

When the award shall be made. same shall not be owned in fee by him, and the award or umpirage shall be made within one month from the appointment of such arbitrators or umpire, and shall state the value of the damages then already sustained by the plaintiff, if any, and the value of the land overflowed or damaged, or of the plaintiff's interest therein as aforesaid, and shall set out by sufficient boundaries the land so overflowed or damaged, and direct costs to be paid by either party at the discretion of such arbitrators or umpire: 5

Proviso. Provided always, that the time for making such award or umpirage may be extended by the arbitrators or umpire, by any memorandum in writing expressing such intention, or by consent of parties. 10

Defendant may offer the value of the land. III. And be it enacted, That it shall and may be lawful to and for the defendant in such suit, at any time within 15

And obtain a conveyance thereof. *three* months after the making of such award or umpirage, to tender to the plaintiff the value of the land so overflowed or damaged, together with such other sum, if any, as shall or may have been found against him by such award, and the defendant shall and may thereupon demand from 20 the plaintiff, and the plaintiff shall thereupon execute to the defendant, a sufficient conveyance in fee, or of his interest if not held by him in fee. of or in the said land so overflowed or damaged: Provided always, that any applica- 25

Proviso: as to applications to set aside award. tion made against the award of such arbitrators or umpire, shall be made at the term of the Court in which such proceedings shall be had, which shall commence next after the expiration of *two* weeks from the day of publication of such award; and that in case a rule *nisi* shall be granted for setting aside such award, which rule shall 30 afterwards be discharged, it shall be lawful for the defendant to make such tender as aforesaid within *one* month after such rule shall have been so discharged.

As to lands overflowed before they were granted by the Crown. IV. And be it enacted, That no person or persons who shall acquire land by grant or purchase from the 35 Crown, shall maintain an action for or by reason of the overflowing of any portion of such land, or for or by reason of the penning back the water of any such stream between the banks thereof, by the erection of a dam as aforesaid, if such dam shall have been erected and such 40 land overflowed prior to such grant or purchase being made.