

penalty in case the company failed to perform any of the conditions of the contract. Mr. Foy and Mr. Dymond, the Legislature Law Clerk, were appointed to consider the city's complaint that the penalty clause was not workable, as the courts would only grant the amount of the actual damages. After a few minutes they brought in a clause providing that if the city brought action to enforce the agreement the court should inquire as to the nature and extent of such contravention, and should make such an order as was deemed necessary to compel compliance with the agreement, and if the contravention continued the company's officers and servants should be liable for a contempt, and the court should also impose a proper penalty.

Mr. Bicknell, for the company, said such a provision should come in under the general act, while Mr. Fullerton replied that the city wanted immediate relief. After some further discussion the committee adjourned for a week, Mr. Bicknell and Mr. Fullerton to meet and try and agree on a clause.

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