
RETURN

To an Address of the Legislative Assembly for copies of all Orders in Council, correspondence, telegrams, agreements, and communications not already published, between the Government of British Columbia, or any of its members, and the Canadian Pacific Railway Company, or any one on its behalf, respecting the subjects mentioned in their agreements of the 23rd February and 23rd November 1885, or any other public matter.

By Command.

JNO. ROBSON,

Provincial Secretary.

Provincial Secretary's Office,

14th February, 1887.

Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor on the 21st day of April, 1886.

The Committee of Council recommend that there be paid to the Canadian Pacific Railway Company the sum of \$37,500 (thirty-seven thousand five hundred dollars) out of the Consolidated Revenue of the Province, upon the completion by the Company of a branch line of railway connecting the City of New Westminster with the Canadian Pacific Railway, as provided in clause 13 of an agreement made the 23rd day of February, A. D. 1885, between Her Majesty Queen Victoria, represented by the Honourable Chief Commissioner of Lands and Works of the Province of British Columbia, of the one part, and the Canadian Pacific Railway Company of the other part, and that the Company be informed that the Government has undertaken to pay such sum in accordance with the said agreement.

Certified,

(Signed) T. ELWYN,
Deputy Clerk Executive Council.

Mr. H. Abbott to the Honourable the Premier.

CANADIAN PACIFIC RAILWAY COMPANY,

Office of the General Superintendent,

PORT MOODY, January 8th, 1887.

SIR,—I have the honour to inform you, on behalf of the Canadian Pacific Railway Company, that the Branch Line to New Westminster has been completed and is in operation, and that Mr. Schrieber, the Dominion Government Engineer, on the 23rd of December, gave a certificate to the Company to that effect.

I shall be obliged, therefore, if the money due to the Company by the Government, viz.: \$37,500, be now paid over, in pursuance of the agreement and Order in Council of 19th April last.

I have, &c.,

(Signed) H. ABBOTT,
General Superintendent.

Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor on the 13th day of January, 1887.

On a memorandum from the Honourable the Chief Commissioner of Lands and Works, dated the 12th day of January, 1887, referring to an agreement dated the 23rd day of February, A. D. 1885, and made between Her Majesty, represented by the Chief Commissioner, of the one part, and the Canadian Pacific Railway Company of the other part, and whereby it was agreed, amongst other things, that the said Company should extend the main line of the Canadian Pacific Railway to Coal Harbour and English Bay, and should for ever thereafter maintain and equip such extension as part of the main line of the Canadian Pacific Railway and operate it accordingly; that such extension should be fully and completely made on or before the 31st day of December, 1886, and that the said Company should erect and maintain the terminal workshops, and other terminal structures, works, docks and equipments, as are proper and suitable for the western terminus of the Canadian Pacific Railway in the immediate vicinity of Coal Harbour and English Bay, and that such workshops, structures, works, docks, and equipments, should be commenced forthwith, and prosecuted to completion with reasonable diligence, and so as to provide facilities for the opening of traffic on the through line by the 31st day of December, 1886.

And reporting that a bond in favour of Her Majesty had been entered into by the Company with three sureties in the sum of \$250,000 conditioned for the due performance by the Company of the terms and conditions in the said agreement contained and by the said Company agreed to be performed.

That, contemporaneously with such bond, grants of land in the said agreement mentioned had been made, in accordance with the provisions of the said agreement, to Donald A. Smith and Richard B. Angus, persons appointed by the Company in that behalf, and that the Company had failed in the observance and performance of the terms and conditions hereinbefore mentioned, and on their part to be observed and performed, and recommending that steps be immediately taken to recover the amount secured by the said bond.

The Committee advise approval.

Certified,

(Signed) T. ELWYN,
Deputy Clerk of Executive Council.

The Honourable the Provincial Secretary to Mr. H. Abbott.

VICTORIA, B.C., 13th January, 1887.

SIR,—I have the honour to forward herewith, for transmission to the General Manager, Mr. Van Horne, a communication on the subject of the default of the Canadian Pacific Railway Company in fulfilling the obligations mentioned in the first four clauses of the agreement of the 23rd February, 1885.

I have, &c.,

(Signed)

JNO. ROBSON,
Provincial Secretary

The Honourable the Provincial Secretary to W. C. Van Horne, Esquire, General Manager C.P.R. Company: Sir Donald A. Smith, Knight; W. C. Van Horne, Esquire; and Sandford Fleming, Esquire, C.M.G.

VICTORIA, B.C., 13th January, 1887.

GENTLEMEN,—Referring to the agreement of the 23rd day of February, A. D. 1885, entered into between Her Majesty the Queen, represented by the Honourable the Chief Commissioner of Lands and Works of British Columbia, and the Canadian Pacific Railway Company, and to the Bond to Her Majesty dated the 26th day of November, 1885, entered into by Sir Donald A. Smith and Messrs. Van Horne and Fleming, as sureties, I beg to inform you that the Company has failed to fulfill the obligations mentioned in the first four clauses of the agreement, and I am directed to apply to you for payment of two hundred and fifty thousand

(\\$250,000) dollars, being the amount for which the Bond was entered into, and to state that unless that sum be promptly paid legal proceedings will be taken for its recovery.

I have, &c.,

(Signed) JNO. ROBSON,
Provincial Secretary.

MEMO:—A copy of this letter was forwarded to each of the above named gentlemen.

Mr. H. Abbott to the Honourable the Provincial Secretary.

THE CANADIAN PACIFIC RAILWAY Co. (Pacific Division),
Office of the General Superintendent,
VICTORIA, 15th January, 1887.

SIR,—I have the honour to acknowledge the receipt of your letter of the 13th instant, enclosing a letter to the Vice-President of the Canadian Pacific Railway of the same date, requesting the payment of the forfeit of \$250,000 for what you state to be a failure on the part of the Company to fulfil the obligations mentioned in the fourth clause of the agreement dated 23rd February, 1885.

I have, &c.,

(Signed) H. ABBOTT,
General Superintendent.

Mr. C. Drinkwater to the Honourable the Provincial Secretary.

CANADIAN PACIFIC RAILWAY Co.,
Office of the Secretary,
MONTREAL, 25th January, 1887.

SIR,—I have the honour to acknowledge receipt of your letter of the 13th instant, addressed to Mr. Van Horne, as General Manager, and individually, and to Sir Donald A. Smith and Sandford Fleming, Esquire, referring to the agreement entered into with the Government of British Columbia on the 23rd of February, 1885, and demanding payment of the sum of \$250,000 mentioned in that agreement.

I am instructed to state that the Company will refer the claim of the Government to its counsel, being under the impression that it is under no legal obligation to pay the sum of money demanded.

At the same time I must be permitted to remind you that the Company has done all in its power to perform to the letter all the conditions of the agreement referred to, and if it has not been able to literally fulfil those conditions, it has been in consequence of the intervention of the judiciary of the Province, which took upon itself, as it appears in violation of the law, to enjoin the Company not to proceed with its work. That since this illegal interruption, created by the authorities of the Province itself, the Company has done all in its power to complete its work, and that it will shortly have performed all the conditions of the agreement to their fullest extent.

Under these circumstances the Company is surprised that the Government of British Columbia should have asked for the payment of a penalty for the alleged non-performance of conditions which the Company has made every effort to fulfil, and in which it failed solely in consequence of the active interference of the judiciary of the Province, in violation of the Company's charter.

I have, &c.,

(Signed) C. DRINKWATER,
Secretary.
