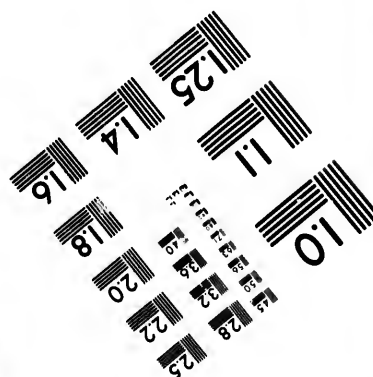
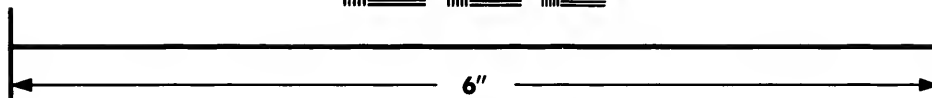
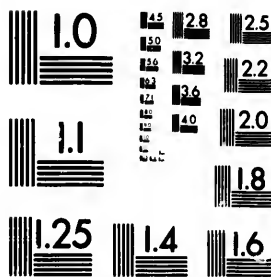


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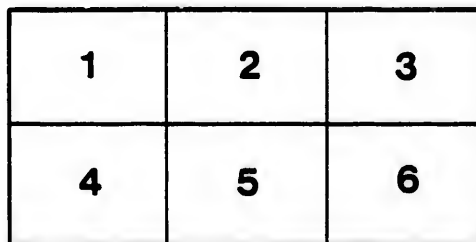
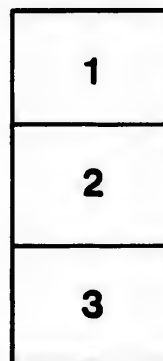
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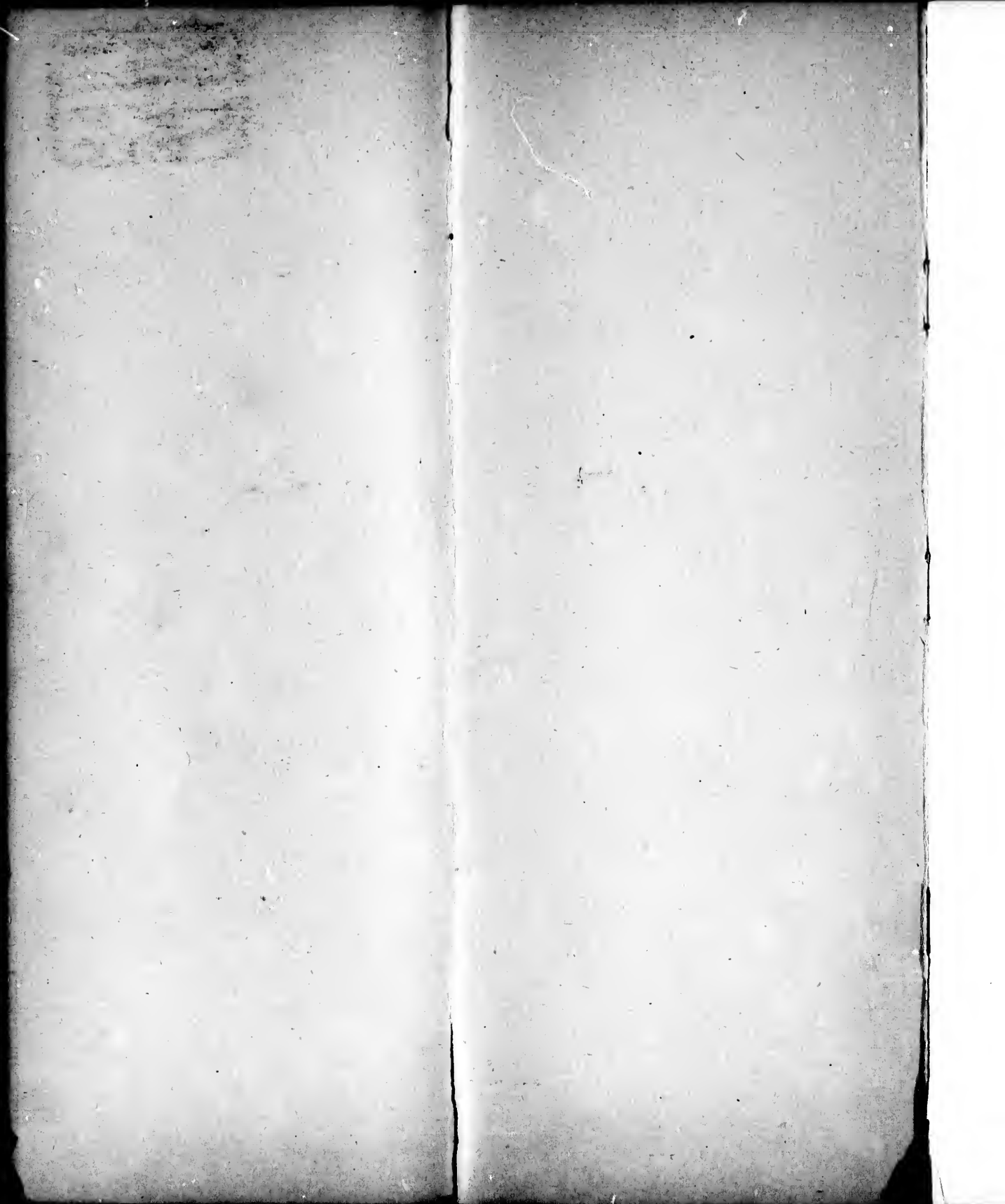
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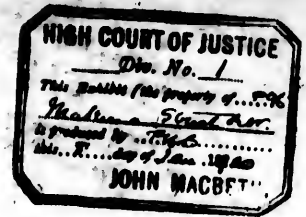
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# BY-LAW No. 916

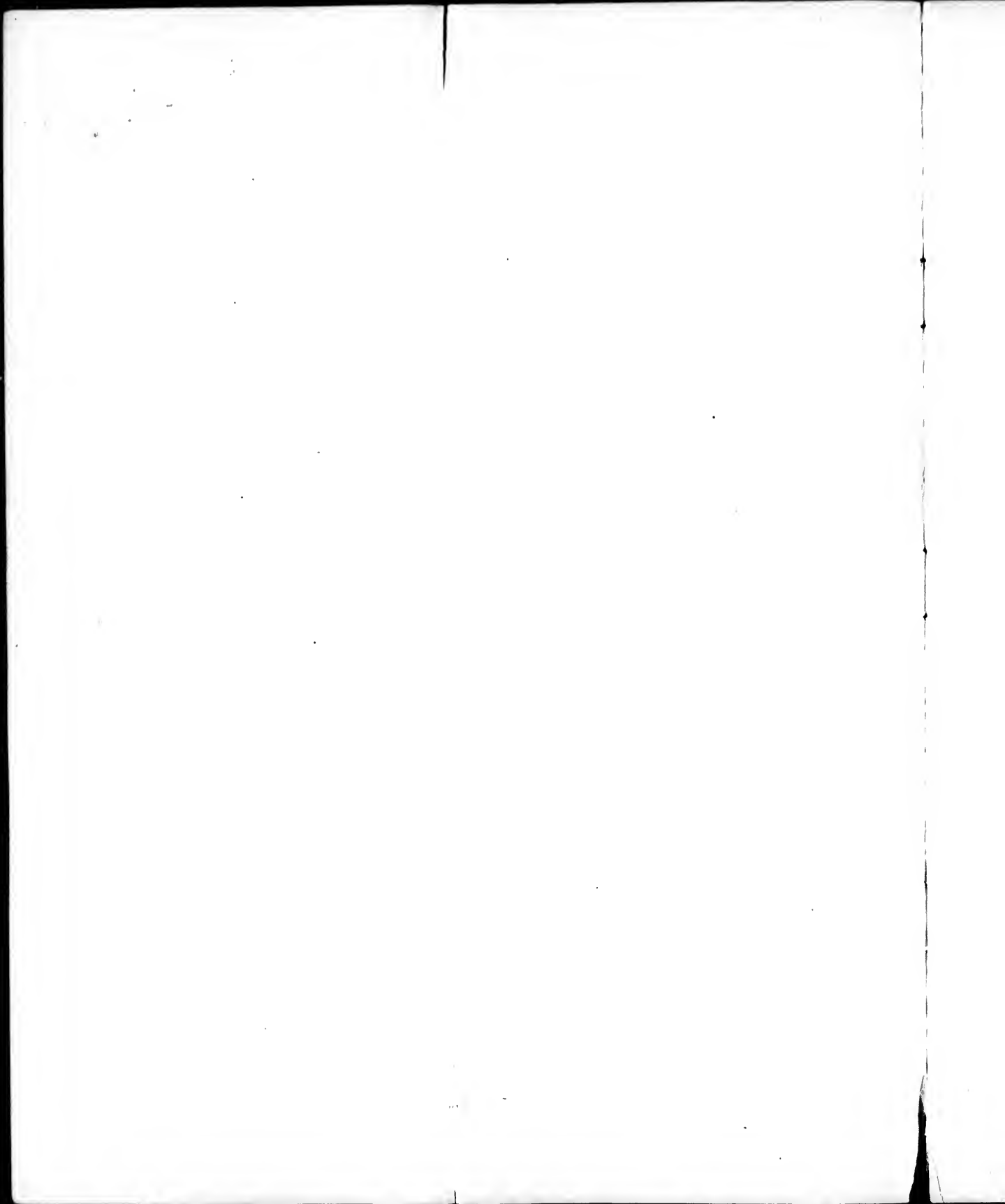
RESPECTING

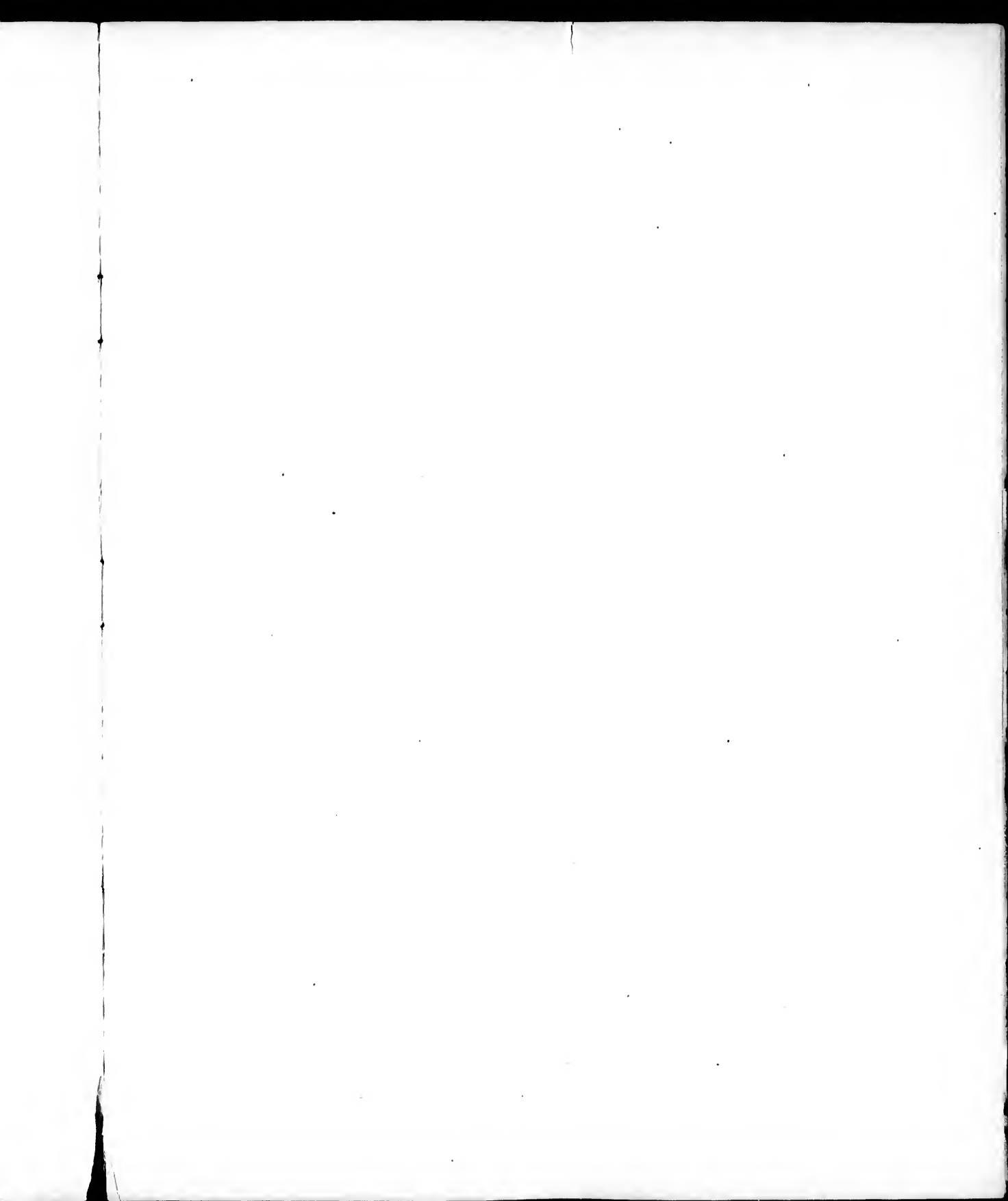
# THE LONDON STREET RAILWAY COMPANY.

London, Ont. :

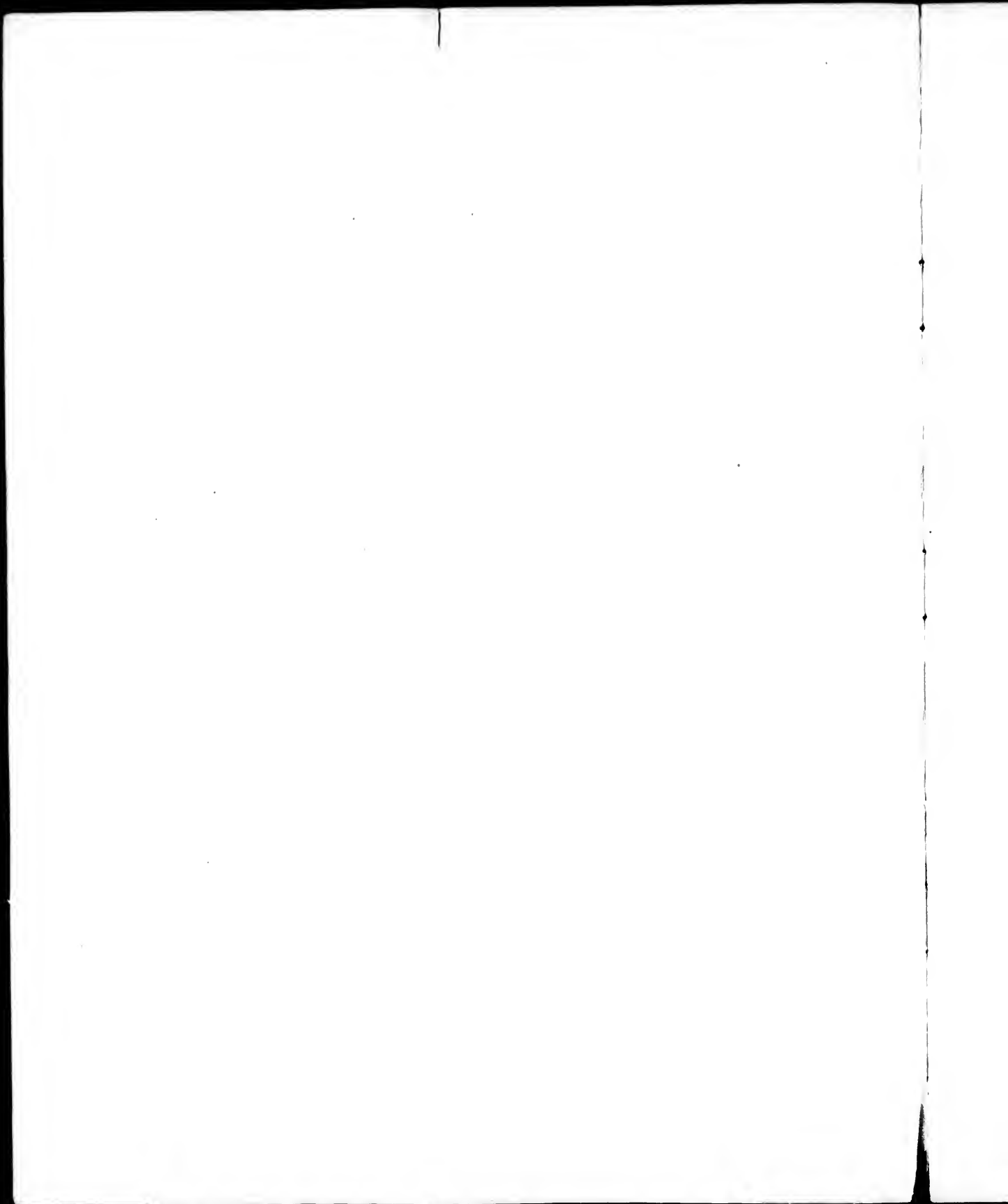
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1895.









# BY-LAW No. 916

RESPECTING

THE

## London Street Railway Company

WHEREAS the Legislature of the Province of Ontario, on the 29th day of March, 1873, passed an Act entitled "An Act to Incorporate the London Street Railway Company," by which the said Company (hereinafter called the Company) are authorized and empowered to construct, maintain, complete and operate a double or single Iron railway, with the necessary side tracks, switches and turn-outs, for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the public streets and highways within the jurisdiction of the Corporation of the City of London (hereinafter called the Corporation) as the Company may be authorized to pass along, under and subject to any agreement to be made between the Council of the Corporation and the Company, and under and subject to any By-law of the Corporation, and to take, transport and carry passengers and freight upon the same by the force or power of animals, or such other power as the Corporation may by By-law from time to time authorize to be used, and to construct and maintain all necessary works, buildings and conveniences therewith connected, and full power is given to the Directors to make all By-laws for the management of the Company.

Recital of Act of Incorporation of Company.

AND WHEREAS the Corporation and the Company are, by the said Act, respectively authorized to make and enter into any agreements 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 same shall be laid; the pattern of the rail; the time and speed of running the cars; 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 or impeding of the ordinary traffic.

Corporation and Company may make agreements as to paving, grading, etc.

AND WHEREAS the Corporation are, by the said Act, authorized to pass any By-law or By-laws for the purpose of carrying into effect any such agreements or covenants, and containing all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, including the Company, and for the enforcing obedience thereto, and also for the facilitating of the running of the Company's cars, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass.

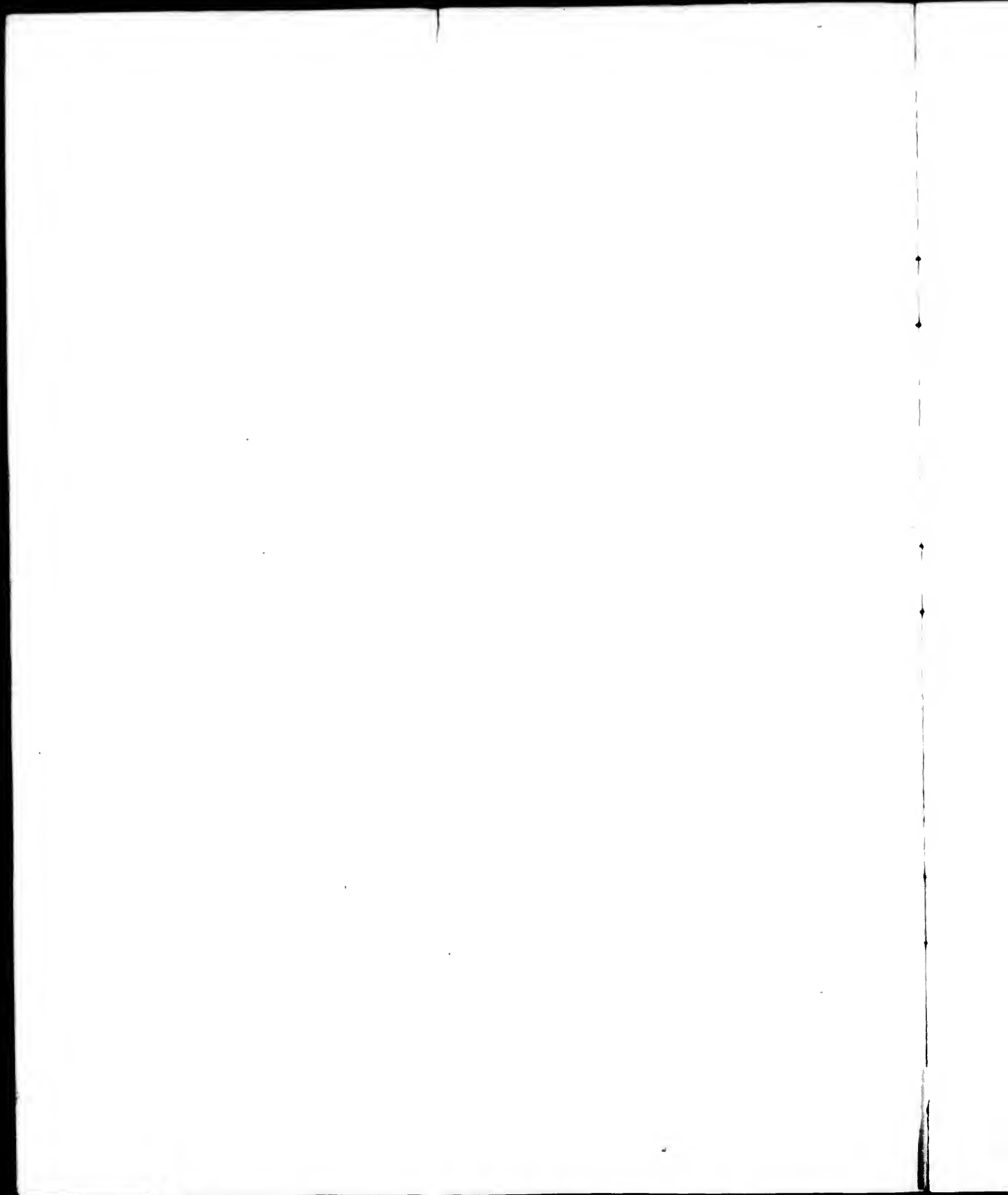
Power of Corporation to pass By-laws.

AND WHEREAS the Council of the Corporation, by By-laws passed respectively on the eighth day of March, A. D., 1875, the thirtieth day of July, A. D., 1888, the third day of December, A. D., 1888, and the twenty-sixth day of August, A. D., 1889, and the Councils of the Corporation of the Village of London East and of the Corporation of the Town of London East (which Town has been annexed to and now forms part of the said City of London) and the Council of the Corporation of the Township of Westminster (a portion of which said Township of Westminster has been annexed to and now forms Ward No. 6 of the said City), and the Council of the Corporation of the County of Middlesex, by certain By-laws, conferred certain rights and privileges upon the Company, subject to the conditions contained in such By-laws, and it was thereby provided that the privileges granted to the Company should extend for the period of fifty years from the eighth day of March, A. D., 1875.

Dates of By-laws passed under Act of 1873.

AND WHEREAS it is, by the said By-laws, provided that the cars to be used on the said railway shall be drawn by horses or mules only, and the Company and the Corporation desire that the Company should construct a surface Electric Street Railway, on the trolley system, in place of their present railway, on the streets hereinafter mentioned, and it has been agreed between the Company and the Corporation that the said By-laws shall be consolidated and amended so that the same shall read as this By-law reads, and all portions of the said several By-laws inconsistent herewith shall be repealed.

Recital as to motive power.



BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the City of London, as follows:—

1. The consent, permission and authority of the Corporation is hereby given and granted to the Company to construct, complete, maintain and operate, during the remainder of the term of fifty years from the eighth day of March, A. D., 1875, a surface Electric Street Railway, on the trolley system, consisting of double tracks, with necessary cross-overs, or single tracks with necessary side tracks, turn-outs or switches, for the passage of cars, carriages and other vehicles adapted to the same upon and along the streets of the said City of London, mentioned in Sub-section 2 of Section 50 of this By-law, and to erect all necessary poles and wires, electric appliances and overhead construction along such streets for the completion of the railway on the trolley system and to operate such railway by running cars thereon by means of electricity as the motive power, during the term herein specified, upon and subject to the conditions and agreements hereinafter mentioned or contained.

Authority granted to Company to construct and operate an El. St. Ry.—trolley system.

2. The construction of the said Electric Street Railway shall be commenced immediately after the passing of this By-law, and shall be continued thereafter without unnecessary interruption or delay, and the said railway shall be completed, and the electric cars running efficiently, and the whole of the works in full operation upon all the streets and portions of the streets mentioned in Sub-section 2 of Section 50 of this By-law, within eighteen months of the passing of this By-law, in default of which all of the privileges granted to the Company by this By-law shall cease, determine, and be at an end, and in that event the Corporation may exercise the other powers contained in Section 56 hereof. Provided, however, that nothing herein contained shall bind the Company to build their said railway on Richmond Street, from St. James Street north to the northern limit of the city, unless or until the Company or the Corporation has obtained the consent, permission and authority to do so from the Proof Line Road Company, on terms not more stringent or onerous upon the Company than those applicable hereunder to that portion of Richmond Street south of St. James Street, if such permission and authority be requisite, and the same be duly sought by the Company.

Time within which Electric system must be completed.

Proviso as to Richmond St. north of St. James St.

3. The tracks of the said railway, and all works necessary for constructing and laying the same, shall be built and made in a substantial manner, and according to the best modern practice, under the supervision of the City Engineer for the time being, and to the satisfaction of the said Engineer; and the streets in which any work is done by the Company shall, by and at the expense of the Company, who shall furnish at their own expense all necessary materials, be left in as good a state and condition, and to the satisfaction of the said Engineer, when the rails are laid, and the other necessary work of the Company is done, as they were at the time they were broken up, opened or interfered with by the Company, and the said Engineer shall be the judge as to the said best modern practice, and his decision in the premises shall be binding on the Corporation and the Company.

Construction to be under supervision of City Engineer.

Company to furnish materials, and leave streets in good condition.

4. The said railway shall be of the gauge of four feet, eight and one-half inches, and the rails shall be what are known as grooved girder rails, to weigh not less than 69 lbs. per yard, and of such pattern as shall be approved of by the said Engineer, and shall be laid, kept and maintained flush with the said streets, and in such manner as shall least obstruct the free and ordinary use of the streets, and the passage of vehicles and carriages over the same.

Gauge of railway, and quality of rail.

Rails to be flush with street.

5. The said railway shall, unless otherwise directed by By-law of the Council of the Corporation, be laid, if and where a single track shall be used, in the centre of the street, and if and where a double track shall be used, so that the inside rail of each track shall be within two feet of the centre line of the street.

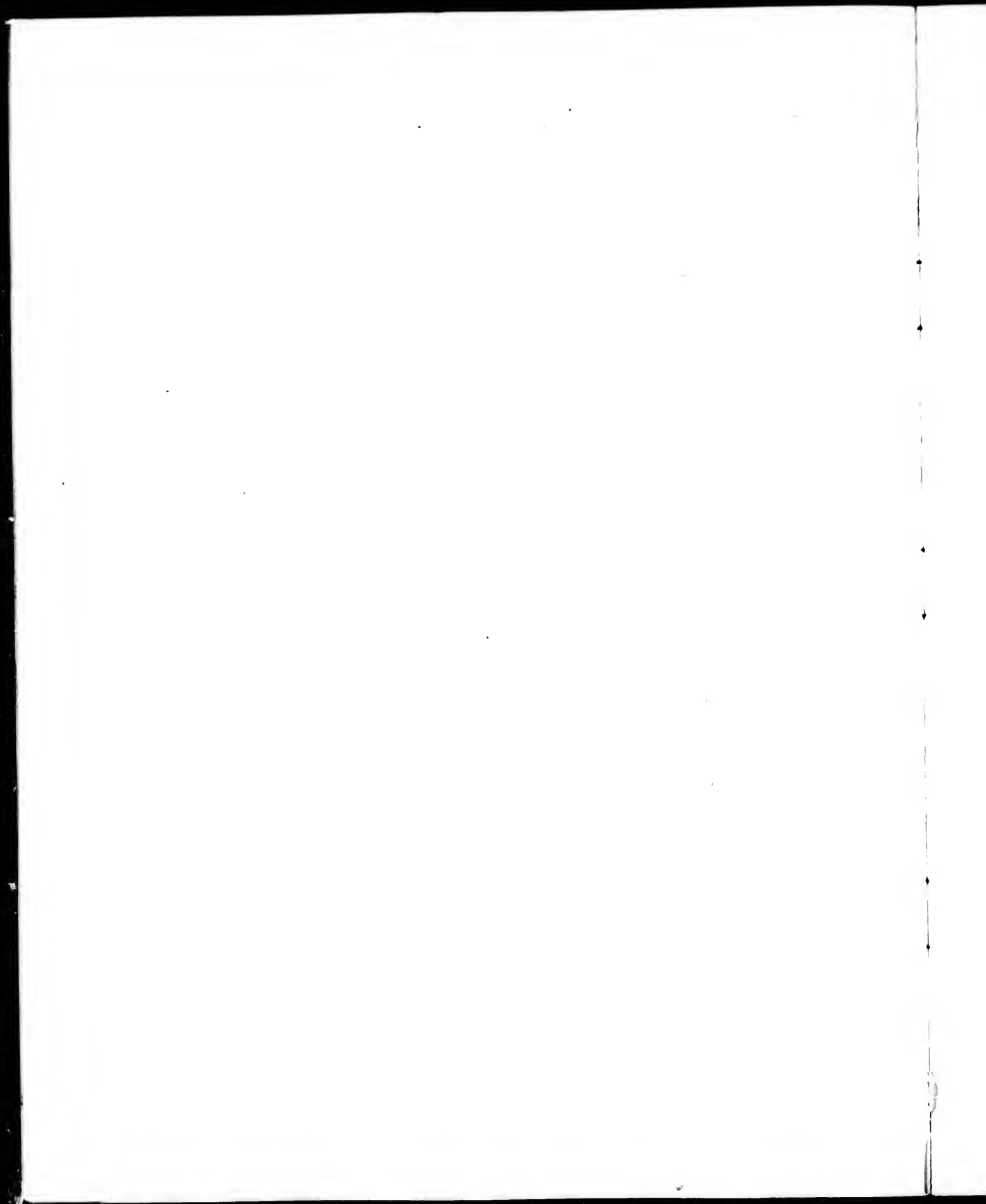
Tracks—where to be laid on street.

6. (1) The tracks shall conform to the grades of the several streets upon or along which the same shall be laid, as the same are now, or shall hereafter be established or such other grade as the said Engineer shall direct, and shall not in any way alter or change the same or vary therefrom, and the said Engineer shall within four weeks after the request in writing by the Company to do so give the Company the grades and such notice shall be sufficiently given if mailed by registered letter addressed to the said Engineer at the said City of London.

Tracks, and grades of streets.

Grades furnished by City Engineer.

(2) Whenever in this By-law the words "track allowances" are used the same shall mean all the roadway between the rails and the space of eighteen inches outside of each



rail where single tracks are or shall be laid, and, where double tracks, y's, turn-outs, switches or side tracks are or shall be laid, the words "track allowances" shall mean the whole space between the rails of the double tracks, switches, side tracks, y's and turn-outs, and between the double tracks and between the tracks of the y's and between the tracks and the switches and between the tracks and the turn-outs and eighteen inches outside of the outer rails of such double tracks, y's, turn-outs, switches and side tracks, and, where loops are or shall be laid, the said words shall mean the roadway between the rails and the space of eighteen inches outside of each rail.

"Track allowances," meaning of.

(3) If the grade given by the said Engineer conforms to the existing surface, or is above the same, the Company shall, at their own expense, make up the "track allowances" to the required height, and put the same in good condition under the direction and to the satisfaction of the said Engineer, and, if the grade so given be below the existing surface, the Company shall, at their own expense, lower the "track allowances" in such manner as the said Engineer shall direct, so that the said street may be made and kept in a fit and proper state for public travel and to the satisfaction of the said Engineer. The Company shall, in restoring the streets, use similar material to that of which the roadway is composed, to the satisfaction of the said Engineer, removing all rough stone and dirt, and shall roll and make the surface firm and compact, to the satisfaction of the said Engineer.

Duty of Co. as to grades within "Track allowances."

Material to be used in construction, etc., to be similar to balance of roadway.

(4) All the work and material necessary to be done and supplied by the Company in order to comply with the provisions of this section shall be done and supplied under the supervision and to the satisfaction of the said Engineer.

Material to be approved of by City Engineer.

7. (1) The "track allowances" shall be paved, macadamized, or gravelled, conforming in that respect with the roadway on each side thereof, by and at the expense of the Company, when and as their system is being changed under the provisions of this By-law, and when and as their rails are being laid or re-laid; and the "track allowances" shall be kept and maintained by the Company, during the continuance of this By-law or of the extension of the Company's rights thereunder, level with the rails, and free from ruts, hollows, depressions or defects of any description, and in thorough repair, to the satisfaction of the said Engineer, or renewed from time to time by the Company at their own expense, to the satisfaction of the said Engineer, all the materials to be furnished by the Company, and to be satisfactory to the said Engineer, and all the said work to be done to his satisfaction and when and as required by him.

"Track allowances" to conform to grade of roadway.

And be made and repaired by Co. at its expense.

(2) The Company shall construct and maintain in good repair, crossings, similar to those for the time being in use by the Corporation on the said streets, at the intersection of each railway track with any street which the same shall cross, to the extent of the width of the "track allowances," the materials to be furnished by the Company.

Crossings.

(3) Whenever the Company break up, open or interfere with any street, the same shall be restored by the Company, at their own expense, to its previous condition, under the supervision and to the satisfaction of the said Engineer, and with all practicable speed, as to which the said Engineer shall be the judge.

Duty of Co. upon breaking up roadway.

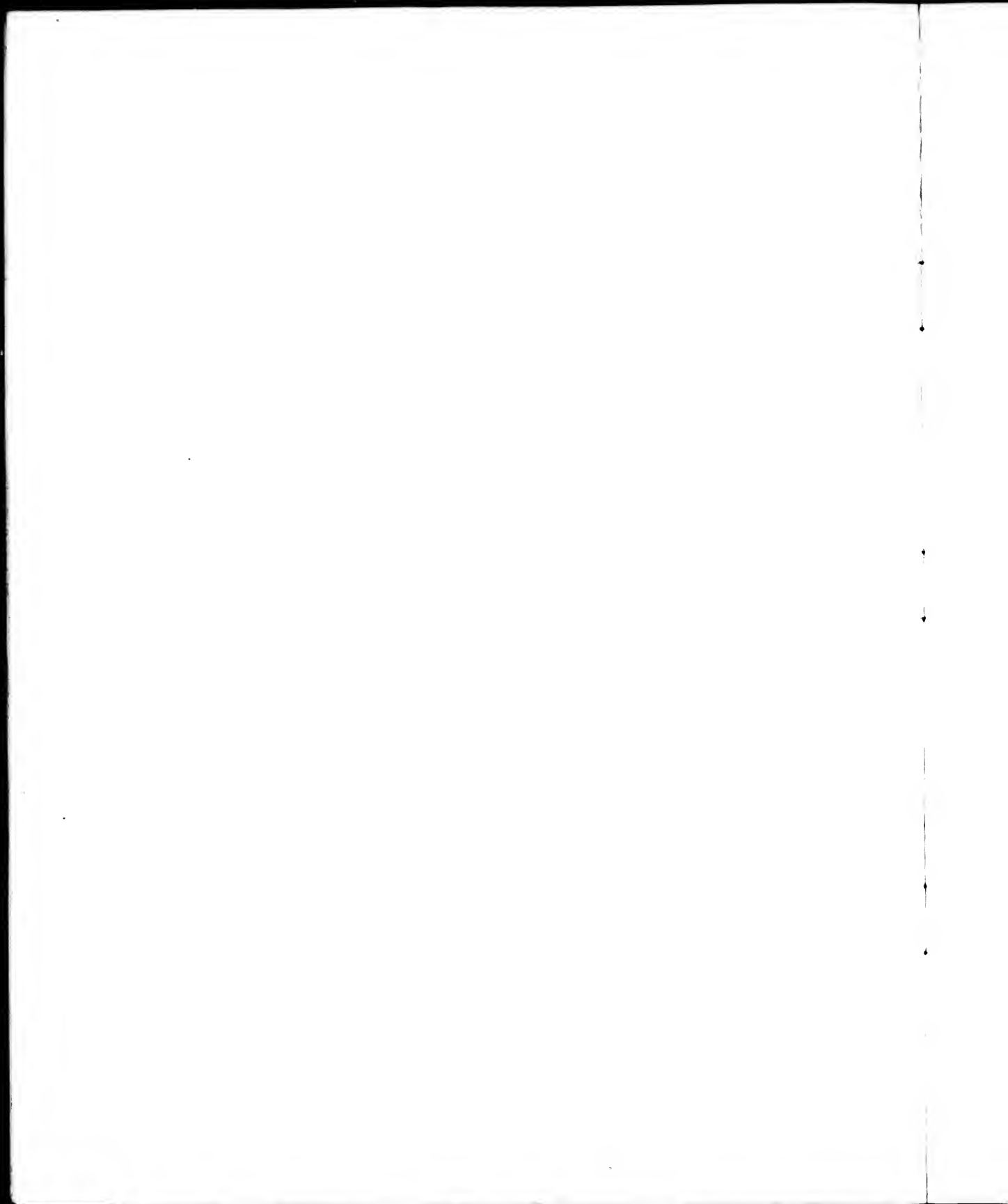
8. While the rails are being laid, or any of the works of the Company are in course of construction or repair, the Company shall cause a free passage to be kept open for carriages and vehicles, and all surplus street material shall be either removed or spread over the street, from which the same shall be taken, as shall be directed by the said Engineer.

Passage of vehicles during construction.

9. The Corporation, the Council of the Corporation, the Water Commissioners for the City of London, and their respective officers, servants and contractors, shall have the right to take up the streets, and remove the Company's tracks therefrom and from the bridges of the Corporation, traversed by the said railway, either for the purpose of altering the grades thereof, constructing or repairing of drains, sewers or culverts, or laying down or repairing gas or water pipes, or for any other purpose for the time being within the powers, privileges, duties or obligations of the Corporation, without being liable to the Company for any damage that may be thereby occasioned to the said railway or the works connected therewith or the working thereof or to the Company, and the Corporation shall not be liable to the Company for any damage the Company may sustain from the breakage, leakage, or stoppage of sewers or water pipes, or from the exercise by the Corporation of any of their said powers.

Rights of Corporation, Water Commissioners, etc., to open streets.

Without being liable to Co.



10. (1) Whenever it shall be deemed expedient by the Corporation or the Council thereof under the provisions of the local improvement clauses of "The Consolidated Municipal Act, 1892," or under any other act or authority to pave or re-pave, whether with materials different from what are now in use or not, any street or portion of a street, upon or along which the railway tracks of the Company, or any of them, shall be laid, the "track allowances" shall at the same time that the paving or re-paving being done on the adjoining portions of the street be paved by and at the expense of the Company, with the like materials, or such other materials as shall be approved of by the Council of the Corporation, and in the same manner as the adjoining portion of the said street is so paved or re-paved, and to the satisfaction of the said Engineer, the Company furnishing the materials, and the specifications for all such paving or re-paving to be done by the Company, including the foundations therefor, under the provisions of this sub-section, shall be submitted to and approved of by the said Engineer before any of the said work is commenced by the Company, and thereafter the same shall be paved and kept in repair, to the satisfaction of the said Engineer, by and at the expense of the Company, the Company furnishing the materials, and the Company shall be responsible for and make good to the Corporation all loss, damages, costs, charges and expenses which the Corporation may incur or be put to by reason of any failure of the Company to conform to the provisions of this sub-section, or any delay on the Company's part in so doing.

Company to  
pave "track  
allowances"  
similar to bal-  
ance of road-  
way at its own  
expense.

And to keep  
same in repair.

(2) It shall be the duty of the Company, whenever any street, or portion of a street, is to be so paved or re-paved, to take up its tracks and sub-structures thereon, if and when the said Engineer shall deem it necessary to do so, and re-lay the same according to the best modern practice and to the satisfaction of the said Engineer.

At time of  
paving, Co. to  
re-lay tracks  
if required.

11. In case the Company shall fail to do to the satisfaction of the said Engineer any work or thing which, by the terms of this By-law hereinbefore or hereinafter contained, they are to do, or in case the Company shall fail to keep in a proper and sufficient state of repair the several tracks of the said railway or those portions of the streets which it is herein provided that the Company shall be bound to keep in repair, or the said crossings, the said Engineer may give written notice to the Company (which may be served by leaving the same at the office of the Company in the said City of London, or by mailing the same by registered letter addressed to the Company at the said City of London), specifying in general terms the nature of the work or thing which the Company has failed to do, or the approximate locality of any such want of repair and, if the Company shall not, within seven days thereafter, have done such work or thing, or put in proper repair such track, street or crossing, to the satisfaction of the said Engineer, then such work or thing may be done and such repairs may be made by the Corporation, or the Council thereof, at the expense of the Company, and the amount so expended may be recovered from the Company in any court of competent jurisdiction, and, in case of the failure of the Company to pay the same for the period of two months after the recovery of a judgment for any amount, all rights and privileges hereby, or by any Agreement or By-law of the Corporation, heretofore or hereafter granted to the Company, shall cease, determine and be at an end, and in that event the Corporation may exercise the other powers contained in Section 56 hereof. Provided that such delay shall not relieve the Company, in any case, from their liability, under the provisions of this By-law, to indemnify the Corporation against loss or damage arising from the default or neglect of the Company to do the work, or thing, or make the repair, in respect of which such notice shall be given.

In case of  
neglect of Co.  
to repair.

Corporation  
may do same  
at expense of  
Company.

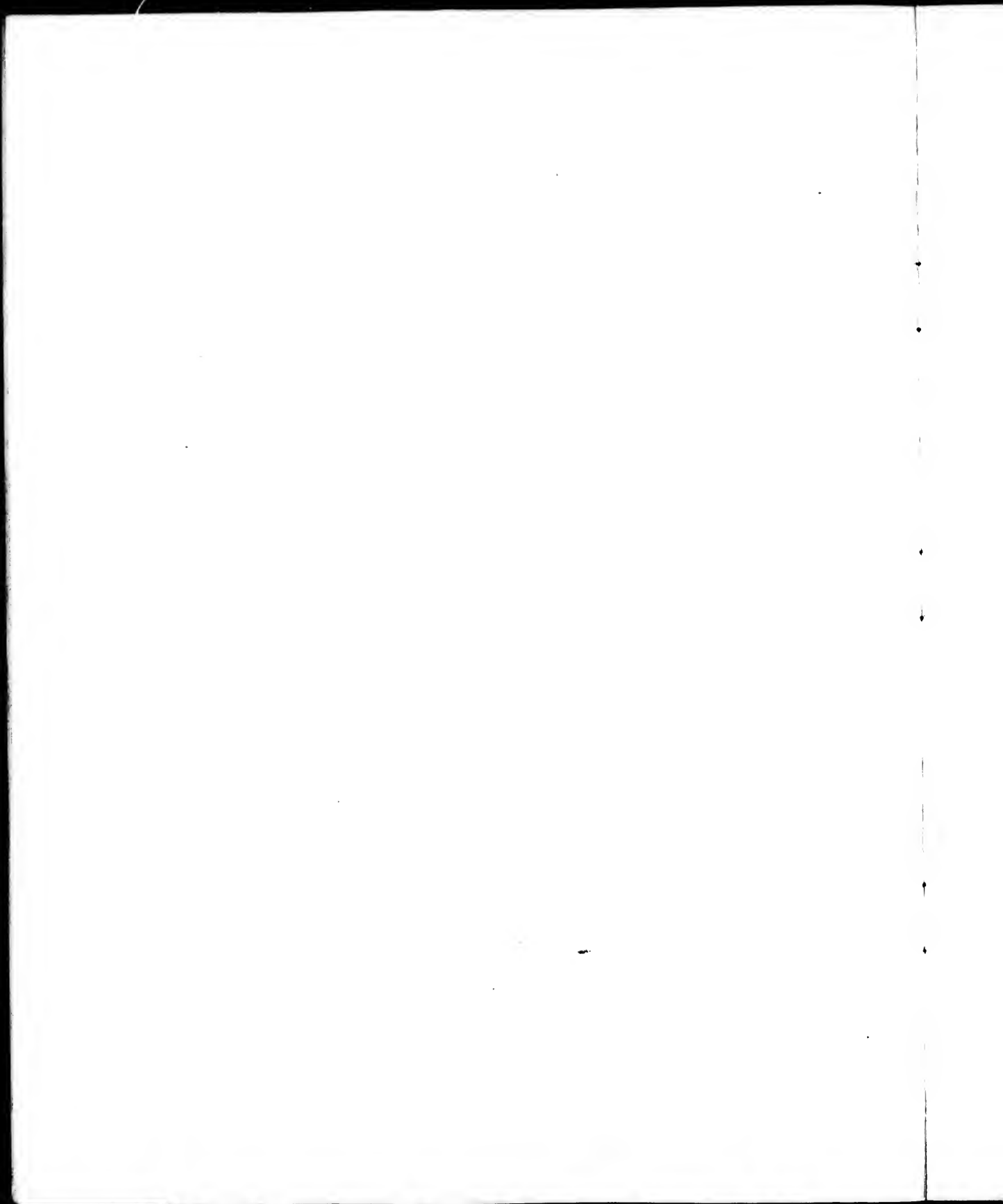
12. No part of the said railway shall be opened to the public or put in operation until the said Engineer shall have given his certificate in writing that such part is in good condition and has been constructed in all respects conformably to the provisions of this By-law.

Certificate  
of Engineer  
necessary be-  
fore opening  
of road to  
public.

13. (1) Before breaking up, opening or interfering with any part of the said streets for the purpose of constructing or re-constructing the said railway, or any part thereof, the Company shall give to the said Engineer for the time being ten days' notice, in writing, of their intention so to do, and no more than three thousand lineal feet of the said streets shall, unless authority from No. 2 Committee of the Council of the Corporation, or such other Committee as may have charge of the streets, to do so shall be first obtained, be broken up or opened or interfered with at any one time, and, when the work thereon shall have been commenced, the same shall be proceeded with without intermission or delay, and as rapidly as the same can be carried on,

Length of  
street that  
may be opened  
at one time  
when con-  
structing it.





with due regard to the proper and efficient construction, or re-construction (as the case may be) of the same, and subject to the supervision and to the satisfaction of the said Engineer.

(2) Before commencing any other work of alteration or any repair the Company shall give to the said Engineer notice of their intention so to do and no more than 100 lineal feet of the streets shall, without his authority in writing, be broken up or open at any one time or place and, when the work of such alteration or repair shall have been commenced, the same shall be proceeded with without intermission and as rapidly as the same can be carried on with due regard to their proper alteration or repair, and subject to the supervision and to the satisfaction of the said Engineer.

Length of  
St. to be opened  
in case of  
repairs.

14. During the construction or repair of the said railway or of any work in connection therewith due and proper care shall be taken to leave sufficient space and crossings, so that the traffic on the said streets and other streets running into or crossing the same shall not be unnecessarily impeded and that the watercourses of the said streets shall be left free and unobstructed, and lights, barriers or watchmen and all other efficient means and precautions shall be provided, taken and kept by the Company, when and where the same shall be necessary or shall be required by the said Engineer and to his satisfaction, to prevent accidents or injury.

Traffic on  
streets, and  
protection to  
public at time  
of construct-  
ing or repair-  
ing.

15. It shall be lawful for all and every person or persons whatsoever to travel upon and use the said tracks, except for street railway purposes, with horses, carriages or other vehicles, loaded or not, when and so often as they may please, so that they do not unnecessarily impede or interfere with the cars of the Company running thereon.

Tracks of  
Co. may be  
used by public.

16. The Company shall construct, maintain and operate their system without causing any injury to or interference with any system of waterworks, telegraph, telephone, electric light, gas, fire alarm or other service now or hereafter having the use of or being operated in, upon or under any of the streets of the said City of London, and shall be liable for all damages arising from or by reason of the construction, maintenance or operation of their railway system, and shall from time to time adopt and use the best modern means, satisfactory to the said Engineer, to prevent any such injury or interference as aforesaid, and, should the Company fail to adopt and use such means, the Corporation may adopt and use the same and charge the cost thereof to the Company, who shall pay the same to the Corporation on demand.

Co. not to  
interfere with  
water works  
or other ser-  
vices.

17. (1) The Company shall indemnify and save harmless the Corporation at all times from all loss, damages, costs, charges and expenses of every nature and kind whatsoever which the Corporation may incur, be put to or have to pay by reason of the exercise by the Company of their powers, or any of them, or by reason of neglect by the Company in the executing of their works, or any of them, or by reason of the improper or imperfect execution of their works, or any of them, or by reason of the said works becoming unsafe or out of repair, or by reason of the neglect or failure of the Company to remove any snow or ice, which it is their duty to remove under the provisions of this By-law, or by reason of the neglect, failure or omission of the Company to do or permit anything herein agreed to be done or permitted, or by reason of any act, default or omission of the Company or otherwise howsoever; and, should the Corporation incur, pay or be put to any such loss, damages, costs, charges or expenses, the Company shall forthwith, upon demand, repay the same to the Corporation.

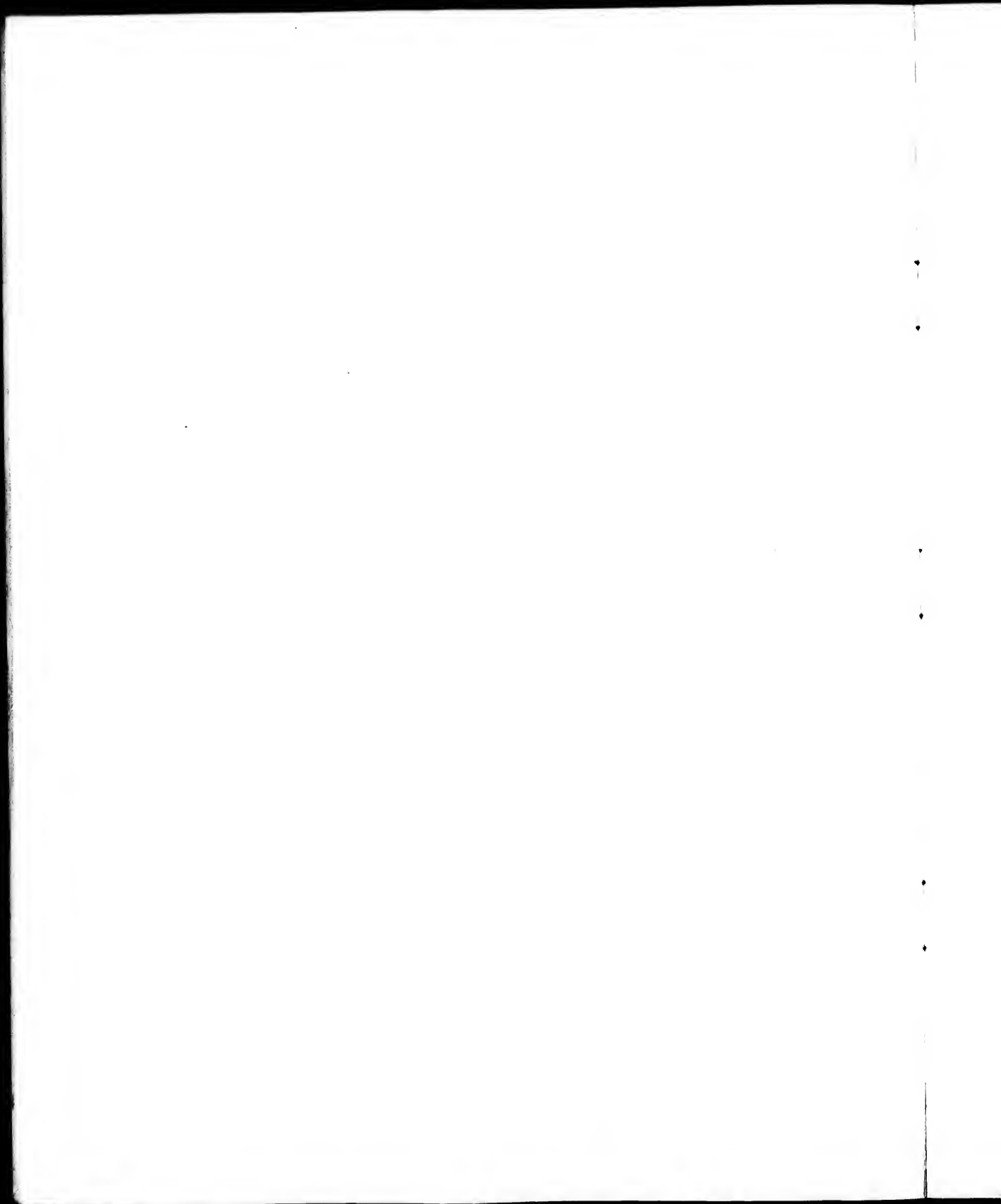
Co. to indem-  
nify Corpor-  
ation from  
loss, etc.,  
caused by con-  
structing or  
operating ity.

(2) The Company shall, by the use of guard-wires or other sufficient means, protect all the city fire alarm wires, and all telegraph, electric light, telephone and other wires, from contact with the electric wires which may be used by the Company for the working of their railway. The said Engineer shall be the judge as to the sufficiency of the means from time to time to be adopted for the purposes aforesaid, and his decision in the premises shall be binding on the Corporation and the Company.

Protection  
for fire alarm  
and other  
wires.

18. (1) The Company shall place and continue on said railway new combination motor cars of the same pattern, and equal in finish and equipment to those now used on Euclid Avenue, in the City of Cleveland, in the State of Ohio, and the same shall be in every respect equal or superior to the said cars; the Company for this purpose to have the right to build loops, y's,

Style of car.



or turntables at the end of each route; and all cars, whether motor cars or not, used by the Company shall contain all the modern improvements, for the convenience and comfort of passengers, including lighting and heating, and shall be lighted and heated at such hours and for such periods of the year as the said Engineer may from time to time require, and to his satisfaction, and the platforms shall be provided with gates or bars and each car shall be supplied and maintained with fenders of the most improved design, for the safety of the public, and with vestibules for the protection of the motormen, all such gates, bars, fenders and vestibules to be satisfactory to the said Engineer, and the Company shall run the cars on their said railway and provide such service as, in the opinion of the Council of the Corporation, the public convenience may, from time to time, require, under such directions as the Council of the Corporation may from time to time prescribe; the said cars shall be kept clean inside and out, and no business signs shall be carried on the outside of the cars except hangers advertising entertainments, and the Company shall improve their cars from time to time in accordance with the improvements in use on the best-equipped lines. All questions as to the cars to be used and improvements therein arising under this section shall be determined by the said Engineer.

Contrivances  
for safety of  
public.

Business  
signs.

(2) Cars shall not be crowded (a comfortable number of passengers for each class of cars shall be from time to time determined by the said Engineer, and approved by the Council of the Corporation); and no greater number of passengers shall be carried upon or permitted to be in any car than the number so authorized, if any passenger on board the car objects and calls the attention of the conductor to the crowding.

Crowding of  
cars.

19. If the Company shall at any time permit any portion of the railway, or that portion of the roadway which is to be kept in repair by the Company, to become out of repair, or in such condition as in the opinion of the said Engineer it ought not, having regard to the terms of this By-law, to be, the said Engineer may give to the Company written notice (which may be served by leaving the same at the office of the Company in the said City of London or by mailing the same by registered letter addressed to the Company at the said City of London), specifying in general terms the approximate locality so by him considered to be out of repair or in such condition, and, if the same shall not have been within seven days thereafter put in proper repair and condition by the Company, to the satisfaction of the said Engineer, then the Company shall not, if so required by the Corporation, operate such part of the railway as may be reported by the said Engineer to be, or may adjoin the said portion of the roadway so reported to be out of repair, or not in such proper condition, until the said Engineer shall have certified that all necessary repairs and changes have been made to his satisfaction. Provided that such delay shall not relieve the Company, in any case, from their liability, under the provisions of this By-law, to indemnify the Corporation against loss or damage arising from the default or neglect of the Company to do the work or thing or make the repair in respect of which such notice shall be given.

Provision in  
case of Rail-  
way or "track  
allowances"  
being out of  
repair.

Liability of  
Co. to remain.

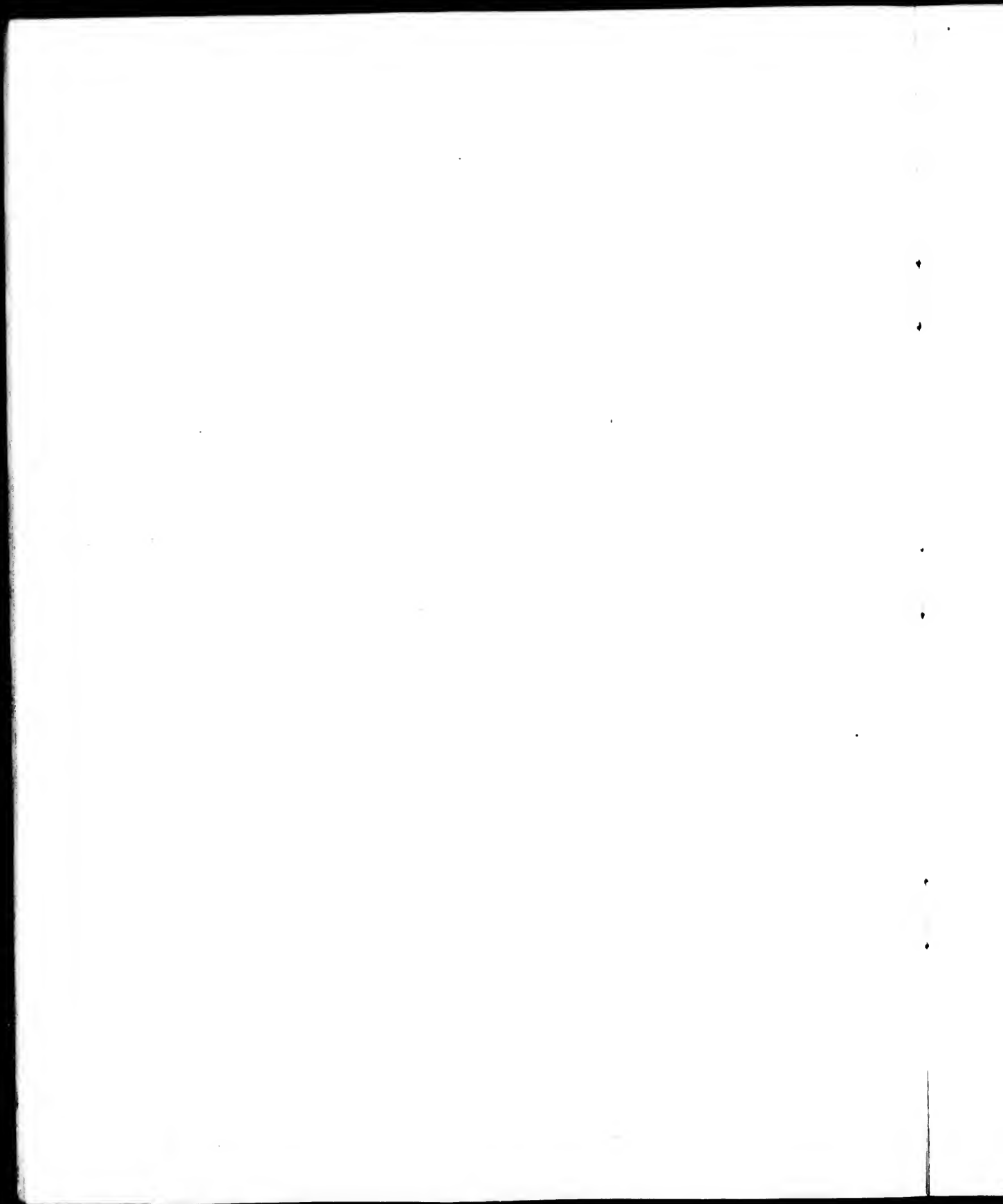
20. (1) The privileges granted by this By-law shall extend until the eighth day of March, 1925, and the Corporation may, after giving at least one year's notice, prior to the expiration of the said term, of their intention so to do, assume, at the expiration of the said term, the ownership of the said railway of the Company, and all real and personal property used or employed in connection with the working thereof, on payment of the value thereof, to be determined by arbitration, and any arbitration under this section shall be subject to the provisions of "The Consolidated Municipal Act, 1892," and of the Act respecting Arbitrations and References, or any Acts substituted therefor or for the time being dealing with the said matters and the arbitrators shall have all the powers of arbitrators appointed under the said Acts, and each party shall pay half the costs of the arbitration.

Corporation  
may assume  
ownership at  
end of term,  
upon notice.

And subject  
to arbitration.

(2) After the Corporation shall have given such notice, they may at once proceed to arbitrate under the conditions in that behalf, and both the Corporation and the Company shall in every reasonable way facilitate such arbitration, and the arbitrators appointed in the matter shall proceed so as, if possible, to make their award not later than the expiration of the said term; but, if from any cause the award shall not be made by such time, or if either party be dissatisfied with the award, the Corporation may, nevertheless, take possession of the said railway and all the property and effects thereof, real and personal, necessary to be used or employed in connection with the working thereof, on paying into Court the amount of such award, if the award be made, or, if not, on paying into Court, or to the Company, such sum of money as a Judge of the High

Corporation  
may assume  
control, if  
award not  
made before  
end of term.



Court of Justice may, after notice to the Company, order, and, upon and subject and according to such terms, stipulations and conditions as the said Judge shall, by his order, direct and prescribe, provided always that the rights of the parties, except in so far as herein specially provided, shall not be affected or prejudiced thereby. In determining such value, the rights and privileges hereby granted, and the revenue, profits and dividends being or likely to be derived from the enterprise, are not to be taken into consideration, but the arbitrators are to consider only the actual value of the actual and tangible property, plant, pavements, equipments and works connected with and necessary to the operation of the said railway, which is not to include any land, property or rights acquired or used in connection with the said railway and which do not actually form a part of the said railway undertaking or are not necessary to the carrying on of the same, but no allowance shall be made in respect of pavements except such only as shall be hereafter constructed by the Company under the provisions of Section 10 of this By-law, and in arriving at the allowance for such pavements due regard shall be had to the average life of such pavements and their state of repair and condition at the time of the arbitration, and the original cost shall not be estimated higher than the price paid by the Corporation for the same class of pavement on the same street laid by the Corporation at the same time, and the arbitrators shall allow the Company for the bridges and superstructures which shall be constructed by the Company under the provisions of Sub-sections 1, 2 (a), 2 (b), 3 (a) and 3 (b) of Section 49 hereof, regard only being had to the value of the said bridges and superstructures as structures and to their state of repair and condition at the time of the arbitration, less one-half of the value of the superstructure of Victoria Bridge as found by the said arbitrators if the same be constructed by the Company under the provisions of the said Sub-section 2 (a), and less also one-half of what shall be allowed by the said arbitrators for the superstructure mentioned in Sub-section 3 (a) of Section 49 hereof, if the same be constructed by the Company under the provisions of the said sub-section 3 (a).

How arbitrators shall estimate actual value of plant.

Pavements.

And bridges.

(3) In arriving at such value the arbitrators are to consider and award only the value of the said several particulars to the Corporation at the time of the arbitration, having regard to the requirements of a railway of the best kind and system then in operation and applicable to the said city.

Value to be at time of arbitration.

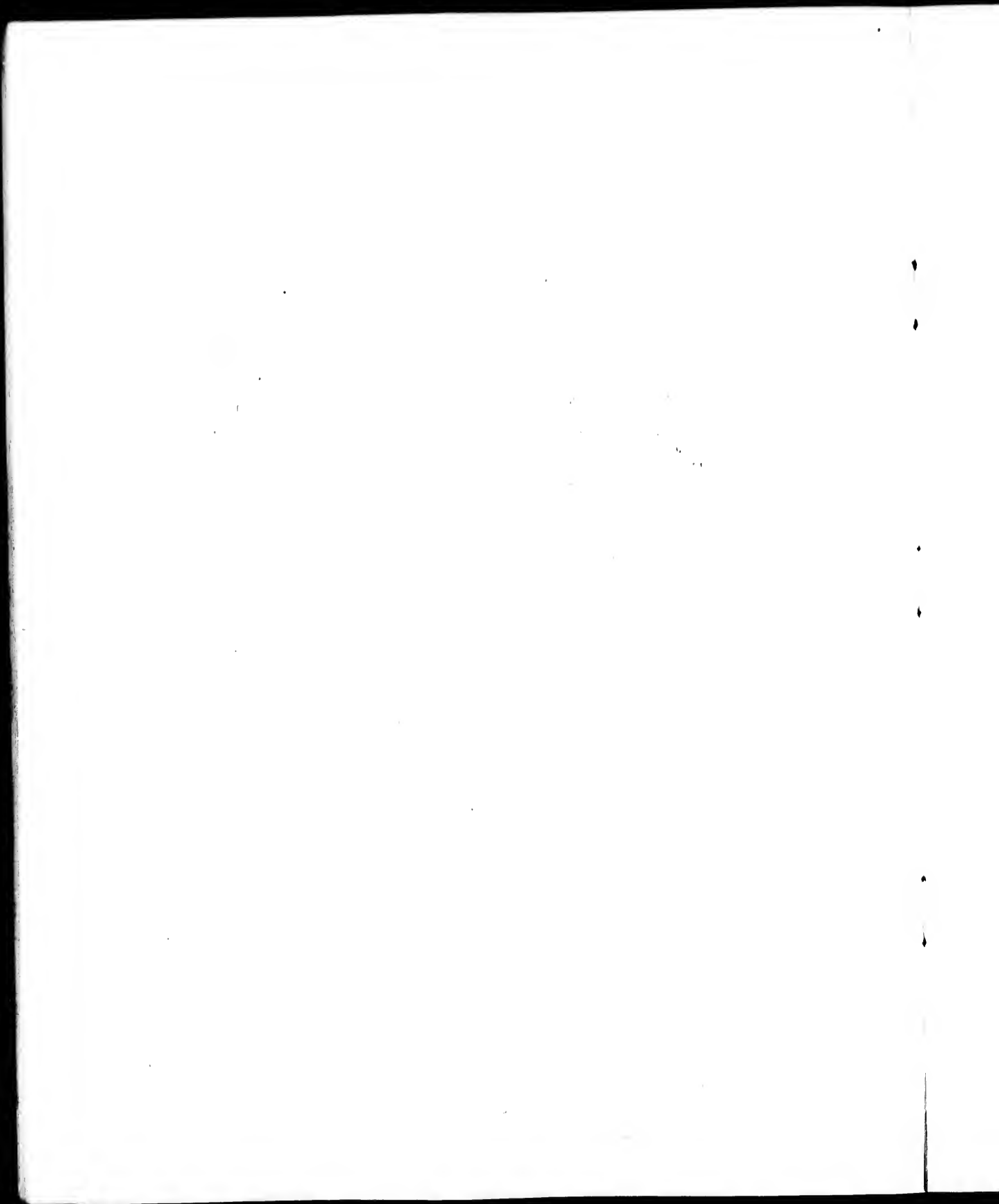
(4) In the event of the Corporation not exercising at the expiration of the said period of fifty years from the eighth day of March, A. D., 1875, the right to take over the railway and the real and personal property necessary to be used in connection with the working of the said railway, the Corporation may, at the expiration of any fifth year thereafter, and so at the expiration of periods of five years, reckoned from the expiration of the previous five years, exercise such right, upon giving not less than one year's previous notice to the Company of their intention so to do; and the privileges, duties, obligations and liabilities hereunder of the Company shall continue until the ownership is assumed by the Corporation as aforesaid or possession taken under the provisions of this section as above mentioned, provided always that whenever the Corporation exercise such right of taking over the said property, the provisions for determining the value thereof herein contained and the other provisions of Sub-section 2 of this Section shall apply *mutatis mutandis* in the same manner as if the Corporation had exercised their rights at the expiration of the said period of fifty years, that is to say on the eighth day of March, A. D., 1925.

Provido in case Corporation does not exercise right to take over by. at end of term.

21. The Company shall establish and lay down new lines and extend the tracks and street car service on such streets or parts thereof as may from time to time be directed by the Council of the Corporation within such periods (not being earlier than one year from the passing of the By-law or By-laws respectively) as may from time to time be fixed by a By-law or By-laws passed by a vote of two-thirds of all the members of the Council of the Corporation, and all such extensions and new lines shall be regulated by the same terms and conditions as are in this By-law contained, and the right to operate the same shall terminate at the expiration of the term limited by this By-law with respect to the existing system. Provided that no such new line or extension shall render the proportion of additional track mileage to population more than one mile of track, exclusive of side tracks, switches, y's, loops, turntables and turn-outs, to every two thousand inhabitants of the city as now existing or hereafter extended, in excess of a population of 35,000, and the new line or extension shall be of single or double track according as the portion of the track to which it is to be added or connected is single or double. Each mile of double track

Company compelled to extend lines.

But not more than one mile to 2,000 in excess of present population of 35,000.



shall be reckoned as two miles of single track, but side tracks, switches, y's, loops, turntables and turn-outs shall not be included in any such reckoning, and for the purposes of this By-law except where otherwise provided the population as ascertained by the last Dominion or Municipal Census, whichever shall be the latest, shall be deemed the actual population.

22. In case the Company fail to establish and lay down any new line as aforesaid and to open the same for traffic, or to extend and maintain the tracks and service on any street or streets or parts thereof within such periods as may be fixed as aforesaid, the Corporation, by resolution of the Council thereof, may declare that the Company has forfeited all privileges and rights which it may have acquired by this By-law or any other By-law heretofore or hereafter passed or by any agreement with the Corporation heretofore or hereafter made and may repeal the By-laws connected therewith, and the said privileges and rights shall be forfeited accordingly and the said agreements rescinded, and in such case the Corporation shall have the right to require all obstructions and materials placed in said streets by the Company under any agreement to be removed therefrom and the said Streets to be put in as good condition and repair as they were before the said materials and obstructions were placed thereon, and the expense thereof shall be paid to the Corporation by the Company; and the Corporation shall also have the right to run the said Railway and to grant the same rights and privileges to any other Company, free from all charges or liabilities for damage on account thereof. No new lines, or extensions of existing lines, shall be opened for traffic until the Company shall have obtained a certificate in writing from the said Engineer that the same have been constructed to his satisfaction, and in accordance with the terms of this By-law.

Power of Corporation if Co. fails to lay down new lines.

23. The Company, in changing their system and performing the other work provided for by this By-law, and in maintaining and operating their railway, will, so far as is practicable so to do, employ residents of the City of London.

Citizens to be employed as far as possible.

24. No more switches, side tracks and turn-outs than are necessary shall be laid and not more than one of any or either kind in a distance of fifteen hundred lineal feet (except at curves on lines where the track changes its direction from one street to another, at which places the Company may lay double tracks around such curves under the direction and to the satisfaction of the said Engineer) without the consent in writing of the said Engineer, and any rails, curves, switches, side tracks, turn-outs or any portions of the tracks or work not satisfactory to the said Engineer shall be forthwith made satisfactory to the said Engineer or removed by the Company at their own expense, and the street on which the same shall have been laid restored to its original condition, to the satisfaction of the said Engineer.

Switches, side tracks and turn-outs, laying of.

25. The following rules and regulations in regard to the working of the railway shall be observed by the Company and the officers and servants thereof:

(a). The cars to be used on the said railway shall be propelled by electricity as the motive power, and smoking will be allowed on the rear two seats and rear platforms of open cars.

Electricity. Smoking.

(b). The Council of the Corporation may require that the cars used shall commence running as early as six o'clock in the forenoon of each day of the year (Sundays excepted) and that they shall continue to run for seventeen hours thereafter, but the Company may, at their own option, run their cars for more than seventeen hours in each day.

Hours for running of cars.

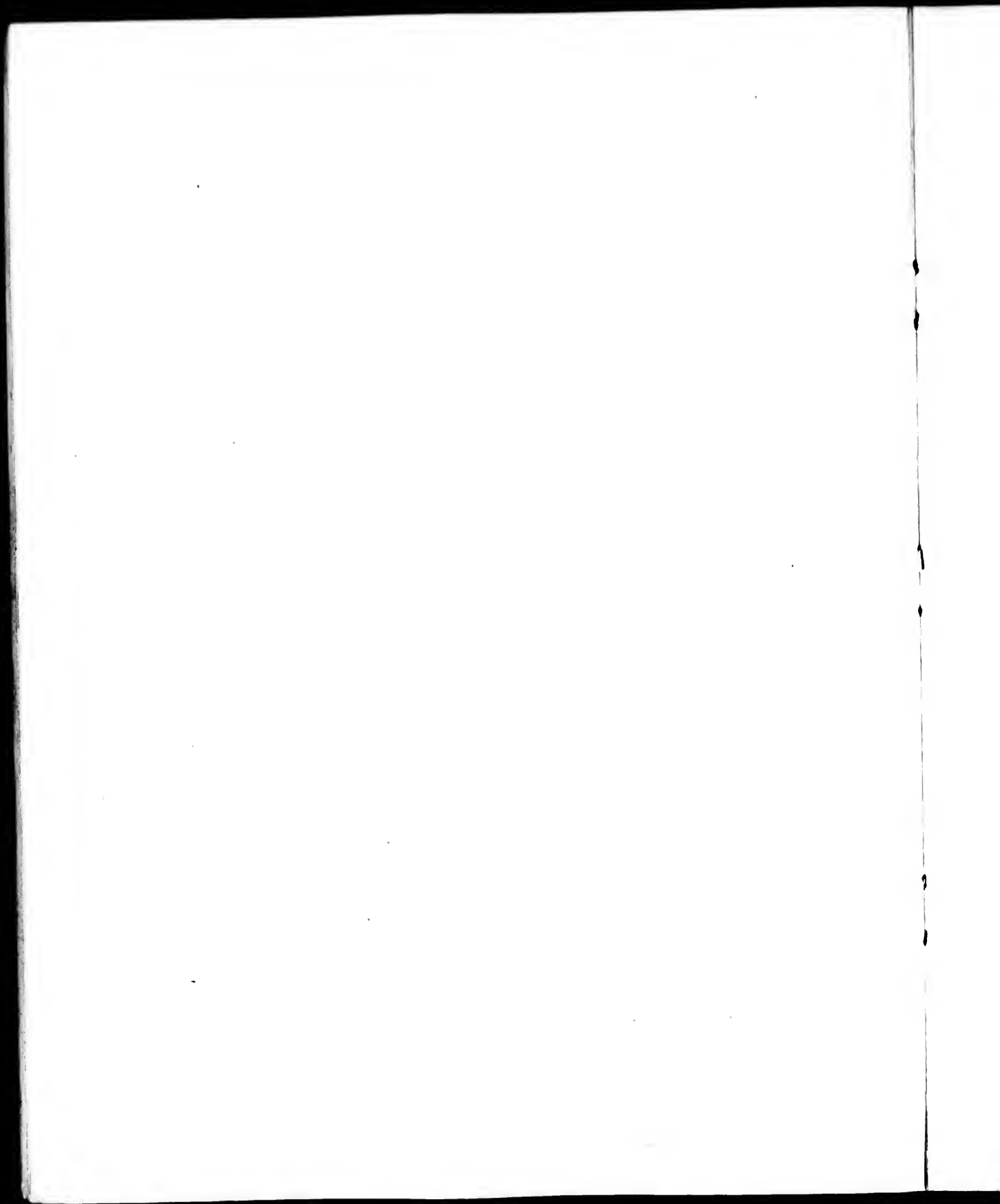
(c). The Company shall use only passenger cars, mail cars, cars used for the construction of the Company's railroad whilst the same is being constructed, cars for hauling gravel for the Corporation, or for the maintenance of the Company's railroad, cars for street watering, snow-cars for the purposes mentioned in this By-law, and such other cars as the Council of the Corporation may from time to time by by-law permit; and all cars, of every description used by the Company, shall be used and run under and subject to such regulations as the Council of the Corporation may from time to time by by-law prescribe.

Cars that may be used by Company.

(d). The Company may charge and collect from every person, on entering any of their cars, for a continuous journey of any distance on their railway, from any point thereon to any other point on a main or branch line, within the limits of the City of London, as now existing or hereafter extended, a sum not exceeding five cents, except for children under five years of age accompanied by a parent or other person having them in charge, such children to travel free; and shall sell tickets at the price of twenty-five cents for seven tickets, each ticket to entitle the holder to one continuous journey on the cars as aforesaid, between the hour when the cars

Fares.





commence running and 12 o'clock midnight, and shall also sell another class of tickets at the price of twenty-five cents for nine tickets, the same to entitle the holder to one continuous journey on the cars as aforesaid, between the hours of 6.30 a. m. and 8 a. m., and between the hours of 5 and 6.30 p. m., and shall also carry children between the ages of five and twelve years for a cash fare of three cents and shall sell two children's tickets, good for children between the ages of five and twelve years, at the price of five cents, and shall also carry free of charge all police constables in uniform, and all city firemen in uniform or wearing badges when going to or returning from a fire, health and water inspectors, and City detectives wearing badges; and the Company shall grant transfers without any additional charge for both adults and children, from any point on their lines to any other point thereon, within the limits of the City of London, as now existing or hereafter extended, for a continuous journey, which is not a return trip, and shall from time to time make proper and sufficient arrangements, to the satisfaction of the said Engineer, for the purpose of such transfers. The fares set out in this section shall not apply to chartered or private cars. No person, save as aforesaid, and save also employees in the service of the Company, shall be permitted to travel free upon any of the cars of the Company.

Certain par-  
tials to be car-  
ried free of  
charge.

(e). Cars running in the same direction, or in opposite directions, on the same track shall not approach each other within a distance of sixty feet, except in cases of accident or when it may be necessary to connect them together, or at stations and turn-outs, and the rate of speed of all cars shall be from time to time subject to the direction of the said Council of the Corporation; and the rates of speed may vary on different parts of the lines.

Space be-  
tween cars on  
same track.

(f). While the cars are turning the corners of streets they shall be run at a rate of not more than three miles an hour.

Speed at cor-  
ners of streets.

(g). No car shall be allowed to stop on or over a crossing or in front of any intersecting street except to avoid collision or to prevent danger to persons in the streets, or for other unavoidable reasons, and no car shall be left or remain standing in the street at any time unless waiting for passengers, and no more than three cars shall be coupled together.

Stoppage of  
cars.

(h). There shall be not less than two men in charge of each motor car, and at least one man in charge of each trailer or other car.

Number of,  
and

(i). Careful, sober and civil agents, conductors and officers shall at all times be employed to take charge of the cars on the said railway.

(j). It shall be the duty of the motormen in charge of cars while on the road to keep a vigilant watch for all teams, carriages and persons on foot (and especially children) either upon the track or moving towards it, and to stop the car in the shortest time and space possible on the slightest appearance of danger.

duties of per-  
son

(k). The conductors shall announce to the passengers the names of the streets and public squares as the cars approach them.

(l). The conductors and motormen shall bring the cars to a stop (when passengers request to get on or off the cars) at all street intersections and such other places as may be from time to time designated by the said Engineer, provided that two stopping places are not so designated within a distance of 400 feet.

In charge of  
cars.

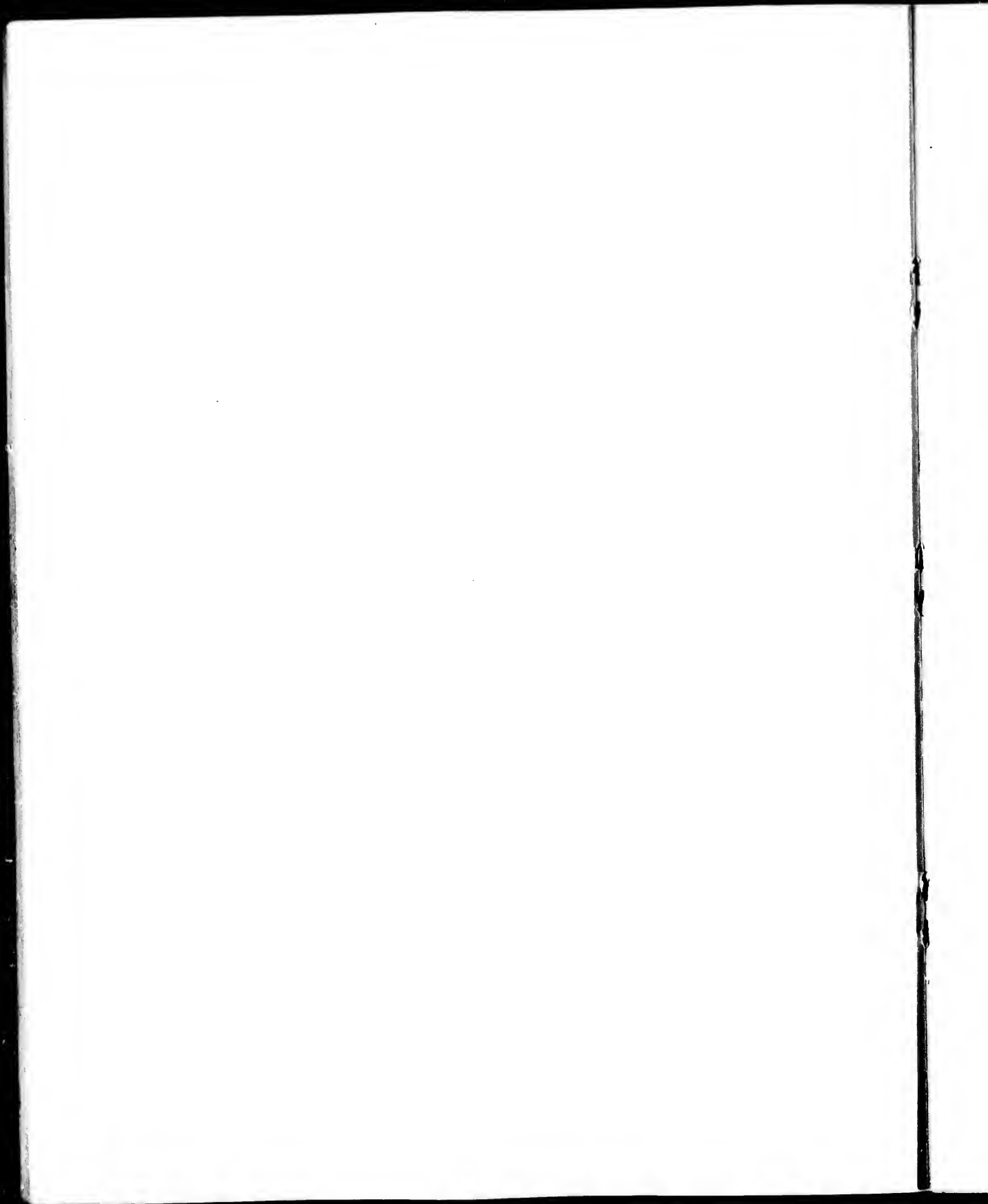
(m). The conductors shall not allow any woman or child or aged or infirm person to enter or leave the cars while in motion, and no passenger shall be allowed to enter or leave the cars on the left side (looking forward) of the car.

(n). The cars, after sunset, shall be provided with colored signal lights of a different color for each route and a bright head-light on every motor car, all to be approved of by the said Engineer, and each motor car shall have a gong attached to it which shall be kept ringing at all times when approaching a crossing or when necessary to give warning.

Signal lights.

(o). The cars shall be entitled to the track, and any horse or vehicle upon the track of the Company shall turn out when any car comes up so as to leave the track unobstructed, and any one placing an obstruction on the track, except as authorized by this By-law, or the driver of any vehicle refusing to turn out when requested so to do by the motorman of any car, shall be liable to a penalty not exceeding ten dollars, and the costs of prosecution on conviction before the Police Magistrate, and such penalty may be imposed for every day that such obstruction may continue, but the imposition of any penalty under this By-law shall not relieve the persons causing such obstruction from liability for damages or from any other liability or penalty imposed

Right-of-way  
for cars.



by law; but, if any person or persons shall have any cause to remove any building or other large and heavy substance, such person or persons shall be allowed reasonable and sufficient time between the hours of 11 p. m. and 6 a. m. to remove, load or unload the same without being liable to the penalty attached by this sub-section, provided that any person or persons before removing any building along or across the railway track shall first obtain the consent in writing of the said Engineer for such removal and shall give reasonable notice thereof to the President, Secretary, Manager or Superintendent of the Company and shall pay the Company the cost of cutting their wires and splicing them.

Proviso as to removal of buildings, etc.

(p). Ten hours shall constitute a working day and no employee of the Company shall be permitted to work in the service of the Company for a longer period than 240 hours in any lunar month.

Hours of labor

(q). Any conductor or other employee of the Company who shall request or demand from any passenger more than the fare prescribed by this By-law shall, on conviction thereof in the Police Court, pay a fine of not less than five dollars for each offence.

Excessive fare

(r). The Company shall keep a sufficient supply of tickets for sale at some place in the business portion of the City convenient from time to time for the public, and also upon all their cars in service, and they shall sell tickets to all persons desiring to purchase the same at the rates mentioned in sub-section "d" of Section 25 hereof and each conductor or person in charge of a car shall furnish necessary change to the amount of \$2, but not more, when required by any passenger.

Sale of tickets

(s). The speed and service necessary on each main line, part of same or branch shall be determined from time to time and may be altered, changed or varied by the order of the said Engineer, approved by the Council of the Corporation, and all cars shall be run at such intervals as the said Engineer, with the approval of the Council of the Corporation, may from time to time determine. And the Council of the Corporation may from time to time, as they may see fit, by a vote of two-thirds of all the members of the Council of the Corporation change or vary any route or routes adopted or changed from time to time by the Company, and the Company shall thereafter run their cars according to the route or routes so changed or varied by the Council of the Corporation for at least six consecutive months, and the Company shall not make any change in any route more often than twice in any year. The Company shall furnish the Council of the Corporation with a written statement of the routes first adopted by the Company within six months from the passing of this By-law, and each and every change in such routes shall immediately after such change be notified in writing by the Company to the Council of the Corporation.

Speed and service.

Subject to direction of Council.

(t). When crossing any bridge of the Corporation or the overhead railway bridge on the Wharnccliffe Highway and whilst within the distance of 100 lineal feet from any bridge of the Corporation or Company or the said overhead railway bridge no car shall be run at a rate of speed exceeding four miles an hour and not more than one car or train of attached cars shall at any one time be allowed to cross or be upon any bridge of the Corporation.

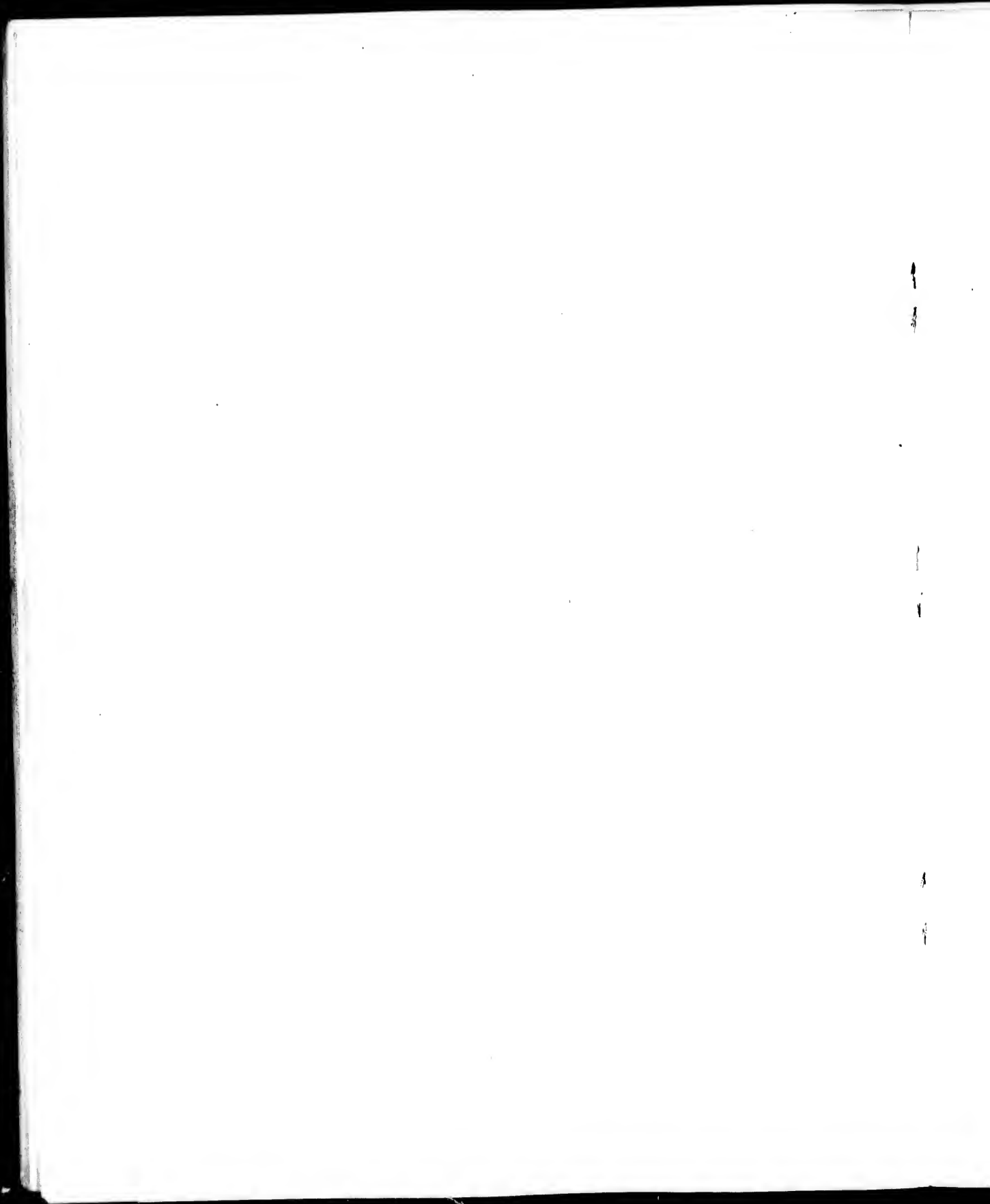
Speed at and upon bridges.

(u). The Corporation shall be at liberty from time to time by By-law or resolution to change the time fixed by sub-section (d) of Section 25 hereof at between 5 p. m. and 6:30 p. m., when the holder of a ticket purchased at the price of twenty-five cents for nine tickets shall be entitled to one continuous journey on the cars as aforesaid, to such other time in the afternoon as the Council of the Corporation may from time to time deem expedient to suit the convenience of the working classes returning from work, provided that the times between which the said tickets may be so used as aforesaid and so fixed from time to time by the Corporation shall not exceed an hour and a-half in each afternoon and all said tickets issued by the Company before such change and not used at the time of such change shall thereafter be good only for the hours substituted by the Council of the Corporation as aforesaid and between the hours of 6:30 a. m., and 8 a. m.

Proviso for change of time for use of working men's tickets.

26. In case of a breach on the part of the Company of any of the provisions of the foregoing regulations lettered b, c, d, e, f, g, h, k, l, m, n, p, r, and t, the Company shall pay to the Corporation for every day in which default or breach shall happen, as liquidated and ascertained damages, the sum of ten dollars, and, in case such breach of any of the said regulations lettered d, r and s shall continue for ten days after notice in writing forbidding it shall have been

Damages, etc., in case of default by Company.



given by the Corporation to the Company, the Corporation may put an end to the powers conferred on the Company by this By-law, or any other By-law or agreement heretofore or hereafter passed or made, and in that event the Corporation may exercise the other powers contained in Section 56 hereof.

27. The Company shall cause to be painted in large, plain letters, on a conspicuous place on the outside of each car, the number thereof and the name of the route or street along or upon which the car is to be run, so that such name and number may be readily seen and read by day or night, and to the satisfaction of the said Engineer, and each person employed in running a car shall, when so employed, have his number conspicuously shown.

Lettering  
and number-  
ing of cars.

28. The Company shall from time to time adopt and use all the most improved safeguards against and means of preventing accidents and injury in the working and running of their railway and the same shall be from time to time subject to the approval and direction of the said Engineer.

Safeguards  
against acci-  
dents.

29. The location of the line of the said railway on the said streets and the position of the rails, switches, turn-outs and other works thereon shall be shown upon plans, with figured dimensions showing the distance of all their works from the side lines of the streets, which shall be submitted to the said Engineer and the Council of the Corporation, and none of the said works shall be commenced until the said plans have been submitted to and approved of by the Council of the Corporation and the said Engineer.

Plans for lo-  
cation of line.

30. The points, switches and appliances to be used by the Company in the construction of the track, the radius of all curves and the position, location and extent of the switches, side tracks, curves, loops, y's, turntables and turn-outs shall be subject to the approval of the said Engineer, but the said Engineer shall not limit the length of any switch or side track, if and where such switch or side track is allowed by him to be constructed, to less than 250 feet over all from outside points to outside points.

Appliances  
to be approved  
of by City En-  
gineer.

31. No motive power, other than electricity, shall be used by the Company except with the approval of the Corporation, unless in cases of accident or necessity and then only under the written permission of the said Engineer, when horses or mules may be used for the time so permitted by the said Engineer.

Motive power.

32. The Company shall not in any case connect any of their wires with the water pipes or service pipes or with any of the appliances in connection therewith without the consent in writing of the Corporation, and the Company shall and will at their own expense remove any such connections, whether made with such consent or not, when required to do so by the Corporation, and shall and will make good to the Corporation all loss, injury, damage and expense that the Corporation may have incurred or may be put to or incur by reason of the said connections having been made whether made with such consent or not.

Protection  
of water pipes.

33. It is hereby reserved to the Council of the Corporation to make and the Council shall have the right to make such further rules, regulations, orders and By-laws in relation to the repairs and operation of the said railway as from time to time may be deemed necessary to protect the interests of the Corporation, or to provide for the safety, welfare or accommodation of the public, but no alteration in these rules shall be made which shall have the effect of impairing the substantial rights of the Company under this By-law.

Council may  
make further  
regulations.

34. Nothing herein contained shall entitle the Company to run their cars or operate their railway on Sundays, and the Company shall not run or permit any car to be run on their railway or any portion thereof upon any Sunday.

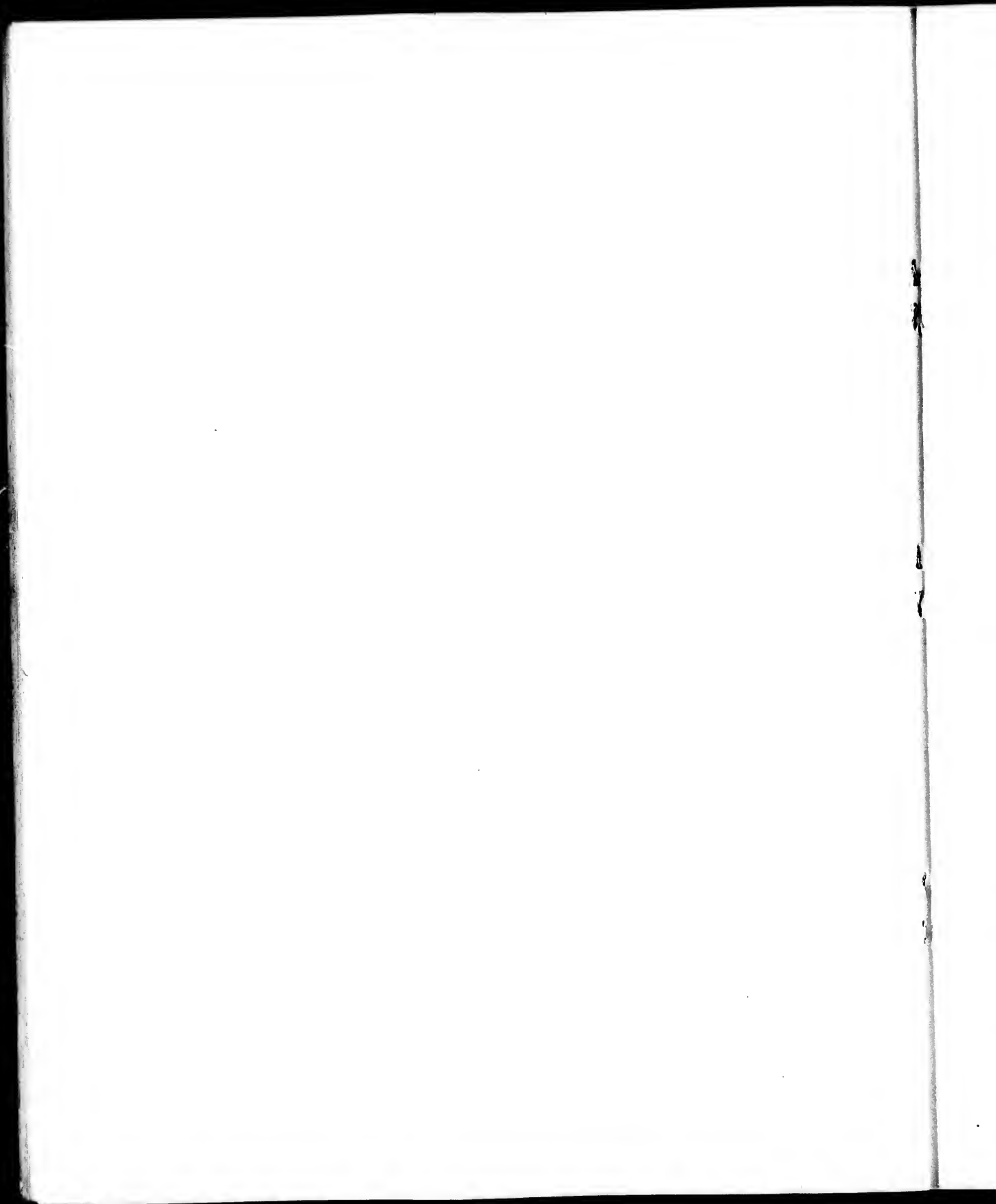
Sunday ser-  
vice prohib-  
ited.

35. No new line or extension or additional track shall be built by the Company on any of the streets of the said City of London except under authority first obtained by By-law of the Council of the Corporation.

New By-law  
for further ex-  
tension.

36. (1) The poles to be used for the Company's wires on Richmond Street from the Grand Trunk Railway Company's track to Central Avenue, and on Dundas Street between Ridout and Wellington Streets, shall be iron and of the most improved pattern, except where the Company shall, with the written consent of the said Engineer, and while they are so permitted, use the poles of any telegraph or telephone company, and on all other streets traversed by the Railway the Company may use for their wires for said Railway, wooden poles, and the wooden poles used by the Company shall all be straight and perpendicular, and as nearly as possible

Poles.



of the same shape and size, and shall be dressed throughout, and all poles, both iron and wooden, shall be painted throughout and shall be placed on the sides of the streets, unless otherwise directed by the said Engineer, and all the poles of the Company shall be placed in such manner as to obstruct as little as possible the use of the streets for other purposes, and the pattern and description of all the said poles shall be approved of by and they shall be placed under the supervision and to the satisfaction of the said Engineer, and the poles shall be kept in repair and painted as aforesaid to the satisfaction of the said Engineer, and all earth and refuse placed upon the streets or any portion thereof in digging the post-holes and erecting the poles shall be immediately removed by the Company and, in default thereof, the same may be removed by the said Engineer at the expense of the Company and the cost of such removal shall be paid by the Company to the Corporation on demand.

Must be painted

and approved of by City Engineer.

(2) In case any pole shall be placed or erected otherwise than in accordance with the provisions of this section, or shall not be kept in repair or be re-painted as aforesaid, the said Engineer or the Corporation may require it to be immediately removed and replaced by a proper one, or to be repaired and re-painted, and, in default of that being done, may remove such pole or remove and replace it by a proper one, or repair and re-paint it, as the case may require, at the expense of the Company; but the said Engineer or the Corporation shall not exercise the rights by this sub-section conferred with respect to re-painting the poles or any of them until thirty days' notice in writing has been given by the said Engineer to the Company (which may be served by leaving the same at the office of the Company in the said City of London, or by mailing the same by registered letter, addressed to the Company at the said City of London), requiring the Company to re-paint the said poles or pole, nor if the Company, within the said thirty days, re-paint the said poles or pole to the satisfaction of the said Engineer.

Proviso in case of default by Company

with regard to poles.

37. Where, in case of fire, the Chief Engineer or person there in charge of the Fire Brigade, or portion thereof there engaged, shall deem it necessary, he shall have the right to cut or pull down any wires of the Company which in his judgment obstruct the operations of the Firemen, or to direct that they shall be cut or pulled down, and also to require the Company to stop the running of their cars to or near the building or buildings which may be on fire, or the fire engines, hose or other appliances in use at such fire, and the Corporation shall not be liable for any loss or damage caused thereby.

Wires may be cut at time of fire, etc.

38. (1) The Company shall, at their own expense, from time to time remove from such streets or portions of streets as the Council of the Corporation may from time to time by by-law direct (not exceeding in all under this sub-section two miles in length thereof), from curb to curb, and where there are no curbs, from sidewalk to sidewalk, the snow and ice which shall fall or form thereon, and the snow and ice which shall fall or form on the roofs of buildings on such streets and fall or be removed therefrom and be deposited on such streets and the snow and ice which shall fall or form on the sidewalks of such streets and be removed therefrom and deposited on such streets. Provided, however, that snow to such depth as may be from time to time determined by the said Engineer shall be left on the roadway outside of the "track allowances" for sleighing. Provided also that the Company shall not be compelled to remove any snow or ice under the provisions of this sub-section, unless the depth of the snow or ice exceeds six inches, and then only to within six inches of the surface of the roadway.

Removal of snow or ice.

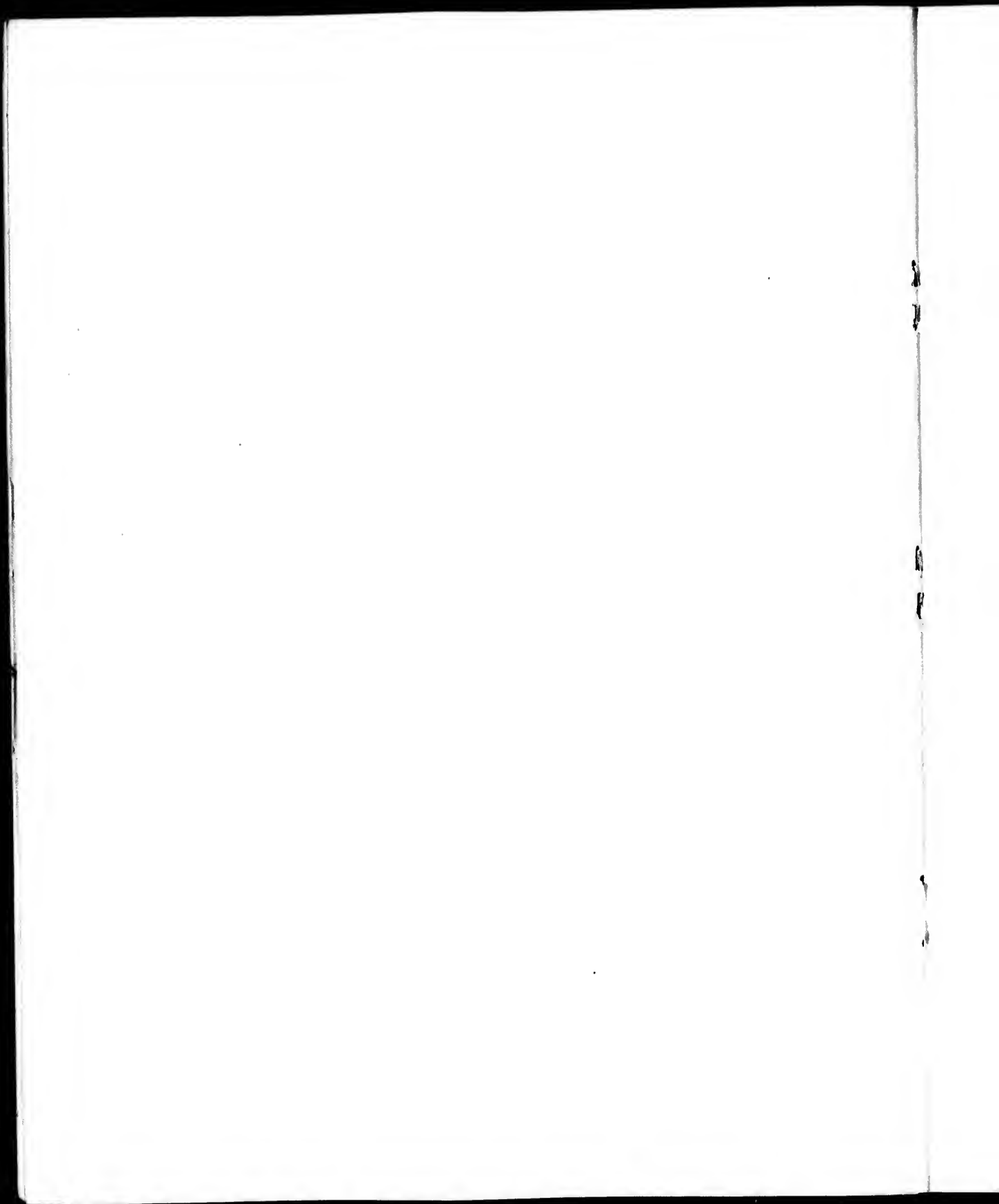
(2) The Corporation may from time to time change the streets or portions of the streets from which the snow and ice shall be so removed by the Company, provided that the total length of streets or portions of streets from which the snow and ice is to be so removed does not exceed the total length of streets or portions of streets provided for by Sub-section 1 of this Section, but no such change shall, if made after the first snowfall of a winter, come into force until the following winter, and in the meantime the former streets or portions of the streets shall govern.

Council may designate Sts. where Co. to remove snow.

(3) In the event of the Company neglecting to remove the snow and ice from the said streets as and when directed by the said Engineer, the same may be removed by the said Engineer acting on behalf of the Corporation, and the cost of such removal shall be paid by the Company to the Corporation on demand. The Company shall not deposit any of the snow or ice so removed on any of the streets of the City without the written permission of the said Engineer.

Proviso in case of default by Co. to remove snow.





(4) The Company shall not use salt for the removal of any snow or ice.

Use of salt prohibited.

(5) The total length of the streets or portions of streets from which the snow and ice shall be removed by the Company, as by Sub-section 1 of this Section provided, may be increased by the Corporation according to the growth of the population of the City, as now existing or hereafter extended, to the extent of one-quarter of a lineal mile of street for every four thousand increase in population of the City as now existing or hereafter extended, the population of the City for the purpose of this sub-section to be deemed and taken to be now 35,000.

Proviso as to length of St. from which Co. to remove snow.

(6) Should the Corporation desire to remove the snow and ice from any of the other streets traversed by the said railway or any portion thereof, not provided for in Sub-section 1 of this Section, or the extensions made as provided by the next preceding sub-section, the Company shall be bound to furnish from time to time free of charge, when required so to do by the Council of the Corporation or the said Engineer, snow-cars for the purpose of removing the snow and ice from such other streets or portions thereof, and, when and so soon as the same shall be loaded by the Corporation or its servants or workmen, to haul the same free of charge to such place or places on their line of railway as the said Engineer shall direct, and the Corporation shall unload the said cars. Provided that the hauling of such cars shall not interfere with the general traffic of the Company, but the Corporation may require the use of the said cars and the hauling of the same by the Company as aforesaid between the hours of 11 p. m. and 6 a. m., and in such events this proviso shall not apply.

Company's snow-cars may be used by Corporation.

(7) Provided, however, that the Company shall not be bound to furnish cars as by the next preceding sub-section provided whilst the same are actually and necessarily being used by the Company for the removal of the snow from the "track allowances."

Proviso as to.

30. Nothing in the next preceding section contained shall be deemed to authorize or permit any person to deposit on the streets of the City any snow or ice removed from the roofs of the buildings.

Snow not to be deposited on streets.

40. (1) Whenever the Company shall remove any snow or ice from the "track allowances" or any part thereof, the same shall be entirely removed by them from the streets or shall be evenly spread over the streets of the City, under the direction and to the satisfaction of the said Engineer, if and so long as the said Engineer directs the Company by notice in writing so to do, and wherever the snow or ice is removed from their tracks, the Company shall, when removing the same, slant down the adjoining snow and ice to such a distance outside of their tracks as to make the streets safe and convenient for the travelling public and to the satisfaction of the said Engineer.

Regulation governing removal of snow by Co.

(2) In the event of the Company at any time neglecting to perform the work in the next preceding sub-section mentioned as therein provided, and as and when directed by the said Engineer, such work may be done by the said Engineer acting on behalf of the Corporation, and the cost of such removal shall be paid by the Company to the Corporation, on demand.

Proviso in case of default by Co.

41. The Company may, under the supervision and to the satisfaction of the said Engineer, lay such curves, switches, loops, y's or turn-outs as the said Engineer shall deem necessary for the purpose of connecting their operating tracks with their power houses, car barns, storage sheds, yards or repair shops.

Co. may lay tracks to power house, etc.

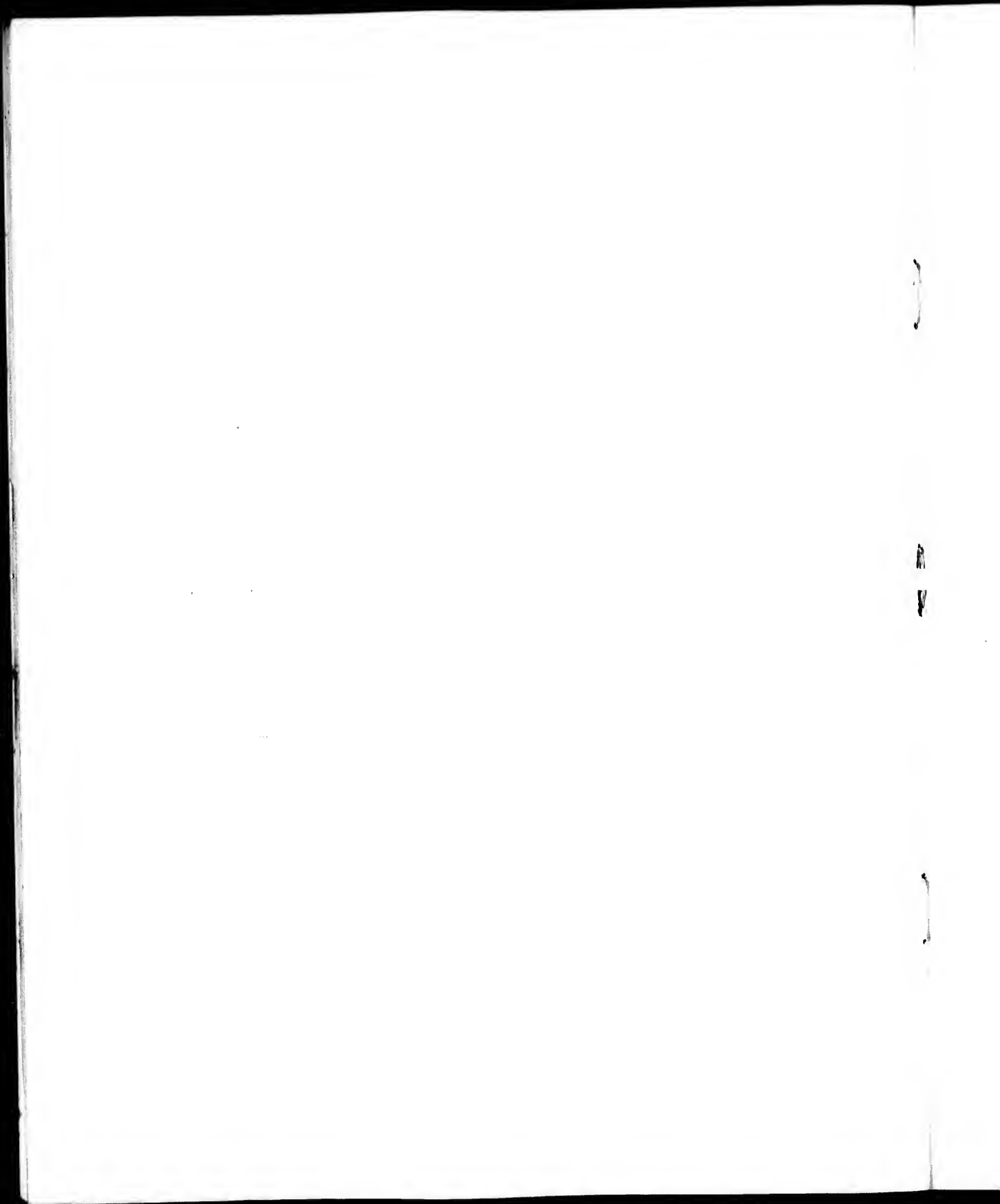
42. All workshops, principal repair shops and car sheds of the Company shall be and continue, during the continuance of this By-law, or the extension of the Company's rights thereunder, in the said City of London.

Work and repair shops to be in city.

43. In the event of any other person, persons or company proposing to construct a railway or railways on any of the streets of the said City of London, other than the streets and portions of the streets mentioned in Sub-section 2 of Section 50 of this By-law, the matter and substance of the proposal shall be notified to the Company and the option of constructing such proposed railway or railways on the conditions contained in this By-law, or the conditions contained in such proposal as the Corporation may elect, shall be offered to the Company, but, if such option shall not be accepted by the Company within thirty days after such notification, or, if the same having been accepted, the Company shall not proceed with the necessary work and complete the same within the time by the Corporation fixed for that purpose, then the Corporation may grant the privilege to any other person, persons or company, and the Corporation and its grantees shall be entitled

Proposals of others to construct railway on city streets to be submitted to Co.

30 days option.



to cross the railways of the Company by other railways traversing other streets; provided always that nothing herein contained shall be taken to bind the Corporation to grant to the Company or any one else the right to construct a railway or railways upon any streets other than those herein specially named. Proviso.

44. In case of non-payment of any fine and costs imposed under sub-section "o" or sub-section "q" of Section 25 of this By-law, the same may be levied by distress and sale of the goods and chattels of the offender; and, in case of non-payment of the fine, and there being no distress found out of which the same can be levied, such offender shall be liable to be imprisoned in the Common Gaol of the County of Middlesex, with or without hard labor, for any period not exceeding twenty-one days. Penally under sub-sec. "o" and "q" of sec. 25.

45. All rights hereby granted are so granted subject to any existing rights, statutory or otherwise, which are now possessed by any gas, telegraph, telephone, electric light or other company in or in respect of the streets and highways in the said City. Reservation of rights of gas and other companies.

46. In all the sections of this By-law in which the time of the day is mentioned, such time shall be understood to mean what is known at the said City of London as Eastern standard time. Standard time.

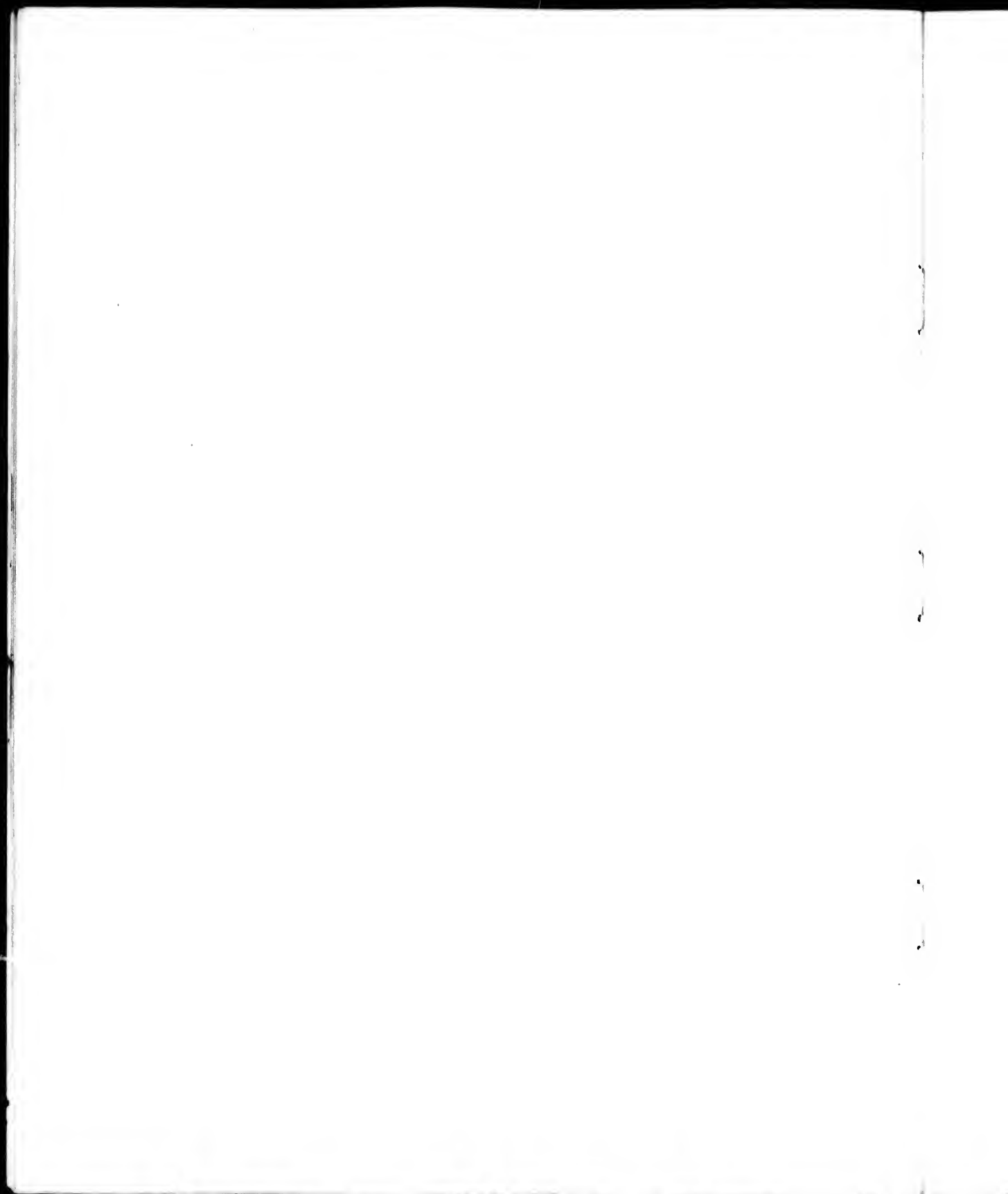
47. Permission is hereby given and granted to the Company, within twelve months from the passing of this By-law, to take up and remove their tracks and works from Pall Mall Street in the said City, leaving the said street in as good condition after as before such removal, and to the satisfaction of the said Engineer. Removal of present tracks on Pall Mall Street.

48. Should the Company at any time cease to regularly use for the purposes of their railway, for a period of five months, the poles and wires and overhead appliances and construction which shall be placed by the Company in the streets, the said Engineer or the Council of the Corporation may give written notice to the Company (which may be served by leaving the same at the office of the Company in the said City of London, or by mailing the same by registered letter addressed to the Company at the said City of London) directing the Company to remove the said poles and wires and overhead appliances and construction and, if the Company shall not within one month after the service of such notice, at their own expense, remove such poles, wires and overhead appliances and construction and put the streets in proper repair, and to the satisfaction of the said Engineer, the Corporation may do so and charge the expense thereof to the Company, who shall pay the same to the Corporation, on demand. Removal of wires, &c., of Co. if unused for 5 months.

49. (1) The Company shall, at their own expense and to the satisfaction of the said Engineer, be permitted and they shall be bound to extend the abutments of the Westminster, otherwise called York Street, Bridge, on the North or South side of the said bridge at the option of the Corporation, doing no injury to the existing abutments or bridge, and to construct and erect upon such abutments so extended by them a good, safe and sufficient bridge for the purposes of their railway only, and if the Corporation contributes \$300 towards the cost thereof the Company shall also be bound to construct a sidewalk five feet wide for the use of the public on the outer side of their said bridge, and to make and construct the necessary approaches thereto, such bridge so to be constructed by them as not in any way to interfere with the existing Westminster, otherwise called York Street, Bridge, and such additions to the abutments, bridge, sidewalk and approaches shall be so made and constructed by them to the satisfaction of the said Engineer, and be maintained and kept in repair during the continuance of this By-law or of the rights of the Company thereunder by and at the expense of the Company and to the satisfaction of the said Engineer; and the works by this Sub-section provided to be done by the Company shall be done and completed by the Company within eighteen months from the passing of this By-law and in the preparation for and in the performance of such works the Company shall not in any way that the said Engineer may deem to be unnecessary or avoidable interfere with the traffic over the said Westminster, otherwise called York Street, Bridge, or the approaches thereto. Regulations as to use of bridges.

2. (a) The Company shall, at their own expense, and to the satisfaction of the said Engineer, be permitted, and they shall be bound, either to remove the present superstructure of Victoria Bridge, and to erect and construct a good and sufficient superstructure in its place, with a roadway of the width of at least twenty-five feet, and a sidewalk of the width of at least five Victoria bridge.

York Street bridge.



feet; and to cross such new superstructure by their track to be laid as provided by Sub-section 9 of Section 50 hereof, and, if the said Engineer shall deem it necessary to do so, shall strengthen and add to the abutments of the said bridge, and do such other work as the said Engineer may deem necessary, so that the said bridge shall be absolutely safe for the passage of electric cars, and for the citizens and public generally, and the Company shall, at their own expense, divide and separate the sidewalk and the roadway from the portion of the said bridge, which shall be occupied by their said track, by iron fences or railings satisfactory to the said Engineer (the material in the old superstructure, if and when removed, to become and be the property of the Company); (b) or, at the option of the Company, they shall at their own expense extend the abutments of the said Victoria Bridge, doing no injury to the existing abutments or bridge, and construct and erect upon such abutments so extended by them a good, safe and sufficient bridge, for the purposes of their railway only, and shall make and construct the necessary approaches thereto, such bridge to be so constructed by them as not in any way, that the said Engineer may deem to be unnecessary or avoidable, to interfere with the existing bridge, or the approaches thereto; and the performance of the work provided for by sub-sections 2 (a) and 2 (b) of this section shall be completed within twelve weeks from the time of the commencement of the same, and within eighteen months from the passing of this By-law; and all of the work provided to be done under Sub-sections 2 (a) and 2 (b) of this section and the materials therefor, shall be done and provided to the satisfaction of the said Engineer; and the Corporation will during the continuance of this By-law, or of the rights of the Company thereunder, if the Company remove the old superstructure and construct a new superstructure as hereinbefore provided, maintain and keep in repair and if and when necessary renew the said bridge, both sub-structure and superstructure, and the Company shall from time to time on demand being made therefor pay to the Corporation one-half the necessary and reasonable cost of maintaining and keeping in repair and of renewing, if necessary, the said bridge, both sub-structure and superstructure, the amount thereof, in case of dispute between the said parties, to be settled by the said Engineer whose decision shall be final and conclusive; but if the Company elect to construct a new bridge for the purposes of their railway only, as hereinbefore provided, they shall at their own expense during the continuance of this By-law or of the rights of the Company thereunder maintain and keep in repair, and of sufficient strength, their new bridge, including the additions to the abutments and the approaches, to the satisfaction of the said Engineer, and not more than one bridge on the South branch of the River shall be closed by the Company to traffic whilst they are performing any work under the provisions of this Section.

3. (a) The Company shall, at their own expense, and to the satisfaction of the said Engineer, be permitted, and they shall be bound, either to remove the present superstructure of Clark's Bridge, and to erect and construct a good and sufficient superstructure in its place, with a roadway of the width of at least twenty-five feet, and a sidewalk of the width of at least five feet; and to cross such new superstructure by their track to be laid as provided by Sub-section 8 of Section 50 hereof, and, if the said Engineer shall deem it necessary to do so, shall strengthen and add to the abutments of the said bridge, and do such other work as the said Engineer may deem necessary, so that the said bridge shall be absolutely safe for the passage of electric cars, and for the citizens and public generally, and the Company shall, at their own expense, divide and separate the sidewalk and the roadway from the portion of the said bridge, which shall be occupied by their said track, by iron fences or railings satisfactory to the said Engineer (the material in the old superstructure, if and when removed, to become and be the property of the Company); (b) or, at the option of the Company, they shall at their own expense extend the abutments of the said Clark's Bridge, doing no injury to the existing abutments or bridge, and construct and erect upon such abutments so extended by them a good, safe and sufficient bridge, for the purposes of their railway only, and shall make and construct the necessary approaches thereto, such bridge to be so constructed by them as not in any way, that the said Engineer may deem to be unnecessary or avoidable, to interfere with the existing bridge, or the approaches thereto; and the performance of the work provided for by Sub-sections 3 (a) and 3 (b) of this Section shall be completed within twelve weeks from the time of the commencement of the same, and within eighteen months from the passing of

May be a new superstructure erected by

Or Company may erect side bridge.

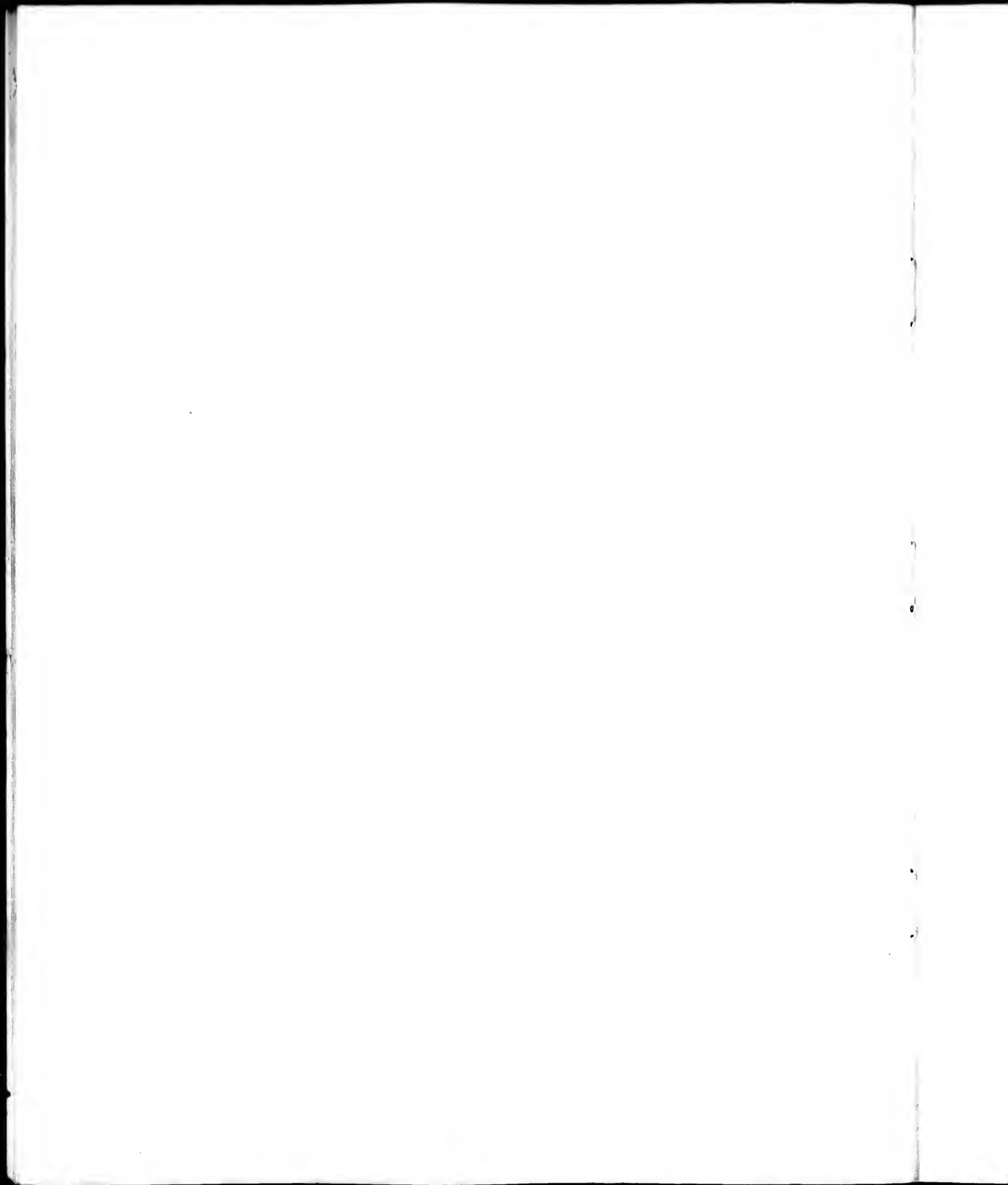
Provide for maintenance and repair of new superstructure

of side bridge.

Clark's bridge.

May be a new superstructure erected by Co.

or Company may erect new side bridge.



this By-law; and all of the work provided to be done under Sub-sections 3 (a) and 3 (b) of this section, and the materials therefor, shall be done and provided to the satisfaction of the said Engineer; and the Corporation will during the continuance of this By-law, or of the rights of the Company thereunder, if the Company remove the old superstructure and construct a new superstructure as hereinbefore provided, maintain and keep in repair and if and when necessary renew the said bridge, both sub-structure and superstructure, and the Company shall from time to time on demand being made therefor pay to the Corporation one-half the necessary and reasonable cost of maintaining and keeping in repair and of renewing, if necessary, the said bridge, both sub-structure and superstructure, the amount thereof, in case of dispute between the said parties, to be settled by the said Engineer whose decision shall be final and conclusive; but if the Company elect to construct a new bridge for the purpose of their railway only, as hereinbefore provided, they shall during the continuance of this By-law or of the rights of the Company thereunder, at their own expense, maintain and keep in repair, and of sufficient strength, their new bridge, including the additions to the abutments and the approaches, to the satisfaction of the said Engineer.

Proviso for maintenance and repair of new superstructure

Of side bridge.

(4) The Company shall be at liberty, at their own expense, so far as the Corporation have power to grant the same, to extend the abutments of the Dundas Street, otherwise called Kensington, Bridge, doing no injury to the said abutments or bridge, and build a separate bridge, alongside of the said Dundas Street, otherwise called Kensington, Bridge, for the use of their railway, provided that such extension of the abutments and building of the bridge be done to the satisfaction of the said Engineer and so as not to interfere, in any way that the said Engineer may deem unnecessary or avoidable, with the traffic upon the said Dundas Street, otherwise called Kensington, Bridge, and that any approaches necessary to be made for such separate bridge shall be made by and at the expense of the Company and to the satisfaction of the said Engineer and without interfering in any way that the said Engineer may deem to be unnecessary or avoidable with the traffic over the said bridge or the traffic on the streets adjacent thereto in the said City, and thereafter the Company shall during the continuance of this By-law or the rights of the Company thereunder, at their own expense, maintain and keep in repair their said separate bridge, including the additions to the abutments and the approaches.

Dundas St. bridge.

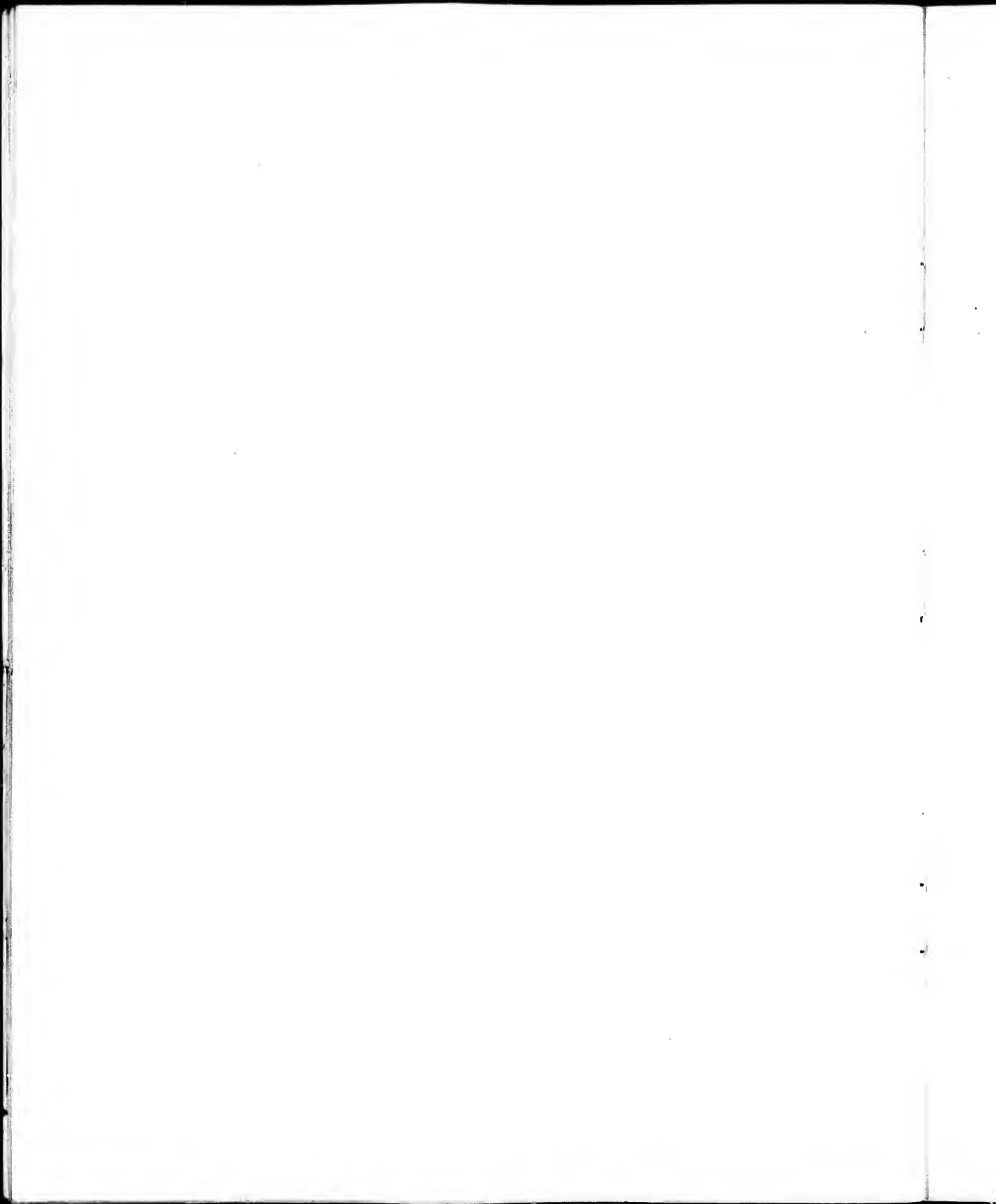
Abutments of may be extended for Co.'s purposes.

(5) The Company shall be at liberty, at their own expense, so far as the Corporation have power to grant the same, instead of extending the abutments as provided by Sub-sections 1, 2 (b), 3 (b) and 4 of this section, to construct and erect steel cylinders, and to lay from the said steel cylinders to and upon the abutments and piers of the existing bridges girders to support the said separate bridges of the Company and shall make and construct the necessary approaches thereto, and in the preparation for and in the performance of the said works, the Company shall not in any way, that the said Engineer may deem to be unnecessary or avoidable, interfere with the existing bridges, or the traffic over the same, or the approaches thereto, and the performance of the work permitted by this sub-section shall be completed within eighteen months from the passing of this By-law, and all of the said works and the materials therefor shall be done and provided to the satisfaction of the said Engineer, and the Company shall, at their own expense, during the continuance of this By-law or of the rights of the Company thereunder, maintain and keep in repair and of sufficient strength their said separate bridges, including the said works and approaches, to the satisfaction of the said Engineer; and before commencing any of the said works, the Company shall submit plans of the proposed works to the Corporation, and the same shall be first approved of by the said Engineer. In the event of the works or any of them permitted by this sub-section to be done by the Company being done by the Corporation and any injury or damage arising or being done by reason of the construction, maintenance, repair or want of repair of the said works or any of them to the piers or abutments or any of them or any portion of the bridges of the Corporation or to the Corporation by reason of the said works or any of them, or to the said Kensington Bridge, the Company shall indemnify and save harmless the Corporation at all times from all loss, damages, costs, charges and expenses of every nature and kind whatsoever which the Cor-

Steel cylinders and girders may be used by Company instead of extending abutments of existing bridges.

Liability of Co. in case of damage to existing bridges.





poration may incur, be put to or have to pay by reason of the construction, maintenance, repair or want of repair of the said works or any of them. Provided that the Corporation shall not be liable for any delays that may be caused by reason of the works in this section referred to or any of them.

(6) The Company shall not construct any track upon or use the said bridges or any of them except under the conditions and for the purposes mentioned in this Section and the Company shall, before commencing any work in connection with the alteration, addition to or strengthening of the said bridges or abutments or any of them, submit plans of the proposed works to the Corporation and the same shall be first approved of by the said Engineer.

Plans for bridges to be approved of by City Engineer.

50. (1) The Company shall, within one year from the passing of this By-law, construct an electric surface railway to the property of the Corporation of the City of London known as Springbank, in the Township of Westminster, or to a point on the north side of the River Thames opposite thereto, on such route as the Company shall decide upon, and the said railway shall be completed and connected by their railway in the Village of London West or otherwise with the railway, the construction of which is provided for by this By-law, and the electric cars shall be running efficiently thereon and the whole of the works be in full operation upon such railway within one year from the passing of this By-law, and the Company shall continue to operate the said railway during the months of May, June, July, August, September and October in each year during the continuance of this By-law or of the rights of the Company thereunder in a proper and efficient manner for the accommodation of the citizens of the said City of London from the time of the completion of the same.

Springbank line.

(2) The streets referred to in the first section hereof and to which the permission and authority hereby granted shall extend are Dundas Street from the River Thames Easterly to the Easterly limit of the City; Richmond Street from Horton Street to Huron Street; Oxford Street from Adelaide Street Westerly to Richmond Street; Central Avenue from Richmond Street Easterly to Adelaide Street; Adelaide Street from Central Avenue South to Dundas Street; Ridout Street from Horton Street South to Elmwood Avenue; York Street from Richmond Street to the River Thames and over the River Thames by the bridge to be constructed by the Company under Sub-section 1 of Section 49 hereof; Stanley Street from the River Thames to the Wharncliffe Highway; the Wharncliffe Highway from Stanley Street to Askin Street; Askin Street from the Wharncliffe Highway Easterly to the Wortley Road; the Wortley Road from Askin Street Southerly to Elmwood Avenue; Elmwood Avenue from the Wortley Road East to Ridout Street South; Thames Street from York Street Southerly to Horton Street; Horton Street from Thames Street Easterly to the Hamilton Road; Wellington Street from Horton Street Southerly to Front Street; High Street from Front Street to Maryboro' Place; Hamilton Road from Horton Street to Rectory Street; Hamilton Road from Rectory Street to Egerton Street, and Egerton Street from the Hamilton Road to Pine Street.

Streets or parts of streets that may be used by Co.

(3) The Company shall, instead of extending their tracks on the Hamilton Road from Rectory Street to Egerton Street and on Egerton Street from the Hamilton Road to Pine Street, provided a free crossing be obtained over the Grand Trunk Railway Company's tracks on Rectory Street, within one year from the passing of this By-law, lay their tracks on Rectory Street from Dundas Street Southerly to the Hamilton Road, within the said period of Eighteen months from the passing of this By-law.

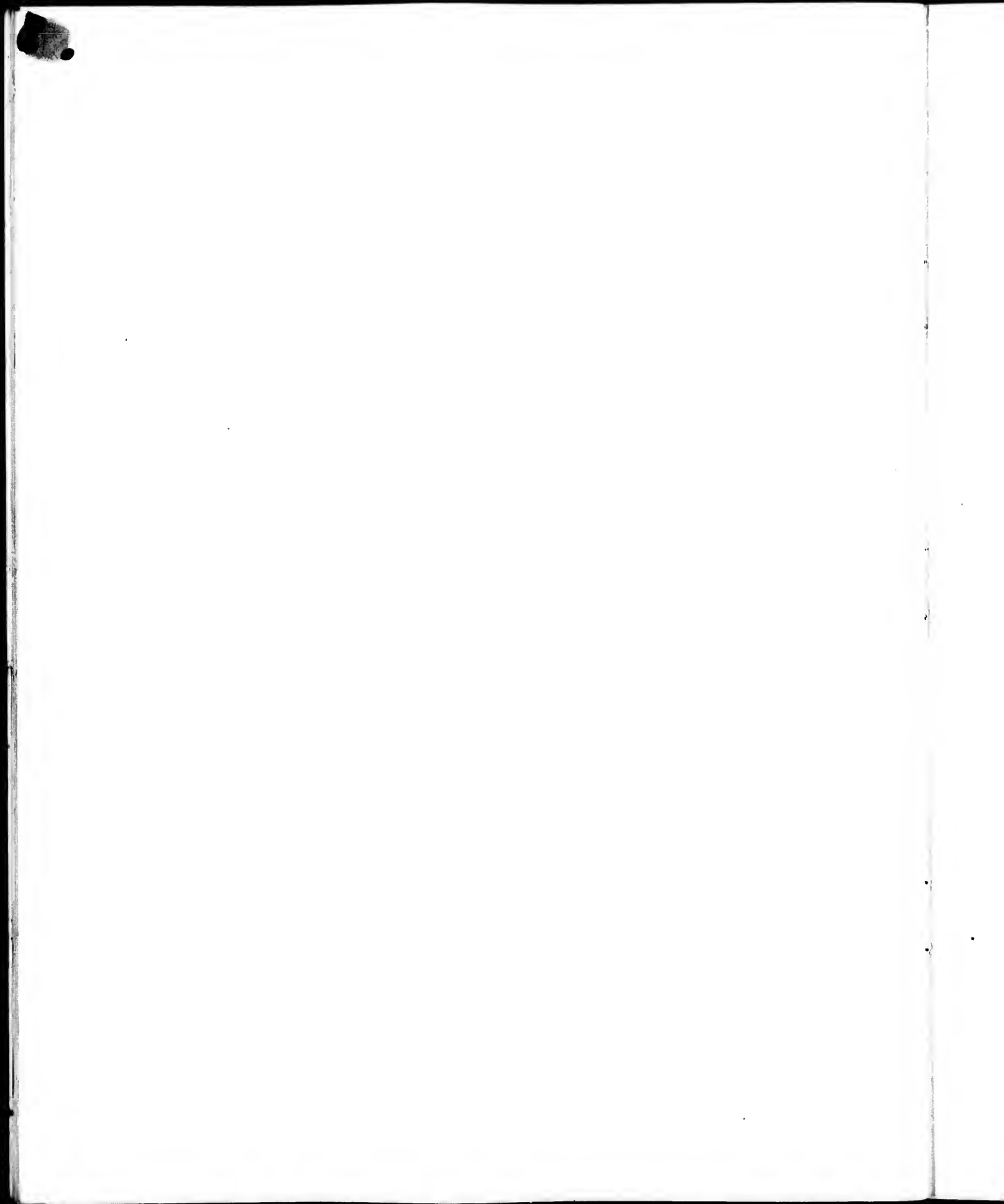
Proviso as to Ham. Rd. from Rectory to Egerton.

(4) The Company shall, within two years from the passing of this By-law, provided that within one year from the passing of this By-law the permission and authority of The Proof Line Road Company, referred to in Section 2 hereof, be not obtained by the Company as in the said section provided, construct their tracks on St. James Street from Richmond Street to Wellington Street and on Wellington Street from St. James Street to the Northerly limits of the City.

Proviso as to Richmond St. from St. James to Huron Sts.

(5) The Company may within two years from the passing of this By-law, extend their tracks to the Easterly end of the Oxford Street Bridge and they may also, within the said period, extend their tracks on Ridout Street from Dundas Street to York Street, on Adelaide Street from Central Avenue to Oxford Street, on Rectory Street from Dundas Street

Extensions that may be constructed within 2 years.



to King Street, on King Street from Rectory Street to Ontario Street, and on Ontario Street from King Street to Dundas Street, and on the Pipe Line Road from the Wharnclyffe Highway Westerly to the City limits, and on Bathurst Street from Richmond Street Easterly to Clarence Street, and on Clarence Street from Bathurst Street Southerly to Horton Street. Provided, however, that, if the Company do not within the time above limited construct their tracks upon the streets or portions of the streets in this Sub-section mentioned, all rights conferred upon the Company by this Sub-section shall, as to such of the streets or portions of the same as the Company shall not within the said time construct their tracks upon, cease and determine in the same manner as if the said streets or portions of the streets had not been mentioned in this Sub-section.

(6) A single track only, with the necessary switches, side tracks and turn-outs, shall be laid on Stanley Street and on that part of Ridout Street between Horton Street and Elmwood Avenue and on Wellington Street from the North side of Clark's Bridge to Front Street and on High Street from Front Street to Maryboro' Place.

Single tracks.

(7) Double tracks shall be laid on Richmond Street from Oxford Street to Horton Street and on Dundas Street from Ridout Street to Quebec Street and upon such other streets or portions of the streets mentioned in Sub-section 2 of Section 50 hereof as may be agreed upon between the Corporation and the Company.

Double tracks.

(8) One track only, without any switches, y's, loops, turntables, cross-overs, side tracks, turn-outs or other works, shall be laid on Clark's Bridge and the said track shall be laid in such place thereon as the said Engineer shall direct.

Single track on Clark's bridge

(9) One track only, without any switches, y's, loops, turntables, cross-overs, side tracks, turn-outs or other works shall be laid on Victoria Bridge and the said track shall be laid in such place thereon as the said Engineer shall direct.

and on Victoria bridge.

(10) The position of all the switches, y's, loops, turntables, cross-overs, side tracks and turn-outs, and the length of such switches, y's, loops, turntables, cross-overs, side tracks and turn-outs, shall be subject to the approval of the said Engineer, but the said Engineer shall not limit the length of any switch or side track, if and where such switch or side track is allowed by him to be constructed, to less than 250 feet over all from outside points to outside points.

Position of switches, &c., to be approved of by City Engineer.

(11) The laying of the tracks upon any of the streets or parts of streets mentioned in this section shall not be deemed a laying down of new lines or an extension of tracks within the meaning of Section 21 hereof.

Population limit not affected by this sec.

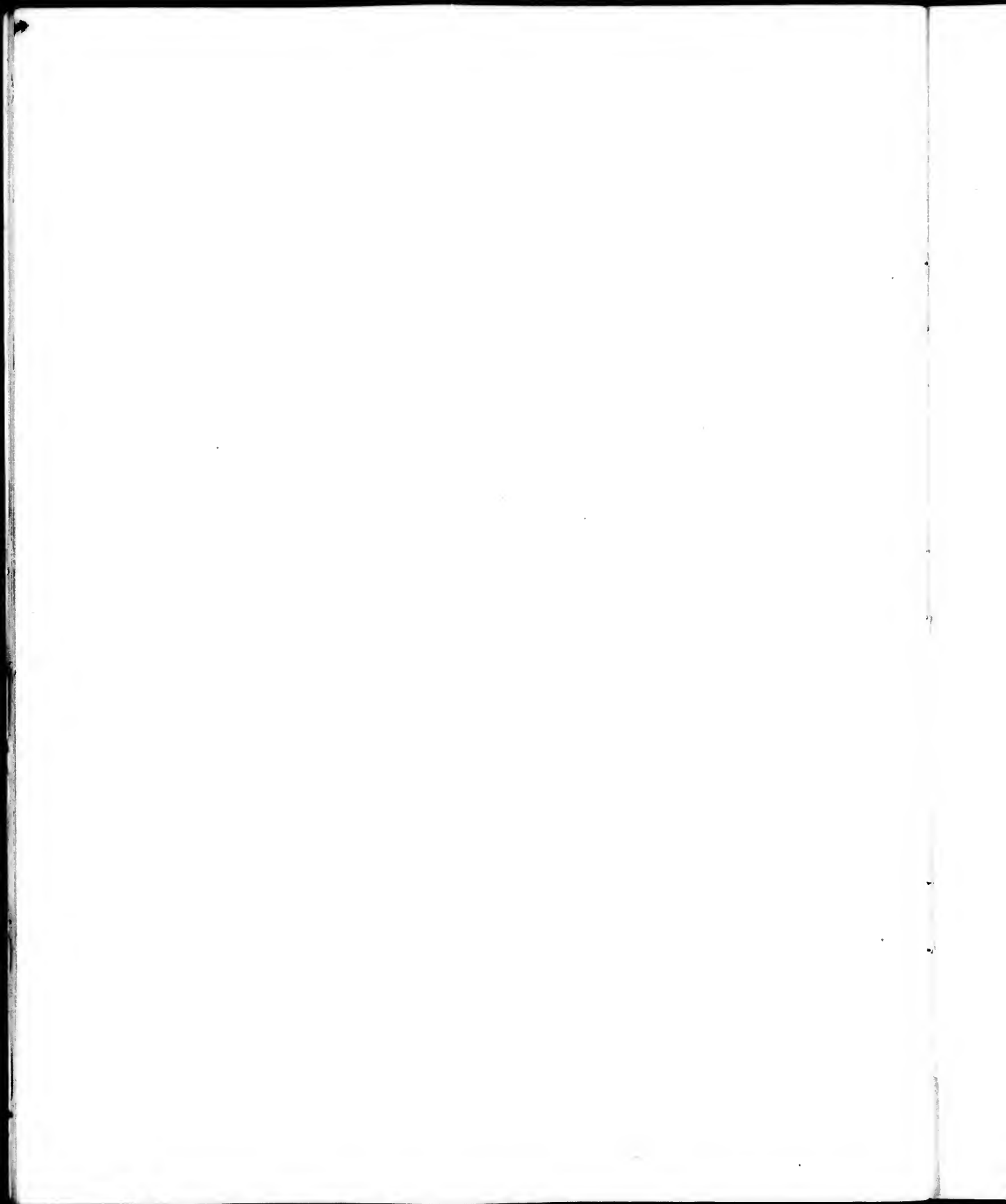
51. The Company are, so far as the Council of the Corporation have power to grant the same, exclusively authorized to construct, maintain and operate, subject to the conditions and agreements in this By-law contained, a surface electric street railway on the streets and portions of streets mentioned in the next preceding section hereof.

Exclusive right of Co. subject to this By-law.

52. (1) The Company shall, if required so to do by the Corporation, receive and forward with all diligence and despatch, free of charge, except as hereinafter provided, the passenger, mail, express, freight and baggage cars, and the passengers and goods thereon, of all Radial or other Electric Railway Companies, which may during the continuance of this By-law, or of the rights of the Company thereunder, desire the Company so to do, over the tracks of the Company from the City limits to the centre of the City or such other place or places within the City as the said Radial or other Electric Railway Companies or Company may have their station or stations and, if and when desired, back again to the said City limits, to the same point or any other point on the line of the Company's Railway and, when the Company's tracks and trolley wires do not extend to the City limits at the point or points where the Radial or other Electric Railway Company or Companies desire to enter and the Company refuse or neglect, within thirty days after being notified, to agree to make such extensions, or if, having agreed within the same time to make the said extensions, the Company shall not proceed with the necessary work and complete the same within the time fixed by the Council of the Corporation for that purpose, the said Radial or other Electric Railway Companies or Company shall have the right, if permitted to do so by By-law of the Corporation, but not otherwise, to enter upon the said highways and make, construct, maintain and operate an Electric Railway between the said Radial Electric Railway Company's or Companies' lines and the tracks of the Company and, subject to the provisions and conditions of any such

Regulation governing cars &c. of Radial Elec. Railwys entering City.

Company to have control of Radial cars.



By-law, the Company to have charge and control of all cars while the same are passing along their tracks and to furnish motormen and conductors for that purpose. The Company to have the right to collect the regular City fares as provided by this By-law from all passengers on the said cars hauled by them as aforesaid and to take on and let off passengers within the City limits, and all such passengers shall be entitled to transfers to any part of the City from the said Radial or other Electric Railway Company's cars to and upon the Company's cars, or *vice versa*, upon payment of one City fare to the Company—the intent of this provision being that every passenger shall be entitled to be carried from any point within the City limits to any other point therein whether upon the Company's cars or the Radial or other Electric Railway Companies' cars upon payment for the entire trip of one fare as provided by Section 25 hereof. Provided, however, that this section shall not apply to any branch of any Radial or other Electric Railway which shall compete with the Company for Springbank traffic. The compensation to be paid for hauling mail, express, baggage and freight to be, in case the parties differ about the same, determined by arbitration in the same manner as provided in Section 20 hereof, but in determining the said price to be paid, the said arbitrators shall not take into consideration the franchise of the said Company, but shall fix a reasonable compensation therefor, having regard only to the operating expenses of the said road. Provided always that it shall not be necessary for any such Radial or other Electric Company to wait until such compensation has been fixed as aforesaid before exercising the rights to which they may be entitled under this section, but, in the event of such rights being exercised before the said compensation shall be fixed as aforesaid, the rates fixed by the Award of the said arbitrators shall govern from the time they shall commence to exercise the said rights to the time of the making of the said Award and such Company or Companies (as the case may be) shall pay to the Company the amount so fixed by the said arbitrators for the said period.

and collect fares.

Springbank excepted.

Proviso for arbitration in case of non-agreement.

(2) In case the Company refuse or neglect to carry out any of the provisions of Sub-section 1 of this Section to the satisfaction of the Corporation or the said Radial or other Electric Railway Company or Companies, the matter in dispute and the damages (if any) sustained thereby shall be determined by arbitration in the same manner as provided in Section 20 hereof, and the Corporation, the Company or any of the said Radial Electric Railway Companies shall be entitled to enforce the said award. In case of an arbitration between the Company and any other person or Company under the provisions of this section, the arbitrator to be appointed on behalf of such Company or person shall be appointed by such Company or person and not by the Corporation.

Proviso for damages in case of default by Co.

53. In the event of any local municipality or any part thereof being annexed to or amalgamated with the City of London at any time during the continuance of this By-law or any extension thereof as hereinbefore provided, the railway or railways belonging to the Company now or hereafter constructed within the said local municipality, or such part thereof as may be annexed or amalgamated as aforesaid, and the working thereof and the Company in relation thereto shall have all the rights conferred by and be subject to all the terms and conditions of this By-law, but nothing herein contained shall be deemed to authorize or shall authorize the Corporation to take over that portion of the Company's line to Springbank which shall lie West of the limits of the Village of London West as now existing.

Rights of Co. in case of amalgamation of adjoining territory.

Springbank line not to be taken over by city.

54. Wherever the words "City Engineer," "City Engineer for the time being" or "said Engineer" are used in this By-law they shall mean the Engineer of the Corporation of the City of London for the time being or such other officer or person as the Corporation may from time to time appoint for the purpose of performing the duties or exercising the powers or discretions or any of them by this By-law devolving or conferred upon the said Engineer.

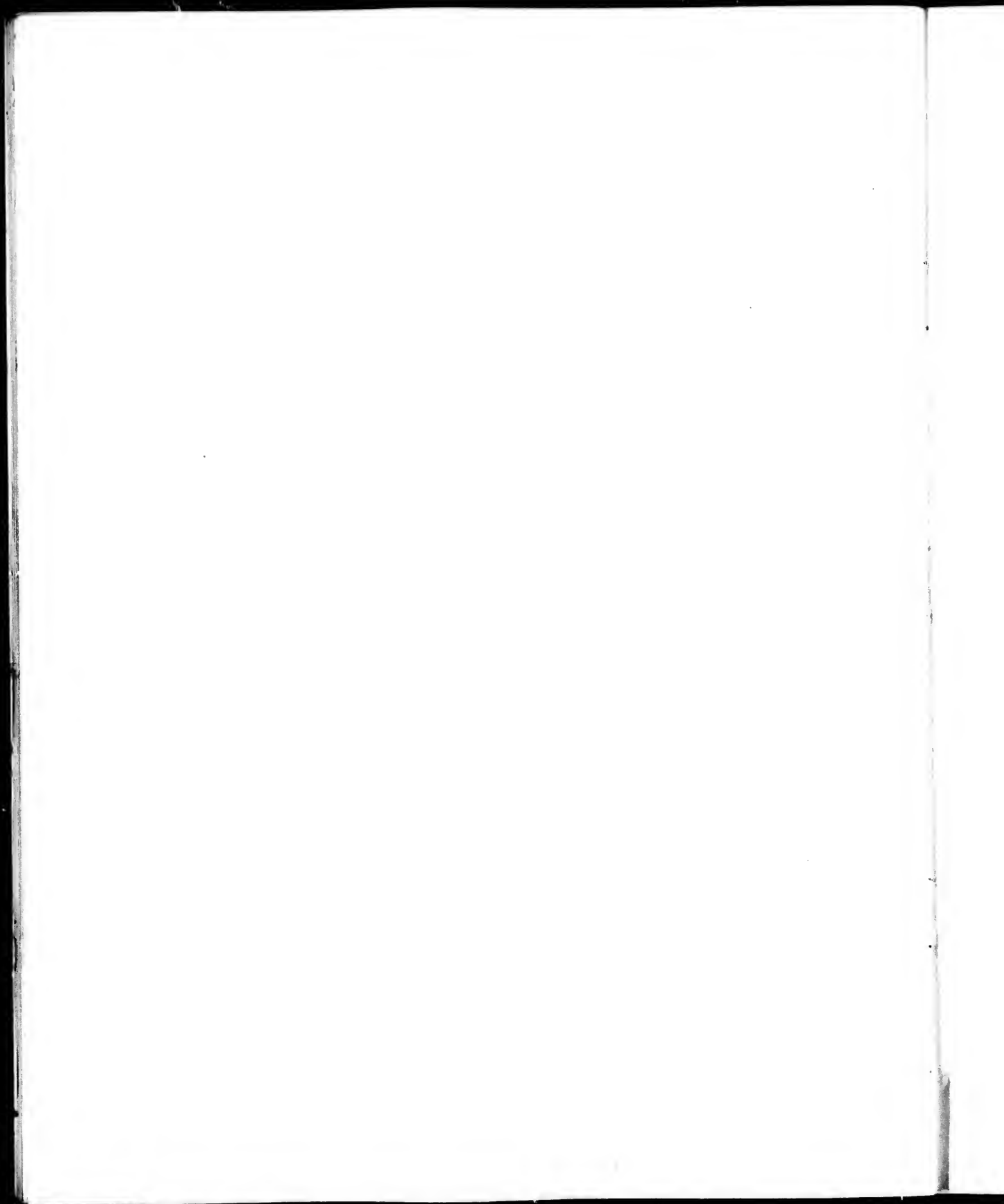
"City Engineer."

55. In all arbitrations under this By-law a majority of the arbitrators shall be competent and are hereby authorized to make an award, and an award so made shall be as valid and binding as if assented to by all the arbitrators.

Arbitrators.

56. In the event of the Company failing or neglecting to construct their said Railway or to alter or change the whole of their system as hereinbefore provided, or to construct and complete their said Railway to Springbank in substantial conformity with the provisions of this By-law, or, in the event of the Company failing or neglecting for the space of thirty days, computed as hereinafter mentioned, to maintain and operate their said Railway in substantial conformity with the provisions of this By-law, or to maintain and operate their said Railway to Springbank in like substantial conformity with the provisions of this

Proviso for forfeiture of rights by Co. in case they make default as to construction or maintenance of By-law under this By-law.



By-law for the space of thirty days, whether consecutive or not, in any year (in reckoning the said thirty days, parts of days shall be counted, and seventeen working hours, whether consecutive or not and whether in the same twenty-four hours or not, shall be counted as one day), the Corporation by resolution of the Council thereof may declare that all the privileges and rights which the Company may have acquired by this or any other By-law heretofore or hereafter passed, or by any agreement with the Corporation heretofore or hereafter made, are at an end, and may repeal the By-laws connected therewith and the said privileges and rights shall thereupon cease and be at an end accordingly and the said agreements rescinded and, in such case, the Corporation shall have the right to require all obstructions and materials placed in said streets by the Company under any such By-law or agreement to be removed therefrom and the said streets to be put in as good condition and repair as they were before the said materials and obstructions were placed therein, and the expense thereof shall be paid to the Corporation by the Company, and the Corporation shall also have the right to run the said Railways and to grant the same rights and privileges to any other Company free from all liability for damage on account thereof.

57. The Corporation will join with the Company in any petition or application which they may make to obtain the privilege of crossing the railway tracks of any Steam Railway Company which it may be necessary for the Company to cross under the provisions of this By-law, but the Corporation shall not be required or compelled to incur any expense in connection therewith.

Crossing of  
Steam Rly.  
tracks.

58. The Corporation will join with the Company in applying to the Legislature of the Province of Ontario for legislation confirming and ratifying this By-law and the agreement to be entered into between the Corporation and the Company referred to in the 60th section hereof and declaring the same to be valid and binding upon the parties hereto, all expenses in connection with the procuring of such legislation to be paid and borne by the Company, provided that the Act of the Legislature so confirming and ratifying this By-law and the said agreement shall contain as a section thereof the words following, or to the like effect, that is to say:—

Application  
to Legislature  
to confirm By-  
law.

If the Company shall fail or neglect to keep, observe, perform or comply with any of the provisions of this By-law, in which the residents of the Municipality, or the Corporation or any other person or Corporation are interested, then, in addition to all other remedies by law enforceable against the Company, the Corporation may bring an action in the High Court of Justice against the Company, and all other necessary parties, to compel the keeping, observing, performing of and complying with such provisions; and the Court shall have full power and jurisdiction in the premises and to enforce, by injunction or otherwise, the due observance, performance and fulfilment by the Company and its officers and other persons of all provisions of this By-law in which residents of the municipality or the Corporation or any other person or corporation are interested.

Clause to be  
incorporated  
in Special Act.

59. (1) There may be an appeal to the Council of the Corporation with regard to the said Engineer's decision as to "the best modern practice" mentioned in Section 3 hereof, as to "the best modern practice" mentioned in Sub-section 2 of Section 10 hereof, as to "the cars to be used and the improvements therein" mentioned in Sub-section 1 of Section 18 hereof, and as to "the most improved safeguards" mentioned in Section 28 hereof. Notice of such appeal must be given within five days from the decision appealed from and such notice shall be served on the opposite party at least two weeks before the meeting of the Council of the Corporation at which the appeal is to be heard and the decision of the Council of the Corporation shall be final and conclusive.

"Best modern  
practice,"  
appeal from  
decision of  
City Engineer  
as to.

(2) There may be an appeal with regard to the said Engineer's decision as to "the best modern means" mentioned in Section 16 hereof (except as to the best modern means to be from time to time adopted and used by the Company to prevent any injury to or interference with any system of Waterworks or Fire Alarm now or hereafter having the use of or being operated in, upon or under any of the streets of the said City of London, as to which there shall be no appeal, but the said Engineer's decision shall be final and conclusive) and as to "the sufficiency of the means" referred to in Sub-section 2 of Section 17 hereof. Notice of such appeal must be given to the opposite party within ten days from such decision and such appeal shall be to a board of three

"Best modern  
means,"  
appeal from  
City Engineer  
as to.





arbitrators, each of whom shall be a qualified Civil Engineer, one of whom shall be appointed by the party appealing and shall be named in their notices of appeal, and the second arbitrator shall be appointed by the opposite party and notice thereof given to the other party within three weeks after service of the said notice of appeal, and the third arbitrator shall be appointed by the two arbitrators so appointed as aforesaid within three weeks after the appointment of the second arbitrator. In the event of the opposite party failing to appoint their arbitrator within three weeks after the service of the notice of appeal upon them as hereinbefore provided, a Judge of the High Court of Justice may on application by either party, appoint an arbitrator for the party in default, and, in default of the appointment of the third arbitrator as and within the time hereinbefore provided, a Judge of the High Court of Justice may, on the application of either party, appoint such third arbitrator, and the said arbitrators, or a majority of them, shall, without taking any evidence, other than the evidence of the said Engineer and of one officer of the Company if the same be tendered and the arbitrators see fit to receive the same in the matter appealed from, but from their own skill and knowledge, make their award within two months from the time of the appointment of the third arbitrator, and the award of the said arbitrators, or a majority of them, if so made within the said time, shall be final and conclusive, but, if not so made within the said time, the decision of the said Engineer shall be final and conclusive, and the costs of any such arbitration shall be in the discretion of the arbitrators, or a majority of them, and shall be paid as directed by any such award.

Special arbitrators.

Appointment of arbitrators.

60. This By-law and the powers and privileges hereby granted shall not take effect or be binding on the Corporation unless or until formally accepted by the Company within Forty days after the passing thereof by an agreement which shall legally bind the Company to pay to the Corporation the sums mentioned in this By-law, and to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained, and shall be approved by the City Solicitor; and such agreement, when so approved, shall also be executed under the City seal by the Mayor or the Chairman of No. 1 Committee and the City Clerk.

By-law to be accepted by Co. within 40 days.

61. Such portions of the By-laws relating to the Company referred to in the preamble of this By-law as are inconsistent herewith, and all other by-laws inconsistent herewith, are hereby repealed, such repeal to take effect only on and from the coming into force of this By-law and the agreement referred to in the last preceding paragraph hereof, but the Company shall be at liberty to run their cars with horses, subject to the conditions and regulations contained in this By-law, as far as applicable, until the time fixed by this By-law for running electric cars.

Repeal of inconsistent By-laws.

Co. may use horse cars during construction of El. system.

PASSED in Open Council this twenty-first day of May, A. D., 1895.

C. A. KINGSTON,  
Clerk.

{ L. S. }

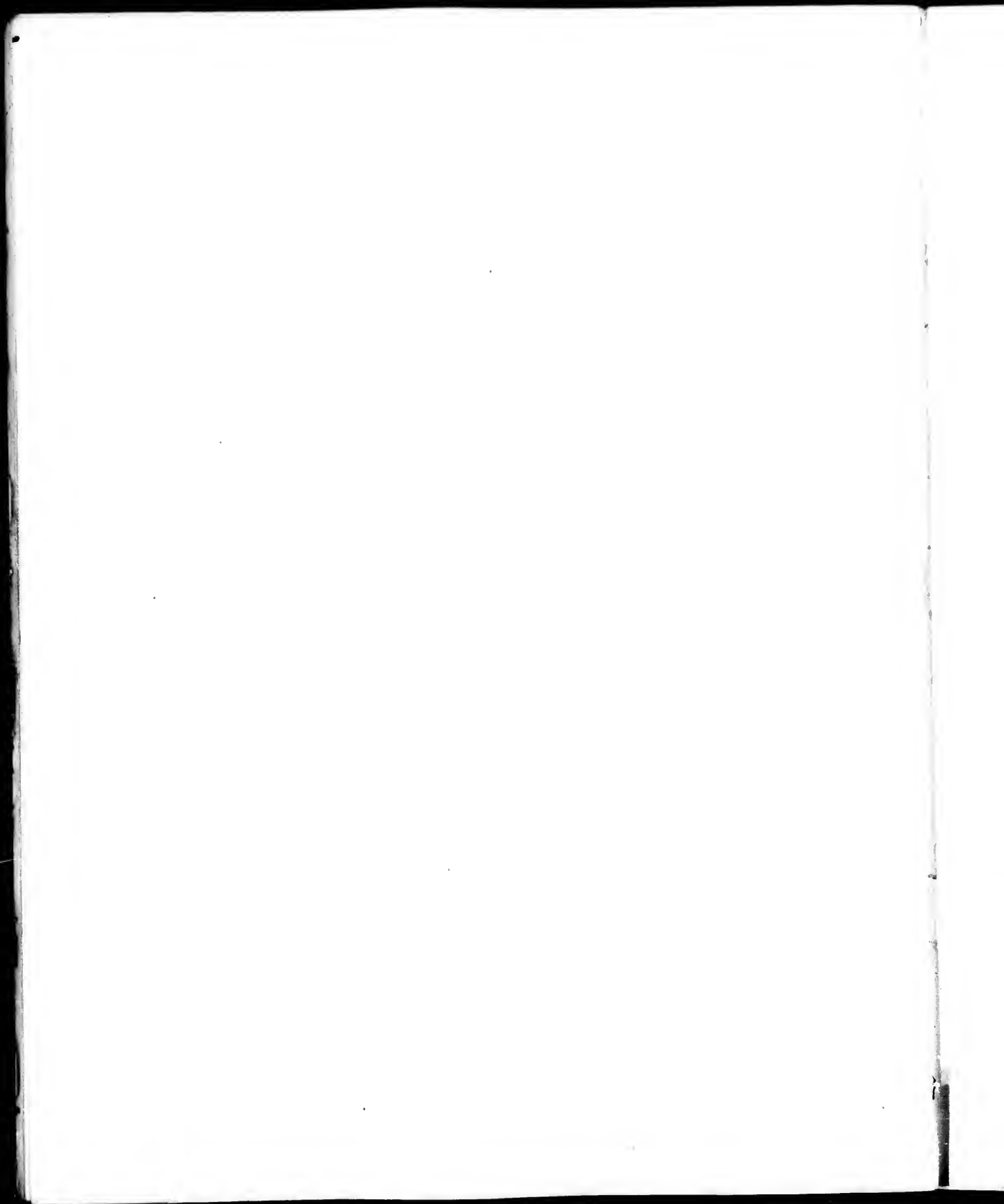
J. W. LITTLE,  
Mayor.

ARTICLES OF AGREEMENT made the sixth day of June, A.D., 1895,  
BETWEEN

The Corporation of the City of London (hereinafter called the Corporation), of the First Part, and

The London Street Railway Company (hereinafter called the Company), of the Second Part.

WHEREAS, by an Act of the Legislature of the Province of Ontario, passed on the twenty-ninth day of March, A.D., 1873, entitled "An Act to Incorporate The London Street Railway Company," it is amongst other things provided that the Council of the Corporation and the Company may make and enter into any agreements 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 same shall be laid;



the pattern of the rail; the time and speed of running the cars; 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 or impeding of the ordinary traffic.

AND WHEREAS the Council of the Corporation, on the twenty-first day of May, in the year of our Lord, 1895, passed a By-law, numbered 916, granting to the Company certain rights for the construction, maintenance and operation of a Street Railway upon and along certain streets of the said City of London, upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things therein contained, a true copy of which said By-law is hereto annexed.

AND WHEREAS these presents are intended to give effect to the said By-law, and the same have been approved of by the City Solicitor.

NOW THESE PRESENTS WITNESS that, in consideration of the granting of the rights and privileges which are by the said By-law granted by the Corporation to the Company, the Company do, for themselves, their successors and assigns, covenant, promise and agree to and with the Corporation and their successors in manner following, that is to say:

That the Company do hereby accept the said By-law and that the Company, their successors and assigns, will in all things conform to, obey, perform, observe, fulfil and keep all and every, the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said By-law contained, upon, under and subject to which the said rights and privileges are by the said By-law granted to the Company, and will do and perform all acts, matters and things which the said By-law provides are to be done by or on behalf of the Company and will not do anything which the said By-law provides is not to be done by the Company.

And the Corporation do hereby ratify and confirm the said By-law and the rights and privileges thereby granted to the Company, subject, however, to all the terms, conditions, agreements, stipulations, regulations, obligations, provisos and things in the said By-law contained.

IN WITNESS WHEREOF the Corporation have caused to be affixed their Corporate Seal and the Mayor and City Clerk have set their hands and the Company have caused to be affixed their Corporate Seal and their President and Secretary have set their hands the day and year first above written.

Signed, Sealed and Delivered, in the presence of

(Sd.) T. G. MEREDITH,  
by the Mayor and City Clerk.

(Sd.) CHAS. H. IVEY.

(Sd.) J. W. LITTLE,  
MAYOR.

C. A. KINGSTON,  
CITY CLERK.



H. A. EVERETT,  
PRESIDENT.

S. R. BREAK,  
SECRETARY.



