

two of the judges of the supreme court, setting forth the nature and situation of the lands required, the names of the owners thereof, and praying the conveyance thereof to the company,—whereupon such judges shall appoint a time and place for considering such petition, and shall direct a proper notice, in writing, to be served on the owners of the lands, if in the province, and if absent, to be published for the period of one month, in at least two of the Halifax newspapers, requiring them to attend, either in person or by their agent or attorney, at such time and place; and in case such owners shall attend, the judges shall require the president and directors to nominate one appraiser, and such owners two appraisers; and the judges shall nominate two appraisers; but in case such owners do not attend, the judges shall, on proof of such service, or publication of such notice, nominate four appraisers, and shall by an order, in writing, direct the said five appraisers to value the lands so required; and the appraisers, having first subscribed an affidavit, in writing, to be sworn to before a justice of the peace, to be annexed to such order, to the effect that they will faithfully make such appraisement, shall, with all convenient speed, proceed to and appraise such lands, and shall make such appraisement in writing, and return it with such order and affidavit to the judges, who, if they approve thereof, shall confirm the same; and the company, upon paying or tendering the amount of such appraised value, and the expenses of the order, in such appraisement, and registering such order, affidavit, appraisement, and confirmation, in the office of the registrar of deeds, in the county where such lands lie, who is hereby required to register the same, shall be considered the owners of such lands.

11. The company may, from time to time, enter upon any lands not under cultivation, and there cut down any trees, prepare any timber, and quarry and dig any rock or other materials there found, and work, prepare, and carry away the same for the use of such inland water communication; and if the parties having the property in such lands, or materials, shall refuse to agree with the company therefor, and for any damages occasioned thereby, or shall refuse such reasonable compensation as may be tendered therefor, the same shall be settled by arbitration, under chapter eighty-seven of the revised statutes, but the company shall not take or use any such materials as may have been previously wrought or prepared, without the consent of the parties entitled thereto.

12. In case any wear or embankment shall be made across the present course of the river Shubenacadie below the Great lake, the company shall make and maintain therein a sufficient fish ladder or waste gate, with proper grates and valves, for allowing at all proper seasons the passage of fish up and down such river, the company in respect of making and maintaining such fish ladder or waste gate,

Materials may be taken from private lands.

When wears or embankments made across river, company to provide fish ladders.