



CHAP. 29.

An Act to amend the "New Westminster City Lands Act, 1884."

[9th March, 1885.]

WHEREAS, a petition has been presented by the Corporation of the City of New Westminster setting forth that the lands intended to be granted to the said Corporation by the "New Westminster City Lands Act, 1884," are therein erroneously described, and that doubts have arisen whether the said Act is effectual to vest the said lands in the said Corporation in the manner contemplated by the said Act; Preamble.

And whereas the said petition also sets forth that in pursuance of the said Act a By-law intituled "A By-law to Provide for and Regulate the sale of certain Lands" was passed by the said Corporation, having first duly received the assent of the electors of the Municipality of the said City, as provided by the said Act, for the purpose of authorizing the sale of the lands in the said By-law mentioned as therein provided;

And whereas the said Corporation in the said petition prays that an Act may be passed to remove the said doubts and to confirm the said By-law; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. Section 1 of the "New Westminster City Lands Act, 1884," is hereby amended by striking out the words "coloured red" in the 11th line of the said section and substituting therefor the words "so named or described," and by striking out the words "deposited in the Land Registry Office" in the last line of the said section and by adding to the said section as so amended the words: Amends Section 1 of the "New Westminster City Lands Act, 1884."

"The said lands and premises with their and every of their appurtenances shall from and after the passing of this Act be held and enjoyed by the said Corporation for a perfect, absolute and indefeasible estate of inheritance in fee simple therein and in every

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A certain By-Law of the New Westminster City Municipality declared valid

2. The By-law of the Municipality of the Corporation of the City of New Westminster as hereby amended and set forth in Schedule One to this Act, is hereby confirmed and declared to be from and after the passing of this Act good, valid, legal, binding and effectual to all intents and for all purposes, any law, usage or custom to the contrary notwithstanding, and shall form part of this Act.

Removes doubts as to the right of the said Municipality to amend the said By-Law.

3. Nothing herein contained shall be construed to affect the power of the said Corporation to amend, change or alter the said By-law from time to time as may be deemed expedient, by any By-law or By-laws to be duly made hereafter, subject to the assent of the electors being first had therefor as provided by section 3 of the Act hereby amended.

Short title.

4. This Act may be cited as the “New Westminster City Lands Act (1884) Amendment Act, 1885.”

SCHEDULE ONE.

BY-LAW TO PROVIDE FOR AND REGULATE THE SALE OF CERTAIN LANDS.

Whereas, by an Act of the Legislature of the Province of British Columbia, passed in the Forty-seventh year of the reign of Her Majesty Queen Victoria, intituled “The New Westminster City Lands Act, 1884,” the lands hereinafter mentioned were granted to the Corporation of the City of New Westminster, that is to say:

The two Reserves between Queen’s Avenue and Royal Avenue, intersected by Simcoe Street; the two Reserves bounded by Queen’s Avenue, Royal Avenue, Clinton Place, Bonson Street and the Park, St. Andrew’s Square, St. George’s Square, St. Patrick’s Square; Louisa Gardens, Alice Gardens, Victoria Gardens, Government Office Gardens, Sailors’ Home, Merchant Square, Lytton Square, Pleasure Grounds, fifteen in all, and so named and described on the official map of the City of New Westminster.

And whereas, it was by the same Act provided that it should be lawful for the said Corporation to sell and convey all or any part of the said lands, and for the Council of the said Corporation to pass By-laws from time to time to determine what parts of the said lands



should be sold, for what price, and upon what terms; provided that no sale should be had except by public auction, after notice thereof should have been given for at least fifteen days prior to such sale in one or more newspapers published in the said city; and that every such By-law should, before the final passing thereof, receive the assent of the electors of the Municipality of the said city, as provided in section 74 of the "Municipality Act, 1881," and that no person should vote upon any such By-law excepting those qualified under section 22 of the said Act.

And whereas, it is deemed expedient by the said Council that a By-law should be passed to provide for and regulate the sale of the said lands as hereinafter mentioned;

Therefore, the Mayor and Council of the Corporation of the City of New Westminster, enact as follows:—

1. The said lands shall be sold in the manner and subject to the terms and conditions herein set forth.

2. The said lands shall be sold according to certain maps or plans thereof made by Woods & Turner, Land Surveyors, bearing date the 25th day of June, 1884, and the 28th day of January, 1885, respectively, and deposited, or left for deposit, in the Land Registry Office at New Westminster.

3. The said Mayor and Council, subject always to the terms of the said Act, and of this By-law, may, from time to time, pass resolutions to determine at what time or times, at what place or places within the said city, and by what auctioneer or auctioneers the sale or sales of the said lands shall be had, and in what newspaper or newspapers notice thereof shall be published, and otherwise to provide for carrying the provisions of this By-law into effect, and may alter or repeal any such resolution.

4. The said lands shall be sold subject to the reserved bid or value in respect of each Lot mentioned in the Schedule hereunto annexed, and each Lot shall be sold separately.

5. The highest bidder shall be the purchaser, if his or her bid shall exceed the said reserved bid or value; and if any dispute arise as to the last or highest bidder, the Lot shall immediately be put up again at the former bidding, and no person shall advance less than five dollars at a bidding and no bidding shall be retracted.

6. The purchaser shall pay immediately upon becoming such purchaser, a deposit of $33\frac{1}{3}$ per cent. of the purchase money and sign an agreement for the payment of the remainder as follows: $33\frac{1}{3}$ per cent. in three months, and the balance of the purchase money in six months from the date of sale, and thereupon shall be entitled to possession of the land so purchased, and all purchase moneys shall be

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paid into the Bank of British Columbia, at New Westminster, to the credit of a special account of the city, to be called the Land Sale Account.

7. The purchaser shall be entitled to a conveyance upon payment of all the purchase money, and the said agreement and conveyance shall be furnished by the Clerk of the said Corporation, free of charge, according to the forms one and two in Schedule B to this By-law annexed; and any number of lots may, at the request of the purchaser or purchasers, be included in one agreement or conveyance.

8. Time shall be of the essence of the contract as regards the payment of the purchase money, and if the same shall not be paid at the time agreed upon as aforesaid, the said agreement shall forthwith, after the expiration of the said time, become void, without notice to the purchaser, who shall immediately yield up possession of the lands to the said Corporation, and all moneys paid on account of the purchase money shall be forfeited to the said Corporation.

9. The said lands being granted to the said Corporation by the said Act, the purchaser shall not be entitled to any evidences of the title of the said Corporation thereto.

10. In case of default in the payment of the purchase money of any Lot, the deficiency which may arise upon any subsequent sale of the said lands, together with all costs and charges attending the same or occasioned by the default, shall be made good by the defaulter.

11. The proceeds of the sale of any part of the said lands shall be applied to the following purposes only: Firstly, the sum of \$75,000, or such less sum as may be found sufficient therefor, shall be given as a bonus to aid in the construction of a railway to connect the City of New Westminster with the main line of the Canadian Pacific Railway, to any such person or persons, corporation or corporations, as may be found willing and may be able to undertake the construction and maintenance of such railway upon such terms and conditions as the Council may, by resolution, approve; but no such person or corporation shall be entitled to receive any part of such bonus without having first duly entered into a good and sufficient bond or agreement to the satisfaction of the said Council for the construction and maintenance of the said railway as aforesaid. Secondly, the surplus, if any, shall be applied in the construction and maintenance of an efficient system of water-works, and of drainage and sewerage works in the City of New Westminster, and in the construction of a suitable City Hall, including the acquisition of a site therefor, if necessary, in such manner as may be determined by any by-law or by-laws to be lawfully made by the Corporation of the City of New Westminster.

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12. In case the whole of the said lands shall not be sold at any time which may be fixed by any such resolution as aforesaid, the sale of such part of the said lands as may remain unsold, shall be held at such time and place as may theretofore have been fixed or may thereafter be fixed by any such resolution as aforesaid, subject to the like provisions as aforesaid as to notice of any such sale and otherwise.

13. This "By-law" shall come into force and have effect on and after the twentieth day of August, 1884, and may be cited as the "Lands Sale By-law, 1884."

"By-law" read the first time the twenty-first day of July, 1884.

"By-law" read the second time the twenty-first day of July, 1884.

"By-law" read the third time and finally passed the eighth day of August, 1884.

"By-law" reconsidered and adopted and the Seal of the Corporation appended hereto, this 11th day of August, A.D. 1884.

{ L.S. }

(Signed) R. DICKINSON,
Mayor.
A. J. ALPORT,
C. M. C.

SCHEDULE A.

LANDS REFERRED TO IN ACCOMPANYING BY-LAW.

SUBDIVISION OF GOVERNMENT OFFICES GARDENS.—BLOCK A.—Lots 1 and 2, upset price \$750 each; lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, upset price \$500 each; lots 21 and 22, upset price \$750 each.

SUBDIVISION OF VICTORIA GARDENS.—BLOCK B.—Lots 1, 2 and 3, upset price \$750 each; lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, upset price \$500 each; lots 26, 27, 28, 29, upset price \$750 each; lots 30, 31, 32, 33, 34, 35, 36, 37, 38, upset price \$500 each.

SUBDIVISION OF LOUISA GARDENS.—BLOCK C.—Lots 1, 2, 3, 4, 5, 6, upset price \$300 each.

SUBDIVISION OF ST. PATRICK'S SQUARE.—BLOCK D.—Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, upset price \$100 each.

SUBDIVISION OF ALICE GARDENS.—BLOCK E.—Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, upset price \$300 each.

RESERVES.—BLOCK F.—Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, upset price \$300 each; 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, upset price \$200 each.

SUBDIVISION OF MERCHANTS' SQUARE.—BLOCK G.—Lots 1 and 7, upset price \$4,000 each; lots 6 and 12, upset price \$1,100 each; lots 2, 3, 4, 5, 8, 9, 10 and 11, upset price \$500 each.

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SUBDIVISION OF ST. GEORGE'S SQUARE.—BLOCK H.—Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, upset price \$300 each; lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, upset price \$250 each.

SUBDIVISION OF LYTTON SQUARE.—BLOCK J.—Lots 1 and 2, upset price \$2,000 each.

SUBDIVISION OF ST. ANDREW'S SQUARE.—BLOCK K.—Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, upset price \$100 each.

SAILORS' HOME.—BLOCK L.—Lot 1, upset price \$300; lot 2, upset price, \$250.

PLEASURE GROUNDS.—BLOCK M.—Lots (number unknown), upset price \$300 each.

SCHEDULE B.

No. 1.

AGREEMENT.

ARTICLES OF AGREEMENT made in duplicate this day of
one thousand eight hundred and eighty
BETWEEN

The Corporation of the City of New Westminster, hereinafter
called the Corporation of the First Part, and
of hereinafter called the Purchaser of the
Second Part,

WITNESS, that whereas the purchaser hath agreed to purchase from the Corporation that certain parcel of land situate in the City of New Westminster, being composed of Lot number in Block being part of shown on the official map of the said city, according to a plan and subdivision thereof made by Woods & Turner, Land Surveyors, dated the day of one thousand eight hundred and eighty and duly registered, for the price or sum of dollars, payable one-third at or before the execution of these presents, one-third thereof at the end of three months from the date hereof, and the remainder, being one-third thereof, at the end of six months from the date hereof, and the Corporation hath agreed to sell the said premises to the purchaser upon the said terms.

Now these presents witness that for the said consideration the purchaser, for himself, his heirs, executors and administrators, hereby covenants and agrees with the Corporation, its successors and assigns, to pay the said purchase money at the times and in the manner hereinbefore set forth, and the Corporation agrees to convey the aforesaid premises to the purchaser according to the terms and conditions of the By-law of the Corporation, intituled "The Lands Sale By-law, 1884," upon payment of the said purchase moneys.

It is declared and agreed between the Corporation and the purchaser that time shall be of the essence of this agreement, and that in case any part of the said purchase moneys shall not be paid at the times and in the manner

aforesaid these presents shall forthwith become void without notice to the purchaser, and the Corporation shall be entitled to all moneys paid on account of the purchase money, and in all other respects the terms and conditions of the said By-law, so far as the same relate to the conditions of sale of the lands therein mentioned, shall be construed to be incorporated with and shall form part of these presents.

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IN WITNESS WHEREOF, the said Corporation of the City of New Westminster hath caused its corporate seal to be hereunto affixed, and the purchaser hath hereunto set his hand and seal.

By order of the Corporation of the City of New Westminster.

No. 2.

CONVEYANCE.

THIS INDENTURE made the day of in the year
of Our Lord one thousand eight hundred and eighty
BETWEEN

The Corporation of the City of New Westminster, hereinafter called
the Corporation of the First Part, and of
hereinafter called the purchaser of the
Second Part,

WITNESSETH, that in consideration of the sum of dollars of
lawful money of Canada, heretofore paid by the purchaser to the Corporation,
the receipt whereof is hereby acknowledged, the Corporation hereby grants
and assigns unto the purchaser all that parcel of land situate in the said City
of New Westminster, being composed of Lot number in Block
being part of shown on the official map of the said city,
according to a plan and subdivision thereof made by Woods & Turner, Land
Surveyors, dated day of one thousand eight hundred
and eighty and duly registered, together with the appurtenances
thereunto belonging or in any wise appertaining, and all the right, title,
interest, claim and demand of the Corporation in, to and upon the said
premises; To have and to hold the said premises unto and to the use of the
purchaser, his heirs and assigns forever.

IN WITNESS WHEREOF, the Corporation of the City of New Westminster
hath caused its corporate seal to be hereunto affixed.

By order of the Corporation of the City of New Westminster
