

control of such Lots, Lands, or grounds respectively, requiring the parties respectively interested to attend before them in person, or by their Attorney, or Agent, at the time appointed for the purpose ; and at the time so appointed, shall require the said Commissioners to nominate one Appraiser, and the party interested in said Lots, Lands or Grounds, to nominate also on his part one Appraiser ; and the said Justice or Justices shall name one other Appraiser, and shall by an order in writing, constitute and appoint the persons so chosen and named to act and be Appraisers of the value or rent, as the case may be, of the several and respective Lots, Parcels or Pieces of Land, Ground, or Tenements, and Premises, by the Petition respectively referred to ; and in case the parties, collectively, interested in any Lot, Parcel, or Piece of Land, Ground, Tenement, or Premises, so required by the said Commissioners, or having in the absence of the Proprietor, control and management thereof as aforesaid, shall fail to attend at the time and place appointed, or shall neglect or refuse to name an Appraiser as aforesaid, the said Justice or Justices shall name one fit and discreet person to act as Appraiser on behalf of the party so failing to appear, or declining, or neglecting to make such nomination as aforesaid ; and the persons so named and chosen as aforesaid, shall, before they enter upon the duties of their appointment, severally subscribe an affidavit, and make an oath before the said Justice, or one of the said Justices, or any other Justice of the Supreme Court, or a Master in Chancery, faithfully and impartially to perform the trust and duties so required of them by the order of the said Justice or Justices—which affidavit, with the said Petition, shall be filed in the Office of the Prothonotary of the Supreme Court at Halifax ; and the said Appraisers, or a majority of them, shall make a just and equitable valuation and appraisement of the fair and reasonable value in money, of the fee simple, inheritance, or annual rent, as the case may be, of each several Lot, Piece, or Parcel of Land, Ground, or Tenements in the said Petitions referred to and applied for, or the gross sum which ought to be paid for the Lease thereof ; and shall certify and return their award, appraisement, and determination, in writing, touching the value, price, or rent aforesaid, and of each several Lot, Piece, or Parcel of Land, under their hands, or the hands of the majority of them, into the Office of the said Prothonotary, whereupon, if the Supreme Court at Halifax, in Term time, or any one or more Justices thereof, in vacation, shall be of opinion that the said award and valuation hath been fairly, equitably, and impartially made ; and if no sufficient cause shall be shown against such award and valuation, the said Court or Justice, or Justices, shall confirm the same, and thereupon the said Commissioners shall pay, and satisfy to the persons entitled to receive the same, the full amount of such award or valuation, together with such costs and expenses as the said Court or Justice, or Justices, shall deem it reasonable to adjudge to be paid by the said Commissioners.

Powers of Supreme Court relative to proceedings on appraisements, &c.

IX. *And be it enacted*, That the said Justice or Justices, and also the said Supreme Court, shall have, with respect to the proceedings touching such appraisement and estimation of damages by means aforesaid, and with respect to the allowance and taxation of Costs to or against the parties, all necessary discretion, powers and authority, and shall and may enquire into the proceedings, by oath of witnesses or otherwise, and shall and may also, on good cause shown, set aside any such award and appraisement, and either direct the parties Appraisers again to view, estimate, and decide on the value of such Lands, yearly or otherwise, as aforesaid ; or otherwise, if it shall be deemed expedient, may nominate other Appraisers, and make an order for their making a new appraisement and valuation of the same respectively ; and the Appraisers so nominated shall be sworn as aforesaid, and the award or appraisement so by them, or the majority of them, made and returned in writing, when approved and confirmed by the Court, or Justice or Justices aforesaid, shall be final between the parties, and may be carried into effect accordingly.

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