

made before suit, of an annual compensation, or of an increased or diminished annual compensation, and if (to enable the other party to exercise the option given to him by this Act,) the said offer was accompanied by a written offer of a gross sum for future damages, where a gross sum therefor had not been ascertained by a proceeding under this Act within ten years previously, such offers shall have, as nearly as may be, the same effect in regard to so much of the costs of the suit as relates to the determination of the said particulars, as a tender has in cases in relation to which a tender is by law pleadable.

10 XXV. In case either offer is accepted, either party may require the other to execute a joint agreement embodying the effect thereof. If the offer is accepted.

XXVI. In case of a suit being hereafter brought in the Court of Chancery for an Injunction, or to enforce the lien of the landowner for compensation, or for any other equitable relief, between (on the one hand) any of the parties interested in a Mill or Milldam, and (on the other hand) any of those interested in land overflowed or otherwise injured by the dam; 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.

XXVII. 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 a dam across the stream on or abutting on land which is not his, he shall be entitled to purchase the land he needs for the purpose, at a fair valuation, subject to the conditions hereinafter provided ; Taking land for mill purposes: conditions.

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

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

And provided (3) that the proposed dam would not overflow, and that the land taken does not comprise and would not injure the mansion house of any one, or the out houses, yard, garden, or orchards belonging thereto ;

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 ;

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

XXVIII. In such case any of the Superior Courts of law and 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 preceding section ; and, if satisfied that it does, the Court may grant or refuse the claim to purchase as under all the circumstances may seem right ; and if the Court grants the claim, the grant may be upon such terms and subject to such conditions as the Court considers just. Right to be subject to jurisdiction of Courts.