

XXIV. In case of a suit being hereafter brought in the Court of Chancery for an Injunction, or for any other equitable relief, between, (on the one hand) any of the parties interested in a Mill, Manufactory or works connected therewith, and (on the other hand) any of those interested in land overflowed or otherwise injured by the works,—and if the plaintiff in such suit establishes his right to the relief in equity which he seeks, the Court may, as incidental to such relief, and to prevent unnecessary litigation and costs, proceed to give the parties or either of them such other relief as they would be entitled to in a suit under any of the preceding sections of this Act, conforming therein as nearly as may be to the provisions of this Act.

Power of the Court of Chancery to grant other relief, in case of application for an Injunction.

PURCHASES FOR MILL PURPOSES.

XXV. In case any owner of land on which at any time there is a water mill, or on which he purposes building a water mill, desires, for the purpose of working the mill, to erect or maintain a dam across the stream on or abutting on land which is not his, he shall be entitled (subject to the approbation of a court as hereinafter mentioned,) to purchase the land he needs for the purpose, at a fair valuation, subject to the conditions hereinafter provided ;

Cases in which the owner of land on one side of a stream may take land on the other to abut a mill-dam.

Provided (1) that the land required does not exceed one acre besides what is the bed of the stream ;

Width of stream.

And provided (2) that the stream is not navigable ;

Not to be navigable.

And provided (3) that the proposed dam would not occasion the overflow or injury of,—and that the land to be taken does not comprise—the mansion house of any one, or the out houses, yard, garden, or orchards belonging thereto, or any railroad or public highway ;

Dam not to overflow any house, garden &c.

And provided (4) that the proposed dam would not injure any mill lawfully existing either above or below it on the same stream or any mill site on the same stream on which a mill or mill dam had theretofore been erected and used, unless the right to maintain a mill on such site had been lost, or unless the owners of such existing mill or of such mill-site consent to the proposed purchase.

Not to injure any other mill.

And provided (5) that the health of the neighbors would not be injured by the stagnation of the water or otherwise.

Nor affect health of neighbors.

And provided (6) that the Court to which the application to purchase under this Act is made deems the application to be on the whole reasonable.

Court must deem application reasonable

XXVI. In case any owner of land on which there is a water mill, or on which he is about to build a water mill, desires for the purposes of the mill to cut or enlarge a canal through land above or below, he shall be entitled to purchase the land necessary for this object subject, to the like conditions.

Same condition for cutting any canal &c.

XXVII. In any case provided for by either of the two next preceding sections, any of the Superior Courts of law or equity shall have jurisdiction on the application of the proposed purchaser, and notice to all parties concerned, to ascertain by proper proceedings whether the case falls within the said preceding sections ; and, if satisfied that it does, the Court may grant or refuse the claim to purchase as under all the

What courts shall have jurisdiction. Powers of court.