

Accordingly, my Lords, the subsequent Acts of the Legislature must undoubtedly be construed with reference to this broad principle, and this reasonable rule as to the intention of the Legislature; and, if your Lordships look at them with this view, it is perfectly clear, when we come to the Statute of the 19th of the Queen, that the 19th of the Queen intended to repeat and to preserve the original right given by the 10th of the Queen, to resume the land along the track of the Railway. But by another section, namely the 7th section, it confirms all those grants of land which had been made under and by virtue of the subsequent Acts of the Legislature, which were not contemplated—nor was there any power to make them—at the time when this statute of the 10th of the Queen, containing the original power to resume, was passed. I take it, therefore, to be perfectly clear, that the condition of resumption expressed in the 19th of the Queen, is a condition intended to repeat the original condition, and is applicable only to the same extent as the original proviso or condition contained in the Act of the 10th of the Queen.

Now, my Lords, of course, in dealing with this particular matter we deal with it only upon the materials that are presented to us by these contending parties, and any opinion that is expressed by your Lordships upon this point is an opinion limited to the case before you. I advert to that, because I observe, in the Judgment of the Lords Justices, the Lords Justices state that they will abstain from giving an opinion, because it might prejudice the right of other parties.

My Lords, if it be necessary for this case (as I think it is necessary) to deal with the allegation of the Plaintiff, that the Company have not an indefeasible title, any opinion expressed by your Lordships upon that point will be confined entirely to the issue before you in this case and the relative rights of these parties, and will not, in the smallest degree, affect any