

1680

His Indenture made the sixth day of October in the two and thirtieth year of the reign of our Sovereign Lord Charles the second King of England

Between Francis Baynell Richard Norton Phillip Mitchell John Whicker Peter Dicker and Peter Solter the officers of the gish Lands of Colyton in the County of Devon

and the said Francis Baynell Richard Norton Phillip Mitchell John Whicker Peter Dicker and Peter Solter by and in the presence of S^r Walter Yonge Bar^t William Drake gent^l and the rest of the Comtee men of the gish of Colyton aforesaid for and in consideration of the sum of six and thirtie pounds

of lawfull money of England unto the said officers by the said Margerett Kerbey before then bearing and delivery hereof most and truly payed the receipt whereof they the said officers doe hereby certificate **have** demised leased granted and to farme letten and by these presents

doe demise lease grant and to farme letten unto the said Margerett Kerbey all that messuage or dwelling house with the garden and stall of land thereunto adjoining and belonging containing by estimation one Burrough and be it more or lesse situate lying and being in the Burrough of Colyton in the said gish of Colyton and is bounded in the east wth the Lande of John Hawtrey and in the North wth the Lande of John Gents and the Kinge highway in the South and late was in the use or occupation of Edm^{und} Kerbey deceased husband of the said Margerett

and she hath reserved out of this present demise and grant unto the said officers their heirs and assigns free liberties of imp^{ove}ment except and always reserved out of this present demise and grant unto the said officers their heirs and assigns their heirs and assigns

To have and to hold all the said messuage or dwelling house with the garden and stall of land and every part and parcel thereof unto the said Margerett Kerbey her heirs and assigns immediately from and after the day of the date hereof for an^d duringe the full time and terme of four score and thirtie years from thence next ensuinge and fully to be computed expired and ended

if her the said Margerett Kerbey and Thomas Kerbey and Joane Kerbey her husband or any or either of them so long shall happen to live **yealdinge** and payinge thereof yearly and every year unto the said officers their heirs and assigns the sum of six shillings of lawfull money at the feast of Michaelmas or at the feast of the Nativity of our Lord God

and the anniversary of the blessed Virgin Mary S^t John the Baptist and S^t Michael the Archangel by even and equal parts duringe the said terme **And** also payinge and discharge all headrents to be due and payable to the respective Lords of the fee thereof and all Burroughrents and other duties to be yearly received out of the same duringe the said terme

And the said Margerett Kerbey for herselfe her heirs and assigns doth heron^e promise and agree to and in the said Francis Baynell Richard Norton Phillip Mitchell John Whicker Peter Dicker and Peter Solter their heirs and assigns and every of them by these presents that her the said Margerett Kerbey her heirs and assigns shall and will from tyme to tyme and at all tymes hereafter duringe the said terme

well and sufficiently repair sustayne and maintayne all the said demised premises and every part thereof w^{ch} are decayed or w^{ch} are to be repaired and shall be repaired and shall be repaired and shall be repaired and shall be repaired

as often as need shall require and in the end of the said terme the same premises so well and sufficiently in all things repaired and maintayned shall be left and regarded up^r for and towards the repairations wherof it shall and may be lawfull to and for the said Margerett Kerbey her heirs and assigns to have and take upon the same premises or to any part thereof

if it be there to be had mo^{re} and convenient timber for the repairations of the premises aforesaid by the assigns and delivery of the said officers or their daylesse for the tyme beinge **But** if it shall happen that the said yearly rent of six shillings shall be behind and unpaid by the space of eight and thirtie dayes next after any of the said feasts

in w^{ch} the same ought to be paid beinge lawfully demanded and then not paid and no sufficient distress in and upon the premises or any part thereof can or may be found for the recovery of the said rent w^{ch} thereunto if any happen to be **Or** if the said Margerett Kerbey her heirs and assigns or any of them shall willingly do or by her or their agent or prudent suffer to be done any un^{law}full thinge or thinge whatsoever w^{ch} shall or may tend or be to the prejudice hurt or dishonour of the said officers their heirs and assigns

Or if the said Margerett Kerbey her heirs and assigns or any of them shall do or commit any voluntary wast in and upon the premises or any part thereof to the value of ten shillings or upwards and shall not sufficiently amend the same w^{ch} in thirtie dayes next after warninge thereof to be given at the said house by the said officers their heirs and assigns or either of them or their daylesse for the tyme beinge

Or shall give grant sell lett or assigne over the same house and other the premises or any part thereof to any person or persons in whole or in part to the said Thomas and Joane her husband or either of them w^{ch} is the consent and goodwill of the most part of the said officers and Comtee men in writinge under their hands and seals first had and obtained

that then and at all tymes from thence forth for every or any of the said causes it shall and may be lawfull to and for the said officers their heirs and assigns and every of them into the said house and all and singular other the premises heron^e demised w^{ch} are apperteyned to reenter and the same to have againe lett and enjoy as in their first and former estate these presents or any thing therein contained

to the contrary thereof in anywise notwithstandinge **And** the said Francis Baynell Richard Norton Phillip Mitchell John Whicker Peter Dicker and Peter Solter for themselves their heirs and assigns and for every of them doe give to and in the said Margerett Kerbey her heirs and assigns and assigns that her the said Margerett Kerbey her heirs and assigns and every of them in manner and forme aforesaid and under the tenor hereof and agreement before expressed as well as the high Lords of the fee thereof for all and singular to them the said high Lords due and payable for the same as also against themselves the said officers their heirs and assigns shall and will warrant assigne and defend by these presents duringe the said terme

In witnesse whereof the said Francis Baynell Richard Norton Phillip Mitchell John Whicker Peter Dicker and Peter Solter their hands and seals the day and yeare first above written 1680

the mark of Margerett Kerbey

Sealed and delivred
in this point of

Humphrey Gilman

1585

to the Honorable
to W. D. R. R. R.

Count of the
of the Court of the
in Collyford

Expired

9/24