

How such compensation shall be estimated.

VII. Such compensation shall be ascertained by taking into account on the one hand, not only any damage occasioned by the dam to the land overflowed, but also to any other land of the party, and likewise on the other hand any benefit occasioned to him by the dam in relation to his lands.

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Limitation.

VIII. But he shall have no compensation for any damage sustained more than three years before the institution of the suit therefor.

Lien for damages.

IX. The person entitled to such compensation shall for past damages or compensation, not exceeding three years, have a lien on the mill and milldam with their appurtenances and the land under and adjoining 10 the same and used therewith.

Fixing compensation.

X. The amount of compensation may be determined by agreement, or by arbitration, or by suit.

Proceedings to obtain a verdict fixing the compensation.

XI. When a person is entitled to compensation under this Act, and the amount thereof has not been already ascertained by agreement, 15 arbitration or suit, and a suit is therefore brought to ascertain and recover the same,—or when a suit is brought for an increase or a diminution of the annual compensation, if already ascertained subject to such increase or diminution under this Act—either party, by his pleadings, or in such other manner as the Court in which the suit is brought may, by general 20 or other rules or orders, direct—may, to prevent multiplicity of suits, call for, and shall be entitled to, a verdict embracing the following particulars or any of them :

What the verdict may establish.

(1.) What sum is due to the plaintiff, in respect of past damages for a period not exceeding three years before the institution of the suit. 25

(2.) What annual sum (if any) would be a reasonable annual compensation for the damages which may thereafter be occasioned to the plaintiff in respect to his land, by the dam, if used as theretofore, or if used in such modified manner as the verdict directs, and so long as the same is so used. 30

(3.) What sum in gross would be a reasonable compensation for all the damages which may thereafter be occasioned to the land by the dam (if used in a manner conformable to the verdict) for ever, or for such period as the plaintiff's estate in the land continues.

But if the damages have been ascertained within the next preceding ten years.

But if a gross sum for future damages was ascertained in a former 35 suit under this Act, within ten years before the commencement of the pending suit, the sum so ascertained shall not be open to re-investigation in the new suit, unless the interest which the party to receive the said sum then had in the land, was less than a fee, and his interest, or that of the party representing his interest in the new suit, had diminished by the 40 lapse of time, or had increased by the intermediate acquisition of some further estate in the land, and the sum formerly ascertained requires, from such causes, to be increased or diminished.

(4.) In case the Declaration or Bill alleges that the dam is raised to an unreasonable height, the verdict shall also state how much (if any) 45 the dam should be lowered.