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No. 63.

2nd Session, 5th Parliament, 19 Victoria, 1856.

(PRIVATE BILL.)

BILL.

An Act to enable John Watson of the Village of Ayr, in the County of Waterloo, to construct a Dam and Water Course, for manufacturing and other purposes, and to take all lands necessary therefor.

Received and read, first time, Friday, 7th March, 1856.

Second Reading, Monday, 10th March, 1856.

MR. FERRIE.

TORONTO:
PRINTED BY JOHN LOVELL,
YONGE STREET.

An Act to enable John Watson, of the Village of Ayr, in the County of Waterloo, to construct a Dam and Water Course, for manufacturing and other purposes, and to take all lands necessary therefor.

WHEREAS John Watson, of the Village of Ayr, in the County of Waterloo, Ironfounder, has presented a petition to the Legislature, setting forth, that he has for some years carried on the business of an Ironfounder at the said village, that he is desirous of increasing the same, and of adding thereto other mechanical and manufacturing works, and has, to enable him to obtain the necessary water power to drive the machinery required for said objects, purchased a considerable quantity of land through which Smith's Creek passes in its course through the said Village of Ayr, so as to enable him to build a Dam across the said Smith's Creek, and make a Water Course therefrom through certain lands hereinafter mentioned, but is unable to obtain all the land necessary for making such course or channel, as a portion required belongs to some minors, and a portion is held by Church Trustees, and a side line also has to be crossed, and has by his said petition, prayed the Legislature to pass an Act, authorizing him to take all land necessary for the aforesaid purposes, upon paying for the same as hereinafter set forth, and has in and by his said petition alleged that the erection of the said works will be of great benefit to the village and neighborhood; And whereas a large number of inhabitants of the said village and the surrounding country have also presented their petition to the Legislature in support of the prayer of the said petition of said John Watson; And whereas it is desirable that the prayer of the said petition be granted; Therefore Her Majesty, &c., enacts as follows:

I. The said John Watson and his heirs and assigns, shall have power and authority to build a Dam, and maintain the same when so erected, across Smith's Creek on land belonging to him, either on part of lot number thirty-six, or part of lot number thirty-seven, or both, in the eighth concession of the Township of North Dumfries; with the right and privilege of overflowing with water by means of the said Dam, that part of the side line between lots numbers thirty-six and thirty-seven in the eighth concession aforesaid, which crosses the Creek and is adjacent thereto, but so as nevertheless not to interfere with the present travelled Road across the said Creek—(the side line across the Creek not being passable, and the present travelled Road having been made to avoid that difficulty,) and doing no injury or damage to any owner of land further up the Creek, by penning back the water upon lands not belonging unto him, the said John Watson, and making proper slides for timber to pass over the same if required; And also the said John Watson his heirs and assigns shall have power and authority to enter into and

Power to make a dam across Smith's Creek at a certain point in North Dumfries.

Power to survey for a water course.

And to take
lands for it.

upon all lands through which he may wish to make the channel hereinafter mentioned, to make surveys so as to determine the best line for a water course or channel leading from the Dam so to be erected on the south side of Smith's Creek aforesaid, through the lots numbers thirty-seven and thirty-six, and also thirty-five in the eighth concession of the said Township, and also through part of lot number thirty-five in the seventh concession of the said Township, into the Creek at a point not far from Piper Street in the Village of Ayr—and upon determining the site of the said water course or channel shall have full power and authority to acquire, take and hold, to him and his heirs and assigns forever, all lands so required, whether the same shall belong to persons who are infants or minors, or whether the same shall be held in trust for any purpose or purposes, or howsoever the same may be, or any portion of the same, upon his or their complying with and fulfilling the provisions hereinafter made and provided for paying for the land so required, and all damages which may accrue by reason of the making of such channel to the parties owning such lands.

And to make
and use the
water course.

And also shall have full power and authority to make and carry such water course or channel across any side line or road allowance which shall intervene between the said place where the said Dam is so to be built, and the point on said Smith's Creek into which the said water course or channel is again to be taken, provided that the side line or lines, is, or are not obstructed, so as to prevent travellers from freely using and enjoying the same, by the said channel being taken across the same; and when the said channel or water course is so made, to take and convey whatever water he and they or any of them shall require in, by and through the same from the said Creek at the said Dam.

Certain parties enabled to convey such lands to the said John Watson.

II. All corporations and persons whatever, tenants in tail, or for life, guardians, curators, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes covert*, or other persons or bodies corporate, or any religious body or society or congregation of Christians or otherwise, who are or shall be seized, possessed of or interested in any lands, may contract for, sell and convey unto the said John Watson, his heirs and assigns, in fee simple, all or any part thereof; and any contract, agreement, sale, conveyance and assurance so to be made shall be valid and effectual in law to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary thereof in anywise notwithstanding; or any other deed, matter or thing which might otherwise hinder or prevent the same; and in case of any disagreement between any of the aforesaid parties or persons and the said John Watson, his heirs, executors or legal representatives, either upon the value of the lands and tenements proposed to be taken or purchased as aforesaid or upon the amount of damages to be paid as aforesaid, it shall and may be lawful to and for the said John Watson, his heirs, executors or legal representatives, to nominate and appoint an indifferent person, who, together with one other person to be nominated and appointed by the party or person or persons so disagreeing as aforesaid, shall elect a third, which three shall be the arbitrators between the aforesaid parties respectively, the award of the majority of whom shall be final.

Provision for arbitration in case of difference.

Appointment of an arbitrator by a Judge in default of the party, &c.

III. In case any of the parties or persons aforesaid shall not within ten days next after being notified by the said John Watson, his heirs, executors or legal representatives, in writing, of his or their appointment of an arbitrator as aforesaid, name and appoint another arbitrator and notify said John Watson, his heirs, executors or legal representatives aforesaid of

such appointment, or in case the said two arbitrators so appointed as aforesaid cannot agree upon a third person as an arbitrator, or in case the person owning the land required be absent from this Province or unknown, or there shall not be any guardian or trustee for infants or others as aforesaid; then and in any or all of the aforesaid cases, it shall be lawful to and for the said John Watson, his heirs, executors or legal representatives, to apply to the Judge of the County Court of the County wherein such lands are situate, to appoint a sole arbitrator for the purposes aforesaid, and the said Judge for the time being of the said Court, shall upon such application in writing to him (which application shall state the lands required and give a description of the same and the quantity thereof) appoint a sole arbitrator for all or any of the purposes aforesaid, and who shall swear said arbitrator so appointed by him, well and faithfully to perform his duty as an arbitrator in the premises, and the award of such arbitrator shall be final in the premises and shall be made within one calendar month next after such his appointment and notification thereof to him.

IV. Upon payment by the said John Watson, his heirs, executors or legal representatives, to the owner or owners, guardians, trustees or others interested in such lands as aforesaid, of the amount which shall be awarded in manner aforesaid, to be paid to them respectively or any of them, or upon payment of the same (for the parties entitled thereto) into the office of either of the Superior Courts of law for Upper Canada or to the Clerk of either of said Courts, and at the same time filing with such Clerk or in the said office a copy of said award, the said John Watson his heirs, executors, legal representatives and assigns shall and may take possession of such lands and hold the same unto him, his heirs and assigns forever, free and clear of all charges, claims or incumbrances whatsoever; and the said John Watson, his heirs, executors or legal representatives shall also be bound and obliged to file a copy of such award in the Registry office of the County, wherein the lands are situate, within three calendar months after such award shall be made, as against subsequent purchasers of such lands.

V. The Court into which such monies shall be so paid as aforesaid, shall have full power to order the said Clerk of the said Court to pay the said monies to the parties entitled to the same, in accordance with the order of such Court, made on application therefor by the party or parties entitled to such monies; and such order shall be final in the premises, proof to the satisfaction of said Court, being first given by the claimant or claimants of such monies, that he, she or they are entitled to the same.

VI. This Act shall be deemed a Public Act.

Public Act.