

Proviso.

or her behalf to act with the Commissioners so to be appointed as aforesaid : Provided that such Commissioner shall not be deemed to be a Commissioner under the terms of this Act until he shall have first given notice to the Commissioner of Public Lands of such his appointment.

Vacancy of third Commissioner—how filled.

X. In case of the death, neglect, refusal, or incapacity to act of the Commissioner so to be appointed by any proprietor as aforesaid, any such proprietor may appoint a successor or successors as often as may be.

Supreme Court to appoint third Commissioner in case Proprietor refuses to do so.

XI. If any proprietor shall not, within sixty days after the notification prescribed in the third section of this Act, appoint a Commissioner, or should not within thirty days of the death, neglect, refusal, or incompetency to act of any Commissioner appointed by any proprietor as aforesaid appoint his successor, then and in either of such cases application shall be made by the Commissioner of Public Lands to the Supreme Court of Judicature of this Island to nominate a Commissioner on behalf of such proprietor.

No precedence to be claimed by one Commissioner over the others.

Presiding Commissioner—how appointed. Proviso.

XII. No precedence shall be claimed by one Commissioner over the others of them merely because he may have been appointed by the Governor-General in Council, or the Lieutenant-Governor in Council, but the three Commissioners so appointed as aforesaid shall elect which one of them shall preside at the meeting of such Commission, to take into consideration the matters referred to them under the provisions of this Act : Provided that in case the said Commissioners shall be unable to agree upon a presiding Commissioner, then such presiding Commissioner shall be the Commissioner who shall have been appointed by the Governor-General in Council.

Commissioner of Public Lands to be notified.

XIII. When any third Commissioner shall have been appointed, the said Commissioners, or any two of them, shall, within thirty days after the appointment of the said third Commissioner, notify the Commissioner of Public Lands in writing of such their appointment.

Notice of sitting of Commissioners.

XIV. The said Commissioners, or any two of them, shall, upon the petition of the Commissioner of Public Lands, publish a notice in the *Royal Gazette* newspaper of this Province of a day and place in Charlottetown when and whereat they will hear and consider the matters referred to them under the provisions of this Act, relating to the lands of the proprietor whose Commissioner shall have been appointed, and in such notice shall specify the name of the proprietor or proprietors whose lands the Commissioners are empowered to value, and such notice shall be published for three consecutive weeks in the *Royal Gazette* newspaper of this Island.

Commissioner of Public Lands to be claimant in all proceedings.

XV. All proceedings under this Act shall be entitled, in the name of the then Commissioner of Public Lands, who in his official capacity as such Commissioner of Public Lands shall be and be considered the claimant or applicant, and shall be subject to process of contempt, and shall be personally liable for the performance of all duties imposed upon him under the provisions of this Act, and for the costs of all proceedings, in as full and ample a manner in all respects as though he were a Plaintiff in the Supreme Court, or a Complainant in the Court of Chancery in any suit in either of said Courts.

Supreme Court to appoint guardian for lunatic Proprietor.

XVI. In case any proprietor shall be a lunatic, a person of unsound mind, or a minor, or labouring under any other disability, and has no guardian, an application shall be made by the Commissioner of Public Lands to the Supreme Court for the appointment of a guardian for such lunatic, person of unsound mind, or a minor, or such other person.

Supreme Court to appoint guardian *ad litem*.

XVII. Upon such application the said Court may appoint a guardian, *ad litem*, for such lunatic, person of unsound mind, minor, or other person.

Commissioner of Public Lands to appoint a Solicitor.

XVIII. The Commissioner of Public Lands may appoint a solicitor to act for him in all matters required to be performed by him under the provisions of this Act, and any proprietor or party in anywise interested in the matter then pending may be represented by Counsel before the Commissioners.

Subpœnas.

XIX. Either party shall have power to issue Subpœnas and Subpœnas *duces tecum* to witnesses to give evidence before the Commissioners, which Subpœnas shall be issued from the Prothonotary's office upon payment of the usual fees.

Commissioners to have power to examine on oath.

XX. The said Commissioners shall have full power and authority to examine, on oath, any person who shall appear before them, either as a party interested or as a witness, and to summon before them all persons whom they or any two of them may deem it expedient to examine upon the matters submitted to their consideration, and the facts which they may require to ascertain, in order to carry this Act into effect, and to require any such person to bring with him and produce before them any book, paper, plan, instrument, document, or thing mentioned in such Subpœna, and necessary for the purposes of this Act ; and if any person so subpœnaed shall refuse or neglect to appear

To compel production of books, &c.