

Proviso.

proprietor, shall stand in the stead of such land; and any claim to, or hypothec or incumbrance upon the said land, or any portion thereof, shall, as against the said Company, be converted into a claim to the said compensation, or to a like proportion thereof, and 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 said Company shall have reason to fear any such claims, hypothecs or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof, shall be 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 deliver to the Prothonotary of the said Superior Court, at the City of Montreal, an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and an accepted draft on some solvent Chartered Bank in the said City, for the amount of the awarded or compensation money, bearing interest, and payable to the order of such Prothonotary or his successor in office, five months after the date thereof, and such award or agreement 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, agreement or award,) is under this Act, and shall call upon all persons entitled to, or to any part of the land, 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 for ever bar all claims to the lands, or any part thereof, (including dower not yet open,) as well as all hypothecs or incumbrances on the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the 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 not obtained in five months from the delivery of the conveyance, agreement or award to the Prothonotary from any error, fault or neglect of the Company, the Court shall order the Company to pay to the Prothonotary the interest for such further period as may be right.

Proviso as to lands as to which this Act shall not have been complied with.

XXII. Provided always, and be it enacted, That with regard to any lands which could not be taken without the consent of some party entitled under this Act to convey the same, or in any case in which the requirements of this Act shall not have been complied with, and in all cases where land shall have been taken or damage shall have been done by the Company without previously complying with the requirements of this Act, the rights of the Company and of other parties shall be governed by the ordinary rules of law.

Provisions of 2 Wm. 4, c. 58, and 6 Wm. 4, c. 6, and 4 Vic. c. 18, applied to a certain

XXIII. And be it enacted, That all the provisions of the Act first cited in the Preamble of this Act, and of the Act and Ordinance amending the same, shall, in so far as it is not otherwise specially provided in this Act, be applicable to and shall govern the Branch and continuation hereby authorised to be constructed as if 60