

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.

Conditions on which only possession may be taken.

XXVIII. 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 complied 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 case. 5 01

#### MISCELLANEOUS PROVISIONS.

Plaintiff in certain cases not entitled to verdict for nominal damages.

XXXI. 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. 15 20

Certain sections of Common Law Procedure Act to apply.

XXXI. The 333rd, 334th, 338th, 339th and 340th sections of the Common Law procedure Act 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, so far as relates to proceedings at common law, but it shall not be necessary to lay before Parliament the rules made by the Judges for the purposes of this Act. 25

Act limited to U. C.

XXXII. This Act shall apply to Upper Canada only.