AN ACT

For consolidating in one Act certain provisions usually inserted in Acts authorizing the making of Railways.

WHEREAS, it is expedient to comprise in one general Act sundry provisions usually introduced into Acts of Parliament, authorizing the construction of Railways, and that as well for the purpose of avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertaking, as for ensuring greater uniformity in the provisions themselves.

And whereas a Bill is now pending in Parliament, entituled an Act for Consolidating in one Act certain provisions usually inserted in Acts authorizing the taking of lands for undertakings of a public nature, and which is intended to be called "The Vancouver Island Land Clauses Consolidation Act, 1863."

And whereas by an Act passed in the Imperial Parliament in the eighth year of Her present Majesty, and entituled "The Railways Clauses Consolidation Act, 1845," the provisions usually introduced into Acts of Parliament authorizing the construction of Rail-

ways were comprised in one general Act, and it was by the said Act, enacted that the said Act should apply to every Railway which should by any Act which should thereafter be passed be authorized to be constructed, and that the said Act should be incorporated with such Act, and all the clauses and provisions of the said Act, save so far as they should be expressely varied or excepted by any such Act, should apply to the undertaking authorized thereby, so far as the same should be applicable to such undertaking, and should as well as the clauses and provisions of every other Act which should be incorporated with such Act, form part of such Act, and be construed together therewith, as forming one Act.

And whereas it is expedient that the Railway Clauses Consolidation Act, 1845, should apply to Railways which by any Act which shall hereafter be passed, be authorized to be constructed, save where such Act is inapplicable from the difference of local circumstances.

Be it therefore enacted by His Excellency the Governor, on Her Majesty's behalf, by and with the advice and consent of the Legislative Council and Assembly, as follows:

Application of Railway Clauses Consolidation Act, 1845.

I. That the Railways Clauses Consolidation Act, 1845, as modified by the provisions hereinafter contained, shall apply to every Railway which shall by any Act hereafter passed by the Legislature of Vancouver Island and its Dependencies, be authorized to be constructed, and that the said Act so modified shall be incorporated with such Act, and all the clauses and provisions of the said Act so modified, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the Railway authorized thereby, so far as the same shall be applicable to such undertaking, and shall, as well as the clauses and provisions of every other Act which shall be incorporated with such Act, form part of such Act, and be construed together therewith as forming one Act.

Monies to be deposited in Treasury in lieu of the Bank.

II. All monies directed by the said Act to be paid or deposited in the Bank, shall, under this Act, be paid into the Treasury.

Definition of expressions "Turnpike Road" and "Public Road."

III. Whenever the expression "Turnpike Road" is used in the said Act, the same expression shall be deemed equivalent to the words "Public Road," and the words "Public Road," shall include all roads over which the public have a right of way.

IV. This Act may be cited for all purposes as "The Vancouver Island Railway Clauses Consolidation Act, 1863."

Citation of Act.

V. Whenever the words "Principal Act" are used, the same shall be taken to indicate the Railways Clauses Consolidation Act, 1845.

The words "Principal Act" to mean the "Railways Clauses Consolidation Act, 1845."

VI. The certificate of the two Justices, and the plans and sections mentioned in the 7th and 8th sections of the principal Act, shall be deposited with the Surveyor General for the time being of Vancouver Island in lieu of being deposited with the Clerks of the Peace, Clerks of the Parishes and Postmasters, in the said section specified. and the duties by the 9th section of the principal Act imposed on the said Clerks of the Peace, Clerks of Parishes and Postmasters, shall be performed by the said Surveyor General, and true copies certified by the Surveyor General shall be received in evidence in manner provided by the tenth section of the principal Act.

Certificates and Plans and Sections mentioned in the 7th and 8th Sections of Principal Act, with whom to be deposited.

VII. The application to be made to the Board of Trade under the 12th section of the Principal Act shall be made to the Surveyor General, and the powers delegated to the Board of Trade by the said section shall be exercisable by the Surveyor General.

Application to be made to the Board of Trade under 12th Section of Principal Act to be made to the Surveyor General.

VIII. The certificates mentioned in the 14th clause of the principal Act may be given by the Surveyor General.

Certificates.

IX. The consent to be given by Her Majesty, her Heirs and Successors, under the 17th clause of the principal Act, shall be given by the Governor for the time being of Vancouver Island and its Dependencies, to be signified in writing under the hand of the Colonial Secretary for the time being.

The consent to be given by Her Majesty under the 17th Clause of Principal Act may be given by the Governor.

X. The 25th, 26th, 27th, 28th, and 29th clauses of the said Act shall not apply.

Clauses not to apply.

XI. The annual account mentioned in the 107th section of the principal Act, shall be transmitted as therein mentioned, if so required by the Colonial Secretary.

Annual account

XII. The 161st and 164th clauses of the principal Act shall not apply.

Clauses not to apply.

XIII. The Umpire to be appointed under the 129th section of the principal Act, shall be appointed by the Chief Justice.

Umpire to be appointed by Chief Justice.

Read a third time and passed the Council, the ninth day of February, A.D., 1863.

RODK. FINLAYSON,
President.

Read a third time and passed the House of Assembly, the twentieth day of February, A.D., 1863.

EDWIN JAMES NESBITT,
Acting Clerk of the House of Assembly.

Received my assent the twenty-fifth day of February, A. D., 1863.

JAMES DOUGLAS,
Governor.