

appoint the *Surveyor General*, or some other well qualified Person, to make an exact Survey of such Lands or Lots, and by and with the Advice of three judicious Landholders or Farmers (One of whom to be elected by each of the Parties, and the other to be appointed by the *Governor* and *His Majesty's Council*) to divide and lay out the said Lands in equal Parts, and ascertain, by distinct and permanent Marks, Metes, or Boundaries, the Line or Lines of Divison of the different Shares; and that, as soon as the same shall or may be done, the Person or Persons claiming or suing for such Division, and the Attorney or Agent appointed in manner aforesaid, are to report a Draft or Survey of said Division, and to draw Lots in the presence of the *Governor* or *Commander in Chief*, and *His Majesty's Council*, for the said Division: And the respective Shares or Divisions, to which each of the Parties may have Right in consequence of such Draft, shall be attested by the said *Governor* and *Council*, in writing; and the written Certificate thereof shall be immediately recorded in the *Register's Office* in a Book to be kept by him for that purpose, and shall be held as authentic and unalterable, and received and allowed in Evidence on any Trial against the Party interested in the said Lands for ever thereafter.

II. *And be it further enacted*, That the Proprietor, or his Agent claiming a Division in Manner aforesaid, shall be obliged to defray all Expences incurred thereby; but at the conclusion thereof he may, and he is hereby empowered, to lay an account of the Expence incurred by him before the *Governor* and *Council*: And upon their examining and certifying their approbation thereof, the said Party shall be considered as a real Creditor upon the Estate or Property of the absent Proprietor or Proprietors, to the amount of one half of said Account; which Moiety shall bear Interest in his Favour from and after the Date of the said Attestation, at the Rate of Six per Cent per Annum, till paid. And unless the same shall have been paid within the Space of three Years; that then, upon Application to the *Supreme Court*, the *Chief Justice* thereof is hereby empowered and required to grant a Warrant to the *Provost Marshal*, or to his Deputy, to expose to Public Sale (Advertisements being duly posted up for thirty Days previous thereto, in all the usual places, notifying the time and place thereof) so much of the Lands of the absent Proprietor or Proprietors, as will satisfy and pay the one Half of the said Account of the Expences, so as aforesaid incurred and approved of, as well in obtaining the said Division, as for the Expences and Charges incurred in the Application hereby appointed to be made to the *Supreme Court*, and the Sale in Consequence thereof.

III. *And it is hereby enacted, by the authority aforesaid*, That all Persons holding their Lands in Common, and who either reside themselves, or have Attornies in this Island, may be compelled, by

P

Writ

they are to direct the Surveyor General, &c, who with the Assistance of three Landholders, &c. shall make an equal Division.

Draft of Division to be reported and Lots drawn for, in Presence of the Governor and Council, who are to sign each Share so drawn for;

the written Certificate thereof to be registered,

Division made as above, shall be held unalterable against the Party interested.

Proprietor making Claim to such Division, to defray all Expences incurred thereby; an Account whereof is to be laid before Governor and Council, who are to certify the whole or what Part they approve of; after which one Half thereof is to become a Debt, bearing Interest on the Estate or Property of the absent Proprietor.

If not discharged within three Years, so much of the Lands of absent Proprietor as will satisfy what is due (being certified as above) with Costs &c. to be sold

Made of enforcing the Sale &c.

All Persons who reside, or have resident Agents, & hold Lands in common, may be compelled by Writ of