

lands or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon, and if any resistance or forcible opposition be made by any person to their so doing, the judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the Sheriff of the District or County, or to a bailiff, as he may deem most suitable, to put the said Company in possession, and to put down such resistance or opposition, which, the Sheriff or Bailiff taking with him sufficient assistance, shall accordingly do.

21. Such Warrant may also be granted by any such Judge without such award or agreement on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice is necessary to carry on the operations of the Company, and upon the said Company giving security to his satisfaction, and in a sum which shall not be less than double the amount mentioned in the notice to pay or deposit the compensation, to be awarded within one month after the making of the award, with interest from the time at which possession is given, and with such costs as may be lawfully payable by the Company

Issue of warrant of possession.

22. The compensation for any lands which might be taken without the consent of the proprietor shall stand in the stead of such lands, any claim to or incumbrance upon the said lands or any portion thereof shall, as against the Company, be converted into a claim to the compensation or to a like portion thereof, and they shall be responsible accordingly whenever they have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party.

When compensation to stand in place of land.

23. If the Company has reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the Company, or if for any other reason the Company deems it advisable, the Company may, if the lands are situated in Upper Canada, pay such compensation into the office of either of the Superior Courts in Upper Canada, with the interest thereon for six months, and may deliver to the Clerk of the Court an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the Company to the land therein mentioned.

As to incumbrances on lands in U. C.

24. A notice, in such form and for such time as the said Court appoints, shall be inserted in some newspaper, if there be any, published in the county in which the lands are situated and in the City of Toronto, which 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 the land, or to any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudged upon by the Court, and the said proceedings shall forever bear all claims to the lands, or any part thereof, including dower as well as all mortgages or incumbrances upon 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, and according to the provisions of this Act, and to law appertain.

Notice to be given.