

plied 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, 45 taking with him sufficient assistance, shall accordingly do; and such warrant may 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 af- 10 fidavit of any Engineer or Superintendent of Works in the employ of the Company, that the immediate possession of any land, or the power immediately to take any materials or to do anything mentioned in the notice to the party interested, is necessary to the carrying on of the 15 works of the said Company, and upon the said Company giving security to the satisfaction of such Justice or Judge in such sum as he shall direct (not being less than twice the sum mentioned in the certificate of the sworn Surveyor) to pay or deposit the amount to be awarded as com- 20 pensation in such case, with interest from the date of such warrant, and all costs, within thirty days after the award shall have been made.

XVII. And be it enacted, That the compensation award- ed as aforesaid, or agreed upon by the said Company, 25 and any party who might, under this Act, validly convey the lands, or then in lawful 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 mortgage, 30 hypothec or incumbrance upon the said land or any portion thereof, shall, as against the Company, be converted into a claim to the said compensation, or to a like proportion thereof, and if the amount of such compensation exceed twenty pounds, they shall be responsible accordingly 35 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 Company shall have reason to fear any such claims, mortgages, hypothecs or incum- 40 brances, or if any party to whom the compensation or annual rent, or any part thereof, shall refuse to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or be unknown to the Company, or if for any other reason the Company 45 shall deem it advisable, it shall be lawful for them to pay such compensation into the hands of the Prothonotary of the Court of Queen's Bench for the District in which such land is situate, with the interest thereon for six months, and to deliver to the said Prothonotary an authentic copy 50 of the conveyance, or of the award if there be no conveyance, (and such award shall thereafter be deemed to be the title of the said Company to the land therein mentioned,) and proceedings shall thereupon be had for the

Compensation to stand in the place of the land as to incumbrances, &c.

Proviso: mode of clearing incumbrances if any there are.