

1852-3.]

## B I L L .

[No. 304.]

An Act to amend "*An Act for the protection of Mill Owners in Upper Canada.*"

**W**HEREAS the law now in force in Upper Canada ought to be extended to give the same protection to Mill Owners in cases of purchasers from individuals as of purchasers from the Crown; Be it therefore enacted, &c.,

Preamble.

- 5 That the Act passed in the Session held in the 13th and 14th years of Her Majesty's Reign, and intituled, "*An Act for the protection of Mill Owners in Upper Canada,*" be and the same is hereby amended by adding to the first section thereof the words following: "and that, when in any action hereafter to be brought against the proprietor or occupier of any mill for the overflowing of or injury to any land, caused by the erection or construction of any dam for the purposes of such mill, it shall appear that such overflowing or injury to any land caused by the erection or continuation of a dam which was built before the purchase by the last grantee of such land, and that such purchaser at the time of such purchase was well aware that such land was then overflowed, then the Jury upon the trial of any such case may take such facts into their consideration, and, if they think just and equitable, find a verdict for the Defendant in any action so to be brought; and if the verdict of the Jury shall be for the Plaintiff, they shall find the facts of previous overflowing and knowledge proven or not proven, and if they shall find them proven, then the Judgment recovered in any such action may be pleaded in bar to any action afterwards brought on account of such overflowing or injury to such land," which words shall hereinafter be read and have effect as part of the said Act.

Sect. 1 of 13 & 14 Vic. cap. 75, amended by adding certain provisions thereto.