

9 March 1680

Edm Holoall to Bagwell and
others concerning the Surrender
of a Part of Henry Land's

Attest Countess

7/7 b

1680 His Indenture made the ninth day of March in the three and thirtieth year of the reign of ^{our} Sovereign Lord Charles the second King of England &c Anno Domini 1680. Betweene John Holwill of Colyton in the County of Devon yeoman of the one part and Francis Baywell Richard Newton Phillip Mitchell John Whicker Peter Seller and Peter Cirten Hoosters of the parish Lands of Colyton aforesaid of the other part where as John Holwill deceased father of the said John Holwill stood and was some tyme while he lived together with Joseph Loney John Sampson Francis Weston Robert Farrant John Caswell James Caswell Walter Matoy Thomas Grantlyn and Edward Baywell jointly and lawfully seized in his and their demesne as of fee by Copy of Court Rolle according to the Custome of the Manor of Colyton S^t Mary in the said County of Devon of and in divers Messuages Lands and Tenements with their appurtenances situate lying and beinge within the parish and Town of Colyton aforesaid

At w^{ch} the said Messuages Lands Tenements and premises the said John Holwill dyed sole seized in his demesne as of fee by right of Survivorship upon and after whose death those said Messuages Lands Tenements and premises descended and came unto the said John Holwill and to those presents as some and heirs of the said John Holwill deceased. Now this Indenture witnesseth that the said John Holwill gave to those presents doct^r well know and likewise confess that the above written premises was given and enfeoffed in trust to the intent that the rents issues and profits of the same should be employed and bestowed to some honorable purpose and doode of charity And not to be converted to his own private use and benefit And beinge very willinge and desirous to discharge his duty in this behaffe and to discharge himselfe of the said trust. And now by those presents Covenant promise and grant and agree for himselfe his heirs executors Administrators and assigns to and with the said Francis Baywell Richard Newton Phillip Mitchell John Whicker Peter Seller and Peter Cirten and every of them and to and with the heirs executors Administrators and assigns of every of them that he the said John Holwill gave to those presents his heirs or assigns before the feast of S^t Michael the next ensueing after the date hereof upon reasonable request to him to be made shall and will shortly and absolutely surrender and yield up into the hands of the Lord or Lords of the said Manor of Colyton aforesaid or of his or their Steward there for the tyme beinge according to the custome of the said Manor aswell all the said Messuages Lands Tenements and premises before written and specified with all and singular their appurtenances as alsoe all his estate title and interest of and in the same and of and in every part and parcel thereof to the use and behoofe of the said Francis Baywell Richard Newton Phillip Mitchell John Whicker Peter Seller and Peter Cirten their heirs and assigns for ever. And in Consideration of the same Surrender to be made to the intent and purpose that the rents issues and profits of the said Messuages Lands Tenements and premises may forever be employed and bestowed to such and the like uses as are before written the said Francis Baywell Richard Newton Phillip Mitchell John Whicker Peter Seller and Peter Cirten beinge now alsoe appointed and nominated to stand seized of the same Messuages Lands and Tenements only of trust and confidence doe Covenant promise grant and agree severall and respectively each of them for himselfe his heirs executors Administrators and assigns to and with the said John Holwill his heirs executors Administrators and assigns by those presents in manner and forme followinge (that is to say) that they the said Francis Baywell Richard Newton Phillip Mitchell John Whicker Peter Seller and Peter Cirten or any one of them will not at any tyme hereafter give grant demise sell surrender or yield up the said Messuages Lands or Tenements or any part or parcel thereof to any person or persons otherwise than shall be limited and appointed by the discretion of the Curia vicaria of Colyton aforesaid now beinge or whiche soever shall be or the most part of them. And that the rents issues and profits of the said Messuages Lands and Tenements yearly risinge cominge and growinge shall not be employed bestowed or disposed of at any tyme hereafter without the assent consent or agreement of the said Curia vicaria or the most part of them for the tyme beinge be therunto before had and obtained. And that all such tyme as there shall be but two or three of them the said Francis Baywell Richard Newton Phillip Mitchell John Whicker Peter Seller and Peter Cirten livinge that then they the said presents livinge beinge but two or three in number shall upon reasonable request to them to be made in that behaffe by the said Curia vicaria of the said parish of Colyton aforesaid now beinge or whiche soever shall be or the most part of them Surrender give over and yield up into the hands of the Lord or Lords of the said Manor of Colyton aforesaid or of his or their Steward there for the tyme beinge according to the custome of the same Manor aswell all the said Messuages Lands and Tenements as alsoe all such right title and interest as they and every of them then livinge shall then have in and to the premises with all and singular their appurtenances in such manner and forme and unto such other person or persons of the parish of Colyton aforesaid as shall be nominated and appointed by the said Curia vicaria or the most part of them to the use intent or purpose as is above mentioned and doo^r said in these presents Indentures and to no other use intent or purpose what soever. In witness whereof the said Francis Baywell Richard Newton Phillip Mitchell John Whicker Peter Seller and Peter Cirten have to the said Indenture in testimony of their hands and seals at Colyton the ninth day of March 1680.

Francis Baywell Phillip Mitchell John Whicker Peter Seller Peter Cirten

Deales and dolutes
in the presence of

Robert Thorne


1680