

said award so remitted back could or would have; and they shall have full power to hear and rehear all evidence offered before them either by the said James Frederick Montgomery or the Commissioner of Public Lands, and to make a new award which shall be legal and binding on all parties and on the estate and land of James Frederick Montgomery.

V. The said Commissioners or any two of them shall cause the Commissioner of Public Lands and the said proprietor, James Frederick Montgomery, to be served with a notice of a time and place when they shall proceed to hear and determine the matters so remitted as aforesaid; and such notice shall be served at least fourteen days before the day of such hearing, and no other notice or publication shall be necessary or requisite.

Notice of hearing.

VI. In case of the death, absence, or refusal to act of the Commissioner appointed by the said James Frederick Montgomery, he shall be at liberty to appoint a new Commissioner; and in case no such new Commissioner is appointed by the said James Frederick Montgomery, and the Commissioner appointed previously by him is dead, absent, or refuses or declines to act, then, and in each and all of such cases the Commissioners for the time being appointed by the Governor General of Canada in Council and the Lieutenant Governor of this island in Council may hear and determine such case and make as valid and binding an award as fully and effectually as if the proprietor's Commissioner had acted.

Vacancy of proprietor's commissioner how filled up.

VII. In case the said Commissioners, or any two of them, find it necessary to make a new award, they shall not be bound in any way by the sum awarded by the Commissioners whose award was so remitted back as aforesaid, but shall award such sum as they may deem just and right, whether the same is greater or less than that awarded by the Commissioners whose award has been remitted back as aforesaid.

Power to Commissioner to remodel award.

VIII. In any case where an application is hereafter made, either by the proprietor or the Commissioner of Public Lands, to the Supreme Court to remit any award back to the Commissioners to correct any error, informality, or omission therein, and any order is made by such Supreme Court remitting such award back, such order shall expressly contain the alleged error, informality, or omission for the correction of which such award is remitted; and in any such case where such order is made the Commissioners appointed respectively by the Governor General of Canada in Council and the Lieutenant Governor of this island in Council, and holding office at the time such order remitting back the award is made, shall have full power and jurisdiction, together with the Commissioner of the proprietor, if he will act, to consider such order and such alleged error, informality, or omission, although they may not be the same Commissioners who made the award; and if they, or any two of them, find any such error, informality, or omission, they shall have full power to make a new award, correcting any such error, informality, or omission, as the case may be; and if they are unable to find or do not find any such error, informality, or omission, as alleged in the order of the Supreme Court, they shall certify the same under their hands to the said Supreme Court, and shall file or cause the same to be filed in the office of the prothonotary: and such new award, when made and published, or when a new award is made, or such award so remitted back where the Commissioners certify that they do not find any such error, informality, or omission as alleged, shall respectively be binding, conclusive, and final on all parties and on the lands of the proprietor for whose lands the award is respectively made.

Order remitting back award to contain alleged errors, &c.

What Commissioners may consider remitting order and correct award.

IX. In any case where an order is made by the Supreme Court remitting any award back, the said Commissioners, or any two of them, shall cause fourteen days' notice at least to be served on the Commissioner of Public Lands and upon the proprietor or his agent for the time being, of a time and place when they shall proceed to hear and determine the matter so remitted as aforesaid; and no other notice or publication shall in any such case be necessary or requisite.

Notice by Commissioners of hearing order remitting back award.

X. In case of the death, absence, or refusal to act of the Commissioner appointed by the proprietor, he shall be at liberty to appoint a new Commissioner, and in case no such new Commissioner is appointed by a proprietor, and the Commissioner previously appointed by him is dead, absent, or refuses or declines to act, then, and in each and all of such cases, the other two Commissioners may hear and determine such case, and make as valid and binding an award as fully and effectually as if the proprietor's Commissioner had acted.

Vacancy of proprietors commissioner how filled up.

XI. And whereas a notice was served upon Henry Jones Cundall, the committee of John Winsloe, a lunatic, by the Commissioner of Public Lands, under and pursuant to the second section of the said Act, of the intention of the Government of this Province to purchase the township lands of such lunatic under the said Act, and doubts have been expressed whether the provisions of said Act extends to or embraces such a case, and it is expedient to remove such doubts:

The estate of John Winsloe, a lunatic.