

before them, or appearing, shall refuse to answer any lawful question put to him, or to produce any such book, paper, plan, instrument, document, or thing, whatsoever, which may be in his possession or under his control, and which he shall have been required by such Subpcena to bring with him or to produce, such persons shall, for every such neglect or refusal, incur a penalty of not less than five dollars, or more than fifty dollars, payable to Her Majesty, to be recovered with costs in the names of the Commissioners, or of any or either of them, upon bill, information, or plaint, before the Supreme Court, and in default of payment, shall be imprisoned for a period not exceeding three months, in addition to any punishment for contempt which the Supreme Court may inflict.

Penalty for refusing.

XXI. The Commissioners when appointed as aforesaid shall make oath before one of the Judges of the Supreme Court that they will well and faithfully discharge the duties imposed upon them under this Act and adjudicate on all matters coming before them, to the best of their judgment, without fear, favor, or affection.

Commissioners to be sworn.

XXII. If any proprietor shall either by himself, his agent, guardian, committee, trustee or counsel, neglect to appear before the Commissioners pursuant to notice, under the provisions of this Act, the Commissioners shall be at liberty to proceed *ex parte*.

When Commissioners may proceed *ex parte*.

XXIII. The Commissioners may, upon application made by any proprietor upon cause being shown to the satisfaction of the Commissioners, grant an extension of time to such proprietor before entering upon the hearing of such proceedings before them.

Commissioners may extend time to Proprietor before entering on case.

XXIV. It shall be lawful for the Commissioners to be appointed under the provisions of this Act to enter upon all lands concerning which they shall be empowered to adjudicate in order to make such examination thereof as may be necessary without being subjected in respect thereof to any obstruction or prosecution and with the right to command the assistance of all Justices of the Peace and others, in order to enter and make such examination in case of opposition.

Commissioners to have power to enter on lands.

XXV. The Commissioners or any two of them may adjourn the hearing of any matter from time to time as they may deem necessary and expedient.

Commissioners may adjourn proceedings.

XXVI. After hearing the evidence adduced before them the Commissioners or any two of them shall award the sum due to such proprietor as the compensation or price to which he shall be entitled by reason of his being divested of his lands and all interest therein and thereto.

After hearing evidence, Commissioners to award compensation.

XXVII. The fact of the purchase or sale of the lands of any proprietor being compulsory and not voluntary shall not entitle any such proprietor to any compensation by reason of such compulsory purchase or sale, the object of this Act being to pay every proprietor a fair indemnity or equivalent for the value of his interest and no more.

No allowance to be made on account of sale being compulsory.

XXVIII. In estimating the amount of compensation to be paid to any proprietor for his interest or right to any lands the Commissioners shall take the following facts or circumstances into their consideration :

Matters to be taken into consideration by Commissioners in estimating compensation to Proprietors.

- (a.) The price at which other proprietors in this Island have heretofore sold their lands to the Government.
- (b.) The number of acres under lease in the estate or lands they are valuing, the length of the leases on such estates; the rents reserved by such leases; the arrears of rent and the years over which they extend, and the reasonable probability of their being recovered.
- (c.) The number of acres of vacant or unleased lands, their quality and value to the proprietor.
- (d.) (1.) The gross rental actually paid by the tenants on any estate yearly for the previous six years; (2) the expenses and charges connected with and incidental to the recovery of such rent, and its receipts by the proprietor; and (3) the actual net receipts of the proprietor for the said period of six years.
- (e.) The number of acres possessed or occupied by any persons who have not attorned to or paid rent to the proprietor, and who claim to hold such land adversely to such proprietor, and the reasonable probabilities and expenses of the proprietor sustaining his claim against such persons holding adversely in a court of law, shall each and all be elements to be taken into consideration by the said Commissioners in estimating the value of such proprietor's lands; (1) the conditions of the original grants from the crown; (2) the performance or non-performance of those conditions; (3) the effects of such non-performance and how far the despatches from the English Colonial Secretaries to the different Lieutenant Governors of this island, or other action of the Crown or Government, have operated as waivers of any forfeitures; (f.) the quit rents reserved in the original grants, and how far the payment of the same have been waived or remitted by the Crown.