

This Indenture,

made the **Eleventh** day of **February**
in the year of our Lord one thousand nine hundred and forty-nine in pursuance of the
"Short Form of Deeds Act."

Between

ERNEST LYALL TAIT, of the City of Victoria,
in the Province of British Columbia.

And

(hereinafter called "the said Grantor") of the one part

MYRON McKAY ASHTON and ANNIE JONES GRAHAM ASHTON,
his wife, both of the City of Victoria, in the
Province of British Columbia, AS JOINT TENANTS.

(hereinafter called "the said Grantee") of the other part

Witnesseth, that in consideration of the sum of - - - One Dollar and other valuable consideration--

----- Dollars (\$ 1.00) of lawful money of Canada now paid by the said Grantee to the said Grantor (the receipt whereof is hereby by him acknowledged), the said Grantor **Doth Grant** unto the said Grantee, his heirs and assigns FOREVER:

All and singular those certain parcels or tract of land and premises situate, lying and being in the Municipality of Saanich, in the Province of British Columbia, and being more particularly known and described as Lots Eleven (11) and Twelve (12), in Block "C", of Section Forty-four (44), Victoria District, Plan 6494.

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3-24-1949
T. J. Fraser
Together with all buildings, fixtures, common ways, profits, privileges, rights, easements, and appurtenances to the said hereditaments belonging, or with the same or any part thereof, held or enjoyed, or appurtenant thereto; and all the estate, right, title, interest, property, claim and demand of him the said Grantor in, to, or upon the said premises.

To have and to hold unto the said Grantee, his heirs and assigns, to and for his and their sole and only use forever: AS JOINT TENANTS

Subject Nevertheless to the reservations, limitations, provisos, and conditions expressed in the original grant thereof from the Crown.

The said Grantor Covenants with the said Grantee that he has the right to convey the said lands to the said Grantee notwithstanding any act of the said Grantor and the said Grantee shall have quiet possession of the said lands, free from all encumbrances.

And the said Grantor Covenants with the said Grantee that he will execute such further assurances of the said lands as may be requisite.

And the said Grantor Covenants with the said Grantee that he has done no acts to encumber the said lands.

And the said Grantor Releases to the said Grantee All his Claims upon the said lands.

And it is further agreed that the words in this indenture which import the singular number shall be read and construed as applied to each and every Grantor or Grantee, male or female, and to his or her heirs, executors, administrators and assigns, and in the case of a corporation, to such corporation and its successors, and assigns, and that in case of more than one Grantor the said covenants, provisos, conditions and agreements shall be construed and held to be several as well as joint.

In Witness Whereof the said parties hereto have hereunto set their hands and seals

Signed, Sealed and Delivered
in the presence of

Loregon Fluyser
Scribographer
Victoria B.C.

E. L. Fairbairn

Amos J. S. Ashton
Myron McKay Ashton

affidavit for Willness

To Wit:

1. Joselyn Peloye of the City
Victoria in the Province of British Columbia, make oath and say:

1. I was personally present and did see the within instrument duly signed and executed by ERNEST LYALL TAIT the part Y thereto, for the purpose named therein.
2. The said instrument was executed at the City of Victoria, aforesaid.
3. I know the said part y, and that he is of the full age of twenty-one years.
4. I am subscribing witness to the said instrument and am of the full age of sixteen years.

Sworn before me at Victoria

in the Province of British Columbia, this 11th day of February 1949

A Notary Public in and for the Province of British Columbia.
A Commissioner for taking affidavits within British Columbia.

For Witness of a Deed

I HEREBY CERTIFY that, on the 11th day of February, 1949,
at Victoria in the Province of British Columbia,
of the City of Victoria (whose identity has been
proved by the evidence on oath of the said Joselyn Peloye
who is personally known to me, appeared before me and acknowledged to me that
the person mentioned in the annexed instrument as the maker thereof, and whose name
thereto as part Y, that he knows the contents thereof, and that he executed the same voluntarily, and
is of the full age of twenty-one years.

IN TESTIMONY whereof I have hereto set my hand and Seal of Office at

this 11th day of February,
in the year of our Lord one thousand nine hundred
and forty 7.

A Notary Public in and for the Province of British Columbia.
A Commissioner for taking affidavits within British Columbia.

NOTE:—Where the person making the acknowledgment is personally known to the officer taking the same, strike out the words in brackets.

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The Grantees, as to the said lots, and with intent that the burden of the covenant herein contained shall run with the land and with intent to bind all persons in whom the said lots for the time being be vested, but not so as to be personally liable under this covenant after they have parted with the said lots, and with the intent that the said covenant shall enure to the benefit of the Grantor, his heirs and assigns and all others claiming under him or them to all or any of his or their lands in the said subdivision according to the said plan, HEREBY COVENANTS with the Grantor, his heirs and assigns as follows:

- (a) Not at any time hereafter within the period of twenty-five years from the date hereof to erect any building or structure on the said lots other than one single storey dwelling house with or without garage and usual outbuildings connected with the dwelling house and that no such dwelling house shall be erected on the said lots at a less cost of labour and material amounting to the sum of six thousand five hundred dollars (\$6500.00).
- (b) That any fences constructed on the said lands shall be concealed in hedge.
- (c) That the Grantees will not use any such building for any purpose other than a private dwelling house.
- (d) That the said lots shall not at any time be sold or leased to any person other than a person of the Caucasian Race.
- (e) Not at any time hereafter to interfere with or to permit any interference with the flow of waters across the said lots, so that the same shall always flow freely in its present course, and not at any time to pollute or allow any pollution of the waters contained in, within and under the lands comprised in the said lots, and not at any time to put, place or permit to be put or placed ~~on or in or under the lands~~ in the said waters any substance that may be deleterious to fish life and aquatic flora, the intention being that the waters existing in, and upon the lands shown in the said plan of subdivision shall at all times be preserved in pure state for the use upon, and ornamentation of the lands as a whole.

Jacelyn F. Loyer
 stenographer
 Victoria B.C.

E. L. Tait.
 Annie J. S. Chilton
 Myron W. Kay Chilton

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No

FORM A.
(Section 124.)

APPLICATION FOR REGISTRATION OF FEE SIMPLE

Date..... July 10th....., 1947

71 ALFRED S. POWELL

that I am ~~not qualified to~~ the duly authorized Agent of John Janis Hagax

....., and that he is entitled to be registered as the owner in fee-simple of the land hereunder described, and hereby make application under the provisions of the "Land Registry Act" and claim registration accordingly.

John Denis Hagar, Broker, 626 View Street, Victoria, British Columbia

* Not applicable where the applicant is a corporation. Strike out words not applicable.

I am informed by...John Denis Hagar

1 For use where
the application
is made by a...
applicant or agent.

genuinely believe, that the person so entitled to be registered as owner is a British subject

The fee-simple is registered in Vol....., Fol....., of the Register

DESCRIPTION OF LANDS

Municipality or Assessment District	Lot or Section	Admeasurement or Acreage
Saanich	Block C, Lot Seven (7), of Section Forty-four (44), Victoria District, Plan 6494, but subject to the Restrictive Covenant as to the use of the said lands, hereinafter contained	29/222

LIST OF INSTRUMENTS

Date	Parties	Character of Description
June 12, 1947	Ernest Lyall Tait to John Denis Hagar	Conveyance
July 10, 1947	Collector of Taxes	Taxes Paid Certificate

And I solemnly declare that I have investigated and ascertained the value of the said land, and that the market value thereof at the date of this application, including all buildings and improvements thereon erected, is, \$3,456.00

the date of this application, including all buildings and improvements thereon erected, is, \$3,456.00 dollars, and that the title deeds mentioned herein are all those in my custody, possession, or power, relating to the said land, in case of a Solicitor or Agent, and in the case of my holder thereof, I hereby certify that the title deeds in the custody, possession, or power of the owner, relating to the same; and I am duly authorized by the above-named owner to make this application, (in the case of an Agent, and) and I reside in the Province of British Columbia, and am of the full age of twenty-one years.

and I hereby certify that I am duly authorized by the above-named owner to make this application, (in the case of an Agent, and) and I reside in the Province of British Columbia, and am of the full age of twenty-one years.

and I hereby certify that I am duly authorized by the above-named owner to make this application, (in the case of an Agent, and) and I reside in the Province of British Columbia, and am of the full age of twenty-one years.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act."

Declared before me this..... 11th

day of July 1942

.. **Victoria** .. **British Columbia**

(Signature)

(Full Postoffice Address) 626 View St., Victoria, B.C.

For mailing notice and documents

A. C. Foster & Son, Proprietors
Chicago, Victoria, B. C.

No

FORM A.
(Section 124.)

Date.....July..10th....., 1947.

3. ALFRED S. POWELL

that I am ~~an individual~~ the duly authorized Agent of John Daniel Hagan

....., and that he is entitled to be registered as the owner in fee-simple of the land hereunder described, and hereby make application under the provisions of the "Land Registry Act" and claim registration accordingly.

The full name, address, and occupation of the person so entitled to be registered as owner is

John Denis Hagar, Broker, 626 View Street, Victoria, British Columbia

• Not applicable where the applicant is a corporation. Strike out words not applicable.

► **Stress Management**

~~XXXXXXXXXXXXXXXXXXXX~~

I am informed by....John Denis Hagar

verily believe, that the person so entitled to be registered as owner is a British subject

† For use where
the application
is made by a...
solicitor or agent

The fee-simple is registered in Vol..... Fol....., of the Register

DESCRIPTION OF LANDS

Municipality or Assessment District	Lot or Section	Admeasurement or Acreage
Saanich	Block C, Lot Seven (7), of Section Forty-four (44), Victoria District, Plan 649, but subject to the Restrictive Covenant as to the use of the said lands, hereinafter contained	29 222

LIST OF INSTRUMENTS

Date	Parties	Character of Deed
June 12, 1947	Ernest Lyall Tait to John Denis Hagar	Conveyance
July 10, 1947	Collector of Taxes	Taxes Paid Certificate

And I solemnly declare that I have investigated and ascertained the value of the said land, and that the market value thereof at the date of this application, including all buildings and improvements thereon erected, is \$3,556.00.

I further declare that the value of the said land, including all buildings and improvements thereon erected, is not less than the amount claimed by me in my affidavit filed in support of this application, and that the title deeds mentioned herein are all those in my custody, possession, or power, or of a Solicitor or Agent, and to the best of my belief there are no other title deeds in the custody, possession, or power of the owner, relating to the same; and I am duly authorized by the above-named owner to make this application, (in the case of an Agent, add) and I reside in the Province of British Columbia, and am of the full age of twenty-one years.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act."

Declared before me this..... 11th

(Signature)

day of July 1947

... **Victoria** ... British Columbia

(Full Postoffice Address) 626 View St., Victoria, B.C.

41. Victoria British Columbia. (Full Name of District) For mailing notices and documents

A Clerk of the Peace Registrar
Glasgow, Victoria, B. C.

176701

This Indenture,

made the

twelfth

day of June

in the year of Our Lord one thousand nine hundred and forty-seven.

in pursuance of the

"Short Form of Deeds Act."

Between

**ERNEST LYALL TAIT, of the City of
Victoria, and Province of British
Columbia.**

(hereinafter called "the said Grantor") of the one part

And

**JOHN DENIS HAGAN, of 626 View Street,
in the City of Victoria, and Province
of British Columbia.**

(hereinafter called "the said Grantee") of the other part

Witnesseth, that in consideration of the sum of **Three Thousand Four Hundred**and fifty-six - - - - - Dollars (\$3,456.00) of lawful money of Canada now paid by the said Grantee to the said Grantor (the receipt whereof is hereby by him acknowledged), the said Grantor ~~Doth~~ Grant unto the said Grantee, his heirs and assigns FOREVER:

All and singular that certain parcel or tract of land and premises situate, lying and being in the Municipality of Seanoich, and Province of British Columbia, and more particularly known and described as Block C,..... 187 Seven (7); of Section Forty-four (44), Victoria District, Plan 6494, but subject to the Restrictive Covenant as to the use of the said lands, hereinafter contained.

NO. 176701
 REGISTERED THE 18. DAY OF July 1947
 IN THE BOOK VOL. 43, FOLIO 101
 APPLICATION RECEIVED THE 11. DAY OF July 1947
 AT THE HOUR OF 1.15 PM

Together with all buildings, fixtures, commons, ways, profits, privileges, rights, easements, and appurtenances to the said hereditaments belonging, or with the same or any part thereof, held or enjoyed, or appurtenant thereto; and all the estate, right, title, interest, property, claim and demand of him the said Grantor in, to, or upon the said premises.

NOT ATTESTED

✓✓
The Grantee, as to the said lot, and with intent that the burden of the covenant herein contained shall run with the land and with intent to bind all persons in whom the said lot for the time being be vested, but not so as to be personally liable under this covenant after he has parted with the said lot, and with the intent that the said covenant shall enure to the benefit of the Grantor, his heirs and assigns and all others claiming under him or them to all or any of his or their lands in the said subdivision according to the said plan, HEREBY COVENANTS with the Grantor, his heirs and assigns as follows:

- (a) Not at any time hereafter within the period of twenty-five years from the date hereof to erect any building or structure on the said lot other than one single storey dwelling house with or without garage and usual outbuildings connected with the dwelling house and that no such dwelling house shall be erected on the said lot at a less cost of labour and material amounting to the sum of Six Thousand Five Hundred Dollars (\$6500.00).
- (b) That any fences constructed on the said lands shall be concealed in hedge.
- (c) That the Grantee will not use any such building for any purpose other than a private dwelling house.
- (d) That the said lot shall not at any time be sold or leased to any person other than a person of the Caucasian Race.
- (e) Not at any time hereafter to interfere with or to permit any interference with the flow of waters across the said lot, so that the same shall always flow freely in its present course, and not at any time to pollute or allow any pollution of the waters contained in, within and under the lands comprised in the said lot, and not at any time to put, place or permit to be put or placed in the said waters any substance that may be deleterious to fish life and aquatic flora, the intention being that the waters existing in, and upon the lands shown in the said plan of subdivision shall at all times be preserved in pure state for the use upon and ornamentation of the lands as a whole.

E.L. Tait.
Deputy

And it is further agreed that the words in this indenture which import the singular number shall be read and construed as applied to each and every Grantor or Grantee, male or female, and to his or her heirs, executors, administrators and assigns, and in the case of a corporation, to such corporation and its successors, and assigns, and that in case of more than one Grantor the said covenants, provisions, conditions and agreements shall be construed and held to be several as well as joint.

In Witness Whereof the said parties hereto have hereunto set their hands and seals.

Signed, Sealed and Delivered
by the Grantor,
in the presence of

WITNESS *Caroline Holmes*
ADDRESS *Victoria B.C.*
OCCUPATION *Spool Stitcher*

E.L. Tait.

SIGNED, SEALED AND DELIVERED
by the Grantee,
in the presence of

WITNESS *Frank H. ...*
ADDRESS *626 West 6th Victoria B.C.*
OCCUPATION *Police Officer*

Deputy

To Have and to Hold unto the said Grantee, his heirs and assigns, to and for his and their sole and only use forever:

Subject Nevertheless to the reservations, limitations, provisos, and conditions expressed in the original grant thereof from the Crown.

The said Grantor Covenants with the said Grantee that he has the right to convey the said lands to the said Grantee notwithstanding any act of the said Grantor and the said Grantee shall have quiet possession of the said lands, free from all incumbrances.

And the said Grantor Covenants with the said Grantee that he will execute such further assurances of the said lands as may be requisite.

And the said Grantor Covenants with the said Grantee that he has done no acts to encumber the said lands.

And the said Grantor Releases to the said Grantee All His Claims upon the said lands.

And it is further agreed that the words in this indenture which import the singular number shall be read and construed as applied to each and every Grantor or Grantee, male or female, and to his or her heirs, executors, administrators and assigns, and in the case of a corporation, to such corporation and its successors, and assigns, and that in case of more than one Grantor the said covenants, provisos, conditions and agreements shall be construed and held to be several as well as joint.

In Witness Whereof the said parties hereto have hereunto set their hands and seals.

Signed, Sealed and Delivered
by the Grantor,
in the presence of

WITNESS Constantine Holmes
ADDRESS Victoria B.C.
OCCUPATION Law Student

SIGNED, SEALED AND DELIVERED
by the Grantee,
in the presence of

WITNESS Franklin Holmes
ADDRESS 626 West 6th Victoria B.C.
OCCUPATION Police Officer

E.L. Fair.

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Affidavit for Witness

To Wit:

I, Constance Holmes of the City
of Victoria in the Province of British Columbia, make oath and say—

1. I was personally present and did see the within instrument duly signed and executed by Ernest Lyall Tait the party thereto, for the purpose named therein.
2. The said instrument was executed at the City of Victoria, aforesaid.
3. I know the said party, and that he is of the full age of twenty-one years.
4. I am the subscribing witness to the said instrument and am of the full age of sixteen years.

Sworn before me at Victoria

in the Province of British Columbia, this 10th

day of June, 1914

Constance Holmes
A Notary Public in and for the Province of British Columbia.
Commissioner for taking affidavits within British Columbia.

For Maker of a Deed

I HEREBY CERTIFY that, on the 10th day of June, 1914

at Victoria, in the Province of British Columbia

of the City of Victoria

[whose identity has been proved by the evidence on oath of

who is] personally known to me, appeared before me and acknowledged to me that

the person mentioned in the annexed instrument as the maker thereof, and whose name

subscribed thereto as part thereof, that knows the contents thereof, and that

executed the same voluntarily, and is of the full age of twenty-one years.

IN TESTIMONY whereof I have hereto set my hand and Seal of Office at

this 10th day of

in the year of Our Lord one thousand nine hundred

and forty

A Notary Public in and for the Province of British Columbia.
A Commissioner for taking affidavits within British Columbia.

Note.—Where the person making the acknowledgment is personally known to the officer taking the same, strike out the words in brackets.