

Possession not to be taken until the price is paid or tendered, nor retained unless mill is commenced, &c.

XXIX. But the purchaser shall not take possession of the land until he has paid or tendered the amount at which the land has been valued and complies with all other terms and conditions which the Court may require him to perform before taking possession, and he shall not be entitled to retain the land unless the proposed mill is commenced within a year and is in good condition for use within three years from the time the claim to purchase is allowed by the Court; and the Court shall have power to enforce compliance with any terms and conditions the Court may impose in like manner, as nearly as may be, as like obligations could be enforced by the Court in any other case.

10

Plaintiff in certain cases touching rights in water, not entitled to verdict for nominal damages.

XXX. In case of an action at law being brought against the owner or occupant of a mill for an alleged infringement of the plaintiff's legal rights in respect to the water of a non-navigable stream used for the purposes of the mill, if it appears that by the acts complained of the Plaintiff did not sustain any actual loss or damage whatever, he shall not be entitled to a verdict for nominal damages, as heretofore, but the verdict shall be for the Defendant.

Certain sections of Common Law Procedure Act to apply.

XXXI. The 313th, 314th, and 315th sections of the Common Law Procedure Act 1856 shall be deemed incorporated with this Act, as if the provisions therein contained had been repeated in this Act, and expressly made to apply thereto, but it shall not be necessary to lay before Parliament the rules made by the said Court for the purpose of this Act.

Act limited to U. C.

XXXII. This Act shall apply to Upper Canada only.