

Arbitration.

No award made as aforesaid shall be invalidated by any want of 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 5 that the party or parties to whom the sum is to be paid be named in the award.

Possession  
may be taken  
on payment or  
tender.

XI. And be it enacted, That upon payment or legal tender of the compensation or annual rent so awarded or 10 determined or agreed upon by the parties themselves as aforesaid, to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award shall vest in the said Company the power forthwith to take posses- 15 sion of the lands or to exercise the right or to do the thing for which such compensation or annual rent shall have been awarded; and if any resistance or forcible opposition shall be made by any person or party to their so doing, any such Justice or Judge may, on proof to his satisfaction that the requirements of this Act have been 20 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, 25 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 30 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 anything mentioned in the notice to the party interested, is necessary to the carrying on of the said works of the said Company, 35 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 compensa- 40 tion in such case, with interest from the date of such warrant, and all costs, within thirty days after the award shall have been made.

Case of incum-  
brance or de-  
fect of title  
provided for.

XII. And be it enacted, That the compensation award- 45 ed 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 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 50 to, or mortgage, hypothec or incumbrance upon the said land or any portion thereof, shall, as against the said