

up and signed by the said arbitrators, or a majority of them, specifying the amount of such award and the costs of such arbitration which may be settled by the said arbitrators, or a majority of them, which record shall be deposited in the registry office (a) of the county in which such lands or grounds are situate: And also, that the expenses of the said arbitration shall be paid by the said company and by them deducted from the amount of such award on payment thereof to the parties entitled to receive the same.

Costs how paid.

7. And be it enacted, That whenever any lands or grounds required to be used or occupied by the said company, shall be held under mortgage, it shall and may be lawful to and for the said company to nominate one indifferent person, and for the judge of the District Court for the district in which such lands are situate, on the application of the said company, to nominate and appoint one other indifferent person, who together with one other person, to be chosen by the persons so named before proceeding to business, or, in the event of their disagreeing as to the choice of such other person, to be appointed by the said Judge before the others proceed to business, shall be arbitrators to decide on and assess the value of the said lands or grounds, or the amount of damages to be paid to the owners thereof as aforesaid, and upon such decision or award the said company shall pay or cause to be paid the amount of such award to the mortgagee as a payment for and on account of the said mortgage: And upon such payment being so made, the mortgagor and mortgagee are hereby required and compelled to join in conveying the said lands or grounds to the said company and their successors; Provided always, that when the amount of such award shall exceed the amount secured or payable on such mortgage, the said company after the amount due on such mortgage shall pay or cause to be paid the balance of the said award to the mortgagor, or other party entitled to receive the same.

Proceedings when lands are held under mortgage.

Proviso: When the compensation exceeds the mortgage money.

8. And be it enacted, That if the said double or single iron or wooden Railroad, or way, shall pass through any tract of land or property belonging to or in possession of any tribe of Indians (b) in this Province, or if any act occasioning damage to their properties or their possessions shall be done under the authority of this Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the property, possession or rights of other individuals; and that whenever it shall be necessary that arbitrators be chosen by the parties, for settling the amount of such compensation, the chief officer of the Indian Department within this Province is hereby authorized and required to name an Arbitrator on behalf of the said Indians, and the amount which shall be awarded in any case shall be paid where the said lands belong to any tribe or body of Indians, to the said chief officer, for the use of such tribe or body.

When the road shall pass through lands belonging to any tribe of Indians, compensation to be paid and Arbitrator to be appointed by the Chief Officer of the Department.

(a) The record of the award, upon being deposited in the registry office, shall, on payment of the amount of such award, be a valid title to the company for the lands therein mentioned. 18 Vict., c. 36, s. 4, p. 21.

(b) See C. S. C. c. 66, s. 11, sub-s. 13, p. 87.