

find it necessary that any lands lying in the line or course thereof, or contiguous thereto, should be vested in the company, to enable them to make and beneficially use the contrivances necessary for the purposes of this act, the company, in case they cannot agree with the proprietors of such lands for the purchase or lease thereof, as may be required, may apply, in term time or vacation, to any two justices of the supreme court, by petition, stating the nature and situation of such lands, and the estate or interest they desire to acquire therein, and the proceedings had with respect to the same, and the names and abodes of the proprietors and tenants thereof, so far as they can be ascertained, and praying for the appointment of appraisers to value the property and estate and interest therein, required by the company, and praying also the transfer thereof to the company: whereupon, such justices shall

Appraisement. appoint a time and place for considering the petition, with respect to each several lot of land referred to, and shall direct to be given to all parties interested in each particular lot, who may have their abode in this province, or, in case of their absence, then to the person entrusted with the care or management of such lots respectively, proper notices in writing, requiring them to attend before them in person or by attorney or agent, at some appointed time, and at such time shall require the company to nominate one appraiser, and the party interested in each lot referred to, to nominate two appraisers, and the judges shall name two other appraisers, and shall, by an order in writing, appoint the persons so nominated to be appraisers of the value or rent, as the case may be, of the several lots of land respectively referred to; and, in case the party interested in any lot of land so required by the company, shall fail to attend at the time and place appointed, or shall not name two appraisers, the judges shall name two persons to act on behalf of the party so failing to appear or to make such nomination—and the persons so named, shall, before they enter upon the duties of their appointment, severally subscribe an affidavit impartially to perform the duties required of them, which affidavit, with the petition, shall be filed in the office of the prothonotary of the supreme court at Halifax, and the appraisers, or a majority of them, shall make an appraisement of the fair value of the fee simple of each lot of land in the petition applied for, or of the annual rent or gross sum which ought to be paid for the lease thereof, and shall return their appraisement in writing touching such value or rent, under their hands or the hands of a majority of them, into the office of such prothonotary; whereupon, if the supreme court, in term time, or any two judges thereof, in vacation, shall be of opinion that such appraisement has been impartially made, and if no sufficient cause be shown against such appraisement, such court or judges shall confirm the same; and thereupon the company shall pay to the persons entitled to receive the same, the full amount of such appraisement, together with such costs and expenses as the court or judges shall deem reasonable to be paid by the company.