

son, who, together with one other person to be chosen by the persons so named before proceeding to business, or, in the event of their disagreement 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 award, determine and adjudge, and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same for the said lands or grounds or damages, as aforesaid, and the decision of the majority of such Arbitrators shall be final, which said amount so awarded, the said Company are to pay or cause to be paid to the several parties entitled to the same, when demanded; and also that a record of such award or arbitration shall be made up and signed by the said Arbitrators or a majority of them, specifying the amount of such award and the cost 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 of the County in which such lands or grounds are situate; and also that the expense of such 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; Provided always that in any case where any body politic, community, corporation or other party, cannot in the common course of law, sell or alienate any lands required for the said Railroad, the said Arbitrators, appointed as aforesaid, shall agree upon a fixed annual rent for the said lands, to be paid as long as the disability remains which may prevent the sale of the said lands; and for the payment of the said annual rent, the said Railroad and the tolls thereon, are hereby made liable and chargeable in preference to all claims and demands thereon whatsoever, the deed or lease creating such charge being duly registered as aforesaid.

And as to
lands under
mortgage.

X. 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 said Judge, 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 mortgage