

continue the same to the village of Walkerville, and to use and occupy such of the streets and highways of any of such places as might be required for the purposes of the railway track, and to use, as motive power, animals or such other power as they might see fit; but the streets or highways of Sandwich and Windsor were not to be occupied unless by the permission of the municipal councils, expressed by by-law, "which shall regulate the same."

Under this Act of incorporation a railway was shortly afterwards constructed, operated by horse power, which power continued to be used down to the year 1891.

On the 18th November, 1874, the company mortgaged all its property to Campbell and McGregor; and Alfred J. Kennedy, claiming under them as assignee, on the 3rd March, 1880, obtained a final order of foreclosure. Afterwards Mr. Kennedy seems to have continued to operate the railway on his own account until the amending Act 50 Vict. ch. 80 (1887) was passed. By that statute, which is called "An Act to amend the Act incorporating the Sandwich and Windsor Railway Company," sec. 1 in the original Act, which named the original incorporators, is replaced by a new section (1) which says: "Section 1 . . . is hereby repealed, and the following substituted in lieu thereof—Alfred J. Kennedy and such other persons as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of 'The Sandwich Windsor and Amherstburg Railway.'"

Section 4 provides that "the company is hereby authorised and empowered to extend, construct, maintain, and complete and operate its railway and the extensions pursuant to the provisions and powers contained in sec. 4 to the said Act." And authority was given to increase its capital and to extend the railway to the town of Amherstburg. Further amendments followed—in 1891, 54 Vict. ch. 94, and in 1893, 56 Vict. ch. 97. In sec. 11 of the latter, this is said: "The said railway is hereby declared to be and to have been since the date of the incorporation of the said company a railway within the meaning of the Railway Act of Ontario." . . . Section 4 also enacts that "the several clauses of the Railway Act of Ontario and of any amendments thereto relating to plans and surveys, lands and their valuation, and municipalities taking stock, are hereby declared to have been and to be incorporated in the Act incorporating the company and the Act amending the same, and shall apply to the company except only in so far as they are inconsistent with the express enactments of this and the other Acts relating to the company."