

vided that if the Company shall have reason to fear any claims or  
 incumbrances, or if any party to whom the compensation, or any  
 part thereof shall be payable, shall refuse to execute the proper  
 conveyance and warranty, or if the party entitled to claim the  
 5 same cannot be found, or be unknown to the Company, or if for any  
 other reason the Company shall deem it advisable, it shall be  
 lawful for them to pay such compensation into the office of either  
 of the Superior Courts of Common Law for Upper Canada, with the  
 interest thereon for six months, and to deliver to the Clerk of the  
 10 Court an authentic copy of the conveyance, or of the award or  
 agreement if there be no conveyance, and such award or agree-  
 ment shall thereafter be deemed to be the title of the Company to  
 the land therein mentioned; and a notice in such form and for such  
 time as the said Court shall appoint, shall be inserted in some news-  
 15 paper, (if there be any) published in the County in which the land  
 situate, which shall state that the title of the Company, that is, the  
 conveyance, agreement or award, is made under this Act, and shall  
 call upon all persons entitled to the land, or to any part thereof, or  
 representing or being the husbands of any parties so entitled, to  
 20 file their claims to the compensation or any part thereof, and all  
 such claims shall be received and adjudged upon by the Court,  
 and the said proceedings shall for ever bar all claims to the lands  
 or any part thereof, including dower, as well as all mortgages or  
 incumbrances upon the same; and the Court shall make such  
 25 order for the distribution, payment or investment of the compen-  
 sation, and for the securing of the rights of all parties interested  
 as to right and justice, and according to the provisions of this Act,  
 and to law shall appertain, and the costs of the proceedings, or any  
 part thereof, shall be paid by the Company, or by any other party  
 30 as the Court shall deem it equitable to order; and if such  
 order of distribution as aforesaid be obtained in less than six  
 months from the payment of the compensation into Court, the  
 Court shall direct a proportionate part of the interest to be  
 returned to the Company, and if from any error, fault or neglect  
 35 of the Company, it shall not be obtained until after the six months  
 are expired, the Court shall order the Company to pay to the pro-  
 per claimants the interest for such further period as may be right.

Proviso: if  
 the Company  
 fear incum-  
 brances.  
 Payment into  
 Court.

Notice to  
 claimants.

Court to dis-  
 tribute the  
 compensation  
 money.

Interest.

VII. And be it enacted, That from and after the passing of this  
 Act, in case the arbitrators who may or shall have been chosen,  
 40 and appointed by the said Company, and the owner or occupier  
 of land or ground taken by them for the uses of their Road, to  
 assess the value of such land and damages thereto, cannot agree  
 at their first meeting upon a third or fifth arbitrator as the case  
 may require, to act with them the said arbitrators for the purposes  
 45 for which they shall have been appointed, it shall and may be law-  
 ful for the Judge of the County Court of the County in which such

The third or  
 fifth arbitrator  
 may be ap-  
 pointed by a  
 Judge in cer-  
 tain cases.