Seminary shall, on demand of the owner of the property, execute a notarial deed acknowledging the same and that the property is held by him in *franc aleu roturier*, subject to the charges (if any) therein to be expressed. 35 40 45 50