

SYNOPSIS

by Eric B 23.4.16

(disclaimer: the following synopsis of the document below is for the reader's convenience and only the actual document should be taken as correct)

CROWN LAND GRANTS - A HISTORY of the E and N

<https://itsa.ca/wp-content/uploads/2020/10/Crown-Land-Grants-A-History-of-the-E-and-N.pdf>

my notes:

- "text in quotes" are from the actual document
- This document was written in 1975 by the Crown Land Registry Services.
"An outline of events pertaining to the creation of the Esquimalt and Nanaimo railway land grants, the railway belt and the Peace River block with reference to documents affecting the administration of land, roads, water and minerals."
- The 5 LAND GRANTS:
 - The 1st land grant was for the **railway corridor** (Esquimalt to Campbell River).
 - The latter 4 grants (3 on Vancouver Island, and the Peace River block) **were in trade** for lands that BC had alienated (pre emptied) from the original railway belt for other purposes: settlers, Indian reserves, roadways, private, public, & commercial use, and other. Noted as: (*settlers, etc*).
- "Dominion" means Dominion of Canada
- "Northwest Territories" refers to what is now Alberta & Saskatchewan
- page numbers are by pdf count from the document (_ of 44) (see link above)
my numbering system: page.paragraph

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- 4.1 Author's note: "... start the railway within 2 years [from 1871] (and as **it only took 3 years to build the whole thing it should have been over in 1876**) developed into a frustrating attempt by the province to get the best deal possible for the settlers. They continued their efforts for 49 years! **The purpose of the railway was to serve and develop settlement**, yet the Dominion Government, which really was only the agent in trust, apparently attempted to interpret the agreement from a very early date, **to favour the yet unsecured contractor**. This caused the loss by settlers of their subsurface rights to coal and base metals."
- 4.3 "**1871 - The Terms of Union** which admitted the colony of British Columbia into the Dominion of Canada specified as one of its conditions the construction of a railway."
- 4.4 "The Dominion to secure (start) **within two years** from the date of the Union, the construction of a railway from the Pacific towards the Rocky Mountains, ... to connect the seaboard (*undefined at this time*) of British Columbia; and, ... the **completion within 10 years** (1881) from the date of the Union (1871).
And the Government of British Columbia to convey to the Dominion, in trust, to be appropriated ... of the construction of the railway, (twenty (20) miles on each side of the said line). ... In consideration of the land to be conveyed in the construction of the railway, the Dominion agree to pay British Columbia, from the date of the Union (1871), the sum of \$100,000 per annum."
- 5 the **MAP** of the land grants (see p 4 this synopsis)
- 6.2 "... "seaboard of British Columbia" was the controversial phrase, whether it meant Burrard Inlet or to cross Seymour Narrows ... to Esquimalt."
- 6.3 1874 BC established a reserve from Seymour Narrows to Esquimalt Harbour
- 6.6 **1875 E & N RAILWAY ACT**
(note the contradiction here: Esquimalt to be the terminus, but not crossing at Seymour Narrows, and so will NOT connect with the Trans Canada railway system!)

"The Dominion made a definite statement that **Esquimalt would be the terminus** and the Provincial Legislature passed an Act to authorize the grant of certain public lands to the Government of Canada, for railway purposes. The land described was a strip not to exceed 20 miles in width on either side of the line **between the Town of Nanaimo and Esquimalt Harbour**. The idea of the **railway crossing at Seymour Narrows was abandoned at this point**. . . . the construction of the line and **conveyance of the land did not proceed**. Although it was a Dominion Government responsibility to arrange the construction of the railway, because of the long delay the province attempted to contract with the Vancouver Land and Railway Co. (Lewis Clement) and also the Victoria, Esquimalt and Nanaimo Railway Co. (Robert Dunsmuir) to commence construction, but could not get acceptable guarantees from either company."

7.3 **1883 The Dominion . . . agreement with E & N Co.** (Robert Dunsmuir). **To be completed 1887**. The first move, under the Terms of Union, to transfer land in aid of the railway had now to be made."

7.4 **1884 FIRST LAND GRANT - SETTLEMENT ACT**

". . . construction of a **railway between Esquimalt and Nanaimo . . .**"

(so why does the grant land go past Nanaimo up to Campbell River? They knew 9 yrs earlier that it wouldn't connect to the Trans Canada railway)

< BC grants the land in trust to the Dominion

< this is the big original railway belt - running from Goldstream & Jordan River in the South, to York Rd, Campbell River and Wokas Lk to the North.

9.1 **1887 The Dominion grants the land to E & N co.**

10 **1905 SECOND LAND GRANT**

". . . transferred to the Dominion, **86,000 acres in lieu of lands alienated by the province** prior to the Settlement Act of 1884."

A 6.35 mile wide strip running East / West, with it's South edge joining the 1st land grant, and the North edge being the 50th parallel running through the south of McIvor Lk, Merecroft Rd, Campbell River).

11 **1913 THIRD LAND GRANT**

12.2 ". . . Vancouver Island Settlers' Rights Agreement Ratification Act (1910) which authorized the third grant . . . "

"An Act to authorize . . . certain Crown Grants to the E & Nanaimo Co. . . . **20,000 acres . . .** "

12 **1925 FOURTH GRANT - (Foreshore and Coal)**

"Vancouver Island Settlers' Rights Agreement Ratification Act (1910) . . . also made provision for granting certain foreshore rights and coal underlying the sea. Crown Grant 1925 granted to the company the foreshore part of and the coal underlying Lot 149 **Nanaimo District** containing **10,157 acres** more or less and the coal only lots in the **Fanny Bay and Union Bay** Areas."

12.4 land grant area = 1.9M acres

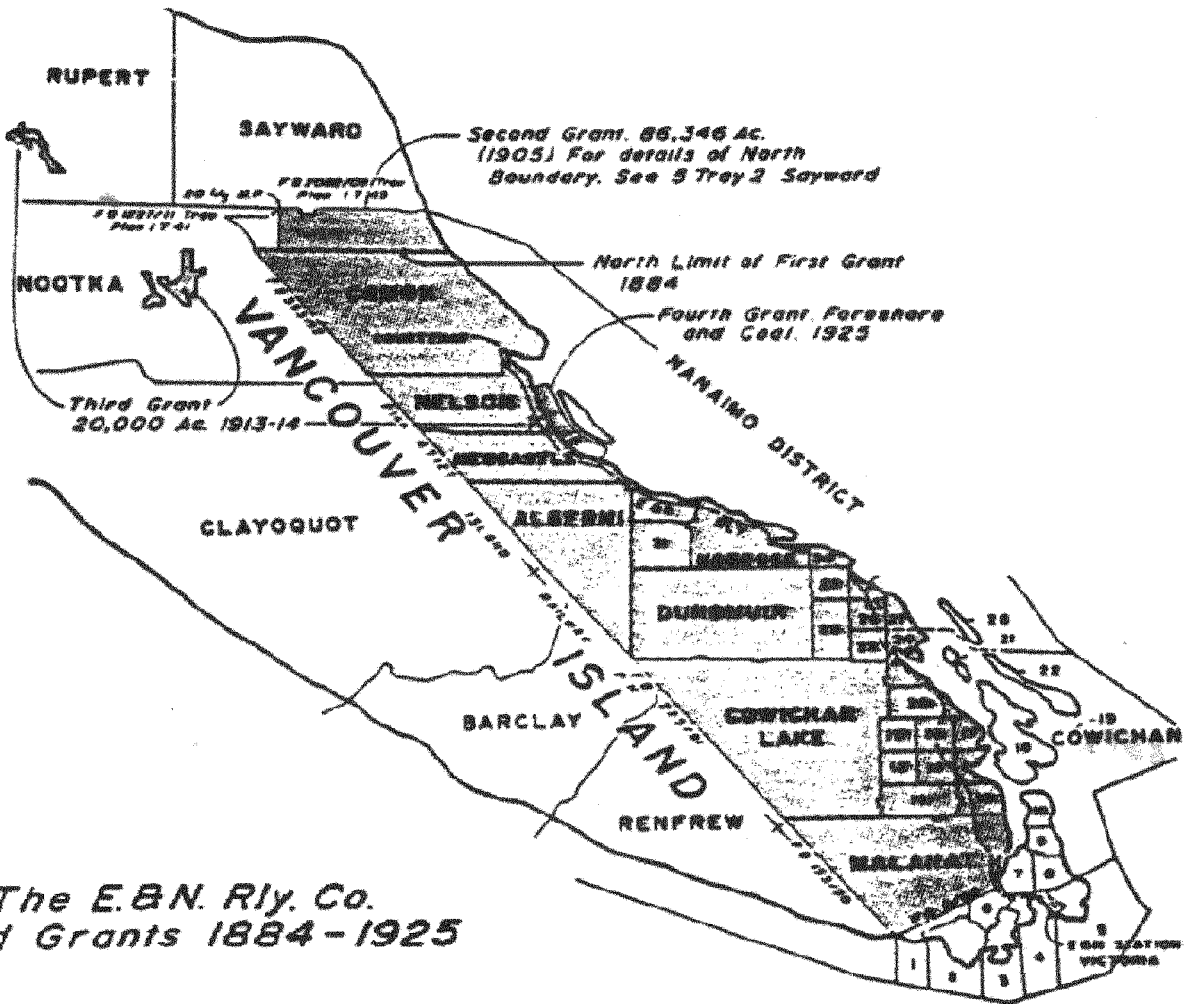
Exact descriptions of the boundaries of 1st and 2nd land grant areas in the following paragraphs of the document.

16 **RAILWAY RIGHT of WAY**

"Although the intention was to construct a railway from Esquimalt to Nanaimo the south boundary of the E & N Grant being a line between the head of Finlayson Arm to Muir Creek, did not make provision for the line to reach Esquimalt -or Victoria where it terminated. Along the present route of the railway - south of the boundary of the grant much of the lands had been alienated."

17.1 "As "mineral land" in the Mineral Land Tax Act does not include rights of way for railways, the non definition by survey of the above right of way complicates the mineral title situation."

- 18 THE RAILWAY BELT (Vancouver Island) and **PEACE RIVER BLOCK** (see 18.4 below)
- 18.3 " . . . the province was to grant a strip of public lands along the entire length of the railway (E & N), not to exceed 20 miles in width on each side of such railway throughout its length. The amount of land was to be similar to lands granted by the Dominion in the then Northwest Territories (now Alberta and Saskatchewan) and the Province of Manitoba. Lands within the strip already disposed of by province were to be replaced with land adjoining such strip. The Dominion in return agreed to pay to the province an annual sum of \$100,000 as allowance for such alienation."
- 18.4 " . . . and in lieu of granting adjoining land to replace that in the strip already disposed of by the province, a compact block of **3,500,000 acres was to be granted in the "Peace River Region"**. The Peace River grant was 3.5M acres given in lieu of land the province disposed of (*to settlers, etc*).
- 38 **ALLOWANCE for (public) ROADS in the RAILWAY LANDS**
" Sections 3, 5 and 9 dealt with the provision of an allowance for roads in the future and access to other settlers lands until roads were built, and are quoted here in full: . . . "
- 39 **1918 ALLOWANCE FOR ROADS, ORDER #1509**
"Although numerous amendments were made to the Regulations from year to year nothing happened to change the road access situation until, Order #1509 (1918) amended the above Section "9. The Order appeared in the B.C. Gazette of 8th August 1918."
" (1) **The word 'highway'** as used in this Section shall mean all public wagon roads, streets, roads, **trails, lanes, bridges and trestles . . .** "
" (2) The authorities of the Province of British Columbia shall, during the pleasure of the Governor in Council and subject to the provisions of these Regulations, be **authorized and empowered to make and establish such public highways through or over Dominion Lands in the Railway Belt . . .** "
" (4) Whenever any highway is made and declared and has been put into actual use by the public or whenever the Governor in Council has established a highway as provided in the last preceding Subsection such public highway **shall become the property of the province, . . .** "
" (5) **No road so established by the Governor in Council shall be closed up or its direction varied or any part of the land occupied by it sold or otherwise alienated** without the consent of the Governor in Council."
" (6) Whenever any road constructed by the provincial authorities over any of the lands subject to these Regulations **is later closed** by the same authorities **or by reason of abandonment or otherwise ceases to be a public highway**, or whenever any road established by the Governor in Council is closed in the manner specified herein, then, in either such case **the part of such highway, is still situated across or adjacent to Dominion Lands, shall revert to and become the property of the Crown.**"
" (9) Every homestead entry, contract of sale, license or any other form of occupancy, patent or other grant hereafter issued of any Dominion Lands **within the Railway Belt shall be subject to a reservation providing for the taking of an area for road purposes** and compensation for the same as provided herein."
" **From the above it is seen that there has been a continuing authority to resume land for road building in the railway belt - and the amount that could be taken does not appear to be limited.** "



*The E.B.N. Ry. Co.
Land Grants 1884-1925*