

An Act respecting Mills and Mill-Dams in Upper Canada.

WHEREAS to prevent harassing litigation and encourage the building of Mills for the public accommodation, it is expedient to make the provisions hereinafter contained; Therefore Her Majesty, &c., enacts as follows :

Preamble.

5 I. Any person may erect and maintain a water mill; and for the purpose of raising water to work it may erect, and from time to time raise, and maintain a dam upon and across any stream that is not navigable, subject to the conditions and regulations hereinafter contained.

Mill Dam may be erected, subject to this Act.

10 II. But no mill shall be built on the land of another person without such authority from the owner of the land as has heretofore been necessary; and no dam shall be placed on the land of another without like authority or without purchasing the land under the provisions of this Act.

Not on another's land.

15 III. Any person who has now a water mill on his own land or on the land of another, with his consent, may also keep up or raise from time to time and maintain the dam thereof on such land, subject to the same conditions and regulations hereinafter contained.

As to persons now having Mills.

20 IV. No dam, however, shall be erected, raised or kept up to the injury of any mill lawfully existing, either above or below it on the same stream, unless by agreement or otherwise independently of this Act the same might be so erected, raised and kept up; nor (except in that case) shall a dam be erected, raised or kept up, to the injury of 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.

No Dam to be kept up to the injury of another man's Mill, &c.

25 V. The height to which the water may be raised and the time in every year that the dam may be kept up under the foregoing provisions, shall be subject to restriction by the verdict of a Judge or Jury, or the decision of a Court as hereinafter provided.

Height of water how restricted.

30 VI. Any person who sustains damage in consequence of land in which he has some estate or interest being overflowed, or otherwise injured by any such dam shall be entitled to compensation for such damage, and shall also be entitled to elect in regard to future damages, whether to have an annual compensation therefor or a gross sum in lieu of all future damages during the continuance of his then estate or interest in the land.

Persons sustaining damage to be compensated.