

Approved and ordered this 15th 85. day of January, A.D. 1923.

[Signature]
Lieutenant-Governor.

At the Executive Council Chamber, Victoria,

PRESENT:

The Honourable

Mr. MacLean
Mr. Mans on
Mr. Pattullo
Mr. Sutherland
Mr. Sloan
Mr. Hart
Mr.
Mr.

in the Chair.

To His Honour

The Lieutenant-Governor in Council:

The undersigned has the honour to report for the consideration of the Council:

THAT an application has been made by the Trustees of the Estate of the Late Forbes George Vernon, deceased, to be registered as the owners of ALL AND SINGULAR that certain parcel or tract of land and land covered by water situate, lying and being in the Province of British Columbia, in the District of New Westminster, in the City of Vancouver, being composed of a portion of the bed of Burrard Inlet, in the public harbour of Vancouver, in front of Lots 7, 8, 9, 10, 11, 12, 13, 14 and 15, in Block 1, in subdivision A, in District Lot 182 and Lots 25, 26, 27 and 28, in Block 3, in subdivision A, in District Lot 182, and which may be more particularly known and described as follows, that is to say:--

Beginning at the point of intersection of the West boundary of said Lot 7, with the shore line of Burrard Inlet; thence North, along said West boundary produced North, 1580 feet; thence East, 312 feet 4 inches, more or less, to the East boundary of said Lot 28, produced North; thence South, along said East boundary produced North, 1655 feet, more or less, to the point of intersection of said East boundary produced with the Northerly boundary of the Canada Pacific Railway Right of way; thence South 76 degrees, 50 West, along said boundary of right of way to the point of intersection of said Northerly boundary with the shoreline of Burrard Inlet; thence Northerly and Westerly along said shore-line to the place of beginning.

THAT the said foreshore and lands under water are situate between the First and Second Narrows of Burrard Inlet in the Province of British Columbia.

THAT the title of the said Forbes George Vernon, deceased, to the said lands is derived through a Quitclaim deed, dated the 4th day of May, A.D. 1908 from His Majesty the King as represented by the Government of Canada.

THAT it has been decided by the Honourable Mr. Justice Duff in the case of the Attorney-general for the Province of British Columbia ex rel the City of Vancouver v. Canadian Pacific Railway Company reported in Volume 11, B.C.R. at Page 291, that

"At the time of the admission of British Columbia into

4
80/18.1
1/11.20

Canada that that part of Burrard Inlet between the First and Second Narrows was a public harbour, and that the parts of the foreshore subject to the public rights of passage were in use and were in fact part of the harbour as was the whole of the foreshore adjoining the Townsite of Granville."

THE MINISTER REMARKS that owing to the circumstances under which applications of this nature are made, and in view of the judgment of their Lordships, the Privy Council, in the case commonly known as the "Spanish Bank Case", it is necessary to determine each application upon the merits as presented, and that no decision shall be considered as a precedent to govern or exercise the discretion in a future case.

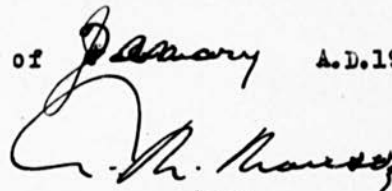
AND TO RECOMMEND

THAT in pursuance of the provisions of Section 47 of the "Land Registry Act" sanction be given to the registration of the title of the applicant to the above-mentioned property.

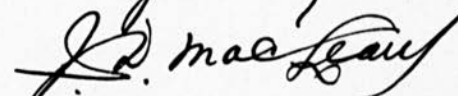
AND TO FURTHER RECOMMEND

THAT a certified copy of this minute, if approved, be transmitted to the Registrar of the Vancouver Land Registration District.

DATED this 13th day of January A.D. 1923.


Attorney-General.

APPROVED this 16th day of January A.D. 1923.


Presiding Member of the Executive Council.

IN THE MATTER OF THE ESTATE OF FORBES
GEORGE VERNON, DECEASED

AND

IN THE MATTER OF A QUIT CLAIM BY HIS
MAJESTY THE KING NO. 18662, TO FORBES
GEORGE VERNON, OF FORESHORE IN FRONT
OF PART OF BLOCKS ONE AND THREE, SUB-
DIVISION "A" DISTRICT LOT ONE HUNDRED
AND EIGHTY TWO, IN THE CITY OF VAN-
COUVER, PROVINCE OF BRITISH COLUMBIA

AND

IN THE MATTER OF AN APPLICATION TO
REGISTER THE SAID QUIT CLAIM IN THE
LAND REGISTRY OFFICE AT THE CITY OF
VANCOUVER AFORESAID

TO HIS HONOUR, THE LIEUTENANT GOVERNOR

IN COUNCIL.

THE HUMBLE PETITION of Arthur Philip Luxton,
Arthur Williams Jones, and Leon Johnson Ladner, ^{Trustees} ~~Executors~~ of
the Estate of the Late Forbes George Vernon, deceased, SHENETH:

1. That under and by virtue of certain Quit
Claim no. 18662, Forbes George Vernon, now deceased, obtained
on the 4th day of May, A.D. 1908, from His Majesty the King,
as represented by the Government of Canada, a right to certain
foreshore in front of Blocks 1 and 3, Subdivision "A" of D.L.
182, in the City of Vancouver, Province aforesaid, and which
said foreshore is more particularly described in the said Quit
Claim, a true copy of which is annexed hereto.

2. The said Forbes George Vernon and his legal
representatives have been in continuous possession of said fore-
shore since the 4th day of May, A.D. 1908.

3. Your Petitioners are desirous of registering
the said Quit Claim in the Office of the District Registrar of
Titles at the City of Vancouver, Province aforesaid.

4. Your Petitioners have contracted to sell to
Woodward & Company Limited, a portion of the said foreshore. The
said Woodward & Company Limited, propose to construct a grain
elevator and thereby to make use of a portion of the said fore-
shore for public purposes.

5. That your Petitioners believe that it is in

the interest of the public generally that an Order in Council be passed, granting unto your Petitioners the right to obtain registration of the said Quit Claim above mentioned.

WHEREFORE YOUR PETITIONERS PRAY that the said application for leave to register the said Quit Claim be granted.

DATED this 11th day of January, A.D. 1923.

WITNESS:

Arthur Philip Lynton

.....

Arthur William Jones

.....

Leon Johnson Lobner

.....

by their solicitors

Robert O Cantelano
per Leon Johnson Lobner

IN THE MATTER OF THE ESTATE OF
FORBES GEORGE VERNON, DECEASED

AND

IN THE MATTER OF A QUIT CLAIM
BY HIS MAJESTY THE KING NO.
18662.

AND

IN THE MATTER OF AN APPLICATION
TO REGISTER SAID QUIT CLAIM

P E T I T I O N

LADNER & CANTLON
BARRISTERS & SOLICITORS
810-814 ROGERS BLDG.
470 GRANVILLE ST.
VANCOUVER B. C.

C. I. Jones,
Deputy Governor.

C A N A D A

EDWARD THE SEVENTH, By the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

"E.L.Newcombe"
Deputy Minister of
Justice, CANADA.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS the lands hereinafter described form part of a public harbour vested in His Majesty as represented by the Government of Canada, AND WHEREAS the said lands are not required for public purposes and under and by virtue of the statutes in that behalf and pursuant to authority duly granted by Our Governor in Council, the said lands or the interest therein which is or may be vested in Us for the uses of the Dominion of Canada, have been sold to FORBES GEORGE VERNON of the City of Victoria in the Province of British Columbia, Gentleman, hereinafter called the Grantee, at and for the price or sum of TWO THOUSAND THREE HUNDRED AND EIGHT DOLLARS.

"Description checked with that in O.C. of Marine and Fisheries for Canada to and for Our use the said price or sum of TWO THOUSAND THREE HUNDRED AND EIGHT DOLLARS. 1907.

AND WHEREAS the grantee has duly paid to Our Minister of Marine and Fisheries for Canada to and for Our use the said price or sum of TWO THOUSAND THREE HUNDRED AND EIGHT DOLLARS.

"B.H.G".

NOW KNOW YE that in consideration of the said sum of TWO THOUSAND THREE HUNDRED AND EIGHT DOLLARS so paid to and for Our use as aforesaid, We have granted, bargained, sold, and quit-claimed, and do by these presents grant, bargain, sell and quit-claim unto the grantee his heirs and assigns, all the right, title, interest, claim, property, estate and demand both at law and in equity, and as well in possession as in expectancy, which We or Our successors have, or may have, for the use of or in the right of Our Dominion of Canada, of in and to all and singular that certain parcel or tract of land and land covered by water situate, lying and being in the Province of British Columbia, in the District of New Westminster, in the City of Vancouver, being composed of a portion of the bed of Burrard Inlet, in the public harbour of Vancouver, in front of Lots 7,8,9,10,11,12, 13, 14 and 15. in Block 1, in subdivision A, in District Lot 182.

and Lots 25,26,27 and 28, in Block 3, in subdivision A, in District Lot 182, and which may be more particularly known and described as follows, that is to say:-- Beginning at the point of intersection of the West boundary of said Lot 7, with the shore line of Burrard Inlet; thence North, along said West boundary produced North, 1580 feet; thence East, 312 feet 4 inches, more or less, to the East boundary of said Lot 28, produced North; thence South, along said East boundary produced North, 1655 feet, more or less, to the point of intersection of said East boundary produced with the Northerly boundary of the Canada Pacific Railway Right of way; thence South 76 degrees, 50 West, along said boundary of right of way to the point of intersection of said Northerly boundary with the shoreline of Burrard Inlet; thence Northerly and Westerly along said shore-line to the place of beginning as shown coloured red on the plan attached hereto, "saving, excepting and reserving unto Us and Our Successors the free uses, passage and enjoyment of, in, over and above all navigable waters that shall or may be found on, or under, or be flowing through or upon any part of the lands hereby granted or intended so to be TO HAVE AND TO HOLD the said lands unto the Grantee his heirs and assigns forever,

PROVIDED that nothing in these presents shall be held to absolve the grantee, his heirs and assigns or any of them from fulfilling in all respects the requirements of Part 1 of the Navigable Waters Protection Act, Chapter 115, Revised Statutes 1906; and it is an express condition of this grant that no "work" within the meaning of said Part 1 shall be undertaken or constructed on the saidlands by the Grantee, his heirs or assigns or any of them, or shall be suffered or allowed by them or any of them, to be constructed thereon until as regards such work the provisions of said Part 1 shall have been fully complied with AND PROVIDED FURTHER, and it is hereby declared, and this grant is accepted by the grantee upon the express condition and understanding that these presents are issued for the purpose of passing to the grantee only such estate, title and interest in and to the said lands, as We in right of Our Government of Canada have power to convey; and that the Grantee his heirs or assigns shall have no recourse against Us or Our Successors or against Our Government of Canada, should Our

title to the said lands be found to have been defective, or should these presents be found ineffectual to pass such title.

:GIVEN under the Great Seal of Canada, WITNESS. Charles
:Gerome Jones, Esquire, a Companion of Our Imperial
:Service Order and Deputy of Our Right Trusty and Right
:Well, beloved Cousin the Right Honourable Sir Albert
:Henry George, Earl Grey, Viscount Howick, Baron Grey
:of Howick, in the County of Northumberland, in the
:Peerage of the United Kingdom, and a Baronet, Knight
:Grand Cross of Our Most Distinguished Order of Saint
:Michael and Saint George, etc., etc., Governor General
:and Commander-in-Chief of our Dominion of Canada.

At Ottawa this fourth day of May in the year of Our Lord one thousand nine hundred and eight and in the eighth year of Our Reign

BY COMMAND

"I. Pope"
Under Secretary of State

"I. Gourdeau"
for Minister of Marine
and Fisheries.

C O P Y

QUIT CLAIM

BY

HIS MAJESTY THE KING

TO

FORBES GEORGE VERNON, ESQ.

of a certain tract of land
situate in Burrard Inlet
in the City of Vancouver,
B.C.

DATED 4th May, 1908

RECORDED 4th May, 1908

LIB. 194, Fol. 53

"I. Pope"

Dept. Registrar General of
Canada

Ref. No. 52681.