

by or on behalf of the said Company of Proprietors, then all the expenses of summoning such jury and taking such inquest shall be settled by the Court and defrayed by the said Company of Proprietors; but if any verdict shall be given of the same, or a less sum than had been previously offered by and on behalf of the said Company of Proprietors, or in case no damage shall be given by the verdict when the dispute is for damages only, then and in every such case the costs and expenses shall be settled in like manner by the Court, and be borne and paid by the party or parties with whom the said Company of Proprietors shall have had such controversy; which said costs and expenses having been so settled, shall and may be so deducted out of the money so assessed and adjudged, 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 money shall be deemed and taken, to all intents and purposes, to be a payment or tender of the whole sums so assessed or adjudged as aforesaid.

Upon tender of value, by agreement, arbitration, or Jury valuation, the Company may take possession of lands.

XIV. And be it enacted, That upon payment or legal tender of such sum or sums of money or annual rent, as shall be contracted or agreed for between the parties, or determined by arbitrators, or assessed by such juries in manner respectively as aforesaid to the Proprietors thereof, or other person or persons entitled to receive the same, or to the principal officer or officers of any such body politic, corporate or collegiate, or community, at any time after the same shall have been so agreed for, determined or assessed, such lands, grounds, hereditaments or property respectively may be entered upon and taken possession of by the said Company of Proprietors, and applied to the purpose of making and maintaining the said Railway and other works and conveniences thereunto appertaining; and if any resistance or forcible opposition shall be made by any person or party to their so doing, any Justice of Her Majesty's Court of

may, on proof to his satisfaction that the requirements of this Act have been complied with, issue his warrant to any Sheriff or to any bailiff or other proper person, to put the said Company in possession, and to put down such resistance or opposition, which such Sheriff or bailiff, or other proper person, taking with him sufficient assistance, shall accordingly do; and such warrant shall also be issued by any such Justice or Judge (and shall be addressed and executed as aforesaid,) on the application of the Company, before any award or agreement shall have been made, upon the affidavit of an engineer in the employ of the said Company, that the immediate possession of any land, or the power immediately to take any materials or to do any thing mentioned in the notice to the party interested, is necessary to the carrying on of the said works of the said