

24th Nov^r 1742.

Articles between the Feoffees and the
Twenty Men of the Chamber of Colyton

8c



4

Also It is agreed between the said parties that before any lease or grant of any part of the said parish lands of Colyton shall pass or be letten to any person or persons whatsoever that the said feoffees or twenty men or the most part of them shall at some convenient time or times meet and confer together about the granting leasing or letting thereof to consider of the same and therein to give their advice and consent which shall be fittest to be done in that behalf of which meeting and conference so to be had the Vicar Minister or Parish Clerk for the time being or the said Bailiff for the time being shall give warning in the Church or Churchyard after evening prayer in this sort or the like in effect as followeth (That is to say) Neighboures this day after evening prayer or dusk a day a conference is to be had about the leasing or letting of such a tenement or such a piece of ground lying in such a place being of the parish lands at which conference you that be feoffees and twenty men ought to be present.

5

Strangers to have access to offer and so forth

Also It is agreed between the said parties that the sale for leasing setting or letting of the said parish lands or any part thereof shall be made in such open and convenient place where strangers may have access freely to offer and to bargain for such things as shon are to be letten leased or granted for the benefit of the said parish and where also the residue of the said parishioners of Colyton being neither of the feoffees or twenty men may hear and see what is done in that behalf wherein they also may give their advice and consent about the leasing or letting thereof if need so require or to make offer for estates of those things which are then there to be leased or granted and the best Chapman to be heard.

6

five shillings penalty on every feoffee refusing to sign any lease and so forth

Also It is agreed between the said parties that no lease or grant hereafter be made of any part or partell of the said parish lands to any person or persons whatsoever either for a term of life or lives year or years or otherwise but only at the public meeting above mentioned and that also by the general consent of the most part of the said feoffees and the most part of the said twenty men and that such an estate or lease so granted the said feoffees and every of them within one and twenty days next after request unto them to be made by the buyer thereof shall sign seal and deliver as their deed so as it be exhibited and offered unto them in writing made in due form of law and according to their agreement and upon reasonable demands upon pain of five shillings for every week to be paid by every of the said feoffees which shall refuse so to seal and deliver the said lease or grant and pain is to be paid to the Bailiff or Bailiffs of the said parish lands aforesaid to the use and behoof of the poor of the said parish and that every such lease so to be made shall be indented the counterpart of which shall forthwith after the sealing thereof be put into the aforesaid place appointed for keeping the charters and writings aforesaid there to be kept.

7

If any feoffee and twenty men shall make any lease or grant contrary to the said articles to forfeit five pounds and the value of the thing so leased

Also It is agreed between the said parties that if any of the said feoffees and twenty men shall at any time hereafter take upon him or them to make any lease or leases grant or grants of any of the said parish lands to any person or persons contrary to the true meaning and intent of the former articles that then the said person and persons so offending and every of them shall forfeit and pay to the Bailiff or Bailiffs of the said parish lands of Colyton for the time being the sum of five pounds of turrent English money and also the value of the thing so leased or granted being valued as it shall be worth to be sold the same for forfeiture to be to the use and behoof of the poor of the aforesaid parish according to the discretion of the rest of the said feoffees and twenty men or the more part of them.

8

No sum exceeding three shillings and four pence to be disbursed without consent of the more part of Chamber under penalty of double the sum

Also It is agreed between the said parties that if any of the said feoffees or twenty men shall obstinately wilfully or unadvisedly take upon him or them to convert and bestow the said rents revenues and sums of money to any use or uses without the consent or direction of the most part of the said feoffees and twenty men therein to first had and obtained that then such person and persons so offending and every of them shall forfeit and pay unto the Bailiff or Bailiffs of the said parish lands of Colyton for the time being double the value of such money as by them or any of them shall be so converted and bestowed the which money so forfeited shall be bestowed to the use and behoof of the poor people of the said parish of Colyton according to the discretion of the rest of the said feoffees and twenty men by the consent of the most part of them.

9

attendance to be given under penalty of two shillings and six pence a piece

Also It is likewise agreed between the said parties that every of the said feoffees and twenty men shall from time to time upon notice or warning given to them or left in writing at their respective habitations or dwelling houses give his and their diligent attendance and travel for the leasing or letting of the parish lands aforesaid for the good ordering or well improving of the rents revenues and profits coming and growing of the same upon pain of paying and forfeiting two shillings and six pence a piece by every of them from time to time making default to be paid to the Bailiff or Bailiffs of the said parish and of Colyton for the time being to the use of the poor of the said parish except sickness or any great cause shall let him or them to do his or their endeavours therein the same left or directed to be adjudged by the rest of the said feoffees and twenty men.



Also

It is agreed between the said parties that if any of the said twenty men which now are or which at any time hereafter shall be nominated elected and appointed shall at any time hereafter shew themselves to be contrary to the trust in them reposed or to be insufficient obstinate or wilfully inclined to do wrong their own assertions and will not be tractable nor yield their consent to such good orders as from time to time shall be thought most meet and convenient for the benefit and behoof of the parish of Colyton aforesaid according to the good liking of the more part of the rest of the said twenty men and feoffees that then it shall and may be lawful to and for the rest of the said twenty men and feoffees by the consent of most of their voices to dismiss exclude and put out of their society and company the said person and persons so being found to be obstinate wilful or insufficient and in his and their place and places to nominate elect and appoint some other meet and sufficient person or persons to supply their place and places of them and each of them so dismissed and excluded.

10
Such as are obstinate or insufficient and so forth to be dismissed and others elected.

Also

It is likewise Agreed between the said parties that if any of the said twenty men which now are or hereafter shall happen to be removed that then the person and persons so removed shall no longer be any of the said twenty men but shall be excluded and also from thenceforth freed from all forfeitures pains and penalties which upon him or them might be inflicted by reason of these Articles of Cognants and that whosoever die of the said twenty men shall happen to be removed or die that then six other honest men of the said parish or of such persons who either themselves or their parents have estates in the said parish shall be elected nominated and appointed and put in the place of them so removed or dead by such officer of the said twenty men and such of the said feoffees as shall be then alive or the more part of them and that within the space of half an year next and immediately after such removing or death of the said six upon pain of five shillings to be paid to the Bailiff or Bailiffs of the parish lands of Colyton aforesaid for the time being to the use of the poor of the said parish by every one of the said feoffees and twenty men then being alive other than such of the same feoffees and twenty men as shall be able to prove by the testimony of two credible persons that he or they were present and ready at the time and place appointed to do his or their duty in this election and appointment provided always that warning be given in this behalf by the Vicar minister or parish Clerk or Bailiff for the time being as in the fourth Article is before expressed or else no penalty in this Article to be forfeited.

11
Any of the twenty men that shall remove to be excluded and freed from penalties and when six are removed or dead six other to be chosen in half a year of such removal or death by the survivors and or penalty of five shillings.

Also

It is agreed between the said parties that whosoever the said feoffees shall come to the number of three that then the same three feoffees and the said twenty men or the more part of them for the time being and sufficient to manage in the Law at the costs of the parish of Colyton aforesaid within forty days next following to cause all such Lands Tenements and hereditaments as they the said old feoffees stand seized of in trust to the use and benefit of the aforesaid parish of Colyton to have and to hold the same Lands Tenements and hereditaments to the said new feoffees and their heirs for ever to the same uses that the said old feoffees now stand seized of upon the several pains and penalties hereafter expressed (that is to say) upon pain of twenty shillings to be paid by every old feoffee for every week that he or they shall refuse or default the time to do their duties therein and upon pain of five shillings to be paid by every of the said twenty men for every week that he or they shall neglect their duties on this behalf the same pains and forfeitures to be paid to the said parish Bailiff or Bailiffs for the time being to the use of the poor of the said parish and that no person or persons shall at any time hereafter be admitted to be one of the twenty men before mentioned but such only as shall willingly covenant by writing under his or their hands and seals to the feoffees aforesaid truly to observe perform fulfill and keep all and every the Articles and Agreements in these presents contained according to the purport and true meaning of the same which on his or their parts are or ought to be performed and kept as the said twenty men there now have covenanted and faithfully promised.

12
When the feoffees are in number but three then they are with the twenty men within one month to make a new agreement and so forth to new feoffees under penalty of twenty shillings.

Also

It is likewise agreed between the said parties that for the more honest and discreet person or persons be appointed and compounded with all to do and execute within the aforesaid parish of Colyton those three Offices hereafter expressed (that is to say) to exercise and execute the Office of the Clerk of the market for and under the authority of the feoffees of the parish lands of Colyton aforesaid and shall execute the same Office from time to time according to the Laws of the Land and the privilege of the Charter of Colyton aforesaid thereby to preserve and save the same liberties and privileges of the said parish which for want of execution may be infringed whereby to keep the Court of piepowder in and during the fairs which shall be holden and kept within the said parish of Colyton as is Lawfully by the Letters patents of Colyton aforesaid and as is also in other fairs used and accustomed and thirdly to be a notarie to register and keep a Book of all such material matters and things as shall be at any time hereafter touched and agreed upon in any conference and meeting between the said feoffees and twenty men or the more part of them for whose paynes and travels in this behalf of the said person or persons so to be appointed shall have such yearly fee and allowances as he or they may be reasonably agreed withal by the said feoffees and twenty men or more part of them.

13
Clerk of the market Clerk of the piepowder and a notarie with their several duties.

Also

It is likewise Agreed upon by the said parties that if any suit or action in Law shall at any time hereafter be commenced preferred or set forth against any person or persons whatsoever in the name of the said feoffees of the parish lands of Colyton or in the name of any of them for any matter or cause whatsoever concerning the said parish lands of Colyton or any part thereof or for the rents issues or profits of the same with consent of the said twenty men and feoffees or the more part of them that then the said feoffees or any of them shall not release any such suit or action so preferred or commenced or set forth or be non suit in the same nor shall release any person or persons whatsoever by whom any such suit or action may hereafter be commenced as aforesaid without the consent of the rest of the said feoffees and twenty men or the more part of them upon pain of five pounds of lawful money of England by every one making default over and above the damage that the parish here shall or may receive by such release or non suit the same to be paid to the parish Bailiffs to the use of the poor of the said parish.

14
Not to release an action brought without consent of the rest of the feoffees and twenty men under penalty of five pounds.



Also It is agreed between the said parties that if any of the said feoffees and twenty men at any time from henceforth in any general meeting or conference to be had for or about the said parish lands or any thing touching or concerning the same shall misbehave himself either in swearing or blaspheming the name of God or in abusing or misusing any person by unseemly words that then every such person and persons so offending shall forfeit and lose to the poor of the said parish six pence of current English money to be paid to the said parish Bailiff to the use of the poor aforesaid.

Also It is further understood and agreed upon by and between the said parties that it shall and may be lawful from time to time to and for the said Bailiff or Bailiffs for the time being to levy the said forfeitures and pains limited and appointed as is aforesaid by way of distress to be taken of the goods and chattels of such as shall offend contrary to the said Agreements and Articles which distress and distresses the said Bailiff or Bailiffs shall and may detain and keep until such pains and forfeitures so to be lost and forfeited shall be well and truly satisfied and paid to the use aforesaid.

Also moreover it is agreed upon between the said parties that these Articles and such other Articles as shall be made hereafter by the said twenty men and feoffees which now be or hereafter shall be or by the more part of them shall openly be read before the parishioners of Colyton aforesaid as many of them as list to be present at such convenient time and times and by the said feoffees and twenty men living or by the more part of them shall be thought meet and convenient and if at any time they think it good new Articles to be made and the old to be abolished or reformed as time and occasions shall require and as by the said feoffees and twenty men or the more part of them shall be thought expedient so that none of them be made contrary to the laws of the Land or to the hurt or hindrance of the common good of the parish of Colyton.

feoffees consent with the twenty men to perform these Articles.

And the said John Sampson William Dampfield the younger Thomas Drake Ellis Voryard Francis Pratt Thomas Speed Benedictus Darnwood William Darnwood William Dampfield Thomas Doshkins John Bailey and Edward Squire feoffees aforesaid do covenant promise and grant each of them severally and respectively for himself his heirs Executors and administrators to and with the said Sir William Yonge George Evelyn Thomas Marwood Sir John Cole James Marwood Ellis Bartlett Thomas Withers Thineas Clook Thomas Seare Thomas Happer John Dones John Colasworthy John Drake John Sampson the younger William Drake William Luppy Richard Swayne Thomas Seare John Hood and John Red twenty men aforesaid and to and with every of them their and every of their Executors and administrators by these presents that they the said John Sampson William Dampfield Thomas Drake Ellis Voryard Francis Pratt Thomas Speed James Bishop John Capp John Clifton Thomas Doshkins John Daseleigh and Edward Squire and every of them from time to time shall well and truly observe perform fulfill and keep all and every the articles and Agreements aforesaid according to the intent purport and true meaning of the same which on their and every and each of their parts and behalves are to be performed and kept.

And the said Sir William Yonge George Evelyn Thomas Marwood Sir John Cole James Marwood Ellis Bartlett Thomas Withers Thineas Clook Thomas Seare Thomas Happer John Dones John Colasworthy John Drake John Sampson the younger William Drake William Luppy Richard Swayne Thomas Seare John Hood and John Red and every and each of them shall well and truly observe perform fulfill and keep all and every the articles and Agreements aforesaid according to the intent purport and true meaning of the same which on their and every and each of their parts and behalves are to be performed fulfill and kept. IN WITNESSE whereof the parties above named to these present Articles their several hands and seals interchangably have set the day and year first above written.

Sampson *Dampfield* *Tho* *Speed* *John Sampson Junior*
Drake *W* *Marwood* *Will* *Drake* *John* *George*
Voryard *W* *W* *W* *W* *W* *W*

Sealed and Delivered by the within named
John Sampson William Bampfild the younger
Thomas Drake His brother Thomas Good
William Waldron John Sampson the younger
William Drake and John Good in the
presence of

John Galmer.
Philip Mitchell