

after one clear day's notice to the other, and if such cause be determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held to have appointed no Arbitrator.

Awards not to be avoided by mere want of form.

No award made as aforesaid shall be invalidated by any want of 5 form or other technical objection, if the requirements of this Act shall have been complied with, and if the award shall state clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid be named in 10 the award.

Parties need not be named in the award.

Possession may be taken on payment, tender or deposit of the sum awarded.

XVII. And be it enacted, That upon payment or legal tender of the compensation or annual rent so awarded, agreed upon or determined as aforesaid to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner herein- 15 after mentioned, the award or agreement shall vest in the said Company the power forthwith to take possession of the lands or to exercise the right or to do the thing for which such compensation or annual rent shall have been awarded or agreed upon: and if any resistance or forcible opposition shall be made by any person or party 20 to their so doing, the County Judge may on proof to his satisfaction of such award or agreement, issue his Warrant to the Sheriff of the County, or to any Bailiff (as in his discretion may be most suitable), to put the said Company in possession, and to put down such resistance or opposition, which such Sheriff or Bailiff, taking with him sufficient 25 assistance, shall accordingly do; Provided also, that 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 some part of the said Railway or works with 30 which the said Company are ready forthwith to proceed, 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 35 possession shall be given and with such costs as may be lawfully payable by the Company.

Warrant of possession in case of resistance.

Proviso.

As to incumbrances or claims to or upon the lands so purchased, or taken.

Compensation to stand in the place of the land.

Proviso. Proceedings if the Company have reason to

XVIII. And be it enacted, That the compensation awarded as aforesaid or agreed upon by the said Company, and any party who might under this Act validly convey the lands, or then in lawful 40 possession thereof as proprietor, for any lands which might be lawfully taken under this Act without the consent of the proprietor, shall stand in the stead of such land; and any claim to 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, 45 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 or 50 incumbrances, or if any party to whom the compensation or annual rent or any part thereof, shall refuse to execute the proper con-