

*AND WHEREAS* the said Indian Kidhona died at Port Simpson on the twelfth day of June, one thousand eight hundred and ninety five, and one Simon Wallace was duly appointed in his stead to carry out the trusts in the said agreement mentioned:

*AND WHEREAS* disputes having arisen between the parties interested as to the construction of said agreement and their respective rights thereunder, the said Thomas Crosby and Simon Wallace on the twentieth day of July, one thousand nine hundred, brought an action in the Supreme Court of British Columbia against the said Robert Cunningham for the specific performance of such agreement:

*AND WHEREAS* the said action came on for trial on the twenty third day of July, nineteen hundred and one, after hearing the evidence of some of the witnesses produced by the plaintiffs and reading the exhibits produced, Counsel for the plaintiffs and defendant agreed upon a settlement of the matters in dispute and involved in the said action:

*AND WHEREAS* the terms of the said settlement have been embodied in an order of the Supreme Court of British Columbia in the said action dated the twenty third day of July one thousand nine hundred and one, whereby it is ordered that the said Robert Cunningham do grant and convey to His said Majesty King Edward VII the land and premises hereinafter mentioned and described upon the trusts therein set forth:

*NOW THIS INDENTURE WITNESSETH* that in consideration of the premises and in pursuance of the said order the said Robert Cunningham doth hereby grant and convey unto His Majesty King Edward VII his heirs and successors, *ALL* those pieces or parcels of land forming part of the Townsite of Essington according to Plan number 537 filed in the Land Registry Office at Victoria and more particularly described as follows:—

*FIRSTLY*: Commencing at the north east corner of the block of land marked "Reserved" and running southerly along the westerly boundary line of Lorne Street a distance of five hundred and fifty three feet (553 ft.) to the north easterly corner of the piece of land conveyed to the Methodist Church, registered in the Land Registry Office at Victoria in Absolute Fees Book Volume 16 Folio 283; thence westerly along the northerly boundary line of the said Methodist Church property to high water mark; thence northerly following the line of the shore to a point where the southerly boundary line of Hazelton Street reaches high water mark; thence easterly and following the southerly boundary line of Hazelton Street to the point of commencement.

*SECONDLY*: Commencing at the south easterly corner of the said block of land marked "Reserved" and running along the western boundary line of Lorne Street five hundred and eighty feet (580 ft.) to the south easterly corner of the said Methodist Church property; Thence westerly along the southerly boundary line of the said Methodist Church property to high water mark; thence southerly along the line of the shore to a point where the northerly boundary line of Wellington Street reaches high water mark; thence easterly and following the northern boundary line of Wellington Street to the place of beginning, Together with all the buildings, fixtures, rights, easements and appurtenances thereto belonging. And all the estate, right, title and interest of him the said Robert Cunningham in or upon the said premises. *TO HAVE AND TO HOLD* all and singular the said lands, hereditaments and premises hereinbefore expressed to be hereby granted with their appurtenances unto His said Majesty King Edward VII his heirs and successors as to all said premises excepting the portions thereof fronting on Lorne Street by a depth of one hundred feet *UPON TRUST* for the use of the Kitselas and Kitsum Kalum Tribes of Indians and the members thereof and the heirs of such as an Indian Reservation so long as such tribes or either of them or any member thereof or any heirs of such shall continue to exist, And from and after the extinction of such tribes