

For Mr. Williams

2400 10TH ST

3. 2. (58.7)

Submittal No. 555

No. *20815*

I certify that the within instrument
has duly executed and registered in
the proper office in the
Province of Ontario

W. J. P. Murray
18th October, 1941
A.D. 1941
for Registrar

20815
DATED JANUARY 20th, A. D. 1941

126
BETWEEN:

ADDIE LEE MCQUEEN,

ET AL

RIGHT OF WAY AGREEMENT

LEES, HOBSON & COMPANY
HAMILTON ONTARIO

THIS INDENTURE made this 20th
day of JANUARY, A. D., 1941.

BETWEEN:

ADDIE ICE McCOLLIE, of the Township of Saltfleet,
in the County of Wentworth, Wicow, hereinafter
called the PARTY

OF THE FIRST PART;

DONALD JAMES BERNARD McCOLLIE, of the said Town-
ship of Saltfleet, Farmer; THOMAS EDWARD FOSTER
McCOLLIE, of Port Credit in the County of
Peel, Construction Engineer and JAMES W. WALLACE
ARTHUR McCOLLIE, of the said Township of Salt-
fleet, Farmer, hereinafter called the PARTIES

OF THE SECOND PART;

DOROTHY WARD, of the City of Toronto in the
County of York, Married Woman, hereinafter
called the PARTY

OF THE THIRD PART;

WILLIAM FULFORD WALLACE, Clerk in Holy Orders;
CHARLES A. F. POWIS, retired Broker and ARTHUR
WILSON McDONALD WILSON, Gentleman, all of the City
of Hamilton in the County of Wentworth, Trustees,
hereinafter called the PARTIES

OF THE FOURTH PART;

COMMISSIONER OF AGRICULTURAL LOANS, successor to
AGRICULTURAL DEVELOPMENT BOARD, hereinafter
called the PARTY

OF THE FIFTH PART

- A N D -

HELEN A. GIBBONS, of Port Dalhousie in the
County of Lincoln, Married Woman, hereinafter
called the PARTY

OF THE SIXTH PART

WHEREAS the Party of the First Part is the owner
of the lands and premises more particularly described in Schedule "A"
hereto subject to a Mortgage thereof to the Party of the Fifth Part.

AND WHEREAS the Parties of the First and
Second Parts are the owners of the lands and premises more particular-
ly described in Schedule "B" hereto subject to a Mortgage thereof to
the Parties of the Fourth Part.

AND WHEREAS the Party of the Third Part
is the owner of the lands described in Schedule "C" hereto.

AND WHEREAS by an Indenture dated the 8th
day of May, 1931 and registered in the Registry Office for the
Registry Division of Wentworth in Book for the Township of Saltfleet
as Number 25400 one, ALICE MARY McCOLLIE, purported to grant a

right of way over certain lands to the parties of the First and Second parts.

AND WHEREAS by an Indenture dated the 8th day of May, 1931 and registered in the Registry Office for the Registry Division of Wentworth in Book for the Township of Saffleet as Number 26401, the Party of the First part purported to grant a right of way over certain lands to the said Alice Mary McCallum.

AND WHEREAS the descriptions of the several lands described in the said Instruments registered as numbers 26400 and 26401 are erroneous and such instruments did not operate to express the intention of the Parties thereto.

AND WHEREAS it was the intention of the Parties to such instruments numbers 26400 and 26401 to create a new right of way for their mutual advantage in place of the original rights of way existing over the fronts of the lands described in Schedules "A", "B" and "C" which original rights of way have now been wholly or partially lost through erosion and to stop up or discontinue such original rights of way.

AND WHEREAS this Indenture is entered into for the purpose of creating a new right of way and defining the rights of each of the Parties hereto with respect to the lands of each of the others hereto and for releasing all rights heretofore existing by any of such Parties over lands of any of the other of such Parties.

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and the further consideration of the sum of the Dollar paid by each of the Parties hereto to each of the other Parties hereto the receipts whereof are hereby acknowledged, the Parties hereto mutually covenant and agree as follows.

1. THAT the following land shall be designated as a roadway or right of way namely:- consisting of a strip of land twenty feet (20') in width lying ten feet (10') on either side of a centre line described as follows- COMMENCING at a point in the line of division between Lots One (1) and Two (2) of the Broken Front Concession of the Township of Saffleet in the County of Wentworth, said point being distant Three Thousand eight Hundred and Sixty-seven and three tenths feet (3867.3) North Twenty-one degrees and Fifty-five minutes West (N. 21° 55' 5")

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of the South West angle of Lot Number One (1); thence North Sixty Degrees and Forty-five Minutes West (N. $60^{\circ} 45' W.$) Four Hundred and Thirty-five Feet and Seven Inches (435' 7"); thence North Twenty-one Degrees and Forty-five Minutes East (N. $21^{\circ} 45' E.$) Seventy-nine Feet and Six Inches (79' 6"); thence along a curve to the left the radius of which is Fifty-two Feet and Four Inches (52' 4") and having a central angle of One Hundred and Twenty Degrees and Fifty-Two Minutes ($120^{\circ} 52'$); thence South Eighty Degrees and Fifty-two Minutes West (S. $80^{\circ} 52' W.$) Nine Feet and Four Inches (9' 4") more or less to the Westerly limit of the lands described in Schedule "A" hereto and such centre line also continuing from the place of commencement South Fifty-Two Degrees and Five Minutes East (S. $52^{\circ} 05' E.$) One Hundred and Fourteen Feet and Seven Inches (114' 7") more or less to the Easterly limit of the lands described in Schedule "B" hereto.

2. THAT such roadway or right of way may be used by the Parties of the First and Fifth Parts in connection with the lands described in Schedule "A".

3. THAT such roadway or right of way may be used by the Parties of the First, Second and Fourth Parts in connection with the lands described in Schedule "B".

4. THAT such roadway or right of way may be used by the Party of the Third Part in connection with the lands described in Schedule "C".

5. THAT such roadway or right of way shall constitute the only right that any Party hereto shall hereafter have to use or cross the lands of any other Party hereto and the execution hereto shall operate as a release of all rights heretofore subsisting including but without restricting the generality hereof the rights covered by the said Instruments registered as Numbers 26400 and 26401 and the original rights of way existing over the fronts of the lands described in Schedules "A", "B" and "C".

6. THAT the right of way heretofore granted by the Parties of the First and Second Parts to the Party of the Sixth Part in instrument registered in the Registry Office for the Registry Division of Wentworth in Book for the Township of Saltfleet as Number 27814 is

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hereby confirmed by the Parties hereto of the first, second, third, fourth and fifth parts.

7. THAT the right to use the said roadway or right of way shall extend in perpetuity to the respective Parties hereto for the passage of persons, animals and vehicles for all purposes necessary for the enjoyment of the lands respectively owned by the Parties hereto and to their respective heirs, executors, administrators, successors and assigns.

8. THAT each of the Parties hereto and the respective heirs, executors, administrators, successors and assigns of each of them shall have the further right to use the continuation of such roadway or right of way as now existing from the westerly limit of the parcel described in Schedule "A" to the road allowance between lots Two (2) and Three (3) of the said Township.

9. THAT each of the Parties hereto hereby does all necessary grants to each of the other Parties hereto in order to effectuate these presents.

IN WITNESS WHEREOF the Party of the Fifth Part has hereunto set its Corporate Seal under the hand of its proper officer and the other Parties hereto have hereunto set their hands and seals.

SIGNED, SEALED AND DELIVERED:

In the presence of

W. J. Green
W. J. Green

W. J. Green

W. J. Green

Marion McCallum

A. E. Parker

Dorothy MacKie

D. J. B. McCallum

T. E. L. McCallum

L. J. McCallum

Dorothy MacKie

W. J. Wallace

C. A. P. P. P. P. P.

A. McCallum

THIS IS SCHEDULE "A" REFERRED TO IN INSTRUMENT DATED
THE 20th DAY OF JANUARY, A. D. 1941, ENTERED INTO
BETWEEN ADAM LEE McCORMACK AND OTHERS.

ALL AND SINGULAR those certain parcels or tracts of
land and premises situate lying and being in the Township of Saltfleet
in the County of Wentworth and Province of Ontario being composed of
part of Lot 2 in the Broken Front of said Township of Saltfleet and
were particularly described as follows:

COMMENCING at a post planted on the line between lots 1 and
2 of the broken front of the aforesaid Township of Saltfleet, said post
being N. 21 degrees and 55 minutes East 809 feet and 5 inches from a
stone planted on the line between lots 1 and 2 at the North west angle
of Jonathan Carpenter's lands; thence North 68 degrees and 7 minutes
East 7 chains and 82 links to a stake; thence North 21 degrees and 45
minutes East 13 chains and 86 links to a stake on the southerly side
of the Lake Road; thence North 21 degrees and 45 minutes East follow-
ing along the South side of the Lake Road 4 chains and 51 links to
a stake; thence South 78 degrees and 15 minutes East following along the
southerly side of said Lake Road sixty-four links to a stake; thence
South 55 degrees and 30 minutes East still following along the South
side of the Lake Road 3 chains and 35 links to a stake planted on the
line between lots 1 and 2 in the aforesaid Broken Front; thence South
21 degrees and 45 minutes East following along the line between lots 1
and 2 of the Broken Front 15 chains and 43 and one-half links to the
place of beginning and containing by admeasurement twelve acres be the
same more or less.

LESS all the lands lying between the southerly boundary
of the lands hereinbefore described and the waters of Lake Ontario.

THIS IS SCHEDULE "C" REFERRED TO IN STATUTE
 MADE THE 20TH DAY OF JANUARY, A. D. 1941 ENTITLED
 AN ACT RESPECTING THE SURRENDER AND OTHERS.

ALL AND SINGULAR that certain parcel or tract of
 land and premises situate lying and being in the Township of
 Saltfleet, in the County of Wentworth in the Province of Ontario
 being composed of part of lot number one in the Broken Front Con-
 cession of the said Township of Saltfleet, and more particularly
 described as follows:

COMMENCING at a stone planted in the division line be-
 tween lots Nos. 1 and 2, distant Twenty-three hundred and six feet
 (2306') measured on a course of north twenty-one degrees and fifty-
 five minutes east (N. 21° 55' E.) along the said division line from
 the northern limit of the road allowance between the Broken Front and
 First Concessions in the said Township of Saltfleet.

Thence south sixty-nine degrees and twenty-nine minutes
 west (S. 69° 29' W.) six hundred and sixty feet (660') to a point.

Thence north twenty-one degrees and fifty-five minutes
 east (N. 21° 55' E.) and parallel with the aforesaid division line be-
 tween lots Nos. 1 and 2, sixteen hundred and fifty feet (1650') more
 or less to the water's edge of Lake Ontario.

Thence north-westerly along the water's edge of Lake
 Ontario to an intersection with a line drawn parallel with the said
 division line between lots Nos. 1 and 2 and distant one hundred and
 ten feet (110') measured easterly at right angles therefrom.

Thence south twenty-one degrees and fifty-five minutes west
 (S. 21° 55' W.) and parallel with the said division line between lots
 Nos. 1 and 2, eleven hundred and sixty-two feet (1162') more or less
 to an iron bar planted.

Thence north sixty-eight degrees and five minutes west
 (N. 68° 05' W.) at right angles to the said division line between lots
 Nos. 1 and 2, one hundred and ten feet (110') to an iron bar planted
 in the said division line between lots Nos. 1 and 2.

Thence south twenty-one degrees and fifty-five minutes west
 (S. 21° 55' W.) along the said division line between lots Nos. 1 and 2,

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Six hundred and seventy-three feet (673') to the place of beginning.

The above described parcel of land containing by ad-measurement twenty-three and sixty-five one-hundredths acres (23.65 ac.) be the same more or less. SAVING AND EXCEPTING therefrom that portion thereof described as follows: COMMENCING at a point in the westerly limit of the one acre parcel conveyed by instrument dated the 16th day of February, A. D. 1915 and registered on the 18th day of February, A. D. 1915 or Number 13331 for the Township of Saltfleet, said point being distant seventy-five feet (75') north twenty-one degrees and five minutes east (N. $21^{\circ} 05'$ E.) of the south east angle of the said one acre parcel; thence south fifty-two degrees and five minutes east (S. $52^{\circ} 05'$ E.) fifty feet (50'); thence north twenty-one degrees and fifty-five minutes east (N. $21^{\circ} 55'$ E.) and parallel to the westerly limit of lot one, two hundred and forty-three feet (243') more or less to the shore of Lake Ontario; thence easterly fifty feet (50') more or less to the said westerly limit of the aforesaid one acre parcel; thence south twenty-one degrees and fifty-five minutes east (S. $21^{\circ} 55'$ E.) two hundred and fifty feet (250') more or less to the place of beginning.

THIS IS SCHEDULE "C" REFERRED TO IN INSTRUMENT DATED THE 20TH DAY OF JANUARY, A. D. 1941 BETWEEN MR. J. B. McCOMBS AND OTHERS.

AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the Township of Salisbury in the County of Wentworth and Province of Ontario being composed of part of Lot One in the Broken Front Concession of the said Township of Salisbury and more particularly described as follows:

COMMENCING at a point on the Division line between Lots One and Two which point is One Thousand four Hundred and Sixty-five Feet (1,465.0') measured northerly from the north west angle of Jonathan Carpenter's lands; thence South Sixty-eight degrees and Five minutes East (S. 68° 05' E.) One Hundred and Ten Feet (110.0') to a point; thence Northerly parallel with the Division line between Lots One and Two, Three Hundred and Seventy-six Feet (376.0') more or less to the Water's Edge of Lake Ontario; thence Northerly along the Water's Edge of Lake Ontario to the Division line between Lots One and Two; thence Southerly along the Division line between Lots One and Two, Four Hundred and Sixteen Feet (416.0') more or less to the place of beginning.

CANADA
PROVINCE OF ONTARIO
COUNTY OF WENTWORTH
TO WIT:

I, WILLIAM BERNARD JONES,
of the City of Hamilton in the County of Wentworth,
Solicitor, make oath and say:-

1. THAT I was personally present and did see the within Instrument and a duplicate duly signed, sealed and executed by ADDIE IRL McCOLLUM, DONALD JAMES BERNARD McCOLLUM, THOMAS EDWARD FREEMAN McCOLLUM and WILHELM WILTON ARTHUR McCOLLUM, four of the parties thereto.
2. THAT the said Instrument and duplicate were executed by the said parties at the City of Hamilton in the County of Wentworth.
3. THAT I know the said parties.
4. THAT I am a subscribing witness to the said Instrument and duplicate.

SWORN before me at the
City of Hamilton in the
County of Wentworth the
10th day of FEBRUARY,
A. D. 1941.

J. Jones

A. J. Jones

CANADA
PROVINCE OF ONTARIO
COUNTY OF WENTWORTH
DO WIT:

I, ALLAN E. PARKER,
of the City of Hamilton in the County of
Wentworth, Real Estate Agent, make oath and say:-

1. THAT I was personally present and did see the within Instrument and a duplicate duly signed, sealed and executed by LILLIAN FULSON WALLACE, CHARLES A. P. POWIS, and ARCHDALE McDONALD WILSON, three of the parties thereto.

2. THAT the said Instrument and duplicate were executed by the said parties at the City of Hamilton in the County of Wentworth.

3. THAT I know the said parties.

4. THAT I am a subscribing witness to the said Instrument and duplicate.

SWORN before me at the

City of Hamilton in the

County of Wentworth the

10th day of FEBRUARY,

A.D. 1941.

A.E. Parker

W. J. Hees

A COMMISSIONER FOR TAKING AFFIDAVITS IN S.C.O. &c.

CANADA
PROVINCE OF ONTARIO
COUNTY OF WENTWORTH

TO WIT:

I, *Marion McCallum*
Borough Saltfleet
of the ~~City~~ *City* of ~~Toronto~~ *Toronto* in the County of
~~Wentworth~~ *Wentworth*, *married woman*,
make oath and say:-

1. THAT I was personally present and did see the within Instrument and a duplicate duly signed, sealed and executed by DORCENE MACKIE, one of the parties thereto.
2. THAT the said Instrument and duplicate were executed by the said party at the City of Toronto in the County of York.
3. THAT I know the said party.
4. THAT I am a subscribing witness to the said Instrument and duplicate.

SWORN before me at the
City of Toronto in the
County of York, the
25th day of JANUARY,
A. D. 1941.

Marion McCallum

[Signature]