

deprived thereof, having a reference to the size of the whole parcel or tract, whereof the portion overflowed or injured forms a part, the separation of one part from another, and all other circumstances presented to their consideration, and award such a sum as in their judgment shall be a fair compensation to the party, as well for past damages as for the permanent loss of the land, as well as for all other incidental damages he may sustain by reason of the maintaining of the said Dam. 5

Proceedings, if the amount awarded be not paid ;

8th. Upon the award being made, the amount awarded, together with such costs as the Arbitrators shall tax to the complainant, shall be paid within the time limited by the award for the payment thereof, or in default thereof, the Arbitrators shall issue their warrant, under their hands and seals, to any person to be named therein for that purpose, to proceed to the Dam, and take out and remove therefrom either the Flood-gates or such part of the Dam as shall be necessary to draw off the water from the land of the Complainant, and also to levy by distress and sale of the goods and chattels of the party against whom such award shall have been made, the amount of the costs awarded against him. 10 15 20

And if it be paid.

9th. If the amount of the award shall be paid in pursuance of such arbitrament, the Complainant shall thereupon execute a release of all his right, title and interest of, in and to the land overflowed, to hold the same to the party claiming such deed, his heirs and assigns for ever. 25

Awards may be made a rule of Court.

10th. All awards made under the provisions of this Act may be made a Rule of any Superior Court of Record in Upper Canada, and shall and may be dealt with as if the submission had been by Bond, according to the Statute in that behalf made. 30