

No. 84.

3d Session, 3d Parliament, 13 Victoria, 1850.

BILL.

An Act for the protection of Mill-owners
in Upper Canada.

Received and Read, & first time, Wednesday, 12th
June, 1850.

Second Reading, Wednesday, 19th June, 1850.

Mr. RICHARDS.

TORONTO: PRINTED BY LOVELL AND GIBSON.

BILL.**An Act for the protection of Mill-owners in Upper Canada.**

WHEREAS it often happens that persons purchase Preamble.
 Crown Lands and Clergy Reserves in Upper Canada,
 from the Crown, which, at the time of the purchase, and
 of the issuing of the patent therefor, were in the whole or
 5 in part overflowed by the waters of some mill stream, in
 consequence of the erection and continuation of Mill
 Dams thereon: And whereas it often happens that such
 persons, at the time they purchase such Lands, are well
 aware of their being so overflowed, and have in conse-
 10 quence thereof obtained a reduction or allowance in the
 price paid for the same, but, nevertheless, obtain Patents
 for the whole of such Lots, and afterwards bring actions
 against the proprietors or occupiers of the Mills for the
 use of which such Dams have been erected: For remedy
 15 thereof;—Be it enacted, &c.

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 con-
 tinuation of any Dam for the purposes of such Mill, it
 20 shall appear that such overflowing or other injury was
 caused by the erection or continuation of a Dam, which
 was built before the purchase by, and conveyance to the
 Grantee of the Crown of such Land, and that such pur-
 chaser obtained a reduction in the price of such Land,
 25 or was otherwise indemnified in consequence of its
 being so overflowed or otherwise injured; then the Jury
 on the trial of any such cause may take such facts into
 their consideration, and if they think it just and equitable,
 may, in consequence thereof, find a verdict for the De-
 30 fendant in any suit so to be brought.

Grantee of the Crown not to recover damages against Mill-owners for injury caused to lands by dam erected before Patent issued in certain cases.

II. And be it enacted, That in any such action, it shall
 and may be lawful for the Defendant to plead the general
 issue, and under such plea, on entering a note of this Act
 in the margin thereof, to avail himself of this Act and of
 35 the matters of defence herein given.

Defendant may plead the general issue, &c.

III. And be it enacted, That this Act shall extend to
 Upper Canada only.

To extend only to U. C.