

**B I L L.**

An Act to encourage and protect the creation of Water Power for manufacturing purposes in Upper Canada.

**W**HEREAS it is desirable to encourage and protect the creation of water power for manufacturing purposes in Upper Canada: Be it therefore enacted, &c., Preamble.

That if any action shall hereafter be commenced against any person or persons, or body corporate, for damages done by overflowing land, caused by the erection of any dam or dams for the creation of water power, it shall and may be lawful to and for the defendant in such suit to sue out from the Court in which such action shall have been commenced, a rule or summons to the defendant, to shew cause why the matters in dispute in such suit should not be referred to arbitrators to be appointed by the parties, which rule or summons, upon service thereof, shall operate as a stay of proceedings in such suit until cause shewn therein; and if no sufficient cause shall be shewn to the contrary, an order or rule shall be made therein, referring the matters in dispute in such suit to arbitrators, according to the terms of the rule or summons so issued, or varied as shall seem proper to the said Court or the Judge presiding; and upon order or rule made therein for such reference, the said parties shall appoint arbitrators, who, in case of difference, between them, shall appoint an umpire, and in case either party shall not, within one month from the making of such rule or order, appoint an arbitrator, or the said arbitrators shall not agree in appointing an umpire, it shall be lawful for any Judge of the Court out of which such rule or summons issued, upon application to him, of which sufficient notice shall be given to the opposite party, to appoint such arbitrator or umpire, by whom the matters in dispute shall be considered; Provided always, that claims for damages to any dwelling house or occupied buildings erected before the construction of the dam complained of, shall not come within the meaning of this Act. Mode of proceeding in suits for damages occasioned by the overflowing of lands from dams.

Arbitrators to be appointed.

How appointed if the parties do not agree, &c.

Proviso.

Form in which the award shall be made: division of damages.

II. And be it enacted, That such arbitrators or umpire shall estimate separately the damages, if any, already sustained by the plaintiff in such suit, to be paid by the defendant to him, and the value of the land overflowed or damaged by reason of the erection of such dam, or the value of the interest of the plaintiff therein, if the