

Government of Canada, but which claim does not, and cannot, affect or limit the operation of said Act, passed on the twenty-fourth day of May, A. D., 1874, nor create an incumbrance upon Defendant Company's title to said Windsor Branch; and such claim or right, if any, could only be enforced by means of a petition of right and not by a Bill in Equity.

Twenty-first,—Because the evidence shows there was such an acquiescence on the 5310 part of the plaintiff Company and their agents as to preclude them from, and they should be estopped from, denying the title of the defendant Company, and by the power of attorney from plaintiffs to DePass, the proposals or agreements set out in the answer, the negotiations for a lease of the Windsor Branch from the defendants, and the concurrence of plaintiffs' agents in the proceedings of the meeting at Yarmouth, and by the other facts and circumstances in proof, it was established that plaintiffs had recognized the validity and binding force and effect of the Order in Council cancelling their lease, and had also recognized the defendants as the owners, under and by virtue of said Chapter 16 and otherwise, of the said Branch and the parties entitled to receive, have 5320 and take the revenues and tolls thereof, and more especially as it was shown that bondholders and other parties had subsequently acquired interests and rights through said defendant Company in and to said Branch.

Dated at Halifax, March 10th, 1880.

The Western Counties Railway,
By N. H. MEAGHER,
Their Attorney.
JAMES McDONALD,
Attorney-General of Canada.

N. H. MEAGHER,
Attorney of Petitioners, the Western Counties Railway.
ROBT. SEDGEWICK,
Attorney of Attorney-General.

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Certificate of Counsel.

HALIFAX, SS.

IN THE SUPREME COURT,

IN EQUITY, 1880.

Cause—

THE WINDSOR AND ANNAPOLIS RAILWAY COMPANY, *Plaintiffs.*

vs.

THE WESTERN COUNTIES RAILWAY COMPANY AND THE 5340
ATTORNEY-GENERAL OF CANADA, *Defendants.*

I hereby certify that I am Counsel in this cause for the above named defendants, and that in my judgment there is reasonable cause of appeal in the above cause from the judgment therein referred to as having been delivered on the first day of March, instant.

Dated at Halifax, March 10th, 1880.

(Signed)

JNO. S. D. THOMPSON.