

It also extinguishes all quitrents and arrears thereof due on all estates adjudicated on, and releases the proprietors from all liability on account thereof.

The Act also makes provision to meet the case of James F. Montgomery, Esquire, who made an application to the Supreme Court to have the award in his case remitted back to the Commissioners to correct an alleged omission. It appears that between the time of making the award and the order to remit it back Mr. Childers, the Commissioner appointed by his Excellency the Governor-General resigned his position and left this Province; doubts were consequently entertained whether the Court, as constituted after that gentleman's vacancy, had been filled up, would be competent to review the matters taken into consideration by the Commissioners who made the award.

The Act gives Mr. Montgomery power to appoint a new Commissioner, and provides for the mode of procedure; it also empowers the Commissioners, if they think fit, to make a new award, and they are not to be tied down to the sum named in the award so remitted to them. These provisions and powers are not to be confined to Mr. Montgomery's case, but are to be general in their application, and are intended to apply to any similar case that may arise in working out the Land Purchase Act.

The Act also makes provisions to meet the case of the estate of John Winsloe, a lunatic.

The Master of the Rolls declined to appoint a Commissioner to act on behalf of the proprietor, deciding that the provisions of the Land Purchase Act did not provide for such a case.

This Act supplies this defect by declaring that the law shall extend to such cases.

This estate of John Winsloe is the only estate owned by a lunatic proprietor, and as the lands surrounding it have been purchased under the Compulsory Act, it is thought necessary to make the law plain enough to embrace John Winsloe's estate.

There is also provision made that where notices for hearing cases have been given under section 14 of the principal Act, and such hearings from some cause or other have not taken place, that the proceedings are not to abate on that account, but that fresh notices may be given. There is a necessity for this amendment.

The Act also extends the time stipulated in section 2 of the main Act for notifying proprietors of the Government's intention to purchase their estates. There are one or two small estates that will elude the operations of this Act if this amendment is not sanctioned. It is proposed to extend the time for a further period of 60 days from the publication of His Excellency the Governor General's assent to this Act.

Provision is also made to meet the case of a Commissioner who may be disqualified to act on account of relationship to a proprietor by authorising the appointment of a new Commissioner ad hoc. A case has arisen which has rendered this provision necessary.

The deed from the Public Trustee to the Commissioner of Public Lands on its production in any Court of Law or Equity in the Province is to be received as *prima facie* evidence that the proceedings taken under the Land Act have been regularly complied with. This provision is in my opinion very necessary, without it, it will be difficult to protect the interests of the Government of this Province, and will not, I think, work injustice to individuals.

Proprietors under this Act will be required, before receiving the amount of their awards, to deposit with the Government, their muniments of title, leases, and plans. Without this provision it will be difficult, if not impossible, for the Commissioner of Public Lands to carry out the sale of the lands to the tenants or occupiers.

The Act extends the definition of the term "proprietor" so as to include tenants in tail, this has become necessary in consequence of the decision come to by the Supreme Court, that the Land Purchase Act, 1875, only extends and applies to owners of land in fee simple. As estates tail in land situate in this Province may at any time be barred by the tenant in tail, who can exercise as full a disposing control over such estates as a tenant in fee, it is not considered that this provision is of an objectionable or exceptional character. Provision is made that nothing in this Act shall in any way affect the case of Miss Sullivan, appealed from the Supreme Court of this Province, to the Supreme Court of the dominion of Canada.

All the provisions of this Act are, in my opinion, absolutely necessary for the satisfactory and speedy winding up of the long vexed land question of this Province. It involves no new principle, quoad the intentions of the framers of the principal Act, and will not work any wrong or injury to any proprietor, and is really an Act to remedy practical defects, many of which were not foreseen when the Land Purchase Act, 1875, was passed, and have arisen chiefly from the construction put upon that Act by the Supreme Court of this Province.