

pursuance and by the authority of this Act; and if it shall appear to have been so done, or if any action or suit shall be brought after the time so limited for bringing the same, or
 5 if the Plaintiff or Plaintiffs shall be non-suited or discontinue his, her or their action or suit after the Defendant or Defendants shall have appeared, or if judgment shall be given against the Plaintiff or Plaintiffs, the Defen-
 10 dant or Defendants shall have full costs, and shall have such remedy for the same as any Defendant or Defendants hath or have for costs of suit in other cases by law.

Costs to De-
fendant if
Plaintiff fail,

XLIX. And be it enacted, That any con-
 15 travention of this Act by the said Company or any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punished accordingly, but such punishment shall not exempt the
 20 said Company (if they be the offending party) from the forfeiture of this Act, and the privileges hereby conferred on them, if, by the provisions thereof, or by law, the same be forfeited by such contravention.

Any contra-
vention of
this Act not
otherwise pu-
nishable to be
a misdomea-
nor

25 L. And be it enacted, That Her Majesty, Her Heirs and Successors, may at any time before or after the said Rail-road is completed, assume the possession and property thereof, and of all the property which the
 30 said Company is hereby empowered to hold, and shall then have all the right, privileges and advantages vested by this Act in the said Company, (all which after such assumption shall be vested in Her Majesty, Her Heirs and
 35 Successors) on giving to the said Company, three months notice of the intention to assume the same, and on paying to the said Company, within three months of the expiration of such notice, the whole amount of
 40 their Capital Stock then paid up and expended, with interest at ten per centum on the paid up capital, from the time of the paying up of the same until the time of the opening of the said Rail-way.

Her Majesty
may assume
the Railway
on certain
conditions.