

VIII. And be it enacted, That all the provisions of the Act of the Parliament of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, "*An Act to incorporate the London and Gore Railroad Company,*" and the Acts of the Parliament of this Province reviving, extending, or amending the same, or relating to the Company thereby incorporated and now called "The Great Western Railroad Company," which shall be in force at the time of the passing of this Act, and shall not be inconsistent with this Act, or provide for matters provided for by this Act, shall be and are hereby incorporated with this Act, and shall extend and apply to the Company hereby constituted, and the Railway which they are empowered to make as fully and effectually as if the said provisions were herein repeated and re-enacted with respect to the said Company and to the said Railway; and all the provisions of the said Act which are so incorporated with this Act, shall be intended and included by the expression "this Act" whenever it is used herein.

Certain provisions of the Acts, relative to the Great Western Railroad Company incorporated with this Act.

IX. And be it enacted, That the said Company shall have the power and authority to borrow money, from time to time, for making, completing, maintaining and working the said Railway as they may think advisable, and to pledge the lands, tolls, revenues and other property of the Company for the due payment thereof.

Borrowing money and pledging Tolls, &c.

X. And be it enacted, That for and notwithstanding any Acts of the Parliament of this Province, or of the late Province of Upper Canada, incorporating the said Great Western Railroad Company, or amending the same, and herein before mentioned and referred to in case any dispute or disagreement shall arise between the said Company and the owner or occupier of any lands or grounds, or privileges appertaining thereto, which may be required or shall be taken for the uses or conveniences of the said Railway, as to the value of the land or ground so taken and the privileges appertaining and damages done thereto, it shall and may be lawful, and the said Company are hereby empowered to tender to such owner or occupier of such lands or grounds and privileges aforesaid, such sum or sums of money as compensation therefor, as the said Company may consider reasonable and just; and in case an arbitration or suit be had thereon by reason of such owner or occupier not accepting such sum or compensation so tendered and no greater sum be awarded or allowed to such owner or occupier by the Arbitrators appointed to settle, or the Jury empanelled to try the same, than the amount of compensation so tendered, then the said owners or occupier of such lands, grounds or privileges shall pay and discharge all costs and charges attending such arbitration or suit, and if any greater sum be awarded or allowed by such Arbitrators or Jury than the amount so tendered, then the Company shall pay all costs and charges attending such arbitration or suit, and also such additional sum that may be so awarded or allowed by such Arbitrators or Jury for the land, or ground damages, or privileges so taken by said Company.

Company may tender value of land taken.

Effect of such tender if there be an arbitration or suit afterwards.

XI. And be it enacted, That the said Company shall, as soon as may be, after making such tender, (if the same be not accepted,) pay the amount or sum so tendered into the office of either of the Superior Courts of Common Law in Upper Canada for the use of the owner, or occupier of such land or such party as may be entitled by law to receive the same, and immediately on such payment being

After tender and payment into Court Company may take possession.