

# 5199



His Honour

The Lieutenant-Governor in Council :

The undersigned has the honour to report that

1. Whereas Section 39 of the Land Act provides that it shall be lawful for the Lieutenant-Governor in Council to make such special free, or partially free, grants of unoccupied and unappropriated Crown lands of the Province for the encouragement of immigration, or other purposes of public advantage, not being bonuses for the construction of railways, with and under such provisions, restrictions and privileges as to the Lieutenant-Governor in Council may seem most advisable:

2. And Whereas the establishment of the Western terminus of the Grand Trunk Pacific Railway Company upon unoccupied Crown lands in this Province is a public advantage within the meaning of said section:

3. And Whereas certain lands on the Tsimpsean Peninsula in the vicinity of Tuck Inlet are suitable for the purpose of said terminus:

4. And Whereas Ernest Victor Bodwell, of the City of Victoria, Barrister-at-Law, acting under instructions from and who in this matter represents the Grand Trunk Pacific Railway Company, and is not <sup>acting</sup> in his individual capacity, has made a proposition with respect to a partially free grant of the said lands:

5. And Whereas it is desirable that his proposal be accepted:

6. And Whereas it is advisable that the terms upon which the said grant of lands shall be made shall be stated; the undersigned has the honour to submit as follows :-

1....The said Ernest Victor Bodwell may select from the unoccupied Crown lands of the Province, situate on Tsimpsean Peninsula in the vicinity of Tuck Inlet an amount not exceeding

Approved 4 May 1906  
Henri J. Joly de Lotbiniere  
Secretary

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ten thousand (10,000) acres of land, which he shall in his judgment deem to be most suitable for the purposes of a terminus for the said railway.

2....The said Ernest Victor Bodwell shall, immediately after such selection, have the said lands surveyed ~~and~~ *Hub B* ~~by~~ by a surveyor who shall be approved of by the Chief Commissioner of Lands & Works.

3....The said lands may be surveyed in one or more blocks and it shall only be necessary to run ~~the~~ the outside lines of the said blocks, but, in other respects the survey shall conform to the system of surveys prescribed by the Land Act.

4....In surveying the said lands, the said Ernest Victor Bodwell shall also be at liberty to survey and plat the foreshore and the beach and land below high water mark, where any of the said lands abut upon or form the shore of any tidal or other waters.

The grants hereinafter referred to shall convey all the foreshore and riparian rights which the Crown may have in the lands so described, and which are situated below high water mark.

5....When the surveys are completed the said lands shall be platted in the Land Department, and Crown Grants thereof, in such parcels as the Chief Commissioner shall direct, shall be executed conveying the said lands to the said Ernest Victor Bodwell, acting in the before mentioned capacity, in fee.

6....Whenever any of the lands so to be granted form part of the shore of any tidal waters, or the banks of any river, lake or stream, the said Grant shall convey in fee the lands below, as well as above high water mark, and shall also contain a grant to the said Ernest Victor Bodwell, acting in the before mentioned capacity, in fee of all foreshore and riparian rights

*These words struck out if they were to be struck out shall be in all respects*

which the Crown, in right of the Province, has in respect of any lands covered by waters which are described or referred to in the said Grants.

7....The said Grants shall also reserve to the Crown the rights referred to in Section 32 of the Land Act, which rights shall be deemed to include an un-divided one quarter interest in all lands described in the said Grants including the lands mentioned in clauses four (4) and six (6) hereof, provided however, that the land fronting on the sea or other water way shall be divided into blocks having a frontage on the sea or water way of not less than one thousand (1000) feet, and the selection of the water front lands so divided shall be in conformity with section 32 of the Land Act.

8....Upon the execution and delivery of the said Grants to the said Ernest Victor Bodwell, the said Ernest Victor Bodwell shall pay into the credit of the Chief Commissioner of Lands & Works the sum of ten thousand (\$10,000.00) dollars in cash, as one of the terms upon which the said grants are to be made, and as a guarantee of good faith, and as security for the performance by the said Ernest Victor Bodwell of the further conditions referred to in this Minute, and unless the Crown shall require the re-conveyance of the said lands from the said Ernest Victor Bodwell under the further conditions of this Minute, the said sum of ten thousand (\$10,000.00) dollars shall be and remain the property of the Government.

9....The said Grant, when so executed and delivered as aforesaid shall also be deemed to have been issued subject to the following conditions :-

(1)....The said Ernest Victor Bodwell shall not dispose of the said lands to any person or corporation except for the purposes of establishing thereon the Western terminus of the Grand Trunk Pacific Railway:

(2).....The said Ernest Victor Bodwell shall, within the period of nine (9) months from the date hereof, cause the Western terminus of the said Grand Trunk Pacific Railway to be established upon the said lands, or some portion thereof, or shall produce evidence to the satisfaction of the Chief Commissioner of Lands & Works, that the said terminus will in due course be permanently established upon the said lands, or some portion thereof, and that the said lands conveyed as aforesaid shall constitute the townsite surrounding the said terminus:

(3) .....If the said Ernest Victor Bodwell shall fail in procuring the establishment of the said terminus as aforesaid, or shall fail within the time aforesaid to produce the evidence referred to in the sub-section last above mentioned, then, the said lands shall upon demand by the Crown, be re-conveyed by the said Ernest Victor Bodwell to the Crown, and if the Crown shall demand the re-conveyance of the said lands then the said sum of ten thousand (\$10,000.00) dollars, without interest, shall be re-paid to the said Ernest Victor Bodwell, but, he shall not be allowed any sums spent by him on account of surveys or other expenses connected with the Grant of the said lands.

*4. Before the Crown Grants referred to are actually delivered to the said Bodwell they shall be filed with the C. C. of L. & W. with the approval of the terms of this order signed by the proper officer in that behalf of the Grand Trunk Pac. Ry.*  
THE UNDERSIGNED RECOMMENDS that the said proposal be accepted subject to the terms and conditions aforesaid.

*R. F. Green*  
Chief Commissioner of Lands & Works.

The Committee of Council CONCUR and submit the same for your Honour's approval.

Dated this *30<sup>th</sup>* day of *April* A. D., 1904

*P. Macdonald*

President, Member of the Executive Council.

*The above minutes of Council have been considered and agreed in by the full Executive. The President of the Council having left for Vancouver the undersigned has appended his own signature as President of the Council.*

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THIS INDENTURE made this *Third* day of *August*  
A. D. 1905.

Between:-

THE GRAND TRUNK PACIFIC RAILWAY COMPANY, herein-  
after called "the Company", of the one part,

and,  
HIS MAJESTY, THE KING, in right of His Province  
of British Columbia, of the other part.

WHEREAS the Government of the Province of British Columbia,  
acting for and on behalf of His Majesty in right of His Province  
of British Columbia, on the tenth day of March, A.D. 1905,  
granted certain lots to the Company upon the terms and condi-  
tions then expressed.

AND WHEREAS by an antecedent agreement it was provided  
that the terminus of the Company's railway should be established  
on the lots in question.

NOW THIS INDENTURE WITNESSETH and it is hereby expressly  
agreed and declared:

1. That the Company will, subject to the approval of the  
Governor General in Council, establish the western terminus  
of the National Transcontinental Railway upon the hereditaments  
conveyed to them by the hereinbefore recited Indenture of the  
tenth day of March, A.D. 1905, and will thereon construct of a  
substantial and permanent character the wharves, docks, sta-  
tions, yards, roundhouses and other facilities proper and suit-  
able for such terminus.
2. That some substantial work will be begun upon the con-  
struction of the said wharves, docks, stations, yards, round-  
houses and other facilities on or before the thirtieth day of  
June, A.D. 1906, and thereafter actively prosecuted to comple-  
tion.
3. That this agreement shall be read with and form part of

the said Indenture of the tenth day of March, A.D. 1905.

IN WITNESS WHEREOF, pursuant to a resolution of the Directors of the Company, dated the *Third* day of *August* A.D. 1905, the Company has hereunto set its Corporate Seal, countersigned by the proper officer in that behalf.

Signed, Sealed and Delivered )  
in presence of -

*D. Galloway*

THE GRAND TRUNK PACIFIC RAILWAY COMPANY

By *[Signature]*  
.....  
President.

*[Signature]*  
.....  
Secretary.

Extract from Minutes of a Meeting of the  
Directors of The Grand Trunk Pacific Rail-  
way Company, held in the Directors Room  
No.503 of the General Offices, McGill Street  
Montreal, Thursday Augst 3rd.1905, at  
Eleven o'clock a.m.

Charles M. Hays, Esq., President, in the Chair.

An Agreement was submitted between the Company and  
the Province of British Columbia, and on motion of Mr. Frank W.  
Morse, seconded by Mr. Hugh A. Allan, it was

RESOLVED That the agreement dated the third day of  
August 1905 between The Grand Trunk Pacific Railway Company and  
the Province of British Columbia, providing for the establish-  
ment of the western terminus of the National Transcontinental  
Railway upon the hereditaments conveyed to the Company by the  
above recited Indenture, be executed on behalf of the Company.



*Charles M. Hays*  
President

*Henry Phillips*  
Secretary.