

Summary - *The 3 Heiresses*

H.1

Francis Everest Paxton (#94), of the **City of London**, died intestate sometime before 1777 and his lands, etc. “descended in three equal undivided three parts” to three women.

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Francis Everest Paxton

<i>will:</i>	#90 Francis Everest	-		
	1734 ¹		#19	
<i>married:</i>	#93 Ralph Paxton	-	Mary	- John Fawkner #18
<i>died:</i>	<1734		1737	<1753

	#94			#95
<i>died:</i>	Francis Everest(son)		Ralph	<1753

Francis Everest Paxton, gent of London in 1753

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in his will, written in 1734, Francis Everest of Fort Malborough in the East Indies, was described as a "merchant of the East Indies"

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Francis Everest Paxton (#94) died intestate sometime before 1753. He was the son of Francis Everest's heiress and daughter, Mary (#93), whose husband, Ralph Paxton (#93), died before her father wrote his will in 1734. - see [Summary of Mary Paxton's Inheritance](#).

The estate left by Francis Everest Paxton included land subject to a term of a peppercorn rent of 1000 years. In 1737, Mary, Francis's mother, had "devised unto" **Francis Austin** (#29) for the consideration therein mentioned, "the premises hereinbefore described to hold, etc. for the 1000 years and a pepper corn rent subject to such proviso as therein mentioned". Did Mary retain these lands because of the proviso? If so, on her death, they could have passed to her son. Or were there two pieces of land for which a pepper corn rent was to be paid for 1000 years? There were certainly other lands subject to a pepper corn rent for a long period.

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Because he died without leaving a will, Francis Everest Paxton's heirs were three women whose relationship to Francis is not known.

Most of the documents describe the complex arrangements for the changing ownership of various pieces of land but Abstract 3 (page H.42) is concerned with the setting up an annuity for Elizabeth Harriet Hales who was separated from her husband.

Unfortunately, the text detailing Francis Everest Paxton's intestacy has spaces where the year of his death is given.

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The Three Heiresses

17?? Heiresses of *Francis Everest Paxton (#94)*

1810-3 (p1.12-16)

“Francis Everest Paxton, formerly of the *City of London*, Gentleman, deceased, was in his life time and at the time of his decease, seized of an Estate of Inheritance in fee simple Subject to two several terms of One Thousand Years and Five Hundred Years as hereinafter mentioned, Of and in the Entirety of the Lands, Tenements and Hereditaments hereinafter mentioned. . . the said Francis Everest Paxton afterwards departed this life on or about the day of 17?? Intestate whereby the Lands, etc. descended in three equal undivided three parts or Shares unto”:

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- **Elizabeth Everest (#14)**, then the wife of **Robert Titchborne (#31)**, Esquire,
- **Frances (#7)**, the wife of **Ephraim Bell (#10)**; daughter of **Samuel Rutter (#5)**, dentist, and his wife **Elizabeth (#6)**; #5 was the son of **Samuel Rutter (#3)**, grocer, and his wife, **Sarah Everest (#4)**. [Indenture of 1777; summary in 1810-2](#)
- **Catherine (#34)**, the wife of **Henry Joseph (#33)**, brewer.

These relationships are shown on the next page.

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#3 Samuel Rutter (grocer) - Sarah Everest #4

#5 Samuel (dentist) - Elizabeth #6

1761

died:

#11	#14	#31	#7	#10	#8 #9	#34	#33
? Everest	- Elizabeth	- Robert	Frances	- Ephraim	2 other daughters	Catherine	- Henry
	Everest	Titchborne		Bell			Joseph
will:	1788/90	1786					brewer
died:	July 1790	1787	<1777	<1777			
wife1	- son #49	- wife2	#11 Samuel	- Mary #12		#35 Richard ²	- Lucy #89
#52	William ³			see next page for their children			

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in 1810, of *Little New Street, Shoe Lane, London, pewterer*

3

Robert (#15) & Francis (#17) had a half-brother William, see document 1810-1, [page H.50](#)

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#11 Samuel Bell - Mary #12

|

#16 | #85 #15 | #17 |
Elizabeth⁴ - Charles Hales Robert Samuel Francis
c1776 c1778

born:

gent spinster } as described
Cornhill, London Croydon } in document 1810-1

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Elizabeth was “about 19” in 1788 when Elizabeth Titchborne wrote her will (Abstract 2) and was therefore born about 1769. She married Charles Hales (#85) but they separated. However, in Articles of Agreement dated 1795 between herself and Charles Hales she is given as about nineteen, in which case she was born about 1776.

From document 1810-2 we know that Frances’s father, **Samuel Rutter (#5)**, was the only son and heir at law of **Samuel Rutter (#3)**, then (in 1777) late of **Southwark**, grocer, and **Sarah (#4), his Wife**, both deceased, which said Sarah Rutter’s Maiden name was **Sarah Everest**. Elizabeth Titchborne had a son ?? Everest so that her first husband was an Everest. Nothing is known about Catherine’s parentage but, from this small amount of information, it seems that the relationship between Francis Everest Paxton and his heiresses was complicated.

This Samuel Rutter (#5) was a party to an Indenture dated 17th May 1753 which is summarised in **Mary Paxton’s Inheritance**. This Indenture assigned to him:

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“All the aforesaid Hereditaments and premises . . . for the residue of the two terms of 1000 and 500 years in trust for **Francis Everest Paxton (#94)**, his Heirs and Assigns” 1810-3 (p4.14-16)

Since in 1753 Francis Everest Paxton was described as a gentleman of London, he was obviously not underage. Why was the land assigned to Samuel Rutter in trust for Francis?

Samuel Rutter (#5) died on or about 28th April 1761 having made his will in which he appointed **Robert Titchborne** (#31) and **Henry Joseph** (#33) his executors and they proved his will. 1810-3 (p4.16-18)

Rutter was the father of one of the heiresses, Titchborne and Joseph the husbands of the other two.

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Frances Rutter's Inheritance

Frances Rutter married ***Ephraim Bell (#10)***, a London brewer. Their son, ***Samuel (#11)*** also became a brewer and, by 1777, he was married to ***Mary (#12)*** and living in ***Shoreditch***. By this time both Samuel's parents had died and he had inherited from his mother a third share of Francis Everest Paxton's land. In 1777, Samuel sold this land to ***Stevens Totton (#32)*** and Robert Titchborne (whose wife was the Elizabeth who was another of the heiresses).

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1777	13 th August	Indenture of Lease	1810-3 (p1.17)
	14 th August	Indenture of Release	1810-3 (p1.17)

The Release being Tripartite⁵ and made between:

- **Samuel Bell (#11)** therein described and **Mary (#12)**, his wife; Samuel was the only son and heir of Ephraim Bell (#10) and **Frances**, his wife, both then deceased, of the first part,
- **Robert Titchbourne (#31)**, therein also described, of the second part (of **Oxford Place near Seven Oaks**, Esquire)
- **Stevens Totton (#32)**, therein also described, of the third part. (of **Spital Square**, Gentleman)⁶

⁵ bipartite in 1810-2 where the full description of the participants is given - see below

⁶ description of Titchbourne and Totton in **1810-2, in list of schedules and Abstract 2**

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Samuel Bell (#11) of the parish of **Saint Leonard, Shoreditch**, Brewer, and **Mary** (#12), **his wife**, was the only son and heir at law of **Ephriam Bell** (#10), then late of **Salisbury Court near Fleet Street, London**, brewer, and **Frances** (#7), **his Wife**, both deceased which said Frances was one of the three Daughters and Heirs at law of **Samuel Rutter** (#5), late of **Racquett Court, Fleet Street, London**, dentist, and **Elizabeth, his Wife**, which said Samuel Rutter was the only son and heir at law of **Samuel Rutter** (#3), then late of **Southwark**, grocer, and **Sarah** (#4), **his Wife**, both deceased, which said Sarah Rutter's Maiden name was **Sarah Everest**.

1810-2, in list of schedules
also Abstract 2 (p1)

for the considerations therein mentioned, **Samuel Bell** (#11) did grant, etc. unto **Robert Titchborne** (#31) and **Stevens Totton** (#32) and their

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heirs, All that undivided third part the whole into three equal parts to be divided, of and in the premises hereinafter particularly mentioned⁷.

1810-3 (p1.17-23)

Robert Titchborne had contracted and agreed with . . . Samuel Bell for the absolute purchase of the Fee simple and Inheritance of the undivided third part of thereafter granted and released of the . . . land and hereditaments thereafter particularly mentioned and described at or for the price £470

Abstract 2:(p2)

But Nevertheless, as to the Estate and Interest of the said Stevens Totton, In trust to the said Robert Titchborne, his Heirs and Assigns. And the said Samuel Bell did therein Covenant to levy a ***Fine Sur***

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Samuel Bell (#11) who had inherited a third share of Francis Everest Paxton's land via his mother thus sold it to Robert Titchbourne, husband of Elizabeth, one of the other three heirs

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Cognizance de droit come ceo Etc. of same premises which said Fine, when so levied, should enure to the use and behoof of the said Robert Titchborne and Stevens Totton and the Heirs and Assigns of the said Robert Titchborne, for ever, and which said Fine was so levied accordingly.

1810-3 (p1.23-26)

see also [Abstract1, p.7](#)

1778

Hilary Term . . . of fine levied in pursuance of the covenant contained in the last . . . ??

18th Geo. III ?? wherein . . . **Richard Titchborne (#31)**, Esquire and **Stevens Totton (#32)**, gent, were plaintiffs and **Samuel Bell (#11)** and **Mary (#12)**, his Wife, Deforciant of:

One 3rd part of one Barn, 100 acres of Land, 100 acres of Meadow, 100 acres of pasture and 50 acres of Wood and of common of pasture with the appurtenances in the parishes of **Stansted** and **Shoreham**.

[Abstract 2 \(p3\)](#)

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Robert and Elizabeth Titchborne

1786

15th May

Will of **Robert Titchborne (#31)** executed and attested in such manner as is by law required for rendering valid Devises of Lands and Hereditaments . . . gave, divided and bequeathed unto his wife, the said **Elizabeth Titchborne (#14)**, All his real and personal Estate of every kind and whatsoever situated for her own proper use and disposal

1810-3 (p1.27-29); Abstract 2 (p3)

1787

October **Robert Titchborne (#31)** died in or about October 1787 leaving **Harry Joseph (#33)** surviving.

1810-3 (p4.18-20)

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1788

16th April

Elizabeth Titchborne (#14)⁸, by her last Will and Testament, . . . gave and devised all her freehold, messuage, lands, woods and hereditaments and all other her real estate, whatsoever and wheresoever, unto the use of. . . **Samuel Margerum (#27)**, etc. . . upon trust to convey and assign the same unto and between such of her (the Testatrix's) three infant grand children, **Elizabeth Everest (#16)**, . . . **Francis Everest (#17)** and . . . **Robert Samuel Everest (#15)**, therein called Robert Everest, as should live to attain the age of 21 equally to be divided among them as Tenants in Common and to their, . . . heirs and assigns, absolutely for ever with divers limitations over in case any of her said grandchildren should die under the age of 21.

1810-3 (p1.29-35)

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“then residing in **Mare Street** in the parish of **St. John Hackney**, Middlesex”

Abstract 2 (p3)

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1790

- 18th May And the said Elizabeth Titchborne, by a Codicil . . . annexed to her will, directed that **James Hales (#38)**⁹, since deceased, should become a joint Trustee with . . . Samuel Margerum for the Estates bequeathed to her said grandchildren. [1810-3 \(p1.35-37\)](#)
- July Elizabeth Titchborne (#14) died; will proved 28th July 1790 by . . . Samuel Margerum, sole executor [Abstract 2 \(p4\)](#)

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"of *St. Nicholas, Deptford*"
presumably "since deceased" refers to 1810

[Abstract 2 \(p3\)](#)

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1792

28th Dec

Henry Joseph (#33) died on or about 28th December 1792 having made his will dated 5th October 1792 in which he appointed his son, ***Richard Joseph (#35)***, his sole executor who proved the will on 10th January 1793 and thus became the legal personal representative of ***Samuel Rutter (#3)***. [1810-3 \(p4.20-24\); Abstract 1, p7r](#)

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Elizabeth Everest, grandchild of Elizabeth Titchborne & Charles Hales

1795

30th Jan Articles of Agreement between

- *Charles Hales (#85)* of *Ludgate Hill* in the City of London, of the 1st part,
- *Elizabeth Everest (#16)* of *Bromley*, Kent, spinster, one of the grandchildren and also a residuary Devisee and Legatee named in the will of said *Elizabeth Titchborne (#14)*, then¹⁰ a minor of the age of 19 years or thereabouts, of the second part,

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when will was written which was in 1788

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- and **William Hales (#84)** of **Fenchurch Street** in the said City of London, stationer,
- and **Charles Stupart (#88)** of **Mark Lane**, London, Gent. of the third part

Reciting the said will and codicil of . . Elizabeth Titchborne
And also reciting that . . Elizabeth Titchborne departed this life . . in .
. July 1790 without altering or revoking the said will and codicil, And
that . . James Hales has departed this life whereby . . **Samuel
Margerum (#27)** was become the sole acting Trustee of the said Estates
and Premises of . . Elizabeth Titchborne under and by her will.

And further reciting that a marriage was intended to be had between . .
Charles Hales (#85) and **Elizabeth Everest (#16)**. It is witnessed that,
in consideration of the said intended Marriage, and for divers other
considerations, . . Charles Hales did covenant with . . **William Hales
(#84)** and **Charles Stupart (#88)**, . . and also . . Elizabeth Everest, did,

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on her own behalf (so far as she could bind herself by Law or Equity), engage and agree . . . that in case the said intended marriage should take effect and . . . Elizabeth Everest should live to attain the age of 21 years, they, . . . Charles Hales and Elizabeth Everest, his intended wife, or the said Elizabeth Everest alone, if the said Charles Hales should be then dead . . . should within six months more after . . . Elizabeth Everest attaining such age, execute and perform all such acts, etc. as . . . William Hales (#84) and Charles Stupart (#88), or the survivor of them, . . . should advise to be requisite and effectual for the selling and attaining one undivided moiety of all the part . . . to which she, . . . Elizabeth Everest, or the said Charles Hales, her husband, in her right, would upon her attaining her age of 21 years or, at any time thereafter, become seized, . . . by virtue of the said . . . will of . . . **Elizabeth Titchborne (#14)**, deceased, . . . by her said will given . . . to . . . **Samuel Margerum (#27)**, In trust as aforesaid And . . . full and equal Moiety should be vested in . . . **William Hales (#84)** and **Charles Stupart (#88)** or the survivor of them upon trust to pay the clear rents thereof

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during the life of . . Elizabeth Everest unto . . Elizabeth Everest . . .
and that, after the decease of . . Elizabeth Everest, the said last
mentioned moiety of the said share . . should be settled upon . . every
the child and children of the body of . . **Charles Hales (#85)**, on . .
Elizabeth Everest lawfully to be begotten' equally to be divided
between them if more than one, share and share alike as tenants in
common and not as joint tenants to be or vested interest in them
respectively at the age of 21 years with benefit of survivorship in case of
the death of any such children under the age of 21 years.

And in case there should be no such child or children or, being such, all
of them should die under the age of 21 years, then upon . . Charles
Hales for ever . . his heirs and assigns.

Executed by Charles Hales, Elizabeth Everest, William Hales and
Charles Stupart and duly attested.

Abstract 2, pages 4-5

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H.25

1798 February

14th Feb By and Order made in the High Court of Chancery by his Honour, the Master of the Rolls, in a cause wherein . . . **Charles Hales (#85)** and **Elizabeth Harriet (#16)**¹¹, his wife and **Robert Samuel Everest (#15)** and **Francis Everest (#17)**, infants by the said Charles Hales, their next friend, were plaintiffs and the said **Samuel Margerum (#27)** , **Richard Joseph (#35)** and **William Everest (#52)**, Defendants.

It was (amongst other Things) ordered that it should be referred to the Master (Mr. Graves) to approve of a proper Settlement to be made puissant to said abstracted articles . . . and the said Master was to be at

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Elizabeth Harriet was (#16), the sister of Robert Samuel and Francis Everest.

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liberty to make a separate Report thereof and it was ordered that all proper parties should join therein as the said Master should direct.

Abstract 2, p.5

1798 June

20th & 29th June The indentures of lease and release of this date are included in:

- An Abstract of Deed of Separation between Mr & Mrs *Hales* of – “ dated 1806; Abstract 3 - - see page 42 for the rest of this document
- Abstract 2 written in 1811; pages

“An Abstract of Deed of Separation between Mr & Mrs *Hales* of – “ given below is from Abstract 3:

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reciting the Indentures of lease and release or settlement . . . and the several matters and things therein contained . . . the . . . moiety of 1/3 part of and in 2/3 part of the lands . . . in . . . **Stansted** and **Shoreham** was . . . some . . . time since sold and disposed of and the produce thereof invested in the purchase of bank 3£ per centum consolidated annuities in the names of . . . **William Hales (#84)** and **William Everest.**

(#52)

[Abstract 3 \(p1:6-17\)](#)

[lines 18- 29 give more details of the consolidated annuities](#)

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And reciting that the said moiety of one third part of the said hereditaments and premises, situate in . . . **Croydon, Bromley** and **Chislehurst**, had, by virtue of the aforesaid power, been also lately sold¹² and disposed of and the money arising by the sale thereof being the sum of £573..4..8d, had been also invested in the purchase of . . . consolidated annuities in the name of the said William Hales and William Everest so that there was then standing in their names upon the trusts and for the purposes of the said therein recited Indentures of Settlement . . . producing a clear annual income payable to the said Elizabeth Harriet Hales, during her life, of £73..11..3.

Abstract 3 (p1:30-p2:3)

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From Abstract 2:

By Indentures of Lease and Release or Settlement, the Release being made between:

- **Samuel Margerum (#27)** of the 1st part,
- **Charles Hales (#85)** and **Elizabeth Harriet (#16)**, his Wife, of the second part
- **William Hales (#84)** & **William Everest (#52)** of **Otford**, yeoman, of the 3rd part

After reciting the said abstracted Articles and that . . . Elizabeth Harriet Hales had attained her age of 21 years but the said Francis and Robert Everest were infants . . . and that the said Charles Hales and Elizabeth Harriet, his wife, had appointed the said William Everest as Trustee . . .

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It is witnessed that in consideration of ye said Marriage and . . . also in consideration of 10s to said Samuel Margerum, and William Everest, . . . and the said Charles Hales and Elizabeth Harriet, his wife, . . . did . . . grant, . . . and confirm unto the said William Hales and William Everest . . . all that one undivided Moiety, or half part, the whole into 2 equal parts to be divided of and in one undivided third part or share of and in

Abstract 2, p.6

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the rest of page 6 of Abstract 2 and much of page 7 has been crossed out but it seems to give more details of the land mentioned in Abstract 3:

known by the name or Sign of the **White Lion Inn** but now connected with a dwelling House situated . . in the **High Street** of . . **Croydon** . . heretofore facing the **Corn Market** House there which hath lately been pulled down together with the yards, gardens, stables, looms, corn rooms, granaries, coach house, lofts, outhouses, sheds, edifices, buildings and shops thereunto belonging and also . . that little messuage or tenement with the yards, gardens, etc., thereunto belonging, situated . . on the south side of the **Great Yard** belonging to the said dwelling house theretofore known by the Sign of the White Lyon Inn and also of . . all that field, piece . . of land containing about one acre, . . adjoining to a way belonging to the said dwelling house leading from thence to a Lane called the **Back Lane** near the said Town of Croydon, together with all

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ways and all which said premises were theretofore in the tenure . . . of **Joseph Frith (#150)**, deceased, and **Robert Titchborne (#31)**, . . . afterwards of **William Frith (#152)** deceased, son of the said Joseph Frith, and Robert Titchborne and late in the occupation of the Executors of the said William Frith and **Elizabeth Titchborne (#14)** and now of **William Blake (#153)**, his Undertenants and Assigns.

And also of and in all that messuage or tenement with the stable, coach house, wash house, outhouses, yards, garden, ground and premises thereto belonging then late in the occupation of Mrs. **Sarah Newland** but then of **Martha Minnes?**, situated . . . [Abstract 2, p.6&7](#)

[Crossing out ends here](#)

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Together with all ways, etc. And all houses, etc. . . . To hold unto . . . **William Hales (#84)** and **William Everest (#52)**, . . . upon the Trusts hereinafter abstracted. . . . during the life of the said **Elizabeth Harriet Hales (#16)**, to pay all the . . . rents, Issues and profits of the said premises . . . and in such manner as . . . Elizabeth Harriet Hales should . . . during her life direct or appoint. . . . To pay the same into the proper hands of the said Elizabeth Harriet Hales for her sole and separate use independent of her present or any future husband. . . . And for and after her decease upon further Trust to stand seized of the same premises In trust for all and every the child and children of the said **Charles Hales (#85)** on the body of the said Elizabeth Harriet, his wife, begotten or to be begotten, if more than one, share and share alike as tenants in common and not as joint tenants and their respective heirs and assigns. And if but one such child, then in trust for such child, . . . the part or share . . . of such child or children to be conveyed and assigned at their

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respective ages of 21 years and in case such child or children should attain the age of 21 years in the life time of their said mother, the part or share of such child or children to be conveyed, . . . to them immediately after the decease of their said mother . . . But in case there should be no such child or children, or there being such all of them should die before they attained the said age of 21 years in trust for the said Charles Hales, . . . to and for his and their own use and benefit and to and for no other use, Intent or purpose whatsoever.

Power for the said Trustees during the life of the said *Elizabeth Harriet Hales (#16)* with her consent . . . to make sale, . . . for the best price . . . And that, when any such Monies were received by the said Trustees, . . . it should with all convenient speed be laid out and invested by the said Trustees, . . . in the purchase of other lands situated in England . . . should be settled, conveyed and assured unto . . . *William Hales (#84)* and *William Everest (#52)*, . . .

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Power for said Trustee that is in the mean Time and until such Money should be laid out and invested in such purchase or purchases as aforesaid, with the like consent of said ***Elizabeth Harriet Hales (#16)***, to lay out and invest the same in real or ***Government Securities*** at Interest . . . and to sell and dispose of the same and to lay out the produce in Government or ?? Securities with the like Consent and the Dividends, Interests and annual proceeds of such stocks, funds and Securities, to be paid and applied to the same Uses, Intents and purposes as the Rents, Issues and profits of such purchases would have been applicable had they been actually made.

Covenant from said Charles Hales for further Assurance

Executed by ***Samuel Margerum (#27)***, ***William Hales (#84)*** and ***William Everest (#52)*** and duly attested. **Abstract 2 (p7-10)**

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Indenture of Fine

1798 Michas. Term 39 Geo.III

Indenture of fine between **William Hales (#84)** & **William Everest #52)**
plaintiffs and

Charles Hales (#85) and **Elizabeth Harriet (#16)**, his Wife, Deforciant of: 1
Moiety of one third part of 2 messuages, 2 gardens, 2 orchards, 10 acres of
land, 20 acres of meadow and 10 acres of pasture and 10 acres of wood and
of a moiety of 1 third part of 2 third parts of 2 messuages?, 2 barns, 2
stables, 2 gardens, 2 orchards and 100 acres of land, 50 acres of meadow
and 50 acres of pasture, 40 acres of wood and 10 acres of **Hop Ground** the
appurtenances in **Bromley** and **Chislehurst, Stansted** and **Shoreham**. . .
And of a moiety of one third part of 2 messuages?, 2 cottages?. 2 stables, 2
gardens, 2 orchards, 2 acres of land, 2 acres of meadow, 2 acres of pasture,
with the appurtenances in the county of **Surrey**

[Abstract 2 \(p.10-11\)](#)

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Indenture of Lease and Release

1798 27th & 28th Nov Indentures of Lease and Release, the Release being of the later Date and made . . . between:

- **Richard Joseph (#35)** of **New Street, Shoe Lane** in the parish of **St. Brides** in the City of London, pa??er, and **Lucy (#89)**, his wife, of the first part,
- **William Hales (#84)** of **Fenchurch Street** in the City of London, stationer, and **William Everest (#52)** of **Otford**, Kent, yeoman, of the second part,
- **Charles Hales (#85)**, then late of **Ludgate Hill** in the said City of London, but then of **Boll Court, Fleet Street** in the said City of London, upholsterer, and **Elizabeth Harriet (#16)**, his wife, heretofore **Elizabeth Harriet Everest** (#16), spinster, of the third part

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- and **William Everest** and **John Saxby (#81)** of **Hadlow**, Kent, Gent, a trustee nominated and appointed by and on the behalf of said William Everest of the 4th part.

Reciting that said Richard Joseph was seized in fee simple of . . . one undivided third part or Share of and in the farm, lands, . . . hereinafter mentioned . . . and that . . . William Everest had contracted and agreed with said Richard Joseph for the absolute purchase of such 3rd part or share . . . free from incumbrance at . . . the price . . . of £500 being in the proportion of £1500 for the whole or entirety of said Hereditaments.

And reciting that . . . **Elizabeth H. Hales (#16)**, upon . . . attaining the age of 21 years became entitled in fee simple in manner thereafter mentioned of one 3rd part of 2 remaining undivided 3 parts of same hereditaments and previously to the marriage of . . . **C. Hales (#85)** and E. H., his Wife, it was agreed that one moiety of said 3rd part of 2/3rd parts of

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H.39

said hereditaments should, as soon as E. H. Hales should attain her age of 21 years be settled, . . . for the purposes thereafter more particularly mentioned and that the remaining moiety thereof should remain unsettled and undisposed as thereafter was also mentioned

And reciting that . . . **William Everest (#52)** had contracted & agreed with said Charles Hales and E. H., his wife, for the absolute purchase of said moiety or half part so remaining . . . of and in said $1/3^{\text{rd}}$ part of said $2/3^{\text{rd}}$ parts of said hereditaments and the fee simple and inheritance thereof free from Incumbrance at or for the price of £166.13s.4d being in the like proportion of £1500¹³ for the whole or entirety of said premises.

[Abstract 2\(p.11\)](#)

13

£166.67 is one-ninth of £1500

Summary - The 3 Heiresses

H.40

It is by the now¹⁴. . . Indenture of Release witnessed that in pursuance of said recited contract and agreement for sale on the part of . . . Richard Joseph and in consideration of £500 to . . . Richard Joseph paid by . . . William Everest at or before the sealing and Delivery of the . . . Indenture. **And also** in consideration of 5s to . . . Richard Joseph paid by . . . **John Saxby (#81)**, . . . **Richard Joseph (#35) and Lucy (#89), his wife**, at the request . . . of **William Everest (#52)**, . . . did grant, . . . unto . . . John Saxby . . .

All that undivided 3rd part or share of and in . . . All the premises mentioned in the Title of this Abstract . . . To hold same 3rd part unto said John Saxby . . . forever. To the Uses nevertheless and for the intents and purposes thereafter mentioned. . . **Abstract 2 (p11-12)**

14

Does this “now” mean 1811 when this Abstract was written?

Summary - The 3 Heiresses

H.41

All that one undivided third part or share (the whole into three equal parts to be divided). And also all that one undivided third part . . . (being five equal undivided ninth parts of and in all those several pieces . . . of arable meadow, hops and wood land called . . . ***Paxton's Land*** heretofore described to contain, by estimation, 34 acres but containing by assessment 41 acres, . . . situated . . . in the parish of ***Shoreham*** . . . heretofore in the tenure . . . of ***Thomas Waring (#156)***, . . . late of the said William Everest now of ***Sir Walter Stirling (#47)***.

Abstract 2 (p.1, Title); written 1811

Summary - The 3 Heiresses

H.42

Deed of Separation Between Mr & Mrs Hales

1806

15th Mar [This document is labelled, on the outside](#), An Abstract of Deed of Separation between Mr & Mrs Hales of --

Indenture of this date made between:

- **Charles Hales (#85)** of **Boll Court, Fleet Street in the City of London**, upholsterer, and **Elizabeth Harriet (#16)**, his wife, of the one part
- and **William Hales (#84)** of **Fenchurch Street** in the City of London, stationer,
- and **William Everest (#52)** of **Otford**, Yeoman, of the other part

[Abstract 3 \(p1:1-5\)](#)

Summary - The 3 Heiresses

H.43

Consolidated Annuities

Reciting the Indentures of lease and release or settlement dated respectively the 20th & 29th days of June 1798 hereinbefore abstracted (in Abstract 2) and the several matters and things therein contained and writing

that the said moiety of 1/3 part of and in 2/3parts of the lands, hereditaments and premises situated in the parishes of **Stansted** and **Shoreham** was, by virtue of the power for that purpose in the said therein recited Indenture contained some then time since sold and disposed of and the produce thereof invested in the purchase of bank 3£ % consolidated annuities in the names of . . William Hales and William Everest. [Abstract 3 \(p1:6-16\)](#)

Summary - The 3 Heiresses

H.44

And reciting

that the said moiety of 1/3 part of and in the therein before mentioned sums of £293..13s...4d and 540 £ Bank £3 % consolidated Annuities after payment thereof of various sums directed to be paid by an order of the . . Court of Chancery made in the said cause had been transferred into the names of . . **William Hales (#84)** and **William Everest (#52)** and the said moiety of 1/3 part of the said sum of 1500 £ had been also paid to . . William Hales and William Everest and had been, by them, laid out in the purchase of the like 3 £ % consolidated annuities by which several means there was purchased and transferred into the names of . . William Hales and William Everest upon the trusts aforesaid the sum of 1500 £ Bank 3 £ consolidated annuities.

Abstract 3 (p1:17-29)

Summary - The 3 Heiresses

H.45

And reciting

that the said moiety of 1/3 part of the said hereditaments and premises, situated in the said parishes of **Croydon, Bromley** and **Chislehurst**, had, by virtue of the aforesaid power, been also lately sold and disposed of and the money arising by the sale thereof being the sum of 573..4...8d, had been also invested in the purchase of 953..5..6 like bank 3 £ % consolidated annuities in the name of . . William Hales and William Everest so that there was then standing in their names upon the trusts and for the purposes of the said therein recited Indentures of Settlement the sum of 2452..5..6¹⁵ bank 3 £ %

Summary - The 3 Heiresses

H.46

consolidated annuities producing a clear annual income payable to . .
Elizabeth Harriet Hales (#16), during her life, of 73..11..3.¹⁶

[Abstract 3\(p1: 30 - p 2:3\)](#)

16

the sums paid total £3860 3s 6d (£293 13s 4d + £540 + £1500 +
£573 4s 8d +
£953 5s 6d) compared with £2452 5s 6d invested in annuities

Summary - The 3 Heiresses

H.47

Charles and Elizabeth to Live Apart

And reciting that divers disputes and differences had arisen between . . . **Charles Hales (#85)** and **Elizabeth Harriet (#16)**, his wife, and they had mutually consented and agreed to live apart and separate from each other and prior to such separation and . . . of Elizabeth Harriet Hale's joining and concurring in the sale of the remaining moiety of the said third part of the said hereditaments and premises and also in . . . of . . . **William Everest (#52)** entering into the covenant . . . to indemnify . . . Charles Hales in manner thereafter mentioned, It was agreed by . . . Charles Hales that, out of the money to arise by sale of the said remaining moiety of the said third part . . . he should invest, in the names of the said **William Hales (#84)** and William Everest, in . . . consolidated annuities . . . as with the said sum . . . already standing in their names as would produce the clear annual income of £100 and that the same should be settled upon the trusts and for the intents and purposes thereafter mentioned.

[Abstract 3\(p 2:4-20\)](#)

Summary - The 3 Heiresses

H.48

Elizabeth to Receive an Annuity of £100

And reciting that . . . **Charles Hales (#85)** had accordingly purchased and transferred into the names of . . . **William Hales (#84)** and **William Everest (#52)**. . . consolidated annuities . . . the annual dividends whereof amounted to the . . . sum of £100 which was to be paid to . . . **Elizabeth Harriet Hales (#16)** for her future support and maintenance and for her sole and separate use notwithstanding.

It was witnessed and it was thereby declared and agreed by and between all the said parties . . . particularly they, . . . William Hales and William Everest did and each of them did thereby declare and acknowledge that the said William Everest and the survivor of them, . . . should and would stand and be possessed of and interested in the . . . consolidated annuities upon the trusts and for the several Intents and purposes thereafter expressed and declared.

Abstract 3 (p2:21-p3:1)

Summary - The 3 Heiresses

H.49

Paxton's Land in 1810

Although all the land which was divided between the three heiresses of **Francis Everest Paxton (#94)** could be described as "Paxton's Land", the first time the land (or some of it) is actually given this name is in these indentures of 1810. **Elizabeth Titchborne (#14)** inherited one third of the land owned by Francis Everest Paxton and, by 1810, it was owned by Elizabeth's grand children, William, Richard and Francis (grand daughter). **Samuel Bell (#11)**, son of **Francis Rutter (#7)**, another of the heiresses, sold his inherited share to **Robert Titchborne (#31)** in 1777¹⁷ and Elizabeth inherited this under her husband's will. By 1810 this portion of the original inheritance was also owned by Elizabeth's grandchildren, Richard and Francis. Both these portions, referred to as **Paxton's Land**, are the subject of the three indentures of 1810. The arrangements are very complicated but it seems that all this land was sold to **Sir Walter Stirling (#47)**.

Summary - The 3 Heiresses

H.50

The land originally inherited by Elizabeth Titchborne is described as those several pieces or parcels arable, meadow and woodland called or known by the name of **Paxton's Land** containing . . . by estimation, 34 acres . . . in the the parish of **Shoreham** . . . Kent and late in the tenure or occupation of **Thomas Waring (#156)**, his undertenants or assigns, but now in the occupation of **Mr. William Everest (#52)**, half-brother of the said Robert Samuel Everest and Francis Everest, parties hereto, his undertenants or assigns. 1810-1 (12-17)

But, as would be expected, some of the land seems to have been owned by Robert Samuel and Francis who are parties to the indenture (document 1810-1).

The land **Robert Titchborne (#31)** purchased from **Samuel Bell (#11)**, which was that inherited by Elizabeth's grandchildren via Robert's and then Elizabeth's wills, is described as:

all the houses, outhouses, barns, stables, woods, underwoods, trees, hedges, commons, common of pasture, ways, water, watercourses, rights, profits,

Summary - The 3 Heiresses

H.51

commodities, advantages, emoluments and hereditaments and parts and shares of all houses, outhouses, barns, stables, woods, trees, hedges, commons, common of pasture, ways, waters, watercourses, rights, profits, priviledges, commodities, advantages, emoluments, hereditaments and all appurtenances whatsoever to the said undivided parts of and in the said lands, tenements and hereditaments hereby bargained and sold . . .¹⁸.

1810-1 (21-25)

By the Indenture of Five Parts ([page H.62](#)) it seems that all this land was sold to Walter Stirling; “Paxton’s Land” is referred to in later documents.

¹⁸

lines 21 to 25 are repeated as lines 25 to 30 in document 1810-3

Summary - The 3 Heiresses

H.52

Indenture 1st June 1810

1810

1st June ***This Indenture*** made between:

- ***Robert Samuel Everest (#15)*** of ***Cornhill, London***, gentleman, and
Francis Everest (#17) of ***Croydon*** . . . spinster,

which . . . are two of the grandchildren and two of the devisers named in the will of ***Elizabeth Titchborne (#14)***, deceased, late of ***Man Street*** in the parish of ***Saint John Hackney, Middlesex***, widow, and devisee named in the will of ***Robert Titchborne (#31)***, the said Robert Samuel Everest being therein called Robert Everest, and ***Samuel Margerum (#27)***¹⁹, late of

Summary - The 3 Heiresses

H.53

Man Street, . . . *Saint John Hackney* but now of *Riley Street* in the parish of *Saint Luke, Middlesex*, Esquire, who hath survived, *James Hales (#38)*, late of the parish of *Saint Nicholas, Deptford*, . . . brewer, his Co Trustee named and appointed in . . . the will of . . . Elizabeth Titchborne of the one part

and - *Sir Walter Stirling (#47)* of *St James's Place* . . . *Middlesex*,
Baronet, of the other part 1810-1 (1-8)

Witnesseth that in consideration of the sum of five shillings . . . to each of them . . . paid by . . . *Sir Walter Stirling (#47)*. . . They, . . . *Robert Samuel Everest (#15)* and *Samuel Margerum (#27)* have . . . bargained and sold . . . unto the said Sir Walter Stirling, those two undivided third parts (the whole into three equal parts to be divided) of them . . . Robert Samuel Everest and

Summary - The 3 Heiresses

H.54

Francis Everest (#17) . . . that one undivided third part to which . . . **Elizabeth Titchborne (#14)** became intitled as one of the Co-Heiresses at-law of **Francis Everest Paxton (#94)**, . . . **1810-1 (1-12)**

And also all those two undivided third parts (the whole into three equal parts to be divided of them the said Robert Samuel Everest and Francis Everest of and in all that other undivided third part of and in the said several pieces or parcels of arable, meadow and woodland called or known by the name of **Paxton's Land** to which she, the said Elizabeth Titchborne became intitled under and by virtue of the last will and testament of **Robert Titchborne (#31), Esquire, her husband**, and which he, the said Robert Titchborne, purchased of and from **Samuel Bell (#11)** . . . **1810-1 (17-21)**

Summary - The 3 Heiresses

H.55

To have and to hold the said undivided parts and shares of and in the said lands, . . hereby bargained . . unto . . **Sir Walter Stirling (#47)**, . . from the day next before the day of the date hereof for and during and unto the full end and term of one whole year from thence next ensuing **1810-1 (25-27)**

Yielding and Paying therefore unto the said **Robert Samuel Everest (#15)**, **Francis Everest (#17)** and **Samuel Margerum (#27)**, . . the rent of a pepper corn on the last day of the said term if the same shall be lawfully demanded.

1810-1 (27-29)

Reference is then made to a “certain Indenture of five parts prepared and intended to bear date the day next after the day of the date of these present”
- see **page H.62**

Summary - The 3 Heiresses

H.56

Indenture 2nd June 1810

1810

2nd June ***This Indenture*** made between:

- ***William Everest (#52)*** of ***Otford***, yeoman, of the one part
- ***Sir Walter Stirling (#47)*** of ***Shoreham***, baronet, of the other part.

Whereas William Everest on the day of the date of these present is and stands seized of an Estate of inheritance in fee simple in possession of

- five ninth parts or shares of and in all those several pieces or parcels of arable, meadow and woodland called or known by the name of ***Paxton's Land*** containing in the whole, by estimation, 34 acres, . . . in

Summary - The 3 Heiresses

H.57

- . . . *Shoreham* . . . late in the tenure or occupation of **Thomas Waring (#156)**, his undertenants or assigns, but now in the tenure or occupation of . . . **William Everest (#52)**, his undertenants or assigns²⁰,
And also of
- several pieces or parcels of arable, meadow and woodland called or known by the name of **Paxton's Land** and which **Robert Titchborne (#31)** purchased of and from **Samuel Bell (#11)** And also of and in the Rights members and appurtenances.

Summary - The 3 Heiresses

H.58

And Whereas by virtue of certain Indentures of Lease and Release bearing dates respectively the Lease the day next before and the Release of even date with these present²¹ and made between

- **Robert Samuel Everest (#15) of Cornhill, London**, gentleman, and **Francis Everest (#17) of Croydon, Surrey**, spinster, (by the description therein mentioned) of the first part
- **Samuel Margerum (#27)**, then late of **Mare Street** in the parish of **Saint John Hackney** but then of **Riley Street** in the parish of **Saint Luke, Chelsea**, Esquire, (by the description therein mentioned) of the second part

21

lease 1st June and release 2nd June 1810; the parties listed below are the same as those at the beginning of the Indenture of Five Parts, Document 1810-3 - [see page H.62](#)

Summary - The 3 Heiresses

H.59

- *Richard Joseph (#35) of Little New Street, Shoe Lane, London*, pewterer, of the third part,
 - *Sir Walter Stirling (#47)* of the fourth part and
 - *John Collier (#48) of Carey Street in Middlesex*, gentleman, of the fifth part.
- 1810-2 (5-12)
1828-2 (p3:18-21)

All those the four ninth parts or shares of and in the said hereditaments and premises in five ninth parts whereof . . . *William Everest (#52)* is so seized or entitled . . . were and now . . . conveyed and assured unto . . . the use of . . . Sir Walter Stirling, . . . for ever As by reference thereto will appear.

And Whereas the several Title Deeds, etc. . . , hereinafter mentioned and covenanted to be produced, which relate to the said lands, etc. . . to

Summary - The 3 Heiresses

H.60

which the said William Everest and Sir Walter Stirling are entitled in the shares and proportions as aforesaid, are now in the custody or power of the said William Everest as he doth hereby admit and acknowledge.

1810-2 (p1.13-18)

And Whereas it hath been agreed . . . **William Everest (#52)** shall retain and keep such deeds, evidences and writings in his custody . . . and should enter into a covenant for the production thereof to . . . Sir Walter Stirling, . . . in pursuance of the said agreement, . . . William Everest, doth . . . promise . . . **Sir Walter Stirling (#47)**, . . . that he . . . will, at any time . . . at the request, costs and charges of . . . Sir Walter Stirling, . . . produce . . . (unless prevented by fire or other inevitable accident) unto . . . Sir Walter Stirling, . . . all . . . title deeds, etc. . . particularly mentioned and set forth in the schedule hereunder written. And all other the title deeds, etc. . .

Summary - The 3 Heiresses

H.61

which shall, at any time hereafter come into his custody . . . which relate to the said hereditaments and premises for the manifestation, . . . title and interest of him, . . . Sir Walter Stirling, . . . in or to the said hereditaments . . . of . . . Sir Walter Stirling therein.

And also . . . will, at the like request, costs and charges of . . . Sir Walter Stirling, . . . make and deliver . . . true and attested . . . copies, . . . of the . . . deeds, . . . or such of them as . . . Sir Walter Stirling, . . . Assigns, shall think proper.

And also that . . . William Everest, . . . will, in the mean time, keep the same several deeds, . . . evidences and writings hereby covenanted to be produced . . . in his . . . custody, safe, undefaced, unobliterated and uncanceled (unless prevented by fire or other inevitable accident).

1810-2 (p1.19-30)

Summary - The 3 Heiresses

H.62

Indenture of Five Parts

1810

2nd June Between

- **Robert Samuel Everest (#15) of Cornhill, London**, gentleman, and **Francis Everest (#17) of Croydon, Surrey**, spinster, of the first part
- **Samuel Margerum (#27)**, then late of **Mare Street** in the parish of **Saint John Hackney** but then of **Riley Street** in the parish of **Saint Luke, Chelsea**, Middlesex, Esquire, of the second part
- **Richard Joseph (#35) of Little New Street, Shoe Lane, London**, pewterer, of the third part,
- **Sir Walter Stirling (#47)** of **Saint James Place**, Middlesex, Baronet, of the fourth part and
- **John Collier (#48) of Carey Street in Middlesex**, gentleman, of the fifth part.

Summary - The 3 Heiresses

H.63

Robert Samuel Everest and Frances Everest are two of the grand children and two of the devisees named in the will of **Elizabeth Titchborne (#14)**, late of **Mare Street** in the parish of **Saint John, Hackney**, Middlesex, Widow and Devisee named in the will of **Richard Titchbourne (#31)**, deceased, the said Robert Samuel Everest being therein called Robert Everest.

Elizabeth appointed Samuel Margerum and **James Hales (#38)**, late of the parish of **Saint Nicholas, Deptford**, Kent, brewer, as Co-Trustees of her will. By 1810, Hales had died and Margerum was the surviving Trustee.

1810-3 (p1.5-12)

Summary - The 3 Heiresses

H.64

Whereas **Sir Walter Stirling (#47)** hath contracted and agreed with . . . **Robert Samuel Everest (#15)** and **Francis Everest (#17)**²² for the absolute purchase of their right Estate and Interest of and in the Lands, etc. . . hereinafter mentioned . . . and the fee simple and Inheritance thereof at or for the price of £400. And whereas no Conveyance or other Assurance hath as yet been made from the said **Samuel Margerum (#27)** and **James Hales (#38)**²³ . . . to . . . Robert Samuel Everest and Francis Everest of their respective shares of and in the said Lands, etc. . . to which they are entitled under the will of . . . **Elizabeth Titchbourne (#14)** as aforesaid

22 presumably their sister, Elizabeth, had died

23 were Samuel Margerum and James Hales the surviving heirs of Catherine (who had married Henry Joseph)? Samuel Bell had sold the share he had inherited via his mother to Robert Titchbourne in 1777 - see note on [page H.15](#)

Summary - The 3 Heiresses

H.65

Now this Indenture witnesseth that, in pursuance of the said agreement, and in consideration of the said sum of £400 . . . to . . . Robert Samuel Everest and Francis Everest²⁴ in hand paid by . . . Sir Walter Stirling . . . in full for the absolute purchase of . . . premises hereby mentioned to be granted and sold, . . . Robert Samuel Everest and Frances Everest do . . . respectively acknowledge, and of and from the same and every part thereof, do . . . hereby acquit, release and discharge the said Sir Walter Stirling, etc. for ever by these presents and also for and in consideration of the sum of 10 shillings . . . to the said **Samuel Margerum (#27)**, . . . paid by . . . **Sir Walter Stirling (#47)**, the receipt whereof is hereby acknowledged. . . . Samuel Margerum, at the request . . . of **Robert Samuel Everest (#15)** and **Francis Everest (#17)**,

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£200 to each of them

Summary - The 3 Heiresses

H.66

testified by their respectively being parties to and executing these presents, hath bargained and sold, etc. . . and, by these presents, doth bargain and sell, etc. . . and Robert Samuel Everest and Frances Everest have . . . granted, bargained, etc. and, by these presents, do . . . grant, bargain, etc. unto the said Sir Walter Stirling . . . and to his heirs, all those two undivided third parts (the whole into three equal parts to be divided) of them, the said Robert Samuel Everest and Frances Everest of and in all that one undivided third part to which the said Elizabeth Titchbourne, the Testator, became entitled as one of the Co heiresses at law of the said Francis Everest Paxton in manner aforesaid.

1810-3 (p1.37-41; p2.1-19)

Summary - The 3 Heiresses

H.67

Of and in all those several pieces or parcels of arable meadow and wood land called . . . **Paxton's Lands** containing, in the whole, by estimation, 34 acres, more or less, situate, lying and being at or in the parish of **Shoreham** in the said county of Kent and late in the tenure or occupation of **Thomas Waring (#156)**, his undertenants or assigns, but now in the occupation of **Mr. William Everest (#52)**, half brother of . . . Robert Samuel Everest and Frances Everest, parties hereto, his Undertenants or Assigns. 1810-3 (p2.19-22)

And also all those two undivided third parts (the whole into three equal parts to be divided) of . . . Robert Samuel Everest and Francis Everest, of . . .

Summary - The 3 Heiresses

H.68

all that other undivided third part of and in the said several pieces or parcels of arable meadow and wood land called . . . **Paxtons Lands** to which . . . **Elizabeth Titchborne (#14)**, the Testatrix, became entitled . . . by virtue of the last will . . . of **Robert Titchborne (#31)**, Esquire, her husband, . . . which he . . . had purchased . . . from . . . **Samuel Bell (#11)** as hereinfore mentioned²⁵ and of and in all houses, outhouses, barns, stables, woods, underwoods, trees, hedges, commons, common of pasture, ways, waters, watercourses, rights, profits, commodities, advantages, emoluments and hereditaments and parts and shares of all houses, etc. . . and all appurtenances whatsoever to the said undivided parts of and in the said lands, etc. . . hereby granted and released . . . or any part thereof belonging or in anywise appertaining or . . . And the reversion and reversions, remainder and remainders, yearly and other rents, issues and profits thereof, and of every part and parcel thereof. And all the estate right, etc. . . whatsoever,

Summary - The 3 Heiresses

H.69

either at law or in equity of them, . . . **Samuel Margerum (#27), Robert Samuel Everest (#15)** and **Francis Everest (#17)**, or any of them, of, in, to or out of the said undivided parts and shares of lands, hereditaments and premises hereby granted and released or mentioned or intended so to be or any part or parcel thereof with the appurtenances.

To have and to hold the said undivided parts and shares of and in the said lands, etc. . . hereby granted and released etc. unto the said **Sir Walter Stirling (#47)**, . . for ever and to and for no other use, intent or purpose whatsoever.

1810-3 (p2.22-37)

Summary - The 3 Heiresses

H.70

And . . . **Samuel Margerum (#27)**, for himself, his heirs, etc. . . doth covenant, promise and agree to and with . . . Sir Walter Stirling, his heirs and assigns, that he, the said Samuel Margerum, hath not, at any time heretofore, made, done, . . . or committed any act, . . . whereby . . . the said undivided parts . . . hereby granted and released . . . is, are, can, shall or may be impeached, charged or incumbered in title, charge, estate or otherwise howsoever. 1810-3 (p2.37-41)

And . . . **Robert Samuel Everest (#15)** and **Francis Everest (#17)**, for themselves, their . . . heirs, etc. . . so far as respects each of their respective share and interest in the said hereditaments hereby granted

Summary - The 3 Heiresses

H.71

and released but not further or otherwise, do . . . hereby covenant, promise and agree to and with . . . **Sir Walter Stirling (#47)**, . . . that for and notwithstanding any act, etc. . . by them . . . made, done . . . they . . . together with . . . **Samuel Margerum (#27)**, . . . ²⁶ that notwithstanding any such act, deed, matter or thing as aforesaid, they, . . . **Robert Samuel Everest (#15)** and **Frances Everest (#17)**, at the time of the sealing and delivery of these presents, have, together with . . . Samuel Margerum (#27), good right, full power, etc. . . to grant, release and convey the same premises, hereby granted and released, . . . with the appurtenances, unto and to the use of . . . **Sir Walter Stirling (#47)**, his heirs and assigns, . . . and also that it shall . . . be, lawful to and for . . . Sir Walter Stirling, . . . and at all times hereafter peaceably and quietly to have, hold, . . . the same premises, with the

Summary - The 3 Heiresses

H.72

appurtenances, and to receive and take the rents, issues and profits thereof to and for his . . . own use and benefit without the lawful let, . . . denial, eviction . . . by . . . Robert Samuel Everest and Frances Everest, or either of . . . of their heirs or assigns . . . or by any other person or persons lawfully claiming . . . any estate, right, title, . . . to . . . same premises hereby granted and released . . . or any part thereof, from, by, under or in trust for them, . . . or . . . **Elizabeth Titchborne (#14)** deceased (except as hereinafter mentioned) and that free and clear, . . . and discharged or otherwise by . . . Robert Samuel Everest and Francis Everest, their heirs, . . . well and sufficiently saved, defended, kept harmless and indemnified of, from and against, all and all manner of former and other Grants, Bargains, . . . Except the now residue of two . . . terms of 1000 and 500 therein which are hereinafter assigned . . . unto

Summary - The 3 Heiresses

H.73

the said **John Collier (#48)**, his . . . in trust for the said Sir Walter Stirling, his heirs and assigns, for the purposes and in manner hereinafter expressed and declared in that behalf. 1810-3 (p3.1-25)

And moreover that . . . **Robert Samuel Everest (#15)** and **Francis Everest (#17)**, and their heirs and all . . . other persons having or lawfully claiming or who shall have or lawfully claim any estate, etc. . . . of, in to or out of the said undivided parts . . . hereby granted . . . or any part thereof, . . . shall and will, from time to time, and at all times hereafter, upon every reasonable request and at the proper costs and charges in the law of . . . **Sir Walter Stirling (#47)**, his heirs, etc. . . . make, do, . . . all and every such further and other lawful and reasonable acts, . . . whatsoever for the further better, more perfect and absolute granting, . . . the said undivided parts . . . hereby granted . . . with the appurtenances, unto the said Sir Walter Stirling, his

Summary - The 3 Heiresses

H.74

heirs and assigns, for ever be the same by fine, feoffment, . . . or otherwise as by . . . Sir Walter Stirling, . . . or his or their Counsel, learned in the Law, shall be reasonably advised or devised and required. 1810-3 (p3.25-34)

Now this Indenture further witnesseth that for . . . the sum of two shillings . . . to *Richard Joseph (#35)* . . . paid by . . . *John Collier (#48)* at . . . the Sealing and delivery of these presents the receipt whereof is hereby acknowledged, . . . Richard Joseph, at the request and by and with the consent, . . . of . . . *Robert Samuel Everest (#15)* and *Francis Everest (#17)*, and at the nomination of . . . *Sir Walter Stirling (#47)*, hath bargained, . . . and by these presents doth . . . bargain, sell, . . . unto . . . John Collier, his executors, . . . all those . . . two several undivided third parts hereinbefore granted and released . . . of and in the said two several undivided third parts (the whole into three equal parts to be divided of and in all the said

Summary - The 3 Heiresses

H.75

lands, etc. . . hereinbefore particularly mentioned and described. And all the Estate, right, . . . and term of years yet to come and unexpired trust, claim and demand whatsoever of him, the said Richard Joseph, of, in, to or out of the same undivided parts . . . of and in the premises intended to be hereby assigned . . . To have and to hold the said undivided parts . . . with the appurtenances, unto the said John Collier, his executors, . . . from henceforth for and during all the rest, residue and remainder now to come and unexpired of the said two several terms of 1000 years and 500 years granted by the said recited Indentures.

1810-3 (p4.24-34)

Summary - The 3 Heiresses

H.76

In trust Nevertheless for the said *Sir Walter Stirling (#47)*, his heirs . . . and to be, from time to time, conveyed and disposed of as he . . . shall direct or appoint and, in the mean time, to attend the freehold and inheritance immediately expectant on the determination of the same ?? respectively of and in the said hereditaments and premises hereby assigned and to protect the same from all mesne? charges and incumbrances, if any such there be.

Summary - The 3 Heiresses

H.77

And , , **Richard Joseph (#35)** doth hereby, for himself, his heirs, . . . covenant and declare to . . . Sir Walter Stirling, his heirs and assigns, that he, . . . hath not at any time heretofore made, done, . . . or thing whatsoever whereby . . . the said undivided parts . . . so by him assigned as aforesaid, . . . are, is, can, shall or may be impeached, . . . or otherwise howsoever. 1810-3 (p4.35-41)

In witness whereof the said parties to these presents have hereunto set their hands and Seals the day and year first above written.

1810-3 (p4.41-42)

Seals and Signatures:

Robert Samuel Everest Frances Everest Samuel Margerum Richard Joseph