

2D SESSION, 3D PARLIAMENT, 12TH VICT., 1849.

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B I L L :

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

Printed by Order of the Hon. the Legislative Council.

Received and read 1st time, Wednesday 14th
March, 1849.

Second Reading, Friday 16th March, 1849.

Honorable Mr. Ross.

[200 Copies.]

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Legis Council

BILL.

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

WHEREAS it often happens that persons Preamble.
purchase Crown Lands and Clergy Reserves in Upper Canada, from the Crown, which, at the time of the purchase, and of the
5 issuing of the patent therefor, were in the whole or 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 per-
10 sons, at the time they purchase such Lands, are well aware of their being so overflowed, and have in consequence thereof obtained a reduction or allowance in the price paid for the same, but nevertheless obtain Patents for
15 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 whereof,
Be it enacted, &c.

20 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 continuation of any Dam for the purposes of such
25 Mill, it 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
30 purchaser obtained a reduction in the price of such Land, or was otherwise indemnified in consequence of their being so overflowed

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

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 Defendant in any suit so to be brought. 5

Defendant
may plead the
general issue,
&c.

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 the matters of defence herein given. 10

To extend
only to U. C.

III. And be it enacted, That this Act shall extend to that part of this Province called Upper Canada only. 15