

As to incumbrances, &c., upon lands purchased or taken.

Proviso: how the Company may free the land from incumbrances.

Proviso: if the compensation do not exceed \$80.

25. The compensation awarded as aforesaid, or agreed upon by the said Company, and any party who might under this Act, validly convey the lands, or then in lawful possession, thereof as proprietor for any lands which might be lawfully taken under this Act, without the consent of the proprietor, shall stand in the stead of such land, and any claim to or mortgage, hypothec or incumbrance upon the said land or any portion thereof, shall as against the Company, be converted into a claim to the said compensation, or to a like proportion thereof, and if the amount of such compensation exceed eighty dollars they shall be responsible accordingly whenever they shall have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party: Provided always, that if the Company shall have reason to fear any such claims, mortgages, hypothecs or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof, is payable, shall refuse to execute the proper conveyance and guarantee, or if the party entitled to claim the 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 hands of the Prothonotary of the Superior Court in the District in which such land is situate, with the interest thereon for six months, and to deliver to the said Prothonotary an authentic copy of the conveyance, or of the award if there be no conveyance, (and such award shall thereafter be deemed to be the title of the said Company to the land therein mentioned), and proceedings shall thereupon be had for the confirmation of the title of the said Company, in like manner as in other cases of confirmation of title, except that in addition to the usual contents of the notice, the Prothonotary shall state that the title of the Company (that is the conveyance or award) under this Act, and shall call upon all persons entitled to, or to any part of the lands, or representing, or being the husbands of any parties so entitled, to file their oppositions for their claims to the compensation, or any part thereof, and all such oppositions shall be received and adjudged upon by the Court, and the judgment of confirmation shall forever bar all claims to the lands or any part thereof, (including dower not yet open) as well as all mortgages, hypothecs or incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for securing of the rights of all parties interested as to right and justice, according to the provisions of this Act and to law shall appertain; and the costs of the said proceedings or any part thereof, shall be paid by the said Company or by any other party, as the Court shall deem it equitable to order; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the Prothonotary, the Court shall direct a proportionate part of the interests to be returned to the Company, and if from any error, fault or neglect of the Company, it shall not be obtained until the six months are expired, the Court shall order the Company to pay to the proper party the interest for such further period as may be right; Provided always, that if the amount of the said compensation do not exceed eighty dollars, the same may be paid by the Company to the party in whose possession as proprietor the land was at the time the Company took possession thereof, or to any person who may lawfully receive money due to such party, and proof of such payment and the award shall be a sufficient title to the said Company, and shall forever discharge them from all claims of any other party to such compensation or any part thereof, saving always the recourse of such other party against the party who shall have received such compensation.