

the streets or highways in the City of Toronto and the Municipalities immediately adjoining the limits of the said City or any of them, and to take, transport, and carry passengers upon the same by the power and force of animals, and to construct and maintain all necessary works, buildings, and conveniences connected therewith.

AND WHEREAS, in and by the said Act, full power and authority was given to the parties of the Second Part to use and occupy any and such parts of any of the streets or highways aforesaid as may be required for the purpose of their railway track, and the laying of the rails and the running of their cars and carriages, provided that the consent of the said City and Municipalities respectively shall be first had and obtained, which are by the said Act respectively authorized to grant permission to the said parties of the second part to construct their railway as aforesaid within their respective limits, across and along and to use and occupy the said streets or highways, or any part of them, for that purpose, upon such conditions and for such period or periods as may be respectively agreed upon between the parties of the second part and the said City or other Municipalities aforesaid or any of them.

AND WHEREAS, in and by the said Act the said City and the adjoining Municipalities or any of them and the said parties of the second part, are respectively authorized to make and to enter into any agreement or covenants relating to the construction of the said railway for the paving, macadamizing, repairing, and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways; the location of the railway and the particular streets along which the said shall be laid, the pattern of rail, the time and speed of running the cars, the amount of license to be paid by the Company annually, the amount of fares to be paid by passengers, the time within which the works are to be commenced, the manner of proceeding with the same, and the time for completion, and generally for the safety and convenience of passengers, the conduct of the agents and servants of the company, and the non-obstructing and impeding of the ordinary traffic.

AND WHEREAS the "Corporation of the City of Toronto" on the twenty-second day of March, in the year of our Lord one thousand eight hundred and sixty-one, entered into an agreement bearing that date under the seal of the City with Alexander Easton, the present President of the parties of the second part, and acting in the expectation that the parties of the second part would be thereafter duly incorporated in regard to divers matters such as mentioned in the last foregoing recital.

AND WHEREAS the said parties of the second part having, upon the conditions in said agreements set forth, obtained from the Corporation of the said City permission to use and occupy certain streets in the said City, including Yonge Street so far as within the boundaries of the said City, for the purpose of their railway track, and the laying of the rails and the running of their cars and carriages, are desirous of obtaining similar permission from the "Corporation of the Village of Yorkville," a Municipality immediately adjoining the said City, and under and pursuant to the said Act to enter into a corresponding agreement with the Corporation of the said Village.