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Grant

-----to -----
The Esquimalt and
Nanaimo Railway
Company of certain
lands on
Vancouver Island

John J. M^cGee
Deputy Governor. Canada.

(Great Seal) Victoria, by the Grace of God of the United
Kingdom of Great Britain and Ireland, Queen
Defender of the Faith, &c, ___&c,___&c,___

Dated 21st April 1887

To all to whom these Presents shall come

Greeting

Recorded in the
Department of
the Interior this
28th day of April
----- 1887 -----
Mr. M. Goodine
Registrar of
Dominion Lands
Patents.

Whereas by an Act of the Legislature of British Columbia passed in the forty-seventh year of Our Reign Chapter 111, and entitled an "Act relating to the Island Railway, the Graving Dock, and Railway lands of the Province after reciting as is therein recited, there was by Section Three of the said Act granted to the Dominion Government for the purpose of constructing and to aid in the construction of a railway between Esquimalt and Nanaimo, and in trust to be appropriated as they may deem advisable, but save as is therein excepted, all that piece or parcel of land situate in Vancouver Island described as follows:
Bounded on the South by a straight line drawn from the head of Saanich Inlet to Muir Creek on the Straits of Fuca; On the West by a straight line drawn from Muir Creek aforesaid to Crown Mountain; On the North by a straight line drawn from Crown Mountain to Seymour Narrows; and on the East by the coast line of Vancouver Island to the point of commencement, and including all coal, coal oil, ores, stones, clay, marble, slate mines, minerals, and substances whatsoever thereupon therein and thereunder.

And Whereas by Section Four of the said Act there was excepted out of the tract of land granted by the said Section Three, All that portion thereof, lying to the Northward of a line running East and West half way between the mouth of the Courtenay River (Comox district) and Seymour Narrows.

- **And Whereas** by Section Five of the said Act it was provided that the Government of Canada should be entitled out of such excepted tract to lands equal in extent to those alienated up to the date of the said Act by Crown Grant Pre-emptive or otherwise the limits of the grant mentioned in the said Section

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the limits of the grant mentioned in the said Section

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And Whereas by Section Six of the said Act it was provided that the grant mentioned in Section Three of the said Act should not include any lands therein held under Crown Grant Lease, Agreement for Sale or other alienation by the Crown nor should it include Indian Reserves or Settlements or Naval or Military reserves.

And Whereas by Section Twenty-three of the said Act it was provided that the Company which might acquire the said lands from the Dominion Government for the construction of the railway should be governed by sub-section (f) of the agreement in the said Act recited and that each bonafide squatter who had continuously occupied and improved any of the lands within the tract of land to be acquired by the Company from the Dominion Government for a period of one year prior to the first day of January 1883 should be entitled to a grant of the freehold of the surface rights of the said squatted lands to the extent of one hundred and sixty acres to each squatter at the rate of one dollar an acre;

And Whereas by sub-section (f) of the agreement in the said Act recited it is provided that the said lands should except as to coal and other minerals, and also except as to timber lands as thereafter mentioned be open for four years from the passing of the said Act to actual settlers for agricultural purposes at the rate of one dollar an acre to the extent of 160 acres to each such actual settler, and that in any grants to settlers the right to cut timber for Railway purposes, and rights of way for the railway and stations and workshops should be reserved.

And Whereas by Section Twenty-four of the said Act it was enacted that the Company should at all times sell coals gotten from the lands that might be acquired by them from the Dominion Government to any Canadian Railway Company having the terminus of its Railway on the sea-board of British Columbia, and to the Imperial, Dominion, and Provincial authorities, at the same rates as might be charged to any Railway Company owning or operating any Railway in the United States, or to any foreign customer whatsoever.

And

[The following citation information has been added on as a label:
LAC, Western Land Grants, Vol. 23, Folio 449-454, Reel C-5958]

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And Whereas by Section Twenty-five of the said Act it was provided that all lands acquired by the Company from the Dominion Government under the said Act containing belts of timber fit for milling purposes should be sold at a price to be thereafter fixed by the Government of the Dominion or by the Company.

And Whereas by Section Twenty-six of the said Act it was provided that the existing rights, if any, of any persons or corporations in any of the lands so to be acquired by the Company should not be affected by the said Act nor should it affect Military or Naval Reserves.

And Whereas by an Act of the Parliament of Canada passed in the forty-seventh year of Our Reign Chaptered Six and entitled "an Act respecting the Vancouver Island Railway, the Esquimalt Graving Dock and certain railway lands of the province of British Columbia granted to the Dominion" after reciting as is therein recited it is amongst other things in effect enacted that the Governor in Council may grant to the Esquimalt and Nanaimo Railway Company in aid of the construction of a railway from Esquimalt to Nanaimo, British Columbia and of a telegraph line of the said railway besides the subsidy in money mentioned in the said Act all of the land situated on Vancouver Island which has been granted to Us by the Legislature of British Columbia by the Act herein before in part recited In aid of the construction of the said line of rail in so far as such land shall be vested in Us and held by Us for the purposes of the said railway or to aid in the construction of the same; and also all coal, coal oil, ores, stones, clay, marble, slate, mines, minerals and substances whatsoever in on or under the land so to be granted to the said Company as aforesaid and the foreshore rights in respect of all such lands as aforesaid, which are to be granted to the said Company as aforesaid, and which border on the sea together with the privilege of mining under the [illegible word] and sea opposite any such land, and of mining and keeping for their own use all coal and minerals herein mentioned, under the foreshore or sea [page illegible here] any such lands in so far as such coal, coal [illegible word or words]

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stones, clay, marble, slate, mines, minerals and substances whatsoever and foreshore rights are vested in Us as represented by the Government of Canada
And further that no lands shall be conveyed to the said Company until the road is fully completed and equipped and further that the land grant shall be made and the land in so far as the same shall be vested in Us and held by Us for the purposes of the said railway or to aid in the construction of the same shall be conveyed to the said company upon completion of the whole work to the entire satisfaction of the Governor in Council, but so nevertheless that the said lands and the Coal oil, coal, and other minerals and timber thereunder therein or thereon shall be subject in every respect to certain provisions set out in the seventh section of the said act.

And Whereas it has been agreed by and between the Government of Canada, the Government of British Columbia and the said Company that the grant of the said lands to the said Company shall be by the description herein after contained, that the exact boundaries of the lands covered by such grant shall be as settled and agreed upon by and between the Government of British Columbia and the said Company And further that it shall be necessary for settlers under subsection (f) of the agreement recited in the said act of the Legislature of British Columbia to pay the price of lands pre-empted by them in full before the expiry of four years from the passing of the said Act and that the terms of payment by such settlers for their land shall be those provided by the law affecting Crown Lands in British Columbia, and that the Company shall grant them their conveyance upon demand when such price shall have been paid in full.

And Whereas, the whole work under taken by the said Company has been completed to the entire satisfaction of Our Governor in Council and Our Governor in Council has recommended that the land grant provided for by the said Act should now be made subject however to the stipulations and conditions hereinafter mentioned, and We deem it expedient that

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that such grant shall be made.

Now know ye that we do by these presents

in consideration of the premises and under and by virtue of the said Acts of the Parliament of Canada and of the Legislature of British Columbia herein before in part recited and by virtue of every other power: Us in that behalf enabling and by and with the advice of Our Privy Council for Canada Grant Assign and Convey unto the Esquimalt and Nanaimo Railway Company its successors and assigns All and Singular the land situated on Vancouver Island which has been granted to Us by the Act of the Legislature of the Province of British Columbia passed in the forty-seventh year of Our Reign chaptered Fourteen and entitled "An Act relating to the Island Railway, the Graving Dock, and Railway lands of the Province" in aid for the construction of the said line of Railway in so far as such lands are vested in Us and held by Us for the purposes of the said Railway or to aid in the construction of the same, and also all coal coal oil, ores, stones, clay, marble, slate, mines, minerals and substances whatsoever in on or under such lands, and the foreshore rights in respect of such of the said lands, and as border on the sea together with the privilege of mining under the foreshore and sea opposite any such land, and of mining and keeping for Us and their own use all coal and minerals herein mentioned under the foreshore or sea opposite any such lands in so far such coal, coal oil, ores, stones, clay, marble, slate, mines minerals and substances and foreshore rights are rested in will as represented by the Government of Canada. And also the full benefit and advantage of the rights and privilege granted to Us by Section Five of the said Act of the Legislature of British Columbia.

To have and to hold the said lands coal coal oil, ores, stones, clay, marble, slate, mines, minerals and substances and the said foreshore rights and privileges of mining and the said rights and privileges in the said section Five of the said act of the Legislature of British Columbia referred to unto and to the use of the said company it successors and assigns [illegible word or words.]
Subject Never the less is the several stipulations [illegible word or words.]

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conditions affecting the same herein before recited
and which are contained in the Acts of the Parliament
of Canada and of the Legislature of British Columbia
here in before in part recited as such stipulations are
modified by terms herein before recited of the agreement
made as aforesaid, by and between the Government
of Canada, the Government of British Columbia
and the said Company

X

Given under the Great Seal of Canada.
Witness John Joseph M^cGee, Esquire
Deputy of Our Right Trusty and Entirely
Beloved Cousin, the most Honourable
Henry Charles Keith Pelly Fitzmaurice
Marques of Lansdowne, in the county of
Somerset Earl of Wycombe of Chipping
Wycombe in the County of Bucks, Viscount
Calne and Calnstone in the County of Wilts
and Lord Wycombe Baron of Chipping
Wycombine in the County of Bucks in
the peerage of Great Britain; Earl of
Kerry and Earl of Shelburne Viscount
Glenmaurice and Filzmaurice Baron
of Kerry Lixnaw and Dunkerron in
the peerage of Ireland; Knight Grand
Cross of Our Most Distinguished Order
of St. Michael and St George; Governor
General of Canada and Vice Admiral
Of the same &c, &c, &c,

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run down the left side of this
text. There is also a wavy line
to the left of these lines.]

At Ottawa this Twenty first day of April
In the year of Our Lord one thousand eight
Hundred and eighty seven and in the fiftieth
Year of Our Reign

By Command,

G. Powell
Under Secretary of State

A. M. Burgess
Deputy Minister of the Interior

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