

**MINUTES OF ADJOURNED REGULAR MEETING OF CITY COUNCIL HELD
WITHIN THE COUNCIL CHAMBER ON THURSDAY THE 11th DAY OF MAY
1911 AT 9 O'CLOCK P.M.**

His Worship Mayor McNeish presiding and all the Aldermen present, excepting Alderman Smith.

The following correspondence was read respecting Governments decision re Rice Lake:

“May 4th, 1911

Thomas Shepherd, Esq.
City Clerk
North Vancouver, BC

Dear Sir:

We enclose you herewith copy of the report of the Executive Council re Rice Lake and also copy of a letter from our agents in Victoria in respect to the same. We have advised our agents there to put in a protest against the decision and a request for reconsideration.

Yours truly,
Bowser, Reid & Wallbridge”

Victoria, B.C. May 2, 1911

R.L. Reid, Esquire
c/o Bowser, Reid & Wallbridge
Vancouver, BC

Dear Sir:

Re: Rice Lake and City of North Vancouver

We beg to enclose you copy of report received by us today from the Hon. Provincial Secretary.

The main point to notice about this decision is that it proceeds altogether on a wrong assumption of fact, when it states that it would appear that prior to the Legislative assent being given to the term so f the agreement mentioned therein the Government has agreed that the said lands should be conveyed to the B.C. Electric Railway Co. Limited etc. The B.C. Electric Railway Co never came into the matter until long after the Act has been assented to. Further than

this, we cannot see that the decision is in any way satisfactory, as it goes without saying that the District of North Vancouver will not pay a cent to the B.C. Electric Railway Co so that all the paying will devolve upon the City of North Vancouver. Further then this, if the City of North Vancouver is to pay the B.C. Electric Railway Co for its outlay in the construction of a line of railway, why should not the City of North Vancouver own the Railway.

The real effect of this decision is that the government has let the District of North Vancouver out entirely, has told the City of North Vancouver that they can have the land if they pay as the purchase price thereof the amount of the cost of construction of the B.C. Electric Railway Co line of railway to Lynn Valley.

We would suggest that we be instructed to ask the Executive to reconsider this matter on the ground that they have proceeded on a wrong assumption of fact. We await your further instructions.

Yours truly,
Barnard Robertson & Heis

The Reeve,
Corporation of the District of North Vancouver
North Vancouver, B.C.

Sir:

The Executive Council after the most careful consideration of the question relative to the position of matters between the City of North Vancouver, the Corporation of the District of North Vancouver, and the B.C. Electric Railway Co., Ltd., in connection with certain Crown lands, which are claimed by the City of North Vancouver under the provisions of an Act to accelerate the Incorporation of the City of North Vancouver, the agreement being Schedule "A" thereto, and especially paragraph (7) of the said agreement, finds that by misadventure arising by reason of matters known to the Municipalities concerned legislative assent was given to terms of an agreement which, in its terms, purported to assure unto the City of North Vancouver the lands in question, when it would appear that prior thereto the Government had agreed that the said lands should be conveyed to the B.C. Electric Railway Co. Ltd., in consideration of that Company constructing its line of railway to or in the immediate neighborhood of the said lands, and which at the time, was represented to be a matter of great Municipal advantage, and an undertaking in the public interest, and the line of railway was so constructed and is in operation; and, in that it has been later found that the said lands are a necessity in connection with the Water System of the City of North Vancouver, and if conveyed to the Railway Company would have to be expropriated or otherwise acquired by the City, the decision is that the Corporation of the District of North Vancouver

and the City of North Vancouver should each contribute relatively, or as may be agreed upon between them, in compensating the B.C. Electric Railway Co. Ltd. for its outlay in the construction of the said line of railway, that being done, the said lands will be conveyed unto the City of North Vancouver.

I have the honor to be,
Sir,
Your obedient Servant,
Provincial Secretary.

On motion of Alderman Henderson seconded by Alderman Dick the resolution was passed unanimously and the Clerk directed to forward a copy to the Executive Council at Victoria.

“Whereas the decision of the Executive Council of the Province of British Columbia in reference to the claim of the City of North Vancouver to certain lands bordering on Rice Lake, to wit: District Lots 856 and 857 under the provisions of the “North Vancouver City Incorporation Act 1906” is founded on two assumptions of fact:

- (a) That prior to the passing of the said Act the Government had agreed that the said lands should be conveyed to the B.C. Electric Railway Co., Ltd., in consideration of that Company constructing its line of railroad to or in the immediate neighborhood of the said lands; and
- (b) It is later found that the said lands were a necessity in connection with the water system of the City of North Vancouver; neither of which assumptions are correct.

And Whereas it was found prior to the passing of the said Act that the said lands were a necessity in connection with the water system of that District then a portion of the Municipality which is now the City of North Vancouver.

And whereas the said lands were reserve for the said City of North Vancouver, and the said Act was passed and became law before an application as made for the said District lots by the said B.C. Electric Railway Co., Ltd.;

And whereas the terms fixed by the said decision under which the City may procure the conveyance to them of the said lands are in the opinion of this Council neither just nor equitable on the true facts of the case;

Therefore be it resolved that the Council of the City of North Vancouver do hereby respectfully request the Executive Council of the Province of British Columbia to reconsider their decision in this matter and to give to the City of North Vancouver that redress to which the said City is entitled, on the true facts of the case, viz:

“To give effect to the Act of Parliament incorporating the City of North Vancouver, in respect to all the rights and privileges connected with Rice Lake and D.L.’s 856 and 857, for which the City has already tendered to the government the purchase price at which the said lands were offered by the Government to the District Municipality in February 1907.”

Reports and recommendations by the Finance (General, No. 2), Health Police and Schools), Board of Work (General and Local Improvement) Waterworks and Fire & Light Committees on due accounts were submitted and read to the meeting and the Treasurer authorized to pay accounts to the amounts following; viz:

Finance	
General	\$351.33
No. 2	130.10
Health	594.91
Police	175.75
School	726.78
Board of Works	
General	1688.82
Local Improvement	3850.51
Waterworks	7381.68
Fire and Light	259.30

Alderman Henderson gave in report of interview had by Alderman Smith and himself with the Architect and Clerk of Works re report received from Messrs. Honeyman & Curtis regarding 13th Street Fire Hall contract.

Alderman Henderson moved that the City Clerk acknowledge receipt of Messrs. Honeyman & Curtis report and request them to see that the recommendations and modifications contained therein are carried out, and that instructions be issued by them to the Architect and Clerk of Works to that effect. The motion was seconded by Alderman Dick and agreed to.

The Clerk was directed to send a copy of this resolution to Architect Hope.

Discussion arose regarding the engaging of an assistant in the Treasurer’ Office. Alderman Henderson advocated calling applications and throwing the position open to public competition.

Alderman Dick moved that it be left in the hands of the Treasurer to engage his own help in the office.

The motion seconded by Alderman Kittson and agreed to.

Alderman Henderson dissenting.

The matter of remuneration was referred to the Finance Committee.

Alderman Biss called attention to the fact that in the call for tenders for the clearing of Mahon Park tenderers had to deposit marked check for full amount of tender.

On motion of Alderman Biss and Alderman Dick the Engineer was instructed to amend this and to call for marked check for 25% of the amount of tender being deposited.

Signed: Wm. McNeish, Mayor