

An Act to authorize the improvement of Water-courses.

WHEREAS the improvement of Water-courses would be a source of great prosperity to the Country ; Therefore Her Majesty, &c., enacts as follows :

Preamble.

I. Every proprietor of land adjacent to any water course who shall obtain the authority hereinafter provided for, may improve the streams or water-courses bordering upon, being adjacent to or passing across his property, and to turn the same to account by the construction of mills, manufactories, and machinery of all description, and for this purpose to erect and construct in and about such water courses, all the works necessary for their efficient working, such as flood-gates, canals, embankments, dams, dykes, and the like.

Any proprietor adjacent to a water-course may improve the same.

II. The proprietors or lessees of any such establishment shall be liable for all damages resulting therefrom to any person whomsoever, whether by the too great elevation of the flood gates or otherwise.

But subject to all claims for damage done.

III. Any person who shall be desirous of forming an establishment of the nature of those referred to in the first section shall present a petition to that effect containing the reasons and allegations in support thereof, to the Municipal Council of the County in which such establishment is proposed to be formed, and the said Council, having considered the said petition, shall order it to be referred to the County Superintendent.

Proceedings to be taken.

IV. It shall be the duty of the County Superintendent to examine as to the fitness of the locality and to take into consideration the interests of the proprietors adjacent to the water-course, and in order to obtain full information upon these points, and to enable the parties interested to prepare their claims, he shall cause public notice to be given and make a visit of inspection to the localities.

Duty of the County Superintendent.

V. The Superintendent shall make a Report to the Municipal Council with respect to any effects which might be produced by the proposed establishment, as regards the action of the water, he shall fix the height up to which the waters may be retained, and regulate the manner in which the said establishment shall be erected and also the extent and dimensions of the flood-gates, canals, embankments, dams, dykes, &c. ; he shall also determine the manner in which those residing on the banks of the water-course opposite one to the other or above or below the said establishment shall make use of the waters, either exclusively, conjointly or alternately and he shall make a plan of the whole, which he shall append to his report.

Report of the Superintendent.

VI. The Council shall fix the damages referred to by section 2, which shall be ascertained upon the requisition of the injured parties by the

How damages are to be determined.