

24. May 1694
1695

This Indenture

Made the second day of April in the year of the reign of our sovereign Lord James by the grace of God of England France & Ireland King, Defender of the Faith &c the one & twentieth and of Scotland the six and fiftieth. **Retirene**

Francis Bagwell of Colton in the County of Devon yeoman of the one part, **And Joseph Long, John Sampson Sen, Francis Weston, Robert Harrant, John Gauswill** younger, **James Gauswill** gentlemen, **Walter Marcy, Thomas Harrantlyn** holder, **John Holwill** & **Edward Bagwell** younger of Colton aforesaid of the other part **witnesseth** that whereas the said Francis Bagwell now is & standeth lawfully seized as of free &c by copy of Court Rolls according to the Custom of the Manor of Ottery St Maurice in the County of Devon, with George Strubridge gent, Edward Duake, John Dentland holder, Walter Marcy's of Colton aforesaid, as by his writing of the said Attorney concerning the same Surrender more at large it doth & more appeare. All the said Messuages lands and Tenements with appurtenances by the death of the said George Strubridge, Edward Duake, John Dentland &c holden, Walter Marcy's, Walter Weston, Richard Carpenter, George Marcy and John Weston the younger of Wilbays now devised together together to the said Francis Bagwell. By reason of a gift & surrender of one John Marcy of Hircathayns who in the year 1680 holden, Walter Marcy's, Walter Weston, Richard Carpenter, George Marcy and John Weston the younger of Wilbays now devised together together to the said Francis Bagwell by right of Curtesy. And forasmuch as it is evident & manifest appeare to the said Francis Bagwell, as also to others the Inhabitants and possessors of the said Town and parish of Colton, that the said Francis Bagwell as yet hath not taken the benefit & possession of the same to his own private use, but that the rents issued & profits thereof are yearly arising coming & growing more by the consent & agreement of the more or better sort of the said possessors of Colton committed employed & bestowed to such & such commendable purposes & uses of the said Francis Bagwell, as to witte, either for the finding of a Schoolmaster for the good & virtuous education & bringing up of Children in Learning, for the speedy setting forth and furnishing of Soldiers to serve the Queen in times of warres, for the relief & succour of the poor, aged & impotent persons, and for the repairing and amending of bridges & high wayes within the said parish and other good and charitable uses to be disposed & expended as occasion should serve and as it should seeme most meet & convenient for the common utility & profit of the said possessors of Colton aforesaid. **Therefore** have the said Francis Bagwell at the speciall instance request and desire of the said Joseph Long, John Sampson, Francis Weston, Robert Harrant, John Gauswill, James Gauswill, Walter Marcy, Thomas Harrantlyn, John Holwill & Edward Bagwell, as also of divers other good and well disposed persons of the said parish of Colton, and having a good love real & affection towards the said parish, and with all calling to his remembrance the trust & confidence before his time in him reposed concerning the disposing of the rents and profits of the said lands and Tenements. **Doth** now by these presents covenant, grant and agree for himselfe his heirs executors administrators & assigns to and with the said Joseph Long, John Sampson, Francis Weston, Robert Harrant, John Gauswill, James Gauswill, Walter Marcy, Thomas Harrantlyn, John Holwill and Edward Bagwell and every of them, their heirs executors & assigns and their executors and assigns of every of them, that hee the said Francis Bagwell his heirs or assigns before the feast of St Michaels Churching next ensuing after the date hereof upon reasonable request to him to be made shall & will cheerly and absolutely Surrender and yield up into the hands of the Lord or Lords of the said Manor of Ottery St Maurice aforesaid or of his or their Steward there for the time being, according to the Custom of the said Manor, Yield all the said Messuages lands & Tenements and other the premises before recited & specified with all & singular their appurtenances, as also his estate title & interest of in & to the same and of in and to every of & part thereof, to the trust and behoofe of the said Joseph Long, John Sampson, Francis Weston, Robert Harrant, John Gauswill, James Gauswill, Walter Marcy, Thomas Harrantlyn, John Holwill and Edward Bagwell their heirs & assigns for ever. **And in Consideration** of the same Surrender so to be made, and to the intent and purpose that the rents issued & profits of the said lands & Tenements maye from henceforth be employed & bestowed to such and such like uses as are before recited. **Therefore** doe the said Francis Bagwell covenant, grant and agree severally and respectively each of them for himselfe his heirs executors administrators & assigns to & with the said Francis Bagwell his heirs executors administrators and assigns by these presents in manner & forme following, that is to saye, That they the said Joseph Long, John Sampson, Francis Weston, Robert Harrant, John Gauswill, James Gauswill, Walter Marcy, Thomas Harrantlyn, John Holwill and Edward Bagwell now any one of them will not at any time hereafter give, graunt, demise, sett, Surrender or yield up the said lands or Tenements or any part or parcel thereof to any person or persons otherwise then shall be limited and appointed by the direction of the Twentie men of Colton aforesaid now being or who hereafter shall be or the most part of them, and that the rents issued & profits of the said messuages lands & Tenements yearly arising coming & growing shall not be bestowed employed or disposed at any time hereafter without the consent, consent or agreement of the said Twentie men or the more part of them for the time being be hereunto before had & obtained: **And** that at all such times as there shall be but two or three persons of the said Joseph Long, John Sampson, Francis Weston, Robert Harrant, John Gauswill, James Gauswill, Walter Marcy, Thomas Harrantlyn, John Holwill & Edward Bagwell living, That then the said Francis Bagwell living being but two or three in number shall upon reasonable request unto them to be made in that behalf by the said Twentie men of the said parish of Colton aforesaid now being or who hereafter shall be or the most part of them, Surrender, give, demur and yield up into the hands of the Lord or Lords of the said Manor of Ottery St Maurice aforesaid or of his or their Steward there for the time being, according to the Custom of the same Manor, aswell all the said Messuages lands and Tenements, as also all such right title & interest as they & every of them then living shall then have of in and to the premises with all and singular their appurtenances in such manner & forme and unto such other person or persons of the parish of Colton aforesaid as shall be nominated and appointed by the said Twentie men or the most part of them, to the like use, intent and purpose as is before mentioned and declared in these presents Indentures and to none other use. **In witness whereof** the said Francis Bagwell to these presents, have to the same interchangably putt their hands and Sealed the date & year first above written.

Francis Bagwell
Holder

Signed sealed and delivred to Peter Baywell to Cust of the within named
Joseph Longe John Sampson Abraham Weston Robert Haurant John Currier
James Hainswell Walter Neary Thomas Abraham John Holmell & Edward
Baywell, in the presence of those underwritten vizt.

Ma: yonal
Mm: Hull:
John Carver
Stephen Byrde
John Goodo

Sigmo M Simonis Vno
Teste me Petro Baywell

2 April - M. Jains.
Baywell to Goodoer Covenant to
summondor # Othory Landt

1623

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