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No. 8.

2nd Session, 6th Parliament, 22 Victoria, 1859.

BILL.

An Act to explain and amend several clauses
of the General Railway Clauses Consoli-
dation Act, 14 and 15 Vic., cap. 51.

Received and read, first time, Wednesday, 16th
February, 1859.

Second reading, Wednesday, 23rd February,
1859.

MR. BENJAMIN.

TORONTO:

PRINTED BY JOHN LOVELL YONGE STREET.

An Act to explain and amend certain parts of
the *Railway Clauses Consolidation Act*.

WHEREAS doubts are entertained as to whether Rectors in possession of Glebe Lands in Upper Canada, Ecclesiastical and other Corporations, Trustees of lands for Church and School purposes, or either, Executors appointed by Wills in which they are not invested with any power over the real estate of the Testator, Administrators of persons dying intestate but at their death seized of real estate, are authorized by the eleventh section of the *Railway Clauses Consolidation Act* to sell or dispose of any of such lands to any Railway Company for actual use of and occupation by such Company; And whereas it is desirable to remove such doubts; Therefore Her Majesty, &c., enacts as follows:

I. The true intent and meaning of the said section of the said Act was and is, that the several persons and parties hereinabove mentioned with respect to the lands above in this Act referred to, should and shall exercise all the powers mentioned in the first sub-section of the said section eleven of the said *Railway Clauses Consolidation Act*, with respect to any of such lands actually required for the use and occupation of any Railway Company;—and any conveyance made under the said first sub-section shall vest in the Railway Company receiving the same, the fee simple in the lands in such Deed described, freed and discharged from all trusts, restrictions and limitations whatsoever.

II. All the provisions in the said section and in the said Act contained to Arbitrations, and obtaining possession and title to such lands, and the disposition of the purchase money, shall apply to all the parties and lands in this Act and in the said sub-section mentioned; and no Railway Company shall be responsible for the disposition of any purchase money for lands taken by them for their purposes.

III. Whenever any County Judge shall be or is interested in lands taken or required within the County in which he is such Judge, by any Railway Company, for Railway purposes, any Judge of any of the Superior Courts at Toronto shall, on application of such Company, exercise in such case all the powers of the County Court Judge given to him by the said eleventh section of the said Act, in cases in which he the County Judge is not interested.

Preamble.

14, 15 V. c. 51.

Rectors, Trustees, &c., declared to be empowered to convey lands under sub-sect. 1 of sect. 11.

All provisions of the said Act to apply in such cases; Company not responsible for application of purchase money.

Provision where the County Judge is interested.