

from the time of the same being awarded, unless otherwise agreed upon with such person or persons; and in case the said Company shall fail to pay the same within that period, then their right to assume any such property, or commit any act in respect of which sum of money was awarded, shall wholly cease; and it shall be lawful for the proprietor to resume his occupation of such property, and to possess fully his rights and privileges in respect thereof, free from any claim or interference from the said Company.

VIII. And be it enacted, That where an award shall be made for more money as an indemnification or satisfaction for any lands, grounds, hereditaments or property, or for any damages done to any lands, tenements, hereditaments, or property of any person or persons whomsoever, than had previously been offered by or on behalf of the said Company, then all the expenses of holding the said arbitration (which shall be settled by the Arbitrators) shall be defrayed by the said Company; but if any award shall be given for the same or a less sum than had been previously offered by and on behalf of the said Company, or in case no damages shall be awarded (when the dispute is for damages only), then, and in every such case, the costs and expenses shall be settled in the like manner by the Arbitrators, and paid by the party or parties with whom the said Company shall have had such dispute; which said costs and expenses, having been so settled, shall and may be deducted out of the money so awarded, when the same shall exceed such costs and expenses, as so much money advanced to and for the use of such person or persons, and the payment or tender of the remainder of such sum shall be deemed and taken, to all intents and purposes, to be a payment or tender of the whole sum so awarded to be paid by the said Company to such person or persons as aforesaid.

Provision
when more
money
awarded than
previously
offered by
Company, &c.

IX. And be it enacted, That whenever any lands or grounds required by the said Company for the purposes of the said Railroad are held or owned by any person or persons, bodies politic or corporate or collegiate, whose residence may not be within this Province, or unknown to the said Company, or where the titles to any such lands or grounds may be in dispute, or when the owner or owners of such lands or grounds are unwilling or unable to treat with the said Company for the sale thereof, or to appoint Arbitrators as aforesaid, or refuse or neglect so to do for the space of one calendar month after having been thereunto required by the said Company, it shall and may be lawful for the said Company to nominate one indifferent person, and for the Judge of the County or Surrogate Court as aforesaid for the County in which such lands are situate, on the application of the said Company, to nominate and appoint one other indifferent per-

Provision as to
lands held by
absentees, &c.