

24th Nov^r 1742

Apportionment Book of the Parish Lands
of Colyton

86



This Indenture

made the four and twentieth day of November in the year of our Lord one thousand seven hundred forty and two

of Colyton within the parish of Aiddoathly in the County of Devon Esquire and Philip Mitchell of Colyton in the said County Yeoman the discrete and lawful officers of the parish aforesaid

hereinafter mentioned of the first part Daniel Loring of Sidmouth in the said County of Devon and Susanna his wife the daughter and heir of John Lohewill late of Sidmouth aforesaid Esquire

deceased Thomas son and heir of John Dohwill late of Colyton aforesaid Yeoman deceased of the second part and John Dampson Esquire William Dampson the younger Esquire Thomas Drake gentleman

Ellis Verward Esquire in person Francis Deak Thomas Speed Bonaventura Marwood Esquire William Walton Esquire William Dampson the elder Esquire Thomas Dobbins Yeoman John Darley gentleman

and Edward Quire Yeoman all of Colyton aforesaid joined and moved to be officers in trust of the said parish aforesaid of the third part

That the said Thomas Dobbins Philip Mitchell for the preserving of the parish aforesaid hereinafter mentioned in trust and to the intent that the same may for ever remain and continue for and the souls of the said deceased and profits hereof be from time to time employed and bestowed to good and commendable purposes and deeds of charity and in performance of the trust in them reposed and for and in consideration of the sum of five shillings of lawful money of Great Britain to them in hand paid by the said John Dampson William Dampson the younger Thomas Drake Ellis Verward Francis Deak Thomas Speed Bonaventura Marwood Esquire William Walton Esquire William Dampson the elder Esquire Thomas Dobbins John Darley and Edward Quire before the sealing and delivery of these presents the receipt whereof is hereby acknowledged

That the said Thomas Dobbins Philip Mitchell do give grant bargain sell enfeof and confirm unto them the said John Dampson William Dampson the younger Thomas Drake Ellis Verward Francis Deak Thomas Speed Bonaventura Marwood Esquire William Walton Esquire William Dampson the elder Esquire Thomas Dobbins John Darley and Edward Quire their heirs and assigns

That the said messuage and tenement commonly called or known by the name of the school house and heretofore called by the name of the church house with the appurtenances thereto lying and being within the parish of Colyton aforesaid

And also all that messuage or house called the chambers situate in the town of Colyton aforesaid and all commodities profits advantages and appurtenances to the same belonging formerly in the possession of Edmund Cuzne deceased or his assigns and since that of Nathaniel Dymony and Mary his wife and now in the possession of the said officers

And also those five messuages and tenements in doobhains and doobleshais containing by estimation one hundred and six acres of land and one parcel of Barton land called Kingsdon West containing by estimation three acres and ten acres of land with all and singular their appurtenances whatsoever situate lying and being within the parish of Colyton aforesaid heretofore in the tenure of Edward Drake deceased and now in the possession of the said officers and all that arable or tithable lands woods trees and underwoods whatsoever of in and upon any part of the above said premises growing and being and all that the market and market place in the town and parish of Colyton aforesaid in the place there commonly called the market place to be holden and kept three days in every week that is to say in the days Tuesday Wednesday and Saturday yearly for ever together with all and all manner of tolls customs charges and other casual profits commodities and liberties whatsoever to the said market place belonging or in anywise appertaining and also the office of the Clerk of the market with full power and authority to do and execute within the parish of Colyton aforesaid all and singular that to the Clerk of the market due and shall appertain and belong from time to time for ever and also a fair to begin every year yearly for ever the fourteenth day of October to be holden and kept in such convenient place within the parish of Colyton aforesaid or at such other time as the said John Dampson William Dampson the younger Thomas Drake Ellis Verward Francis Deak Thomas Speed John Cappadough Thomas Dobbins John Daseigh and Edward Quire or the major part of them by proclamation thereof be made shall think fit to be kept and also one other fair to begin every year yearly for ever the first day of May to be holden and kept also in such convenient place within the parish of Colyton aforesaid as the said John Dampson William Dampson the younger Thomas Drake Ellis Verward Francis Deak Thomas Speed John Cappadough Thomas Dobbins John Daseigh and Edward Quire or the more part of them by proclamation thereof be made shall think fit to be kept and a Court of Sessions as to fairs and markets is commonly used in other places within the realm of England and with all and singular other things whatsoever which to fairs do appertain and belong by reason or occasion of the fairs aforesaid as in the fairs in Colyton aforesaid in times past hath been had and run with all casual profits and commodities whatsoever as well in the said Court of Sessions as by reason or occasion of the said fairs and the erection and erections of all and singular the above said messuages lands and tenements and of all and singular other the premises with their appurtenances and also all those messuages lands tenements rents erections services and hereditaments whatsoever with their appurtenances lying and being in Sidmouth or Sidmpton in the parish of Sidmouth and County of Devon aforesaid heretofore in the tenure of one Cristaundone and late in the possession or occupation of one Abraham Barber or his assigns and now in the possession of the said officers

And also all those messuages lands tenements rents erections services and hereditaments whatsoever with their appurtenances situate lying and being in Colyton aforesaid heretofore in the tenure of John Lynde alias Tanner deceased since that of John Lynde or her executor and now in the possession of the said officers

And also all those messuages lands tenements rents erections services and hereditaments whatsoever with their appurtenances in Colyton aforesaid sometimes heretofore in the tenure of Peter Spurway in the right of his wife and late in the tenure of Robert Woodman and Margaret seaward widow and since that of Christopher and now in the possession of the said officers

And also all those messuages lands tenements rents erections services and hereditaments whatsoever with their appurtenances lying and being in Colyton aforesaid sometimes in the tenure of William Bishop deceased since that of William Inceps and now likewise in the possession of the said officers

And also all those messuages lands tenements rents erections services and hereditaments whatsoever with their appurtenances lying and being in Colyton aforesaid sometimes in the tenure or occupation of Philip Darrocy deceased and lately in the tenure of Edmund Kerby deceased since that in the tenure of Margaret Kerby widow and now in the possession of Robert Pykes

And also all those messuages lands tenements rents erections services and hereditaments whatsoever with their appurtenances lying and being in Colyton aforesaid sometime in the tenure or occupation of Walter Cape deceased and lately in the tenure of Walter Cape his son and now in the possession of Edward White or of his assigns

And also all those messuages lands tenements rents erections services and hereditaments whatsoever with their appurtenances in Colyton aforesaid sometime in the tenure of Francis Carvost gentleman deceased and late in the tenure of John Carvost gentleman since that in the possession of Edmund Walton the elder Esquire and now in the possession of William Walton Esquire or his assigns

And also all those messuages lands tenements rents erections services and hereditaments whatsoever with their appurtenances situate lying and being in Sidmpton in the County aforesaid sometimes heretofore in the tenure of Michael Capp deceased since that in the tenure of Margery Capp or her assigns and now in the possession of the said officers

And also all those messuages lands tenements rents erections services and hereditaments whatsoever with their appurtenances in Sidmpton aforesaid sometime heretofore in the tenure or occupation of Michael



Callow and late in the tenure of Swithon deare and now in the tenure of Adam Clark and Mary Colman or their Assigns and now in the possession of Henry Clark and John Andalso all that messuage or burgage with its appurtenances in London aforesaid and sometime heretofore in the tenure of Philip de Rouen and late in the tenure of John Turberville sire that of John Collyns Gentleman and now in the possession of the said Messiaes or of their Assigns **And also** all that messuage or burgage with its appurtenances in London aforesaid and sometime heretofore in the tenure of Occupation of Lawrence de Rouen deceased sire that of John Capp and now in the tenure of George King or his Assigns **And also** all those messuages lands tenements rents royalties services and hereditaments whatsoever with the appurtenances thereto lying and being in the Parish of St Dunstons in the County aforesaid sometime heretofore in the tenure of John de Wyndesore and late in the tenure of Richard de la Beche and now in the tenure of John de la Beche or his Assigns **And also** all those lands and tenements with the appurtenances in Colyton aforesaid called ad daves dant sometime heretofore in the tenure of Sir William de la Beche knight deceased and late in the tenure of Lady Jane de la Beche also deceased and now in the tenure of Sir John de la Beche or his Assigns **And also** all that messuage or dwelling house where one Richard de la Beche with lately dwelt and all houses rooms chimneys gardens and closes of land thereto adjoining with the appurtenances containing by estimation one burgage of land be it more or less situated lying and being in the Burrough of Colyton aforesaid and bounded with the high way leading from Colyton towards Colyton in the West and leading to a parcel of land late of one Robert de la Beche on the North the land of Humphrey de la Beche Esquire in the East and the high way or street there on the South and west formerly in the tenure of Occupation of the said Richard de la Beche sire that of Ralph de la Beche or of his Assigns sire that of John de la Beche deceased but now in the possession of the said Messiaes **And also** all that one other close of land with the appurtenances containing by estimation one burgage and half a burgage of land be it more or less situated lying and being in the said Burrough of Colyton aforesaid between the lands of the heirs of Thomas de la Beche lately in the possession of one Richard de la Beche on the West the high way or street there on the North the lands of John de la Beche Esquire and William Collyns Gentleman on the East and the lands of the heirs of William de la Beche on the South late in the tenure of the said Richard de la Beche and of Henry de la Beche and William de la Beche their or one of their Assigns or Assigns and also all woods underwoods trees hedges ditches paths ways easements washwaters water courses commons profits and commodities and hereditaments whatsoever and singular the premises aforesaid or to any part or parcel thereof in any wise belonging or appertaining and the rents royalties and services of all and singular the premises aforesaid with the appurtenances together with all deeds charters or covenants and writings whatsoever touching the said premises only or only any part or parcel thereof all which last mentioned premises lying in Colyton aforesaid were heretofore purchased and had of the gift and grant of Walter de la Beche Esquire deceased **to have and to hold** all and singular the said messuages lands tenements and hereditaments and all and singular other the before mentioned premises and every part and parcel thereof with the appurtenances unto the said John Dampson William Dampson Thomas Drake Ellis Bernard de la Beche Thomas de la Beche Thomas de la Beche William de la Beche William de la Beche the elder Thomas de la Beche John de la Beche and Edward de la Beche their heirs and Assigns for ever **to the use and behoof of them their heirs and Assigns for ever** **upon trust** and to use notwithstanding and to the uses intents and purposes hereafter expressed and limited **That is to say** **in trust** that the clear yearly sum of five pounds of lawful money of England of the rents royalties and profits of all the said premises except the lands at ad daves dant otherwise ad dempton in the Parish of Shute and the premises purchased and had of the gift and grant of the said Walter de la Beche in Colyton aforesaid shall be yearly employed and bestowed to and for the maintenance and keeping of a school within the Town of Colyton aforesaid to have unto in name for ever the schoolmaster for the same to be from time to time chosen nominated and elected by the said Messiaes and twenty men of the said Parish of Colyton for the time being or the most part of them as now are or hereafter shall be chosen elected or put in trust for the common utility and profit of the Parishioners of the said Parish to be named or known by the name of the twenty men and by them again upon any lawful or just occasion to be dismissed and displaced and by none other and that the residue of the rents royalties and profits yearly coming growing arising and receiving of in or upon the aforesaid premises except before excepted after raising of the said yearly sum of five pounds shall be expended employed and bestowed to such good godly and commendable purposes and deeds of charity as in time to time shall seem most and convenient unto such Messiaes and twenty men of the said Parish of Colyton for the time being or the most part of them as aforesaid **And in trust** that the clear yearly sum of five pounds of like lawful money out of the rents royalties and profits of the messuage and premises in London aforesaid otherwise ad dempton in Shute aforesaid shall be paid by quarterly payments to the said schoolmaster for teaching instructing and bringing up in learning five such of the poor boys of the said Parish of Colyton whose parents shall not be well able to maintain them at the said school as the said Messiaes and the said twenty men of the said Parish or the major part of them for the time being shall nominate choose put to school desire and appoint the said schoolmaster for the time being to teach and instruct and that the residue of the rents and profits of the said messuage and tenement shall be from time to time disposed of in such manner and for such public uses of the said Parish of Colyton as the said Messiaes and twenty men of the said Parish shall think fit to order and appoint and that the rents royalties and profits of the excepted lands in Colyton shall be paid yearly for ever for and towards the house rents of such poor peopls of Colyton and Colyton aforesaid as the said Messiaes and twenty men of the said Parish of Colyton or the more part of them for the time being shall appoint **And whereas** the said John de la Beche the grandfather at the time of his death stood and was seized in his Demesne as of free by Copy of Court Roll according to the custom of the Manor of Chery Saint Gregory in the said County of Devon of and in one messuage and eight Acres of land with the appurtenances in Chery Saint Gregory aforesaid of the tenure of the said John de la Beche under the yearly rent of three shillings **And also** of one messuage and one Acre of land of the same tenor lying at Cippitill foot under the yearly rent of seven pence **And also** of two Acres of land of the same tenor lying at Allington under the yearly rent of eight pence and which was in trust for the Messiaes and twenty men of the said Parish of Colyton and the said Juliana de la Beche is now in trust to the said Copyhold premises as heir to her said grandfather **to wit** **in indenture** for the said Juliana de la Beche and her heirs Executors and Administrators and for the said Juliana his wife and her heirs and Assigns that she the said Juliana de la Beche shall and will at any time or times hereafter at the reasonable request request and charges of the said John Dampson William Dampson Thomas Drake Ellis Bernard de la Beche Thomas de la Beche William de la Beche the elder Thomas de la Beche John de la Beche and Edward de la Beche their heirs and Assigns that she the said Juliana de la Beche shall and will at any time or times hereafter at the reasonable request request and charges of the said John Dampson William Dampson Thomas Drake Ellis Bernard de la Beche Thomas de la Beche William de la Beche the elder Thomas de la Beche John de la Beche and Edward de la Beche their heirs and Assigns be admitted to the said Copyhold premises and afterwards yearly and absolutely surrender and give up in to the hands of the Lord or Lords of the said Manor of Chery Saint Gregory aforesaid or of his or their Heirs for the time being according to the custom of the said Manor all and singular the said Copyhold premises with their and every of their appurtenances and all her estate right title and interest of and in the same and of in and to



And part and partell thereof with the appurtenances To the end and intent that the same may be immediately granted unto them the said John Sampson William Dampfield Thomas Drake
 Ellis Voryard Heauris Drath Thomas Wood William Walrod William Dampfield the elder Thomas Dostins John Bailey and Edward Squire their heirs and Assigns for ever according to the custom
 of the said Mannor And it is agreed by and betwixt the said parties to these presents and it is the true intent and meaning hereof that from and immediately after such surrendor
 and grant shall be made as aforesaid the rents issues and profits of the same Copyhold premises shall be expended employed and bestowed to such good godly and commendable purposes and deeds of
 Charity as from time to time shall seem meet and convenient unto the said Feoffees and the said twenty men of the said parish of Colyton for the time being or the most part of them as aforesaid and to the
 intent that the said Messuages Tenements and all and singular the premises hereby granted and intended so to be may continue remain and be enjoyed to and for the uses tenets intents and purposes
 hereinbefore mentioned and expressed they the said John Sampson William Dampfield Thomas Drake Ellis Voryard Heauris Drath Thomas Wood William Walrod William Dampfield the elder Thomas Dostins John Bailey
 and Edward Squire do agree for themselves severally and respectively and for their heirs and assigns Executors and administrators and not the one for the other or for the said Executors or
 administrators of the other to warrant promise and agree to and with the said Thomas Wood and Philip Mitchell their heirs Executors and administrators by these presents in manner and form
 following That is to say that they the said John Sampson William Dampfield Thomas Drake Ellis Voryard Heauris Drath Thomas Wood William Walrod William Dampfield the elder Thomas Dostins John Bailey
 and Edward Squire any or either of them or their or either of their heirs shall not nor will at any time hereafter sell lett give grant or demise the aforesaid premises or any of them or any part or parcel thereof
 to any person or persons whatsoever otherwise than shall be from time to time directed and appointed by the said Feoffees and twenty men of the parish of Colyton aforesaid or the most part of them for the
 time being and further when and at such time as the said John Sampson William Dampfield Thomas Drake Ellis Voryard Heauris Drath Thomas Wood William Walrod William Dampfield the elder Thomas Dostins John Bailey
 and Edward Squire shall by death or otherwise be reduced to the number three then such three surviving Feoffees shall upon reasonable request to them to be made in that behalf by the said twenty men of
 the said parish of Colyton or the major part of them for the time being surrendor the said Copyhold premises and convey and assure all the aforesaid premises and every part and parcel thereof with all and
 singular their Appurtenances in such order manner and form and unto such other person and persons of the parish of Colyton aforesaid who either themselves or their parents have estates in the said
 parish as shall be nominated and appointed by the said surviving Feoffees and twenty men for the time being or the most part of them to the like uses intents and purposes as is before mentioned and
 declared in this present Indenture and to none other And the said Thomas Wood and Philip Mitchell have constituted appointed and in their place put and by these presents do constitute appoint and
 in their place put William Dobby of Colyton aforesaid Fuller and Isaac Alman of the same place Barbers both of Colyton aforesaid their true and lawful Attorneys jointly and severally for them and
 in their name and stead into the said granted premises or into some part or parcel thereof in the name of the whole to enter and possession and seisin thereof or of some part thereof in the
 name of the whole to take and possession and seisin thereof or of some part thereof in the name of the whole to take and after possession and seisin thereof so had and above bearsable possession
 and seisin thereof or of some part thereof in the name of the whole to deliver unto the said John Sampson William Dampfield Thomas Drake Ellis Voryard Heauris Drath Thomas Wood William Walrod
 Thomas Dostins John Bailey and Edward Squire or to one of them to the use of them all or their heirs and Assigns according to the true purport and meaning of this present
 Indenture ratifying allowing and holding firme all and whatsoever their said Attorneys or either of them shall do in the premises by Virtue and force of these presents In Witnes
 whereof the parties above named to these present Indentures their several hands and seals Interchangeably have set Affixed the day and year first above written

Jno Sampson
 Wm Dampfield

Tho Drake
 Ellis Voryard

Tho Wood
 Wm Walrod

Wm Dampfield
 Tho Dostins

John Bailey
 Edward Squire