

Appointment of Public Trustee to be under Great Seal.  
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Remuneration of Commissioners.

Remuneration of Trustee.

When Supreme Court may remit award to Commissioners.

When application to remit shall be made. Commissioners have power to revise award. No appeal. No *certiorari* or other process.

Supreme Court power to make rules.

Supreme Court may appoint special sessions.

XXXIII. The appointment of the Public Trustee shall be under the great seal of this Province, and shall be registered in the office of the Registrar of Deeds.

XXXIV. The party entitled to the sum awarded, or any party or parties entitled to a portion of such sum for the lands so conveyed by the Public Trustee to the Commissioner of Public Lands, may receive the same by obtaining an order from the Supreme Court upon presenting a petition, and upon proving his or their right to such sum or any portion thereof: Provided that the Commissioner of Public Lands be made a party to such application.

XXXV. It shall be the duty of the Supreme Court upon any such application to require that all proper persons shall be made parties to such proceedings and to apportion such sums in such shares and proportions as such parties shall be entitled to receive.

XXXVI. When the full sum for any lands shall have been paid into the Treasury and the conveyance executed by the Public Trustee to the Commissioner of Public Lands, the Government shall be absolutely exonerated from all liability to any person or persons whomsoever who may claim any estate so conveyed as aforesaid or any interest therein except as is mentioned in the next section.

XXXVII. The party obtaining an order from the Supreme Court for any money to which he shall be entitled for his estate so vested in the Commissioner of Public Lands, or any interest therein, shall be indemnified in his costs incurred in making such application: Provided always, that no party shall receive or be entitled to any costs who has made an unsuccessful application to the Court for an order for the money so paid into the Treasury, as aforesaid, but such party shall pay to and reimburse the party who has received such order, such costs as he shall have been put to by reason of such unsuccessful application.

XXXVIII. When any estate shall be vested in the Commissioner of Public Lands under the provisions of this Act, which shall, previous thereto, have been vested in the name or names of any trustee or trustees, the Court shall order the purchase money of such estate to be invested in the name or names of such trustee or trustees upon trust to pay the interest arising from such investment, in the same manner and to the same parties as the rents, issues and profits of the said land were payable previously to the sale thereof.

XXXIX. It shall be the duty of the said Court to make such order as to the investment and payment of the purchase money and the interest arising therefrom, as may meet the circumstances of each case, so that widows entitled to dower, infants, judgment creditors, mortgagees, and all persons entitled to any estate or interest in the said lands, or the rents arising or to arise therefrom, or the arrears thereof, may receive either the interest of the said purchase money when invested, as aforesaid, or the purchase money or shares thereof, as shall represent their estate or interest in said lands, or the rents arising therefrom, or the arrears thereof, previous to the vesting of the same in the Commissioners of Public Lands, as aforesaid.

XL. In every case when such lands have been vested in trustees, the purchase money shall be paid to such trustees, to hold the same upon the same trusts as they held the lands; and when there are no trustees the Supreme Court shall have power to appoint trustees, and shall, by an order or rule of Court, declare the trusts upon which they shall hold the said purchase money, and the manner in which the purchase money shall be invested.

XLI. The Supreme Court shall have power to dismiss any trustee or trustees so appointed by them, and appoint a trustee or trustees in the room or stead of the trustees so dismissed.

XLII. The said Commissioners shall be paid by the Government of this Province for their services under and by virtue of this Act, 10 dollars per day for each and every day such Commissioners shall actually be engaged in duties imposed upon them by this Act or by any reference in pursuance thereof, and such other reasonable remuneration as the Lieutenant-Governor in Council shall consider them entitled to.

XLIII. The public trustee shall be allowed such remuneration for his services as the Lieutenant-Governor in Council shall deem him entitled to under the circumstances of each case, which shall be paid by the Government of this Province.

XLIV. No award made by the said Commissioners or any two of them shall be held or deemed to be invalid or void for any reason, defect or informality whatsoever, but the Supreme Court shall have power on the application of either the Commissioner of Public Lands or the proprietor to remit to the Commissioners any award which shall have been made by them to correct any error, or informality, or omission made in their award: Provided always that any such application to the Supreme Court to remit such award to the Commissioners shall be made within thirty days after the publication thereof as aforesaid; and provided further, that in case any such award is remitted back to the Commissioners they shall have full power to revise and re-execute the same, and their powers shall not be held to have ceased by reason of their executing their first award, and in no case shall any appeal lie from any such award either to the Supreme Court, the Court of Chancery, or any other legal Tribunal; nor shall any such award, or the proceedings before such Commissioners, be removed or taken into or inquired into by any Court by *Certiorari* or any other process, but with the exception of the aforesaid power given to such Supreme Court to remit back the matter to such Commissioners, their award shall be binding, final, and conclusive on all parties.

XLV. The Supreme Court shall have power to make any rules and regulations not inconsistent with the provisions of this Act, for the purpose of more effectually carrying out the requirements of this Act, which rules shall be published in the "Royal Gazette" newspaper.

XLVI. Inasmuch as it is expedient that the matters referred to the Supreme Court under this Act, shall not interfere with the ordinary business of the said Court during term time, the said Court may, from time to time, appoint Sessions for the purpose of hearing proceedings under this Act: provided always, that one week's notice of such Session be given in the "Royal Gazette" newspaper.