

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BY-LAW NO. 153

The Municipal Council of the Corporation of the Township of Esquimalt enacts as follows:

WHEREAS the lands and hereditaments hereinafter described are held by Alexis Martin, of the City of Victoria in the Province of British Columbia, Barrister-at-Law, IN TRUST for the B. C. Marine Railways Company, Limited;

AND WHEREAS the said B. C. Marine Railways Company Limited desires to perpetuate the memory of WILLIAM FITZHERBERT BULLEN, the founder of the said Company and for many years a resident in the Township of Esquimalt, and to perpetuate the memory of his residence in and connection with the said Township of Esquimalt by offering to convey to and vest in the Corporation of the Township of Esquimalt the said lands and hereditaments hereinafter described, to the intent that the same may be held by the said Township as a Public Park and Pleasure Ground to be preserved for and dedicated to the recreation of the public, subject to the exceptions arranged by the Reeve with the said Alexis Martin and set forth in the letter from the Reeve to the said Alexis Martin dated Oct. 8th. 1924 the said exceptions being also set forth in the deed of Conveyance from the said Alexis Martin to the Corporation of the Township of Esquimalt, dated the 27th day of October, 1924 and tendered to the Corporation of the Township of Esquimalt with the above recited offer, copy of which deed is attached to this By-Law as Schedule "A" hereto.

NOW THEREFORE the Municipal Council of the Township of Esquimalt enacts as follows:

1. It shall be lawful for the Corporation of the Township of Esquimalt to accept from Alexis Martin, Esquire, of the City of Victoria in the Province of British Columbia, Barrister-at-Law for the above recited purposes and subject to the terms and conditions set forth in the deed dated the 27th. day of October 1924, attached hereto as Schedule "A", the lands and hereditaments in the said deed described, that is to say: ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Esquimalt District, in the Province of British Columbia, and being Suburban Lot Forty-Six (46) and the East half of Suburban Lot Fifty-two (52) in the said Esquimalt District, SAVE AND EXCEPTING thereout that portion thereof described as follows: Commencing at a point on the Eastern boundary of said Suburban Lot Forty-six (46) situate North $23^{\circ} 50''$ West Magnetic a distance of Six Hundred and Fifty-seven and seven-tenths (657.7) feet from the South-east corner of said Suburban Lot Forty-six (46); thence South $46^{\circ} 23''$ West Magnetic for a distance of five hundred and twenty-six and four-tenths (526.4) feet more or less to the Western boundary of the East half of Suburban Lot Fifty-two

(52); thence North 23° 50" West for a distance of One Hundred and Fifty (150) feet more or less to high water mark on Constance Cove; thence following the said high water mark in a North-Easterly direction to the Eastern boundary of said Suburban Lot Forty-six (46); thence following said Eastern boundary of said Suburban Lot Forty-six (46) south 23° 50" East for a distance of One Hundred and Fifty (150) feet more or less to the point of commencement, containing one and eight-tenths (1.8) acres or less, which said portion hereby excepted was conveyed by the Victoria and Esquimalt Realty Company Limited to His Majesty the King by Conveyance dated the third day of August, 1914, which said Conveyance has been deposited for registration in the Land Registry Office at the said City of Victoria under No. 19203-I.

2. The Reeve and Municipal Clerk of the Corporation of the Township of Esquimalt are hereby authorized and directed to execute and deliver to the said Alexis Martin a copy or counterpart of the said deed attached hereto and dated the 27th. day of October, 1924.
3. Except as provided in the said deed the said lands and hereditaments shall not at any time hereafter be used for any purpose other than those set forth in the said deed attached hereto.
4. The Council may from time to time by resolution provide for the construction, erection, and management of such playgrounds, buildings and other works on the said lands and hereditaments as to the Council may seem desirable, and the Council may also by resolution establish rules and regulations respecting the said Park and Play-grounds and for charging a fee for entrance thereto and for the use of the same or any part thereof and for playing games thereon.
5. When in the opinion of the Council, industrial conditions so require, the Council may by resolution authorize the sale of the whole or any part of the said lands and premises over which the Township of Esquimalt has power of sale under the said deed of conveyance dated the 27th day of October, 1924 provided that the proceeds of any such sale shall in each and every case be used for the development, improvement or enlargement of the remaining part of the said lands and premises.

This By-Law may be cited as "The Fitzherbert Bullen Memorial Park By-Law."

PASSED the Municipal Council this 3rd day of October, 1924.

RECONSIDERED, ADOPTED AND FINALLY PASSED the Municipal Council this 17th day of November, 1924.

Reeve

Clerk

THIS INDENTURE made in duplicate this 27th day of October,
A. D., 1924, in pursuance of the Real Property Conveyance Act;

BETWEEN:

ALEXIS MARTIN (of the City of Victoria,
in the Province of British Columbia,
Barrister-at-law);

Hereinafter called the Grantor;

AND

THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT,
(a body corporate);

Hereinafter called the Township;

WHEREAS William Fitzherbert Bullen was for many years a
resident in the said Township of Esquimalt and was the founder of
B. C. Marine Railways Company, Limited,

AND WHEREAS the grantor is trustee for the said B. C.
Marine Railways Company, Limited;

AND WHEREAS the said Company desires to perpetuate the
memory of the said William Fitzherbert Bullen and of his residence
in and connection with the said Township of Esquimalt by offering
to and vesting in the said Township the lands and hereditaments here-
inafter described to the intent that subject as hereinafter provided
the same may be held by the said Township as a public park and pleasure
ground preserved for and dedicated to the recreation of the public
and the said Township has agreed to hold the said lands and to support,
improve and maintain the same forever for the purpose aforesaid;

WITNESSETH that in consideration of the said Agreement and
of the undertaking of the said Township to support, improve and
maintain the said lands as a public park and pleasure ground and for
divers other good causes and considerations the said grantor doth
grant unto the said Township its successors and assigns for ever all
and singular that certain parcel or tract of land and premises
situate, lying and being in the Esquimalt District, in the Province
of British Columbia, and being Suburban Lot Forty-six (46) and the
East half of Suburban Lot Fifty-two (52), in said Esquimalt District,
SAVE AND EXCEPTING thereout that portion thereof described as follows:
Commencing at a point on the Eastern boundary of said Suburban Lot
Forty-six (46) situated North 23° 50" West Magnetic a distance of Six
hundred and Fifty-seven and Seven-tenths (657.7) feet from the South-
east corner of said Suburban Lot Forty-six (46); thence South 46° 23"
West Magnetic for a distance of Five hundred and Twenty-six and Four-
tenths (526.4) feet more or less to the Western boundary of the East
Half of Suburban Lot Fifty-two (52); thence North 23° 50" West for a

distance of One Hundred and Fifty (150) feet more or less to high water mark on Constance Cove; thence following the said high water mark in a North-easterly direction to the Eastern boundary of said Suburban Lot Forty-six (46); thence following said Eastern Boundary of said Suburban Lot Forty-six (46) South $23^{\circ} 50''$ for a distance of One Hundred and Fifty (150) feet more or less to the point of commencement, containing One and Eight-tenths (1.8) acres more or less, which said portion hereby excepted was conveyed by the Victoria & Esquimalt Realty Company Limited to His Majesty the King by Conveyance dated the Third day of August, 1914, which said Conveyance has been deposited for registration in the Land Registry Office at the City of Victoria under No. 19203-I:

Together with all buildings, fixtures, commons, ways, profits, privileges, rights, easements, and appurtenances to the said hereditaments belonging, or with the same or any part thereof, held or enjoyed, or appurtenant thereto; and the estate, rights, title, interest, property, claim and demand of him the said Grantor, in, to, or upon the said premises;

To have and to hold unto the said Township its successors and assigns, to and for its and their sole and only use for ever for the purposes of a public park and pleasure ground subject Nevertheless to the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown; provided always that the said Township of Esquimalt shall have the right as and when industrial conditions may require to sell the two acres (or such portion or portions of such two acres) of the northerly portion of the said land and premises running the full width of lot 46 and the east half of lot 52, that is to say the two acres adjoining the waterfront land now owned by the Dominion Government. Provided further that the opinion of the Municipal Council for the time being of the said Township of Esquimalt as to the requirements of industrial conditions shall be sufficient at any time to make this power operative. Provided further that if said Township shall make any sale or sales of the whole or any part of said two acres the whole of the purchase price of the part or parts sold shall in each and every case be used for the development, improvement or enlargement of the remaining part of the said lands and premises.

And the said Grantor releases to the said Township all claims upon the said lands;

And the said Township hereby for itself and its successors covenants with the grantor his heirs and assigns that the said Township its successors and assigns will forever hereafter support, improve and maintain the said lands and hereditaments hereby conveyed as and for the purpose of a public park and pleasure ground, and will not itself use the said lands or any part thereof for any other purpose, and will not allow, suffer or permit the said lands or any part thereof to be used by any other person for any other purpose whatsoever, save as in this indenture provided.

IN WITNESS WHEREOF the said parties hereto have hereunto
set their hands and seals.

SIGNED, SEALED and DELIVERD,
In the Presence of;

100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120

[illegible]

REEVE, Corporation of the
Township of Esquimalt.

CLERK, Corporation of the
Township of Esquimalt.