

possession of such lands to and for the uses of the said Company, and to proceed with the construction of their road or other work in, along or over the same; And the arbitrators shall specify in the award by which of the parties the said costs are to be paid; Provided that in any case

Proviso.

- 5 of arbitration under this Act, if the Company shall, before the appointment of their arbitrator, have tendered a sum equal to or greater than that awarded by the arbitrators, the costs of arbitration shall be paid by the opposite party, and may be deducted by the Company from the amount of the award, on payment thereof to the party entitled to receive the same; And provided also, that all lands or grounds which shall hereafter be taken by any such Company, for the purpose of any road or other such work, and which shall have been purchased and paid for by any such Company, in the manner hereinbefore provided, shall become and thenceforward shall continue to be the property of such Company,
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- 15 free from all mortgages, incumbrances and other charges.

Proviso.

XXII. In every case where any lands or works in Lower Canada shall be required or purchased, or taken possession of under the provisions of this Act, and when such Company purchases or takes possession of such lands or works, and shall have cause to believe that the occupier or

Clearing off incumbrances in Lower Canada.

- 20 person in possession of such lands or works is not the legal owner thereof, or that such lands or works are already mortgaged or hypothecated, such Company shall not pay the amount of such purchase money or of such award to the occupier thereof, but shall have the right to deposit in the hands of the Prothonotary of the District in which such lands or works shall be situate, the purchase money of such land or works, or the amount awarded therefor by arbitration, as provided by the said Act, together with their deed of purchase or award, as the case may be, and shall and may proceed to obtain a ratification by the Supreme Court sitting in such District of such deed of purchase or award, as the case
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- 30 may be, in the same manner as is now practised for the ratification of title deeds, and the real proprietor of such lands or works, and all others having claims in or upon the same, may intervene in such proceeding, and claim and obtain the purchase money or amount awarded for such lands or works, or their due share thereof, and such Court is hereby
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- 40 authorized to grant such ratification, and upon such ratification such Company shall become and be the legal and indefeasible proprietor of such land or work, free and clear of all charges and incumbrances whatsoever, and the money so deposited shall stand in lieu of such land or work, and it shall be lawful for such Court to make such order as may seem meet for the protection of the parties entitled to the same, in case of substitution or where minor or interdicted parties are interested.

XXIII. The word "Townships," wherever it occurs in this Act, shall be construed to mean "Townships or Parish," and all powers by this Act conferred upon Judges of County Courts in Upper Canada, are hereby

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vested in the Judges of the Circuit Court for Lower Canada.

Interpretation.

XXIV. Every contract, agreement, engagement or bargain by or on behalf of the Company, and every promissory note made or endorsed, and every bill of exchange drawn, accepted or endorsed by or on behalf of the Company, or by any such Agents in general accordance with the

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powers to be devolved to and conferred on them respectively under the said By-laws shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any document,

Contracts, bills, notes, &c.