

and unobstructed, and lights, barriers or watchmen provided, and kept by the said party of the second part when and where required to prevent accidents to the public.

*Fifth.*—That the gauge of the said railways shall be such that the ordinary vehicles now in use may travel on the said tracks, and that it shall and may be lawful to and for all and every person and persons whatsoever to travel upon and use the said tracks with their vehicles loaded or empty, when and so often as they may please, provided they do not impede or interfere with the cars of the party of the second part, running thereon, and subject at all times to the right of the said party of the second part, his executors, administrators and assigns, to keep the said tracks with his and their cars, when meeting or overtaking any other vehicle thereon.

*Sixth.*—That the said party of the second part, his heirs, executors, or administrators shall and will at all times employ careful, sober and civil agents, conductors and drivers to take charge of the cars upon the said railways, and that he the said party of the second part, his heirs, executors, and administrators, and his and their agents, conductors, drivers, and servants, shall and will from time to time, and at all times during the continuance of this grant, and the exercise by him and them of the rights and privileges hereby conferred, operate the said railway and cause the same to be worked under such regulations as the Common Council of the City of Toronto may deem necessary and requisite for the protection of the persons and property of the public, and provided such regulations shall not infringe upon the privilege granted by the said resolutions.

*Seventh.*—That no higher fare than five cents shall be charged or exacted from or upon any passenger using the car or cars of the said party of the second part from the St. Lawrence Hall on King Street either to Yorkville, or the Asylum, but he or she shall be entitled to travel in the said car or cars either of the said distances for one fare only.

And, lastly, that all the works to be done under the said resolutions and these presents, and the rights and privileges to be used thereunder shall be done and used to the satisfaction of the Common Council of the City of Toronto or the City Surveyor or other officer to be by them appointed for the purpose. Provided, however, that if the said party of the second part be delayed by the order and injunction of any Court, except the same be granted on the default or negligence of the said party of the second part, then the time of such delay shall be excluded from the operation of this agreement, and such time in addition to the periods prescribed in the said resolutions shall be allowed for the completion of the said railway, and also that it is the intent and meaning of the nineteenth resolution above recited that the forfeiture therein mentioned shall attach in case the said party of the second part fails to build and operate any one of the three lines of railway; it being the clear understanding of the said party of the second part, that the privileges hereby conferred were to insure the completion and working of three lines of railway, and in case of failure in any one the absolute forfeiture of what has been constructed and of the plant belonging thereto shall take place under the said resolution and agree-