

WHEREAS, the said William Dummer Powell hath lately sold and conveyed unto the Chancellor, President and Scholars of King's College aforesaid the easterly half, and the Honorable John Beverley Robinson hath also sold and conveyed unto the said Chancellor, President and Scholars of King's College aforesaid, the westerly half of all that parcel or tract of land situate, lying and being in the Township of York, in the Home District aforesaid, and being composed of the easterly one chain in width of the south half of the Park Lot Number Twelve, and the westerly one chain in width of the south half of Park Lot Number Eleven in the first Concession of the said Township of York. Commencing in front of each lot on the north side of Lot Street in the Town of York, and running northerly 51 chains, to land purchased by said Chancellor, President and Scholars of King's College for a site for the said College, which said narrow portion of land was purchased by the said Chancellor, President and Scholars of King's College for an avenue or entrance from the said Town of York to the site of the said intended College, to be planted on either side with ornamental trees and shrubs, leaving a road in the centre for persons, horses and carriages having occasion to pass and repass from the said Town to said College.

AND WHEREAS, upon the purchase of the said ground for the said avenue it was agreed between the said parties that the Chancellor, President and Scholars of King's College should grant to each of them the said William Dummer Powell and John Beverley Robinson, and to their heirs and assigns, being respectively occupiers of the residue of the south halves of the said Lots Number Twelve and Eleven still remaining unsold, and being the property of the said William Dummer Powell and the said John Beverley Robinson respectively, a right of way in, over and upon the said avenue, with permission to erect four gates at equal distances on their own lands adjoining the avenue, and to pass and repass through the said gates to, from and into the said avenue and to such part or parts of it as shall be generally used by the said Chancellor, President and Scholars of King's College for horses, carts and carriages, and for foot passengers.

NOW THEREFORE, THIS INDENTURE WITNESSETH, that in pursuance of the said agreement, and in consideration of the sum of five shillings by the said William Dummer Powell to the said Chancellor, President and Scholars of King's College aforesaid, in hand paid at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, they, the said Chancellor, President and Scholars of King's College aforesaid, have granted, bargained and sold, and by these presents do grant, bargain and sell unto the said William Dummer Powell, his heirs and assigns forever (being owners or occupiers of the southerly half of Lot Number Twelve aforesaid, now remaining, and being in the seisin of the said William Dummer Powell), a right of way and passage for himself and themselves, his and their farmers and servants, occupiers of the same premises, for the time being, and their tenants, workmen and visitors, on horseback or on foot, or with carts, carriages, waggons and sleighs, or other vehicles, in, over, along, by, through and upon, that part of the said avenue ordinarily used and appropriated for horses, carts and carriages, waggons, sleighs and other vehicles, and with such foot-way or ways, on either side thereof, as the said Chancellor, President and Scholars of King's College shall now or hereafter lay out and use for that purpose, with full liberty of ingress, egress and regress over the same, to be used as a way from Lot Street, in the Town of York, to the southerly