RETURN

To an order of the Legislative Assembly, dated 16th April, 1880, for a copy of the Contract entered into with Messrs. McNamee & Co. for the construction of the Esquimalt Graving Dock.

By Command.

GEO. A. WALKEM,
Chief Commissioner Lands and Works.

Lands and Works Department,
23rd April, 1880.

[COPY.]

This Indenture made at Montreal this Twenty-Fourth day of February, A.D. 1880, between Francis Bernard McNamee, Antony Gilbert Nish, and James Wright, constituting the firm of F. B. McNamee & Co. of Montreal, hereinafter called the Contractors of the first part, and Her Majesty, Queen Victoria, represented by the Chief Commissioner of Lands and Works of British Columbia, hereinafter called the Chief Commissioner, of the second part.

Whereas the above Contractors have agreed with the said Chief Commissioner to construct and maintain a Graving Dock, to maintain and remove the Cofferdam in connection therewith, and to do and execute other works in connection therewith, on the lands and foreshore of Thetis Cove, Esquimalt Harbour, British Columbia, in accordance with drawings and specifications prepared by Messrs. Kinipple and Morris, Engineers, and by the said Chief Commissioner, and with the terms and conditions and for the considerations and at the rates and within the time mentioned in a certain copy of the said specifications and in a certain form of tender annexed thereto, and deposited by the said Contractors with the Chief Commissioner, and by him filed in record in the Department of Lands and Works at Victoria.

And whereas the said Contractors have, prior to the execution hereof, and in compliance with the terms of the specifications, deposited with the said Chief Commissioner in his capacity before mentioned the sum of Ten Thousand Dollars as part security for the due fulfilment of their contract and of the covenants and conditions thereof, it having been further agreed that they should receive back the said money, with the interest thereon mentioned in the specifications, upon the due performance by them of the said covenants and conditions, but be liable for any loss of the said money or interest occasioned by the failure or insolvency of any Bank holding the same or any security representing the same.

And whereas the Dominion Government have, by Order in Council dated the twelfth day of February, 1880, agreed, for reasons therein stated, to contribute Two hundred and fifty thousand dollars towards the construction of the said Dock, provided the Terms of the said Order should be sanctioned by the Legislature of British Columbia and by the Imperial Government.

Now this Indenture witnesseth that, in consideration of the premises, and of the sum of Three hundred and fifty thousand nine hundred and ninety-seven 20-100 dollars,

or of such other sum as may be certified to be due and payable to the contractors under the specifications hereinbefore mentioned, they, the contractors, hereby covenant and agree with Her Majesty that they will faithfully observe and perform all the conditions and agreements contained in the copy of specifications and in the form of tender herein mentioned, and in accordance with the drawings or amended drawings (if any) therein referred to.

And Her Majesty, in consideration of the premises, hereby covenants with the contractors that they will be paid for and in respect of the works hereby contracted for, and in the manner set forth in the said specifications, the several prices or sums therein mentioned.

All covenants and agreements herein contained shall, where Her Majesty is referred to, be binding upon Her successors, and shall, where the contractors are referred to, include their and each of their executors and administrators; and it is further provided, and hereby expressly understood, that the said covenants and agreements shall be void and of no effect if the terms of the Order in Council above referred to are not sanctioned by the Legislature of British Columbia at its ensuing session, and by the Imperial Government within six months from the date of these presents, or within such further time as may be deemed reasonable by the Government of British Columbia and be expressed in a Minute of Council to that effect, said additional time not to exceed eighteen months in all from the date of these presents.

In witness whereof the parties hereto have set their hands and seals the day and year first above mentioned, the Chief Commissioner hereby undertaking to append his seal of office hereto when he reaches British Columbia.

Signed, sealed, and delivered by the parties of the first part in presence of (Signed) J. WURTELE, of Montreal, Q.C.	(Signed) F. B. MCNAMEE. (Signed) A. G. NISH. (Signed) JAMES WRIGHT.	[L.S.] [L.S.] [L.S.]
Signed and sealed by the Chief Commissioner in presence of (Signed) J. WURTELE, of Montreal, Q.C.	(Signed) GEO. A. WALKEM, as C. C. of Lands and Works.	[LS.]
Witness to signature and seal of Chief Commissioner of Lands and Works, (Signed) ELI HARRISON, JR.	(Signed) GEO. A. WALKEM, C. C. L. & W.	[Seal of office.]

GOVERNMENT OF BRITISH COLUMBIA, VICTORIA.

ESQUIMALT HARBOUR.

PROPOSED GRAVING DOCK AT THETIS COVE.

CONTRACT No. 3.

FORM OF BOND.

Know all men by these presents that we, Francis Bernard McNamee, Antony Gilbert Nish, and James Wright, of Montreal, Contractors, and John Burke, of Montreal, of the firm of Burke Bros., Traders, and William Davis, of Ottawa, Esquire, of the firm of Wm. Davis & Sons, are held and bound unto our Sovereign Lady the Queen, in the sum of Twenty-five Thousand Dollars, to be paid to our Lady the Queen, Her Heirs and Successors, for which payment well and truly to be made, we bind ourselves and

each of us, and the heirs, executors, and administrators of us and each of us, jointly and severally, by these presents. As witness our hands and seals this twenty-fourth day of February, A.D. one thousand eight hundred and eighty.

Whereas the above named contractors have entered into an agreement with the Honourable George Anthony Walkem, Chief Commissioner of Lands and Works, acting for the Government of British Columbia, to execute a Contract to construct a Graving Dock with a Second Entrance at Head, Wings and Harbour Quay Walls, Engine and Boiler Houses, Chimney, Pump Wells, Culverts, &c.; also to deposit the sum of $10,000, in cash or by certified cheque, to the credit of the Government of British Columbia, as security herewith for the proper execution of the said Contract; also to maintain and remove the Cofferdam, and to fulfil and execute the said Contract in accordance with Drawings, Specification, Bills of Quantities, Form of Tender, and conditions therein contained, and which Specifications so far as they refer to the Contractors' sureties are, for the considerations mentioned in the said Contract or Agreement, hereby specially declared to be binding upon us herein named as such sureties, and our and each of our heirs, executors, and administrators.

Now the condition of the above written bond is such, that if the above bounden Contractors shall be awarded the Contract for the above mentioned works, and shall execute the said Contract, and shall well and faithfully perform and fulfil all and every of the terms, conditions, stipulations, and requirements in such Contract contained, and every part thereof respectively, then the said deposit shall be returned and the above written Bond shall be void and of no effect, but otherwise shall remain in full force and virtue.

Signed and sealed by the above named parties in the presence of	(Signed)	F. B. McNAMEE.	[L.S.]
	(Signed)	A. G. NISH.	[L.S.]
	(Signed)	JAMES WRIGHT.	[L.S.]
(Signed) J. WURTELE, of Montreal, Q.C.	(Signed)	JOHN BURKE.	[L.S.]
	(Signed)	WILLIAM DAVIS.	[L.S.]