

An Act to make further Legislative provision for the partition of certain lands in the Townships of Bolton and Magog.

WHEREAS by Letters Patent, bearing date the 19th day of August, 1797, five-sevenths part of the Township of Bolton (a portion of which now lies in the Township of Magog) were granted to Nicholas Austin and _____, associates as tenants in common; And whereas under the provisions of an Act passed in the Session held in 10th and 11th years of Her Majesty's Reign, intituled "*An Act to facilitate the partition of lands, tenements and hereditaments in certain cases*," proceedings were adopted before the Court of Queen's Bench, and are still pending before the Superior Court for the District of Montreal, for the purpose of effecting a partition of the said lands; but owing to the conflicting interests of the resident and non-resident proprietors, it hath been found impossible to effect a partition thereof by the means provided by the said Act; And whereas inasmuch as the obstacles which prevent the partition of the said lands were an inevitable consequence of the unwise and improvident character of the said grant, the Government and Legislature of the Province are bound in justice and equity to repair the injury thereby inflicted upon the resident proprietors by adopting more efficient means to secure them in their holdings and quiet their titles thereto: Therefore Her Majesty, &c., enacts as follows:

I. Whenever, at any time within six months from the passing of this Act, any non-resident proprietor of any undivided share or shares in the lands so granted as aforesaid, shall by letter addressed by himself or his Attorney to the Provincial Secretary, declare that he desires to take advantage of the present Act, and to have the value of his interest in the said lands estimated, and shall appoint the person he proposes to act for him as his arbitrator, (*arbitre*) the Commissioner of Crown Lands for the time being, or, in his absence, the Attorney General for Lower Canada, shall appoint a fit and proper person to act as arbitrator (*arbitre*) on behalf of the Crown.

II. The arbitrators (*arbitres*) so appointed shall, before proceeding further, appoint a third arbitrator (*tiers arbitre*). or, if they cannot agree in their selection, a Judge of the Superior Court for the District of Montreal, shall, upon the application of either of the first named arbitrators, appoint a third; The arbitrators (*arbitres*) so appointed shall proceed to value the undivided share of such non-resident proprietor in the said lands according to his titles and to principles of equity and justice; and the decision of a majority of such three arbitrators shall be final; and the said arbitrators, or a majority of them, shall address the report thereon, or a copy thereof duly certified, to the Commissioner of Crown Lands for the time being.

Preamble

10 11. V. c. 37.

On notice by the party interested, arbitrator to be appointed on behalf of the Crown.

Appointment of third arbitrator.

Valuation and Report.