

of the said Sheriff, to visit and inspect the lands and premises for which they are to award compensation, and also to use and inspect where they may require the said plan so deposited with the said Town Clerk, and it shall also be lawful for the parties to produce before the said Sheriff and jury such evidence and witnesses as they may think proper, and may be relevant to the matters in question; and all such witnesses before giving testimony shall take the usual oath of a witness before the said Sheriff: When the jury shall have heard the evidence submitted to them, and determined upon the amount of compensation to be awarded, they shall by inquisition under their hands and seals, specify the sum of money (if any) by them awarded in the premises to the person mentioned in the said warrant; and the said Sheriff shall forthwith make a return of the said warrant, with the inquisition annexed, and file the same with the Town Clerk of the said Town, who shall endorse thereon the date of such filing.

6. It shall be lawful for the said Sheriff, under any warrant issued to him under this Act, to adjourn the hearing of the matters thereunder from time to time on sufficient cause shown therefor; and in case any jury summoned under any such warrant shall fail in agreeing upon the amount of their award, or for any other reason be prevented from fully discharging their duties, it shall be lawful for the said Sheriff to discharge them from further attendance, and to proceed to summon another jury, under the same warrant, in manner aforesaid, and so on as often as may be necessary.

7. The Town Council shall at any time after the expiration of sixty days from the filing of any warrant and inquisition with the Town Clerk as aforesaid, and on demand being made by the owner or owners, or any of them, mentioned in such warrant of the Treasurer of the said Town, at his office, for payment of the compensation awarded to such owner or owners, pay to the owner so demanding the full amount of such compensation; provided however, in no case shall any such payment be made until a release under the hands and seals of all the owners mentioned in such warrant be delivered to the said Treasurer.

8. So soon as any such warrant and inquisition shall be filed with the Town Clerk as aforesaid, the land of the person or persons mentioned in such warrant, and for which compensation has been awarded by such inquisition, shall with all buildings, erections, improvements and appurtenances being on such land, or belonging to the same, vest absolutely in the Town of Portland, and thereupon become and be a part and parcel of the public street within the said Town known as "Main Street," and shall thereafter continue and be a part of such street for the use and enjoyment of all Her Majesty's subjects, absolutely freed and discharged of and from all liens, mortgages, charges, incumbrances, claims, demands, rights, interests and estates of every person or persons whatsoever therein or thereto; and it shall be lawful for the said Town Council, by their agents, contractors, workmen, servants, and employees, on such lands, erections, buildings, improvements and appurtenances so vesting in the said Town as aforesaid, forthwith to enter upon the same, and take possession of every part and parcel thereof, and to tear down, demolish, and remove, or cause to be torn down, demolished, and removed, any such building, erection, or improvement, and to sell and dispose of the same, or the materials thereof, in such manner as the said Town Council shall see fit, for the use of the said Town; and the said Town Council, by their agents, contractors, labourers, workmen,

and employees, are hereby authorized, on any of such lands becoming vested in the said Town as aforesaid, to adopt, use and enforce all such means as to them may seem necessary or expedient in putting and rendering the said lands so vested in a good, safe, and passable condition, as part of one of the public streets of the said Town.

9. In case any of the lands taken under and by virtue of this Act, and for which compensation shall have been awarded by a jury hereunder, shall be subject to a lien or incumbrance by way of mortgage or otherwise, or in case any owner of such lands shall be an infant, *non compos mentis*, or under any other disability which would prevent him from executing a valid release of such compensation to the said Town, or in case any dispute shall arise between any joint owners of such lands, or any persons claiming to be interested therein, as to which of them is entitled to such compensation, or in case any such lands shall be held under a lease for a renewable term of years, then and in every such case the said Town Council shall pay the amount awarded as compensation for such lands into the Supreme Court in Equity; provided however, that notice in writing of such lien or incumbrance, dispute, claim, or tenancy, shall have been given to the Treasurer of the said Town at any time within the sixty days hereinbefore provided for payment of such compensation: Where such money shall be so paid into Court, it shall be a full discharge to the said Town of any liability for payment thereof; and it shall be lawful for any Judge of the said Court, on application made to him by any person interested in such moneys, and on such notice to all parties in interest as he shall direct to be given, to make such order in reference to such moneys, and the payment and distribution thereof, as the equities of the case may seem to him to require: In case no such notice shall be given to the Treasurer of the said Town, and the amount of compensation shall, after the expiration of the sixty days, be actually paid to the person or persons mentioned in the warrant under which such compensation has been awarded, such payment shall be an absolute bar to all claims of every person and persons whatsoever against the said Town for or by reason of such compensation.

10. The term "owner" in this Act, shall be taken to mean the lessee or assignee of the term where the land is held under a lease for a renewable term of years; and where such land is subject to any lien, mortgage, or other incumbrance, the word "owner" shall mean the person entitled to the equity of redemption in such land: In assessing and determining the amount of compensation, the jury summoned under any warrant as aforesaid, shall treat the owner as though he were the owner in fee simple of the land, and shall award compensation accordingly, but they shall, in determining such compensation, take into consideration the benefit and increased value (if any) to the remainder of his property by reason of the said street being so widened.

11. It shall be lawful, provided the said Town Council and the owner of any lands authorized to be taken by this Act can agree upon a price to be paid therefor, for the said Town Council to pay such sum to such owner instead of having a compensation determined by a jury; and on such owner executing and acknowledging, for registry to the said Town, a conveyance of such land for the uses and purposes of a public street as aforesaid, he shall be entitled to receive from the said Town payment of the sum so agreed upon.

12. The costs and expenses of the Sheriff executing any