

Costs to fall on the opposite party if there be an arbitration or suit afterwards, and no greater sum be awarded to such party.

be had thereon by reason of such owner or occupier not accepting such sum or compensation so tendered, and no greater sum be awarded or allowed, to such owner or occupier, by the arbitrators appointed to settle or a jury empanelled to try the same, than the amount of compensation so tendered, then the said owner or occupier of such land, ground or privileges shall pay and discharge all costs and charges attending such arbitration or suit, and if any greater sum be awarded or allowed by such arbitrators or jury than the amount so tendered, then the Company shall pay all costs and charges attending such arbitration or suit and also such additional sum that may be so awarded or allowed by such arbitrators or jury, for the land or ground damaged or privileges so taken by said Company.

After the tender and payment into Court Company may take possession.

V. And be it enacted, That the said Company shall as soon as may be after making such tender (if the same be not accepted) pay the amount or sum so tendered into the office of either of the Superior Courts of Common Law for Upper Canada, for the use of the owner or occupier of such land or ground or such party as may be entitled by Law to receive the same; and immediately upon the sum so tendered being deposited with the officer of such Court, it shall and may be lawful for the said Company and they are hereby authorized and empowered forthwith to take possession of the said land or ground and to hold the same for the uses for which they may require the same; and if any resistance or forcible opposition shall be made by any person to their so doing, it shall and may be lawful for the Judge of any of Her Majesty's County Courts in Upper Canada, on proof to his satisfaction of such tender being made and the compensation money deposited as aforesaid, and that immediate possession of the land is required by said Company, to issue his Warrant to the Sheriff of the County or United Counties in which the land in question is situate or to a Bailiff, as he may deem most suitable to put the said Company in possession, and to put down such resistance.

Warrant if resistance be made.

Claims on the land converted into claims on the compensation.

VI. And be it enacted, That whenever any sum or sums of money shall be agreed upon or awarded to be paid by the said Company for any land taken by them which might be taken without the consent of the proprietor for the uses of their Railroad, the sum so agreed upon or awarded shall be the compensation to be paid by them for the said land, and shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the Company, be converted into claim to the compensation, 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: Pro-