

for the purposes aforesaid, and thereupon the said judge shall issue an order calling upon all such persons to attend before him at the time and place within the said city to be named in such order, for the purpose of ascertaining the amount of such compensation, and upon the return of such summons, or any adjournment of the time for the hearing thereof, the said judge shall receive evidence from and on the part of the said city, and from and on the part of any person so interested as aforesaid in the said lands and premises so appropriated, with reference to such value, and the said judge shall, after such hearing, make an order in duplicate determining such value, and the said order shall, when registered as hereinafter mentioned, convey to the said city a valid title to the lands and premises so appropriated.

2. One copy of the said order shall be filed in the said court with the clerk of the pleas at Fredericton, in the province of New Brunswick, and the other copy shall be registered in the office of the registrar of deeds in and for the city and county of Saint John.

Order of judge.

13. If for any cause an order should not be made by the said judge as to the value of the said lands and premises so taken and appropriated as aforesaid, proceedings may be taken *de novo* for the obtaining of such order.

If no order made, proceedings may be begun *de novo*.

14. The amount so ordered to be paid to the owner or person entitled to contract in respect of any such property shall be paid to him, and if the said property shall be subject to any mortgage lien, execution, attachment or other charge or claim in respect of any interest of what nature or kind soever, the said sum so awarded shall be paid in to such bank as a judge of the Supreme Court shall order, and shall be paid out to the party entitled thereto upon the order of any such judge, to be made upon petition setting forth the nature of the claim, and such other facts, and upon such notice to other parties as he shall require or direct; provided always that any cost occasioned by the determination of such claims shall be borne by such of the parties, including the said city, as the judge may order.

Payment of compensation.

15. If any person entitled to compensation shall refuse to receive the amount so ordered to be paid as aforesaid, or to give a proper receipt therefor, or if the person entitled to receive such amount has not been found, such amount shall be deposited in a bank under the direction of any judge of the Supreme Court of the said province, upon affidavit of the fact, and thereupon the said city shall be released from all liabilities in respect thereof.

Payment into court in certain cases.