

maintenance and repair of the said track allowances, and also from its obligation contained in the eleventh Condition of Sale respecting the laying down of new pavements in conjunction with the change of tracks by the Company.

2. Except in so far as the quarterly payments of mileage provided for by the ninth Condition of Sale are required for payment of the debentures issued (or to be issued) by The City under By-Laws No. 3078 and No. 3090 as therein provided, or intended so to be, The City doth by these presents acquit, release and discharge The Company from its obligation to pay quarterly to the City Treasurer mileage at the rate of eight hundred dollars per mile per annum of single track of railway as provided for by the said ninth Condition of Sale.

3. The several covenants hereinafter contained, respecting the construction, re-construction, maintenance and repair of the track allowances on the several streets traversed by the Railway and the observance, performance and fulfilment by The Company of this agreement shall not affect the jurisdiction, power and control of The City Council over the streets of the City, inclusive of the said track allowances, nor the rights of any other person or corporation in respect thereof.

4. The City doth covenant, promise and agree with The Company to maintain in repair the pavements on the said track allowances which have been laid down by The City in conjunction with the change of the tracks of the Railway until the expiration of the several and respective terms of the five year guarantees taken by the City from contractors for the maintenance and repair of the pavements on the said track allowances.

And The Company doth covenant, promise and agree with The City :

5. That at and from the expiration of the several terms of the said respective guarantees, where such guarantee exists, and in every other case, from the date of this agreement The Company will repair and maintain in repair the said pavements on the said track allowances until they are replaced by new pavements as hereinafter mentioned.

6. That for the purpose of operating by electric power, it will immediately proceed with the work of changing the existing tracks on the streets traversed by the Railway which have not already been changed, and will lay down on the said track allowances,—namely, the portions of streets between the rails and between the tracks and for a distance of one foot six inches outside the outer rail of each track, including all tracks, curves, switches and turnouts connected therewith,—the following classes of pavements on the following streets in conjunction with the change of tracks and substructures, using for that purpose all paving materials on the said track allowances which the City Engineer may consider available or suitable.