

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 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 suit is for damages by a mill dam and the declaration or Bill alleges that the dam is raised to an unreasonable height, the verdict shall also state how much (if any) the dam should be lowered.

If the dam is to be lowered.

5. And in case the declaration or bill alleges that the dam ought not to be kept up and closed during the whole year, the verdict shall state whether it shall be left open any part of the year, (if any) what part.

Or to be opened or removed at certain Seasons.

XI. In case the verdict is moved against, and the Court is of opinion that sufficient ground of objection to the finding is shewn in regard to one or some only of the particulars embraced therein, the new trial or reference may be granted as to such particulars only.

If a new trial is ordered.

XII. The judgment entered upon the verdict in regard to all the matters embraced therein shall bind not only the parties to the suit, but also all persons claiming through or under them after the institution of the suit, and shall be enforced by such process as may be necessary.

Who shall be bound by the judgment.

XIII. In case the annual compensation is in arrear for one month, the party to pay shall thenceforward lose all benefit of this Act until all arrears and costs are paid.

Non-payment of arrears—effect of.

XIV. The amount of the annual compensation shall be subject to subsequent increase or decrease by agreement of the parties, or by arbitration, or by a new suit, and the new suit for this purpose may be brought by the party who is for the time being to receive or pay the annual compensation, and shall be subject to the following conditions :

Increase or decrease of annual compensation.

1. Such suit shall not be brought until the expiration of at least a month after the last annual payment of such compensation became due ;

Conditions.

2. Nor until after one month's notice to the opposite party of the intention to sue and of the object of the suit ;

3. And the party to pay shall not be at liberty to give the notice until he has paid or tendered all arrears.

XV. As to the alternative in respect to future damages, the party entitled thereto shall have one month after the time when either party is entitled to enter up judgment, within which month to elect whether he will take the sum in gross awarded in that behalf, or the annual compensation awarded by the verdict in the pending suit: and in case he elects to take the gross sum, he shall enter up judgment therefor forthwith, and shall before or after entering up judgment but within the month, give written notice of his election to the opposite party, or his attorney or agent in the suit ; but without leave of the Court granted on special grounds, execution shall not issue for such sum until the expiration of six months after service of the notice.

Provision as to the alternative as regards future damages.

If gross sum is taken.