17 Mar 1599
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Articles of Covenantes and Agreementes

had made and agreed vpon the xxiiith day of Marche in the two and fortieth yeare of the Raigne of our Soueraigne Ladie Elizabeth by the grace of God Quene of Englande ffraunce & Ireland Defendor of the ffaith &c Betwene John Wootton Walter Longe Robert Carswell Esquiers Carswell John Leade Roger Wood Robert Burchold John Butter Hugh Newton Stephen Rydd Symon Dyer and John Marshall ffreeholders of the sayde landes of Colyton in the Countie of Devon of thone ptye And John Lodge ffrancys Gaylard George Cheobridge Simon Drayton Edmunde Longlande Peter Bartlett John Wm Thomas Vernet Edwarde Clarke William Burchall George Marye John Newton & Christofer John Burchall John Martin Surgeone Sampford William Lodge Walter Longe John Dowdinge William Wright & John Drayton purchasers of Colyton ffoorsaid who are comonly called or knowen by the name of the Twentie men of the said ffee of Colyton Devo as followeth Videlicet.

1. Imprimis it is agreed betwene the saide partes that the sayde Coffer with ij wood boundge thereto Lockes & three keys shall foorthwith be put in some convenyente place as shalbe thought moste fittest and safe from all Feoffe of Evill disposed & other ymall accidents And likewise shalbe receyued & call the Charter of the Priuiledges of the Mannor of Colyton aforesaid Togither with all Writinges Deds Leases euidences monuments Writinges and other assurances concerninge all the sayde landes there to be kepte vnder the said Lockes & keys to the vse of the psonors of the same vntill some bee or which hereafter shalbe for euermore: Office with keys one shall remayne in the Custodie of the said ffeoffees and Twelue men of the seuerall Custodies of the said Twentie men as shalbe thought meete conuenient by the foresayde ffeoffees and Twentie men or the more pte of them. ff.

2. Item It is also agreed betwene the said parties That for the receipte of the rents issues fownes rasshelles and profytts of all the sayde landes of Colyton one or two baylyffe or baylyffes shalbe elected and chosen yearely for Ensuinge next after Michelmas daye by the ffeoffees as shalbe thought aldye and by the Twentie men or the more pte of the same ffeoffees and Twentie men for the tyme beinge: wch said baylyffe or baylyffes shall rente meane and execute the said office one whole yeare or longer tyme if it shalbe so thought good and expedyente by the same ffeoffees and Twentye men or the moste pte of them And the said baylyffe or baylyffes agreeing thereunto Election baylyffe or baylyffes shall also once euy yeare in wch Co. or they shalbe baylyffe or baylyffes receyue all and singuler the sayde rents landes of Colyton aforesaid wherby any waste spoile or destruction be done in or vpon any of the same landes And if any waste spoile or destruction be made in vpon or touchinge the said landes in the Iudgm of the ffeoffees of Colyton aforesaid to iuymge the same vnto some of the ffeoffees and Twentie men the next Somdaie following after such waste destruc or other materiall thinge so offended: to thende that speedie reformacon of such abuse maye be had: wch said baylyffe or baylyffes shall haue such Creede fees and allowance for their trauaill in and about the execution of his or their said office as other baylyffe or baylyffes heretofore haue had: or more if it shall so be thought good by the foresayde ffeoffees and Twentie men or the more pte of them.

3. Item It is likewise agreed betwene the said parties that the sayde baylyffe or baylyffes from tyme to tyme so to be elected and chosen before he or they shall intermeddle or haue to doe wth his or their said office shall enter into bande to one of the said ffeoffees or to one of the Twentye men wth a sufficiente some of money as shalbe thought good by the same ffeoffees and Twentye men or the most pte of them for the true accompt of all and singuler the rents moneys profytts rasshelles and somes of money wch shall come to his or their handes or maye receyue wthout fraude or Cauell And that the same accompte shall yearely be made & yelded to the Auditors wth in xxtie dayes after Michelmas Daye: wch accompte the Auditors shall receyue yelde & reyse wch fyndinge any deceyte fraude or errore therein shall forthwith make the same knowen vnto the said baylyffe or baylyffes to thende the said baylyffe or baylyffes maye reforme and amende the same And therevppon the said baylyffe or baylyffes shall wth in xxtie dayes after Michelmas daye yearely or longer if he or they shalbe wth his ffellowe baylyffe or baylyffes: clerelie and clene discharge him or them selfe accomptes for the yeare paste: before so manye of the ffeoffees and Twentie men his ffellowe ffeoffe wch said accompte so beinge Audited ysfitted Cleerelie and clearlie discharged by the ffeoffees and Twentie men hauinge the keys of the foresayde Coffer shall putt into the same Coffer there to remayne tobe seene at all tymes if ouerplus so remayne. And the ouerplus of money remayninge vppon euy accompte shall forthwith be paydd and delyuered to the Treasurer wch shalbe appointed in that behalfe.

4. Item it is also agreed betwene the said parties that any lease or graunte of any pte of the said yrishe Lands of Colyton shall passe or bee letten to any yeoman or yeomen whatsoeuer that the said ffeoffees and Twentie men or the most pte of them shall att some conuenyent tyme or tymes meete and conferre togither aboute the graunting leasing lettinge thereof to remayne of the same and thereto to geue their aduise and consent what shalbe fittest to bee done in that behalfe: & meetinges and conferences so to be had the tyme myghtbee or yssue shortes for the tyme beinge shall yerely waunge in the Church all the morninge prayer in the Quyre or Like in effecte as shall well bie Neighbord thereabouts beinge shall yerely waunge in the Church all the morninge prayer in the Quyre or Like in effecte as shall well bie Neighbord thereabouts after Euenynge prayer or such a daie Conference is to be had aboute the leasinge or lettinge of such a tenemente or such a peece of ground lyenge in such a place beinge of the said landes all wch conference yon that bee the ffeoffees and Twentie men muste be ffeste.

5. Item Likewise it is agreed betwene the said parties that the sale yon leasinge settinge or lettinge of the said yrishe Lands or any pte thereof shalbe made in such oped and conuenient place where strangers maye haue accesse freely to offere and to bargain yon such thinge as are then there to be letten leased or graunted yon the bringinge of the said yrishe. And where also the residewe of the said yrishemen of Colyton (beinge neyther of the ffeoffees or Twentie men) maye haue and take notice what is done in that behalfe: wherein they also maye geue their aduise and consente aboute the leasinge lettinge thereof (if neede so requyre) or to make offers for vtterance of those thinges wch (as then there) to be leased or graunted and the hyeste offerman to be graunted.

6. Item it is also agreed betwene the said parties That no lease or graunte hereafter to be made of any pte or parell of the said yrishe Landes to any pson or psones whatsoeuer either for terme of liffe or lyues yeres or yeares or otherwise: but only all the publicke meetinges aboue mencioned And that also by the generall consente of the moste pte of the said ffeoffees and the moste pte of the said Twentie men And that such an estate or leasse so graunted the said ffeoffees and Twenty of them wch shall make the request vnto them to be made by the buyer thereof shall signe seale and delyuer as their deede: so it be exhibited & offered vnto them in writinge made in due forme of Lawe and accordinge to the agreement and Couenante vppon pryce of the shillinge for euery mile to be paid by euy of the said ffeoffees wch shall refuse to seale and deliuer the same: wch forfeyture of the same is to be paid to the buyller or buyllers of the said landes aforesaide to the vse and behoofe of the poore of the said yrishe And that euy such leasse so to be made shalbe entred the roules yeares of the next shall soone after the sealinge thereof be putt into the foresaid Coffer there to be kepte.

7. Item it is also agreed betwene the said parties that if any of the said ffeoffees & Twentie men shall att any tyme hereafter take vppon him or them to make any lease or leases graunte or graunts of any the said yrishe landes to any pson or psones contrary to the trewe meaninge and intente of the former articles That then the said pson and psonnes so offendinge and euy pson shall forfeyte and pay vnto the buyller or buyllers of the yrishe landes of Colyton for the tyme beinge the some of fyue powndes of lawfull English money and also the valewe of the thinge so leased or graunted beinge valewed as it shalbe worth to be sold: wch forfeytures to be to the vse & behoofe of the poore of the said yrishe And that euy such leasse so to be made shalbe entred the roules yeares of the next shall soone after the sealinge thereof be putt into the foresaid Coffer there to be kepte.

8. Item it is likewise agreed betwene the said parties that the yearely stipende or some of fyue powndes of lawfull money of England yssuinge & growinge out of the yearly reuenewes rentes & profytts of the foresaid yrishe landes: shalbe yearely bestowed and employed to and for the mayntenance and keepinge of a scholler wthin the towne of Colyton aforesaid to haue continuance for euer And that the receyuer of the yearly rentes reuenewes rasshelles and profytts yearely growinge ariseinge and yssuinge of in & vppon the foresaid yrishe landes Vnder and aboue the said yearely stipende or some of fyue powndes: shalbe expended employed and bestowed to such godly and conuenable purposes and vses of Charitie as shall seeme by the mette & conuenyente vnto such ffeoffees & twenty men of the yrishe of Colyton for the tyme beinge as the moste pte of them as from tymes to tymes shall thereof elected and putt in trusse for the rowme Vsidies and profytts of the ptic[ulars] of the same.

9. Item it is also agreed betweene the said parties that if any of the said ffeoffees or twenties men shall obstinately wilfully or dissolutely take vpon him or them to contemne and disobey the said twenty wardeins and somes of money to any vse or vses without the good leave of the most parte of the said ffeoffees and twenties men first had and obteyned (except some smalle some of three shillings power tenne or twelve) That then such vse and somes so offendinge and euery of them shall forfeyte & paye vnto the bayliffe or bayliffs of the said lande of Colyton for the tyme beinge double the valewe of such money as by them or any of them shalbee contracted bestowed or imployed vpon the said ffeoffees and twenties men by the consente of the most parte of them. ##

10. Item to thentente that all vnlawfull and deceyte of the said ffeoffees may happen hereafter maye be avoyded it is agreed betweene the said parties that none of the said ffeoffees shall holde occupie or enioye by any lease or graunte to be made hereafter any of the said vses landes tenements or hereditam[en]ts wherein they are enfeoffed And that none of the said ffeoffees directe or procure any body or bodyes directly or indirectly vnder their consente whereby he or they or any of his or their children or any of his fellowe ffeoffees or any of the twenty men shall by his meanes right or title haue occupie or enioye any such lease or graunte of the myll or of any parell of the same And that none of the said ffeoffees or twenty men geve their consentes to passe any such lease or graunte to be made or graunted hereafter But that all and euy lease and graunte of the myll or of any parte or parell thereof hereafter to be made or graunted shalbee graunted in such sorte as it maye be most leaste damadge greatest profitte to the comon wealthe of the vsse of Colyton. ##

11. Item it is likewise agreed betweene the said parties That euy of the said ffeoffees and twenties men shall from tyme to tyme vppon lawfull notice vnto him geven by the bayliff and true deliuerie of the same bayliff or his sufficient deputie for the leasinge or lettinge of the vsses landes aforesaid or for the good ordringe or well emploeyinge of the rents reuenues and profitts the romynge and knowinge of the somes vppon peyne of two shillings five pence a peece of euy of them from tyme to tyme nakynge defaulte to be paid to the bayliffe or bayliffes of the said vsses landes of Colyton for the tyme beinge to the vse of the poore of the same vsse without further or other greater proffe shall lett him or them to doe his or their office therein the same att his or their perill to be ordered by the rest of the said ffeoffees and twenties men or the more parte of them. ##

12. Item it is also agreed betweene the said parties That if any of the foresaide twenties men w[hi]ch nowe are or w[hi]ch att any tyme hereafter shalbee nominated elected and appointed shall att any tyme forbeare themselves to deale contrary to the trewste in them reposed or to be misdemeanor obstinate or wilfully inclyned to doe those three offences and will not be contractable nor yelde them redy and obedyente to sygne good ordres as from tyme to tyme shalbee thought moste meete and conuenyente for the benefitte & behoofe of the vsse of Colyton aforesaid accordinge to the good likinge of the more parte of the rest of the said twenties men and ffeoffees That then it shalbe lawfull to and for the rest of the said twenty men and ffeoffees by their discrete myldes and wyse gouernm[en]te for the benefitte & behoofe of the vsse of Colyton aforesaid accordinge to the true meaninge of these articles to remoue and displace such of the twenty men and ffeoffees as shall wilfully obstinately and contemptuously refuse to obeye the good ordres and rules of the rest of the said twenty men and ffeoffees and in their roome and place to nominate elect and appointe some other meete & discreete vsse or vsses to supplye the place and places of them and euy of them so dismissed and refused. ##

13. Item it is likewise agreed betweene the said parties That if any of the said twenties men w[hi]ch nowe are or hereafter shalbee happen to be removed and put from beinge one of the twenties men for the vsse of Colyton aforesaid by reason of any of the three offences aforesaid That then the said vse and somes so removed shall no longer bee any of the twenties men of the vsse of Colyton but shalbee vtterlie and also from thenceforthe ffreed of all forfeytures peynes and penalties w[hi]ch vppon him or them might be inflicted by reason of these articles of Couenants. And that whensoever power of three twenties men shall happen to be removed or dye That then power shall and maye lawfully be geven to the rest of the said twenty men and ffeoffees by their discrete myldes and wyse gouernm[en]te for the benefitte & behoofe of the vsse of Colyton aforesaid accordinge to the true meaninge of these articles to elect nominate and appointe three other honeste men of the said vsse shalbe elected nominated and appointed and put in the place of them so removed or departed by such vse of the twenties men and such of the said ffeoffees as shalbee then alyve or the more parte of them. And that when the space of halfe a yeare next and immediatly after such removinge or deathe of the said vse vppon peyne of five shillings to bee paide to the bayliffe or bayliffes of the vsse landes of Colyton for the tyme beinge to the vse of the poore of the said vsse by euy one of the same ffeoffees and twenties men then beinge alyve other then such of the same ffeoffees and men as shalbee able to prove by the testimonye of two credible somes that he or they were presente and readye all the tyme and place appointed to doe his or their duties in this election and appointement **provided** alwayes that warninge be geven in this behalfe by the bayliff' mynyster or vsse clearke for the tyme beinge as in the foreparte articles is before expressed or elce no penaltie in the articles to be forfeyted. ##

14. Item it is also agreed betweene the said parties That whensoever the said ffeoffees shall come to the nu[m]bre of three That then the same three ffeoffees and the said twenties men or the more parte of them for the tyme beinge shall within one monethes space after the said ffeoffees shalbee in nu[m]bre but three nominate elected and appointe a competente nu[m]bre of newe ffeoffees vnto whome the said three other ffeoffees shall by good and sufficyente assurance in the lawe att the costes of the vsse of Colyton within fourtie dayes then next followinge assure all such landes tenements and hereditam[en]ts as they the said other ffeoffees stande seised of in trewste to the vse and benefytte of the foresaid vsse of Colyton **To haue and to holde** the same landes tenements and hereditam[en]ts to the said newe ffeoffees and their heires forever to the same vses that the said other ffeoffees nowe stande seised of or to such vses vses and purpos as then all the tyme of the makinge thereof shalbee agreed vppon by the twenty men of the vsse of Colyton for the tyme beinge or the more parte of them vppon the fforfeyture and penalties hereafter expressed That is to saye vppon peyne of twenty shillings to euery such ffeoffee for euy worke that he or they shall refuse or deferre to doe the same duties herein: and vppon peyne of five shillings to be paid by euy of the said twenties men for euy worke that he or they shall neglecte to doe duties in this behalfe. And that no such vse or vses shall at any tyme or tymes hereafter be admitted to be one vse of the twenty men of the vsse of Colyton but such only as shall willingly consente by writinge vnder his or their hande and seales to the ffeoffees aforesaid thereby to obserue aforme fulfill and keepe all and euy the Articles and agreements in these presents conteyned accordinge to the true meaninge of the same whether on his or their parte as to be performed and kepte as other the twenty men there nowe have consented and faithfully promysed. ##

15. Item it is also agreed vpon by the said parties that forthwith some discrete and discreete vse or vses bee appointed and compownded with to doe and execute within the foresaid vsse of Colyton the three offices followinge expressed That is to saye to execute and exercise the offices of the Clearke of the markette for and vnder the Authorities of the ffeoffees of the vsse landes of Colyton aforesaide and the same offices from tyme to tyme to vse accordinge to the matter lawes and the priueledges of the Charter of Colyton thereby to saue and preserue the same liberties and priuiledges of the said vsse wch for want of exercise maye be impayred. Secondly to keepe the Courte of pipowder at the more parte of the ffeoffees and twenties men shall thinke fitt in the vsse of Colyton as is lawfull by the Letters patente of Colyton and as is also euy of the ffeoffees and twenties men shalbee holden and bounde with the vsse of Colyton as is lawfull by the Letters patente of Colyton and as is also in like sorte vsed and accustomed. And thirdly to be a notarie to register and keepe a booke of all such materiall matters and thinges as shalbee att any tyme hereafter founded and agreed vpon in any conference and meetinge betweene the ffeoffees and twenties men or the more parte of them for the vsse of Colyton aforesaid or the more parte of them for whose paynes and trauell in this behalfe the said some or somes so appointed shall have such yerely fee and allowance as he or they maye bee reasonablie agreed withall by the said ffeoffees and twenties men or the more parte of them.

16. Item it is likewise agreed vpon by the said parties That if any sute or accon in lawe shall att any tyme hereafter be commenced prosecuted or sett foorthe against any such vse or somes w[hi]chshall in the name of the said ffeoffees of the vsse landes of Colyton or in the name of any of them for any matter or cause whatsoeuer touchinge the vsse landes of Colyton or any parte thereof or for the rents issues or profitts of the same w[hi]t consente of the said twenties men and ffeoffees or the more parte of them That then the said ffeoffees or any of them shall not release any such sute or accon if prosecuted commenced or sett forthe nor be non suited in the same nor shall release any such vse or somes what soeuer by wch any such sute or accon maye growe before sute be commenced as aforesaid vppon peyne of five pounds of lawfull money of England by euy one makinge default ouer and aboue the damages that the prisoned shall or maye recouer by such release or non sute the same forfeytures to be paid to the vsse bayliffe of Colyton for the tyme beinge to the vse of the said vsse. ##

17. **Item** it is also agreed betweene the said parties that if any of the said ffeoffees and twentie men at any tyme from henceforthe in any generall meetinge or conference to be had for the abetter execucion of the landes or any thinge touchinge or concerninge the same shall mysbehave himselfe either in swearinge or blasphemynge the name of God or in abusinge or mysdallinge any person by dissemble words that every suche person and persones shall forfeyte and loose to the poore of Colyton fyve poundes of lawfull englishe money for every tyme that he shall so offende the same money to be payd to the said Baylyffes to the use of the poore aforesaid. ##

18. **Item** it is further Condiscended and agreed vppon by and betweene the said parties That it shall and maye bee lawfull from tyme to tyme to and for the said Baylyffe or Baylyffes for the tyme beinge to levye the said forfeytures and paynes limitted and appointed as is aforesaide by waye of distresse to be taken of the goodes and Catalles of suche as shall offende contrary to the said agreements and Articles with distresse and distresses the said Baylyffe or Baylyffes shall and maye detayne and keepe untill suche paynes and forfeytures so to bee levyed and forfeyted shalbee well and truelye satisfied and payd to the use aforesaide. ##

19. **Item** moreover it is agreed vppon betweene the said parties That theise articles and suche other articles as shalbee made hereafter by the saide Twentie men and ffeoffees which nowe bee or hereafter shalbee or by the more parte of them shall openly bee readd before the Inhabitaunts or as many of them as liste to bee present all suche ordinaunce tyme and tymes as by the saide ffeoffees and twentye men shalbee thought meete and Convenyente. And if at any tyme they shall see it good newe articles to bee made and the olde to bee abolished or reformed as tyme and occasion shall require and as by the said ffeoffees and twentie men or the more parte of them shalbee thought expedyente. soe that none bee made contrary to the Queenes Majesties lawes or the Statute of the romoved dwellers of this parte. ##

And the saide John Weston Walter Yonge Robte Cawsewell Joseph Cawsewell John Trade Roger Cooper Roberte Burknell John Butter Hugh Newton Stephen Byrde Symon Wye and John Maurkell ffeoffees for them and everye of them their and everye of theire heires executors and admynystrators **do Covenante** promyse and graunte to and with the said John Yonge ffrauncys Cawsewell George Strobridge Symon Eppington Edwarde Lytelander Peter Blackaller John Adam Thomas Hewet Edward Clarke William Burknell George Marye John Newton of Dutteford John Burkland John Martye Gregorye Sampford William Cooper Walter Traps John Tytlinge William Mychell and John Eppington Twentye men and every of them their and every of theire executors admynystrators and assignes by theise presents That they the said John Weston Walter Yonge Robert Cawsewell Joseph Cawsewell John Trade Roger Cooper Roberte Burknell John Butter Hugh Newton Stephen Byrde Symon Wye and John Maurkell ffeoffees and every of them shall well and truelye observe perfourme fulfill and keepe all and every the articles and agreement aforesaid accordinge to the true intente purporte and truewe meaninge of the same wherein or in eche and every of them for and behalfe are to bee performed fulfilled and kepte. ##

And the saide John Yonge ffrauncys Cawsewell George Strobridge Symon Eppington Edward Lytelande Peter Blackaller John Adam Thomas Hewet Edwarde Clarke William Burknell George Marye John Newton of Dutteford John Burkland John Marye Gregory Sampford William Cooper Walter Traps John Tytlinge William Mychell and John Eppington Twentye men for them and every of them their and every of theire heires executors and admynystrators **do Covenante** promyse and graunte to and with the said John Weston Walter Yonge Robert Cawsewell Joseph Cawsewell John Trade Roger Cooper Roberte Burknell John Butter Hugh Newton Stephen Byrde Symon Wye and John Maurkell ffeoffees and every of them their and every of theire executors admynystrators and assignes by theise presents That they the said John Yonge ffrauncys Cawsewell George Strobridge Symon Eppington Edwarde Lytelande Peter Blackaller John Adam Thomas Hewet Edwarde Clarke William Burknell George Marye John Newton of Dutteford John Burkland John Marye Gregory Sampford William Cooper Walter Traps John Tytlinge William Mychell and John Eppington and every of them shall well and truelye observe perfourme fulfill and keepe all and every the articles and agreements aforesaid accordinge to the true intente purporte and truewe meaninge of the same wherein or in eche and every of their parte and behalfe are to bee performed fulfilled and kepte.

In wytnes whereof all the parties abovesayd to theise present Articles of Agreemente have severally sett to their Signes and Seales **yeven** the daye monthe and yeare firste above written. ##

ffeoffees

Wm Yonge
John Weston
Robart Cawsewell
Joseph Cawsewell
John Trade
Roger Cooper
Robert Burknell
Signed John Butter
George Newton
Steven Byrd
Signed M Symon Wye
Signed I. John Abbot

Twentye men

John Yonge
ffrauncys Cawsewell
George Strobridge
Symon Eppington
Edwarde Lytelander
Peter Blackaller
John Adam
Thomas Hewet
Edwarde Clarke
Signed William Burknell

George Marye
Signed I N John Newton
Signed D John Burkland
John Martye
Gregory Sampford
William Cooper
walter traps
John Tytlinge
william mychell
John Eppington