

Sir J^o. Kennaway's
letters
respecting ~~an~~
Encroachment
"on
the Colyton Plot"
Alphington
Ottery S^t. Mary
1850, 1851 & 1852

Sir^r. Kennaway
to
Mr. J. Pady
dated 16th May 1850

Picton House
Clevedon
Somerset.

May 10. 1850.

Sir,

Your letter of the 13th inst has reached me here. I am not likely to be at home for a few weeks - but on any matter on which you may wish to communi-
-cate with me I beg to refer you to my Agent, W. Fred^l Smith, Esq Cottage - near Ottery St Mary - He is almost always in Honiton on Saturday, I want I have no doubt to be ready to meet you there.

Or if you prefer

communicating with
me by letter you
can address me at
this place.

I am Sir,

Your obed^t Serv^t

W. Merraway.

W. Jacob Pady,
Feoffee Chamber,
Colyton.

Sir J^r: Kinna
dated 27th May 1850
S. S.

Clevedon
Somerset
May 27. 1850.

Sir, I beg to acknowledge
the receipt of your letter
of the 23rd inst. on the part
of the Feoffees of the Colyton
Poor Lands.

Without a personal
inspection of the ground
it is impossible for me
to form any judgement
of the alleged injuries
which are complained of
by them - or whether, and
to what extent, I may
be responsible for them.
I leave this in a few

days for London &c
and fully expect to
be at Exch by the
middle or end of the
week after next.

Immediately on
my return I will visit
the spot and will
then communicate
again with the Feoffees -
and I hope that this
short delay will be
of no material
inconvenience to them.

I have the honor to be

Sir, Yr obed^t Serv^t

Capt^m Powell.

Menunaway

Proposition

Signed by the
Committee that surveyed
the encroachment

and also signed by
the proprietors of
land adjoining the
Colyton Plot

Dated 24th Aug^r 1850

This has not been
carried into effect.

24th August 1850

This mutually proposed between
the undersigned members of the
Chamber of Feoffees of the Poor of
Colyton Devon on behalf of the said
Feoffees and the undersigned
Sir John Kenneaway Bart. The
Reverend Henry William Markes The
Reverend Thomas John Markes and
Mr Deacon

That the Dyke cut in the Land
of the Feoffees in the tything of
Alphington in the Parish of St Mary
St Mary Devon by the said Sir
John Kenneaway Henry William
Markes Thomas John Markes
and Deacon shall forthwith
be filled up and turfed in a
workmanlike manner by the said
Sir John Kenneaway Henry William
Markes Thomas John Markes and
Deacon the soil for the depth
of eighteen inches from the surface of
the turf to be of good meat Earth and
the water at present flowing through
the said Dyke to be effectually diverted
at the the Expence and the said Sir John
Kenneaway Henry William Markes
Thomas John Markes and Deacon
are also to pay the Expences of the said
Feoffees and their Surveyor in
attending to view the said Land

provided an Exchange, shall not
be effected within Six Months
as after mentioned, it being
proposed that if either of them the
said Sir ^{Henry William} Kennaway, ^{Master} Markes
and Deacon shall carry
into effect an Exchange with the
said Feoffees of some other Land
for the Clove of Land belonging to
them above mentioned the said
Expences are not to be paid by
the said Sir ^{Henry William} Kennaway, ^{Master} Markes
and Deacon but as in
that have to be borne by the
Feoffees themselves. And this
arrangement to settle all Questions
between the parties relative to
the trespass on the Feoffees Land
occasioned by the late altering of
the course of the River Ouse

Kennaway for self & Master Markes
John Sidley for Mr Deacon

J. M. Smith
W. Higgin
J. Lloyd
George Pitt

Bill of the
Committees
Expenses —
paid

Expences Attending Journeys &c
in consequence of encroachments
made on the Colyton Plot Wpshington
Ottery St. Mary Fly to Ottery St. Mary
~~and~~ Disure & Turnpikes — 16. 6
expences at Honiton & Greyhound — 13. 6
p^d Mr Burton for Carriage,
Journey to Ottery Journey to Honiton 19. 0
expences & Turnpikes — 12. 6
paid Mr Peckering — 2. 12. 6
expence for Messengers
to Ottery &c — 7. 6

6. 1. 0

Bailiff to Journeys to Ottery
Journey to Honiton 2. 2. 0

L. 8. 3. 0

Paid by Check. as per letter
from Sir J. Kennaways Steward
dated 12th Jan^r 1852. G. E. P.

N^o 4-

West. Ottery St Mary
Aug 19. 1850.

Sir, I beg to acknowledge the receipt
of your letter of the 30th ult & to thank
you for the suggestions therein.

I am in communication with Mr.
Deacon's Trustees, (to whom alone the
Colyton Old would be of any value)
through their solicitor who resides in
Cornwall relative to your proposal of
an exchange of land.

But as legal difficulties may
present themselves I think it will
be better for us to meet at once on
the ground that we may before the
Season is further advanced agree on
the proper mode of filling the Dyke
and remedying any trespass that
may have been done to the Peo fees
Land.

And I would propose, if
agreeable to the Peo fees that such
meeting

The Hon^{ble} Secretary
dated 19th August 1850
No 4

should take place on Saturday
next the 24th inst on the ground
at half past one o'clock.

I wish on the part of the Landowners
concerned to impress on the Feoffees
that the respap was inadvertent.
There being no boundary fence
between it & Mr. Deacon's land
& both being occupied by M. Carter
the work on the river was done
under the impression that it was
being carried on entirely in Mr.
Deacon's land.

With regard to the consequential
damage of which you speak I think
that when we meet on the spot
it will be easy to show the Feoffees
that they have not sustained,
nor are likely to sustain, any

injury; and that on the contrary
their lands would in all
probability have been seriously
damaged had the river other
been suffered to take its own
course.

I have the honor
to be, Sir, Your obed^t Serv^t.
Merrinaway.

Perhaps 2 o'clock p.m. would
be equally convenient on Saturday.
if so, it would be preferred.

Sir J. Kennerway
dated 27 July 1850
No 3.

Exch. July 27. 1850.

Sir, I have the honor to acknowledge
the receipt of yours of the 25th inst.
I was just on the point of writing
to you & should have done so
before but for the engagements
& which you refer.

On behalf of the Landowners
engaged in the late work, near
the Otter I have to state that on
an examination of the ground
it appears clearly that the cut
complained of by the Feoffees
of the Colyton Poor has been
improperly made. My own
Agent Mr. Smith objected to it
at the time, & it was executed.

at last owing either to the error
or obstinacy of the contractor, who
was not under his control.

Under these circumstances
directions have been given
to fill up the cutting & restore
the ground to the satisfaction
of the Feoffees. The mode of
doing it has been pointed
out to their tenant Mr Carter,
& the contract for doing it has
been taken by a party approved
by him.

The water now flowing
through this channel will be
taken off in another direction

quite removed from the Plyton Poor
Lant which will ~~now~~ receive a
decided benefit by being no longer
exposed to the washing and
encroachment of the river at
this point.

I trust this letter will
be satisfactory to the Feoffees -
and am, Sir,

Your obed^t serv^t

Therunaway

Copy. N^o 5.

To Sir. Kinnaway.

Dated 20 August.

1850.

Copy of Letter from Colyton
to Sir John Connaught Place
20th August 1850.

Sir. I have the honour to acknowledge your letter of the 19th inst.

The Feoffees will depute a small Committee selected from their body to meet you at the time and place you have proposed, but as touching the legal difficulties which you fear are obstacles to an exchange of property, I may remark that were such can possibly exist the Feoffees having full power to exchange though not to sell, & now they are at this moment awaiting themselves of an exchanging an estate they possess here with another which is held by a gentleman of this place, the transfer being deemed desirable by all parties interested, — This subject is still kept in view from the idea that it is the only workable — course that can be adopted in the Colyington case. I have the honour to be

Your very Obedt Servt
George Wm Powell

Sir J^o. Keruaway's
Steward
W. Smith, enclosing
Check for £ 8. 3. 0.
dated 12 Jan^y 1852

Gave the Check to Mr Higgins
this day 14th Jan^y 1852

Esot Cottage Ottery
Jan^y 12th 1852

My dear Sir

I am requested by Sir John Keruaway
to forward you a cheque for
£ 8. 3 being the amount of the expenses
of the Feoffees of Colyton caused by
their attendance on the Plot of Ground
at Alphington in Ottery St. Mary

Sir J Keruaway has been anxious
to have it settled before but having
to apply to other parties concerned,
has been the cause of delay

Geo^r & Powell
Captⁿ R^v

I am, My dear Sir
yours Truly
W^m A. Smith
in answer will oblige

Lu^o Kinnaway
" dated
5 January 1852.
N^o 4.

Exct Jan 35. 1852.

Dear Sir, I duly rec:
y^r letter of the 9th
ult^o. & hope to
send you shortly
a check for the
amount - but it
takes some time
to get the certificate
from the parties
interested.

I am, D^r Sir
Yours truly
Capt. Powell & N.
Hemmaway

Sir: Kennaway
dated
Post Mark
"17 March 1851"
806

Edw. Henry St. Mary.
Sir,
I have to acknow-
ledge the receipt of
your letter of the
7th inst respecting
the Colyton Plot
near the river
Otter. I am going
to Exeter tomorrow
for the office &
hope I may have
an opportunity of

telling Mr Sidley &
learning from him
whether there is
any probability of
effecting an exchange
with Mr Deacons
Trustees.

Were the
plot as favorably
situated for occu=
pation by my Tenant
as it is by Mr
Deacons I think

there would be no
difficulty - but
unfortunately it
is quite the reverse
of this.

I am, Sir,

Yr obed^t Serv^t
J. Hennaway.

East Ottery, St Mary
Sept. 3. 1850.

Dear Sir
I have received of you
of the 24th Aug with copy of the minutes
of the proceedings of your Chamber on
the 28th. — The effect produced by
the proposed omission of the words
inserted to you from the mem^o of
the 24th Aug, commencing with
“his arrangement” and ending with
“over Otter” would be to make it
entirely a one-sided settlement, thus
rendering the whole nugatory — and
leaving us only where we began.
I cannot conceive that this is the
intention of your Chamber, as
well from the frank declarations
of the gentlemen whom we had the
pleasure of meeting on the 24th
as because in the copy of your
minutes I observe the words
used are “this aspect of the
Chamber to the proposed settlement.”

John Hurrenway
3rd stated
September 1850
1805

Unless the words which you have
proposed to omit, or some other
words of similar import, are
inserted, it is evident that
we (the adjoining proprietors) should
be still left open to further claims &
demands in this matter.

This I am sure you will see
could not be ~~expected~~ agreed to on
our parts or reasonably expected
on yours.

With regard to an exchange
I much hope that it may be
effected; and I know that Mr.
Gidley, deeming, (as I had also done,)
that there was no doubt but
that the "proposed settlement" would
be confirmed by the Chamber is
engaged in endeavouring to
carry it out.

I remain, Dear Sir,
faithfully yours
H. Mennaway