

As the Land Commissioners Court stands adjourned to the 1st of July next, it is very desirable to obtain His Excellency the Governor General's decision upon the Act in question before that date, if possible.

FREDK. BRECKEN,
Attorney General for Prince
Edward Island.

Enclosure 3. in No. 1.

AN ACT TO AMEND THE "LAND PURCHASE ACT."

Passed April 29, 1876.

Preamble.

WHEREAS doubts have arisen as to the meaning and construction of many provisions of "The Land Purchase Act, 1875," and it is highly expedient that all such doubts shall be removed:

Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, as follows:

Award not to be void because matters to be considered by Commissioners under 28th sec. of 38 Vict. c. 32. are not expressly found in such award.

I. No award heretofore made or hereafter to be made by the Commissioners appointed or to be appointed under the provisions of "The Land Purchase Act, 1875," or by any two of them, shall be held or deemed to be invalid or void in any court of law or equity, nor shall any injunction or other order be granted by the Supreme Court, or by any judge thereof, restraining the public trustee from executing a conveyance pursuant to the said Act, of the lands and estates of the proprietor for which such award was or shall be made, by reason of the facts or circumstances or any of them, which the Commissioners are directed to take into their consideration by the twenty-eighth section, and sub-sections of the said Act, in estimating the amount of compensation to be paid to any proprietor not having been found expressly in such award, it having been and being the intention of the legislature that such facts and circumstances should only be taken into the consideration of the Commissioners in estimating the compensation they award, but should not be expressly found by them in their award.

No award to be void for want of description of lands for which award is made.

Public Trustee may be restrained. Quit rents released in all cases where award made.

II. No award heretofore made or hereafter to be made by the Commissioners appointed or to be appointed under the provisions of the said Act shall be held or deemed to be invalid or void in any court of law or equity by reason of such award not containing any description of the lands of the said proprietor for which such award was or shall be made; but the Supreme Court shall have power in any such case to restrain the public trustee from executing a conveyance of the estate of any such proprietor until the description of the lands of such proprietor has been settled by the said court or a judge thereof.

III. No proceedings either *in personam* or *in rem* shall be commenced, prosecuted, or maintained in any court of law or equity, for the recovery of any quit rents reserved in the original grants or the lands of any proprietor for which any award has been made under "The Land Purchase Act, 1875," and all such quit rents shall be deemed and held to have been and to be absolutely and for ever released by such award, and such award shall and may be pleaded in bar by any person or persons whomsoever of any action brought for the recovery of such quit rent.

Preamble.

IV. And whereas the Supreme Court of this island have remitted back the award made by the Commissioners in the matter of the application of the Commissioner of Public Land for the purchase of the estate of James Frederick Montgomery, to correct an alleged mistake or omission therein, and owing to the resignation of the Right Honourable Hugh C. E. Childers, the Commissioner appointed by the Governor General in Council, and one of the Commissioners by whom the said award was made, and his absence from the Colony, doubts have arisen respecting the Commissioners and the mode of procedure to be adopted so as to make an examination into such alleged mistake or omission, and also so as to make a new final and binding award, and it is expedient to remove such doubts and provide machinery to carry out the order of the said Court effectually:

Estate of James F. Montgomery.

Be it therefore enacted that the existing Commissioners respectively appointed by the Governor General of Canada in Council and the Lieutenant Governor of this island in Council, together with the Commissioner appointed or to be appointed by the said proprietor, James Frederick Montgomery, shall have and are hereby declared to have as full power and jurisdiction with reference to the estate of the said James Frederick Montgomery, and the order of the Supreme Court referring the award therein back, and the revising of such award, and the correcting of any mistake or omission therein, and the making and publication of a new award therein, as the Commissioners who made the