

made, and the sum so tendered 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 land or ground in question 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 compensation money deposited as aforesaid, and that immediate possession of the land is required by the said Company, to issue his warrant to the Sheriff of the County or United Counties in which the land may lie, or to a Bailiff as he may deem most suitable, to put the said Company in possession and to put down such resistance or opposition.

Claims on the land converted into claims on the compensation awarded for it.

Proviso: if the Company fear incumbrances.

Notice to claimants.

Order to be made by the Court.

Costs.

XII. And be it enacted, That whenever any sum or sums of money shall be awarded or agreed 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 Railway, the sum so awarded or agreed upon shall be the compensation to be paid by them for the said land and 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 Company be converted into a 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 ; Provided that if the Company shall have reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent or any part thereof shall be payable, shall refuse to execute the proper conveyance and warranty 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 shall deem it advisable, it shall be lawful for them to pay such compensation into the office of either of the Superior Courts of Common Law for Upper Canada with the interest thereon for six months and to deliver to the Clerk of the Court an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the Company to the land therein mentioned ; and a notice in such form and for such time as the said Court shall appoint shall be inserted in some newspaper, (if there be any) published in the County in which the land is situate, which shall state that the title of the Company, that is, the conveyance, agreement or award is made under this Act, and shall call upon all persons entitled to the land, or any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation, or any part thereof, and all such claims shall be received and adjudged upon by the Court, and the said proceedings shall for ever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages or incumbrances upon the same ; and the Court shall make such order for the distribution, payment or investment of the compensation and for the securing of the rights of all parties interested as to right and justice, and according to the provisions of this Act and to law, shall appertain ; and the costs of the proceedings or any part thereof shall be paid by the Company or by any other party as the Court shall deem it equitable to order ; and if such order of distribution as aforesaid be obtained in less than six