

previously made to the St. Andrews and Quebec Railway Company would have been absolute and indefeasible grants. But it seemed to be thought that the general words of the 2nd section, annulling the grants, if the Line were not completed within four years, were sufficiently large to embrace those grants which had been made as an encouragement to the undertaking; and, therefore, this 7th section was introduced out of abundant caution to render those grants clearly valid and effectual to all intents and purposes; and some stress may be laid upon the expression that we find in the 7th section. The 2nd section has described the grants of land and the rights and privileges conferred, relating to the Company, and here, in the 7th section, the words are, "the several grants and appropriations of Crown lands respectively, made to or for the benefit of the Company"—clearly, as it appears to me, distinguishing between those grants which were made for the construction of the Railway and those grants which were made for the encouragement of the undertaking by the 2nd section of the 12th of the Queen. Now, if that is the proper construction of that Act of the 19th of the Queen (and I entertain no doubt whatever upon the subject), that, of course, would only relate to the grants which had already been made to the St. Andrews and Quebec Railway Company; but then it leaves that section of the 12th of the Queen untouched and unrepealed. The present Company, the Appellants' Company, have become possessed of the undertaking of the St. Andrews and Quebec Railway Company, and are entitled to all their rights and privileges; and, amongst others, they are entitled to the benefit of that clause in the Act of the 12th of the Queen, by which grants may be made to them, and, as I think, without the slightest doubt, absolute and indefeasible grants, from time to time of 10,000 acres, upon the expenditure of £10,000 by the Company.

Therefore, under that power the grants of March and August, 1858, were made of 20,000 acres and 30,000 acres—