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XII. Provided also, and be it declared and 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
 5 Company to nominate and appoint one or more indifferent person or persons, and for the Judge of the County Court for the County in which the lands or grounds are situate, on the application of the said Company, to nominate and appoint an equal number of indifferent persons
 10 who, together with one other indifferent person to be elected by ballot by the persons so named, shall be arbitrators to decide and assess the value of the said lands or grounds, or the amount of damage to be paid to the owner thereof as aforesaid; and upon such decision or
 15 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 required, and may be compelled to join in conveying the
 20 said lands or grounds to the said company: Provided always, that when the amount of such award shall exceed the amount secured or payable upon such mortgage, the said Company, after the amount due on such mortgage shall be satisfied, shall pay or cause to be paid the balance of the said award to the mortgagor, or other person
 25 or persons entitled to receive the same.

Provision where lands are held under mortgage.

Proviso.

XIII. Provided further, and be it declared and enacted, That if the Railroad of the said company shall pass through tracts of land or property belonging to or in possession
 30 of any tribe of Indians in this Province, or if any act occasioning damage to their property or possession 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
 35 of other individuals; and that whenever it shall be necessary that the arbitrators shall be chosen by the parties for settling the amount of such compensation, the chief officer of the Indian Department within this Province is hereby authorised and required to name an arbitrator on
 40 behalf of the said Indians, and the amount which shall be awarded in any case shall be paid, where such lands belong to any tribe or body of Indians, to the said chief officer for the use of such tribe or body.

Provision where the lands belong to any tribe of Indians.

XIV. And be it declared and enacted, That whenever
 45 it shall be necessary for the said Company to occupy any part or parts of the lands or grounds belonging to the Crown, or which have been at any time heretofore specially set apart and reserved; or which are designated or commonly known as Crown Lands, or lands reserved for
 50 military purposes, they shall first apply for and obtain the license and consent of Her Majesty the Queen, Her Heirs and Successors, under the hand and seal of the

Provision where the lands belong to the Crown.