

Summary - Mary Paxton's Inheritance

M.1

This summary gives details of the land, etc. which **Francis Everest (#90) of Fort Malborough in the East Indies** left to his daughter, Mary in his will of 1734. See Summary of the Three Heiress's Inheritance for more details of the family.

An Indenture written in 1810 (document 1810-2) includes a Schedule of Attached Items one of which is the will of **Francis Everest (#90) of Fort Malborough in the East Indies** which was written 1st November 1734.

Most of the surviving details of the history of Mary's inheritance come from Abstract 1 (which has the date 1808 written on it) but document 1810-2 also includes a reference to Mary's land.

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Two documents from 1828 are concerned with some land on East Hill known by the name of ***Paxtons Lands***. Summaries of these are included here and the transcripts are included with the others concerned with Mary Paxton.

Text in blue is notes concerning the documents.

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Mary's Family

<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
	Francis (son)		Ralph	
<i>died:</i>			<1753	

Francis Everest Paxton, gent of London in 1753

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will of Francis Everest (#90) of Fort Malborough in the East Indies was written in 1734

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By 1734 Mary was a widow; she and her husband, Ralph Paxton (#93), had had two sons, Francis and Ralph. In 1753 "**Francis Everest Paxton (#94)** of London, gent, the only son and heir at law of **Ralph Paxton**, and Mary, his wife, both deceased" were the third parties to an indenture mentioned below. Since by this time Francis was the only son of Ralph Paxton, Ralph must have died prior to him.

Francis Everest Paxton died intestate and his heiresses are described in Summary of the Three Heiresses; the year of his death is not known.

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Francis Everest's Will

1734 **Francis Everest (#90)** of Fort Malborough in the East Indies, Merchant, by his
1st Nov will gave, divided and bequeathed All his lands and tenements situated . . in **Shoreham**, Kent, unto **his daughter, Mary Paxton (#19), widow of Ralph Paxton (#93)**, decd. and to Mary Paxton in ?? the heirs of her body lawfully but if the two sons she then had, or any other . . heirs of her body lawfully, by any future marriages, should die before they attained the age of 21 years, then he gave and devised the said lands . . . unto his other right heirs for ever.

And after devising to his said daughter ?? an estate at Stanstead in the said County and giving certain ?? , legacies as therein mentioned, The rest, residue and remainder of his estate,

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he gave, devised and bequeathed unto his said daughter, the said Mary Paxton, . . . absolutely to her and their own use and disposal.

[Abstract 1 \(p1\)](#)

The testator made 4 codicils to his said will but none of these affected the Devises of his real Estate not being duly attested and his said Will and Codicils were proved in the Prerogative of Court of Canterbury 27th Sept. 1736

The above three lines were crossed out. In the margin was added:
By the 1st codicil he revoked the bequest of his residence to his daughter and subject to his debts, he bequeathed same to his 2 grandsons, ***Fra. Paxton (#94)*** and ***Ralph Paxton (#95)***, in the shares therein mentioned

[Abstract 1 \(p1\)](#)

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The Indentures of 1737²

Three Summaries of the Same Indenture

1737 6th? May

Indenture between **Mary Paxton** (#19) and **Francis Austin** (#29) for the consideration therein mentioned, Mary Paxton devised, etc. unto Francis Austin the premises hereinbefore described to hold, etc. for the 1000 years and a pepper corn rent subject to such proviso as therein mentioned. **1810-3(p3.34-38)**

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Mary Paxton . . . for the considerations therein particularly expressed, . . . did demise, . . . unto the said Francis Austin, . . . amongst other hereditaments, all those three pieces of woodland lying on the **East Hill in Shoreham** . . . called . . . **Wingate Woods** and the Shaw being near to them, . . . three pieces of woodland being the same hereditaments 1828-2 (p3:1-4)

Indenture between **Mary Paxton (#19)**, widow and relict of **Ralph Paxton (#93)**, Gent, decd. and only daughter, devisee and heir at law of **Francis Everest (#90)**³, **Citizen of London**, decd. of the one part and **Francis Austen (#29)**, of **Clifford Inn, London**, Gent. of the other part, The said Mary Paxton, in consideration of £100, did demise, grant, . . . unto . . . Francis Austen. Abstract 1 (p1)

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Abstract 1 continues with a long description of the message, etc: all crossed out:

(Inter alia) message or tenement and shop called . . . **Record** with the barn, stable, shop, workhouses and buildings, yards, gardens, orchards and two pieces of land containing, by estimation, 13 acres . . . being in Shoreham aforesaid called **Church Fields** . . . late in the tenure of **William Pinnocke** and then of **Thomas Covell** . . . five pieces . . . of Arable Land, two pieces of Meadow Land and one Orchard containing together . . . 13 acres . . . in Shoreham and then in the possession . . . of **James Sharpe (#135)**, the five pieces . . . called . . . by the several names following (viz.) **The Squinton, three Goodhooks**, and the **Hop Ground** Piece.

It continues with a note, to the side, "conveyed to **Mr. Baring**".

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Also those two pieces of Woodland commonly called . . . by the name of **Two Squintons** and lying . . . on the **West Hill** in . . . Shoreham. And also ,. . three pieces of Woodland lying on the **East Hill** in Shoreham . . . name of the **Wingate Woods and the Shaw** being near

to them. All which said Woodlands . . . 24 acres then in the occupation of the said James Austen . . .

To hold unto the said James Austen . . . for 1000 years at the yearly rent of a pepper corn. Covenant to levy or fine . . . In the first place for strengthening the said term of 1000 years (subject to the proviso after mentioned) and subject thereto to the use of Mary Paxton, . . . for ever Proviso for redemption in payment of £102 10 on the 7th November next

Abstract 1 (p1-2)

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1737 - 6th & 7th May

By Indentures of Lease and Release, being of 4 parts and made between .

- *Mary Paxton (#19)* of the first part,
- *Edw. Woolett (#120)* of the 2nd part,
- *Chas. Brown, gent. (#121)* of the third part
- *Francis Austen (#29)* of the 4th part,

The said Mary Paxton, for the consideration therein mentioned, did grant, bargain, . . unto . . Edward Woolett . . (inter alia) All the premises contained in the Mortgage of 6th May 1737 (except two pieces of Land in Shoreham)

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long description of land, etc: all crossed out:

And also all those three other messuages, tenements or dwellings with the gardens, yards and backsides thereunto belonging, containing by estimation about ½ acre . . . being in the High Street of Shoreham . . . then in the several tenures or occupation of **Thomas Wale (#141)**, **Matthew Harvey (#142)** and **Susan Searles (#143)** then undertenants or assigns, bounding to the High Street on the South, to a messuage and premises of **John Willis (#134)** on the West called the **White Swan**, to lands of **Samuel Rutter (#3)** on the North, to other part of the lands of . . . Mary Paxton therein before mentioned, to be in the possession of **Thomas Covell (#144)** on the East or however otherwise the same do abut or abound. And all other the Freehold Messuages, Houses, Lands, etc. of her the said Mary Paxton in Shoreham aforesaid.

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To hold unto the said Edward Woolett, . . . To the use of him the said Edward Woolett, . . . for ever⁴. To the intent to make him tenant of the Freehold of the said Premises that a Recovery might be suffered which Recovery was thereby declared should enure

As to for and concerning as well (inter alia) all that messuage or tenement, shop, workhouse, buildings, yards, garden and orchard . . . in the tenure . . . of . Thomas Covell. As also . . . several pieces . . . of woodland . . . on the East and West Hills in Shoreham . . . in the possession of . . . James Sharpe. And also all other the messuages, lands and premises thereinbefore mentioned to be in the possession . . . of . . . Thomas Covell and James Sharpe, . . .

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To . . . the only proper use and behoof of the said Frances Austin, . . . for the residue of the said term of 1000 years granted by the Abstracted Indenture of the 6th of May 1737. , and subject to the proviso therein contained and subject thereto To the use of the said Mary Paxton, . . . for ever.

[Abstract 1 \(p2-3\)](#)

[more description of land, etc: all crossed out:](#)

And as to for and concerning all those three messuages or tenements, hereditaments and premises thereintobefore mentioned to be in the several occupations of Thomas Whale, Mr. Harvey and S. Searles. And all other the messuages, etc. whereof no use had been before declared. To the use of . . . Mary Paxton, for ever

[Abstract 1 \(p3\)](#)

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Deed Poll 17th Nov

1737

17th Nov By Deed Poll indented on the said Indenture of 6th May 1737
After Writing that . . . **Mary Paxton (#19)** had borrowed of . . .
Francis Austin (#29) the further sum of £60 and for securing the
same with interest at 5% . . . Mary Paxton, together with **John
Fawkner (#18)** of Furnival ?? had that day entered into a Bond
of even Date therewith in the penalty of £120.

. . . Mary Paxton, did thereby charge the said premises with the
further sum of £60 and interest. Covenant not to redeem the
said premises till as well the . . . £100 and interest as the . . . £60
and interest . . . should be first . . . paid [Abstract 1 \(p4\)](#)

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Indenture 17th Dec 1737

1737

17th Dec Indenture between

- **Francis Austin (#29)** of the first part,
- **John Fawkner (#18)** and **Mary (#19)**⁵, his wife, of the second part
- **Thomas Collison (#20)**, of the third part

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added in [Abstract 1, p.4](#): by her further description of late Mary Paxton, widow and relict of **Ralph Paxton (#93)**, gent., deceased, only daughter of **Francis Everest (#90)**, citizen of London, deceased, **Thomas Collinson (#20)** of the parish of **Saint Olaves, Southwalk**, Surrey, brewer

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From the Indenture of 6th May: John Fawkner had then lately married Mary Paxton, whereby he and Mary Paxton had become entitled to the Equity, etc. of Redemption of the said premises. for the consideration therein mentioned, Francis Austin bargained, etc., and John Fawkner and Mary released, etc. unto Thomas Collison all the premises comprized in the Indenture of 6th of May 1737⁶ for the residue of the 1000 years subject as aforesaid.

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in [Abstract 1, p.4](#), [this sentence ends](#): “and having occasion to borrow the further sum of £240 had applied to . . . Thomas Collinson for the same”.

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And John Fawkener and Mary also sold to Thomas Collison certain other premises being part of the premises the said undivided parts whereof are hereinbefore granted and released or mentioned or intended so to be. To hold unto Thomas Collison, etc. for 500 years subject to such proviso as is therein mentioned. 1810-3(p3.39-p4.10)

The above details are repeated in document 1828-2 (p3:7-17) and Abstract 1 (p4) with the paragraph below added to this Indenture:

It is witnessed that . . . ***Francis Austin (#29)***, in consideration of £160 13s 7d, to him paid by . . . Thomas Collinson and of £239 6s 5d to . . . Thomas Fawkner and Mary, his wife, by . . . Thomas

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Collinson also paid (making together £400) did bargain, . . . by the direction of the said John Fawkner and Mary, his wife, and the said John Fawkner and Mary, his wife, did release, satisfy and confirm unto the said Thomas Collinson, . . . all . . . the . . . hereditaments and premises comprised in the said Indenture of 6th May 1737. To hold unto . . . Thomas Collinson, . . . for the residue of the said term of 1000 years subject as aforesaid.

[Abstract 1 \(p4\)](#)

[Abstract 1, pages 4 and 5, continues with an expansion of some of the details from this Indenture](#) See also

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Michas Term II Geo.2nd

Indentures of Fine Sur Conveyance, Etc. between . . .
Thomas Collinson (#20), plaintiff and . . . ***John Fawkner (#18)***
and ***Mary (#19)***, his wife, defendants of 4 messuages, 6
gardens, 12 acres of land, 5 acres of meadow and 30 acres of
wood with the appurtenances in Shoreham. [Abstract 1 \(p5\)](#)

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Indenture 1738

1738

23rd Feby. ***By Indenture*** between:

- ***Mr. Fawkner (#18)*** and ***Mary (#19)***, his wife, of the one part
- ***Thomas Collinson (#20)*** of the other part

Reciting the said last month Indenture of Mortgage, Assignment and Fine and also a Bond from . . . John Fawkner and Mary, his Wife, to the said Thomas Collinson of even date therewith for securing payment of £200 and interest at 5% per annum on the 25th May then next . . . The said John Fawkner and Mary, his Wife, . . . did direct, limit and appoint all the said Messuages and Premises to . . . Thomas Collinson . . . for the

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residue of the said term of 1000 years as a security for the repayment of the said sums of £400 and £200 and interest.

After reciting the indenture of 17th Dec. 1737 and the said bond and indenture of the 3rd July and also a bond from . . John Fawkner to . . Thomas Collinson dated the 25th April 1738 for securing £30 and interest, . . Thomas Collinson declared that the said £400 and £200 and £30 were the proper monies of ***Thomas Barrett (#145)*** of the Inner Temple, Esq.

[Abstract 1 \(p5\)](#)

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Assignments and an Indenture 1753

1753 by virtue of several subsequent Assignments and particularly by an

17th May Indenture between:

- ***Deodatus Bye (#25)*** of ***Maidstone***, clerk, and ***Mary (#23)***, his wife, and ***William Wilkins (#26)*** of ***Broughton Munchelsea***, Kent, tanner, and ***Constance (#24)***, his wife, of the first part, Mary and Constance, were the Administratrixes of the Goods, etc. of ***Thomas Collison (#20)*** whose daughters they were. These had been left unadministered by ***John Collison (#22)***, Thomas's executor and son. Thomas Collison's will was annexed to this indenture.

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- ***Susannah Borrett (#30)*** of Shoreham, widow, relict and executrix of the said ***Thomas Borrett (#92)*** of the second part
- ***Francis Everest Paxton (#94)*** of London, gent, only son and heir at law of ***Ralph Paxton (#93)***, and Mary, his wife, both⁷ deceased of the third part
- ***Samuel Rutter (#5)*** of ***Fleet Street, London***, operator for teeth, of the fourth part.

Abstract 1 (p6)
1810-3 (p4.10-14)

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All the aforesaid Hereditaments and premises were assigned to Samuel Rutter, etc. for the residue of the two terms of 1000 and 500 years in trust for Francis Everest Paxton, his Heirs and Assigns

1810-3 (p4.14-16)

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More details are given in [Abstract 1](#):

After reciting the several indentures of mortgage, deeds poll, bonds, fine & declaration of trust . . . and that . . . Thomas Collinson was deceased. and that Letters of Admin. were granted . . . to . . . Mary Bye and Constance Wilkins, And that the said Thomas Borrett was also deceased and that the said Susanna Borrett, his sole executrix had duly proved his Will . . . And that the said John Fawkner and Mary, his wife, were both dead without making any other Appointment of the Uses of the said Fine. And . . . **Francis Everest Paxton (#94)**, as the only son and heir of . . . Mary, was entitled to the Equity of Redemption of all and singular the said Messuages? in

Summary - Mary Paxton's Inheritance M.29

Mortgage to the said Thomas Collinson on payment of principal and interest due . . . And that . . . Thomas Borrett paid ?? in his life time and the said Susanna since his decease in possession of the said premises and had received the profits thereof And that, by an Account that day taken, there appeared due to the said Susanna Borrett £700.

It is witnessed that, in consideration of £700 to the said Susanna Borrett paid by the said Francis Everest Paxton and for the other consideration therein mentioned, the said Deodaties Bye and Mary, his wife, and William Wilkins and Constance, his

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wife, at the request of . . . Susanna Borrett and by the direction of . . . Francis Everest Paxton and also . . . Susanna Borrett, did bargain, . . . unto . . . Samuel Rutter, . . . all the hereditaments and premises comprised in the said last Abstracted Mortgage. To Hold unto . . . Samuel Rutter, . . . for the residue of the said Term of 1000 years, in Trust for the said Francis Everest Paxton, his Heirs and Assigns, to attend the inheritance of the said premises.

Abstract 1 (p6-7)

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Paxton's Lands

Two documents, a Lease and a Conveyance, have survived from 1828, the latter referring to earlier documents from 1737 and 1813. The land to which these indentures refer is:

All those three pieces of woodland lying on the ***East Hill in Shoreham***, Kent, formerly called by the name of ***Wingate Woods*** and the Shaw being near to them but now called . . . the ***Doctors Wood*** and formerly with other woodlands in the occupation of ***James Sharpe, (#135)*** , . . . which said pieces of woodland, together with other lands, were afterwards known by the name of ***Paxton's Lands***.

1828-1(8-12)

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In these documents, although they refer to earlier documents, there is no mention of the name Paxtons Land in these references. The reference to this land in Abstract 2 (given below), written about 1811, although crossed out, does, however, indicate that the land was known by that name as early as 1811.

The Title of Mr. William Everest to Paxtons Land

Abstract2, which was probably written in January 1811, starts with a section concerning William Everest's title to Paxtons Land. This was subsequently crossed out but it is included here:

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The Title of *Mr. William Everest (#52)* to:

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 or share (being five equal undivided ninth parts of and in All those several pieces or parcels of arable meadow, hops and wood land called . . . **Paxtons Land** heretofore described to contain, by estimation, 34 acres but containing by assessment 41 acres, more or less, situate, lying and being at or in the parish of **Shoreham** . . . heretofore in the tenure or occupation of **Thomas Waring**, his . . . late of . . . William Everest now of **Sir Walter Stirling (#47)**, . . . All which said ?? and Hereditaments are purchased by . . . Sir Walter Stirling, Baronet, at the sum of £ (left blank) **Abstract2 (p1)**

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William Everest (#52) was the party of the first part and Walter Stirling that of the sixth part of the Indentures of Lease and Release and Assignment of 1813 whilst Stirling, but not Everest, was a party to the 1810 indentures.

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The 1828 Documents

Reference Back to 1737

And whereas by a certain Indenture of demise, bearing date on or about the 6th May 1737 made between:

- **Mary Paxton (#19)** . . of the one part
and

- **Francis Austin (#29)** . . of the other part,
for the considerations therein particularly expressed . . Mary Paxton , did demise, . . and sell unto . . Francis Austin, . . amongst other hereditaments, all those three pieces of woodland lying on the East Hill in Shoreham . . called . . the **Wingate Woods** . . being the same hereditaments and premises as are hereinbefore granted and released . . to hold the same . . unto . . Francis Austin, his executors, administrators

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and assigns from the day next before the day of the date of the now reciting Indenture⁸ for the term of 1000 years at a peppercorn rent subject to such proviso for redemption as thereafter mentioned and contained. And whereas by an Indenture bearing date 17th December 1737 and made between . .

- ***Francis Austin (#29)*** of the first part,
- ***John Fawkener (#18)***, . . and ***Mary (#19), his wife***, of the second part

and

- ***Thomas Collinson (#20)***, . . of the third part,

⁸ the date of this indenture is 1828, Mary Paxton's sale to Frances Austin was 1737. "the now reciting indenture" may refer to the one of 1737 which was then, in 1828, being reiterated.

Summary - Mary Paxton's Inheritance M.37

After reciting the last recited Indenture and that . . . John Fawkener had lately intermarried with . . . Mary Paxton⁹ whereby he and . . . Mary Paxton had become entitled to the equity of redemption of the said premises comprised in the said hereinbefore last part recited Indenture

1828-2(p2:46-p3:11)

It was witnessed that, for the considerations therein expressed, . . . Francis Austin, by the direction of . . . John Fawkener and Mary, his wife, did bargain, . . . set over And . . . John Fawkener and Mary, his wife, did release, ratify and confirm unto . . . Thomas Collinson, . . . all the

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see family tree page M.5

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hereditaments and premises comprised in the said recited Indenture of 6th May 1737. To hold unto . . Thomas Collison, his executors . . for the residue of the said term of 1000 years subject as aforesaid. And . . John Fawkener and Mary, his wife, for the considerations therein expressed, did grant, . . and demise unto . . Thomas Collinson, . . certain other hereditaments and premises of which the hereditaments and premises hereinbefore granted and released are part, to hold the same, with the appurtenances, unto . . Thomas Collison, his . . for the term of 500 years subject to such proviso as therein mentioned for redemption of the same premises.

1828-2 (p3:11-17)

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June 1810

And whereas, by virtue of several subsequent Assignments and Assurances in the law And particularly by certain Indentures of Lease and Release and Assignment bearing date respectively 1st and 2nd June 1810¹⁰ . . . made between:

- ***Robert Samuel Everest (#15)*** and ***Francis Everest (#90)***, . . . of the first part
 - ***Samuel Margerum (#27)***, of the second part,
 - ***Richard Joseph (#35)*** of the third part,
 - ***Sir Walter Stirling (#47)*** of the fourth part
- and
- ***John Collier (#79)*** of the fifth part.

1828-2(p3:18-21)

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October 1813

And also by certain other Indentures of Lease and Release and Assignment, bearing date respectively 4th and 5th October 1813, . . . the Release and Assignment being made between:

- ***William Everest (#52)***, therein described of the first part,
- ***John Saxby (#81)***, therein also described of the second part,
- ***William Hales (#84)*** and ***William Everest (#52)***¹¹, Trustees, as therein mentioned of the third part.
- ***Charles Hales (#85)*** and ***Elizabeth Harriet (#16)***, his wife, therein described of the fourth part,

¹¹

was this the same man as the first part but with a different role?

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- *Richard Joseph (#35)* of the fifth part,
 - *Sir Walter Stirling (#47)* of the sixth part
- and
- *John Collier (#79)* of the seventh part.

The pieces or parcels of land and hereditaments hereinbefore granted and released . . . were assigned unto . . . John Collier, his Executors, . . . for the residue of the said respective terms of 1000 thousand years and 500 years. In trust for . . . Sir Walter Stirling, his heirs and assigns, and to attend the freehold and inheritance of the same hereditaments.

1828-2 (p3:18-26)

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Lease of 1828

This Lease is concerned with the same Woodland as the Conveyance dated 23rd August 1828. Spaces have been left for the date which, except for the year, was never entered but it was probably dated 22nd February 1828.

It was between:

- *John Bonham Carter (#75)*, late of the *Inner Temple in the City of London*, but now of *Petersfield . . Hants*, Esquire of the one part

and

- *James Ryder Burton (#76)* of *Park Place Regents Park . . Middlesex*, a Captain in His Majesty's Navy, of the other part.

1828-1 (2-5)

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Witnesseth that . . . John Bonham Carter for and in consideration of the sum of five shillings . . . paid by . . . James Ryder Burton . . . hath, bargained and sold . . . unto . . . James Ryder Burton, . . . All those three pieces of woodland lying on the ***East Hill in Shoreham*** . . . formerly called . . . ***Wingate Woods*** . . . but now called . . . of ***Doctors' Wood*** and formerly with other wood lands in the occupation of ***James Sharpe (#135)***, . . . which said pieces of woodland, together with other lands, were afterwards known by the name of ***Paxtons Lands***. Together with all and singular trees, woods, underwoods, coppices, and the ground and soil thereof, mounds, fences, ditches, ways, waters, watercourses, liberties, privileges, profits, commodities, anoliments¹² and appurtenances whatsoever, to the said pieces or parcels of land and hereditaments belonging, . . . And the

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emoliments? lines 8 to 16 here are an exact copy of lines 38 to 43 in Document 1828-2

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reversion and reversions, remainder and remainders, rents, issues and profits thereof.

1828-1 (5-17)

To have and to hold the said pieces or parcels of Land and hereditaments therein before bargained and sold . . unto . . James Ryder Burton, . . from the day next before the day of the date thereof, for and during and unto the full end and term of one whole year thence next ensuing . . Yielding and paying therefore unto . . John Bonham Carter, . . the rent of one peppercorn only on the last day of the said term if the same shall be lawfully demanded. To the intent and purpose that, by virtue of those present. and by force of the Statute made for transferring uses into possession, . . James Ryder Burton may be in the actual possession of . . the said premises hereinbefore bargained and sold . . and be thereby enabled to accept and take a Grant and Release of the freehold reversion and inheritance thereof to him and his heirs in such sort, manner and form

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as shall be thereof mentioned and expressed in and by a certain Indenture of Release already prepared and intended to bear date the day next after the day of the date hereof and made between . . .

- *John Bonham Carter (#75)* of the first part,
- *Sir Walter Stirling (#47)* of the *Albany* . . . Middlesex, Baronet, of the second part,
- *James Ryder Burton (#76)* of the third part,
- *Lloyd Salisbury Baxendale (#78) of Kings Arms Yard* in the City of London, Gentleman, of the fourth part,
- *John Collier (#79) of Cary Street, Chancery Lane* . . . Middlesex, Gentleman of the fifth part

and

- *Arthur Thomas Upton (#80) of Kings Arms Yard* aforesaid, Gentleman of the sixth part.

1828-1 (17-30)

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Conveyance 1828

The lease above ends with a list of the parties to a release which was to be dated the day after the release but this document is not included with those examined here. The Conveyance, dated 23rd August, is included in the documents investigated and is between the same parties as the those listed at the end of the lease summarised above.

This Conveyance refers to a lease and release of 22nd and 23rd February 1828 but the release is between different parties from those given in the lease:

Summary - Mary Paxton's Inheritance M.47

Whereas by Indentures of Lease and Release bearing date respectively the 22nd and 23rd February 1828, the Release being made . . . between:

- ***Sir Walter Stirling (#47)*** of the one part

and

- ***John Bonham Carter (#75)*** of the other part,

The pieces or parcels of land and hereditaments hereinafter particularly mentioned . . . were, with other hereditaments, conveyed and assured unto . . . John Bonham Carter, . . . upon trust that (he) should at such time . . . afterwards as he . . . should, in his . . . discretion, think fit absolutely, sell the same hereditaments, either entirely and altogether or in parcels, by public auction or private contract, to any person . . . willing to become the purchaser . . . thereof for such price or prices as (he) should think reasonable and should, for the purposes aforesaid, enter into and execute

Summary - Mary Paxton's Inheritance M.48

all such contracts, deeds and assurances as (he) should think proper. And it was by the now writing Indenture declared that all such contracts, deeds and assurances which should, or might be, entered into, made or executed, and all such proceedings as might be instituted by . . . John Bonham Carter, . . . under the trusts thereby declared, should or might be entered into, made or executed, either with or without the assent or concurrence of the said Sir Walter Stirling, . . . as to the said Trustee should seem advisable and should, . . .

1828-2 (p1:7-19)

And it was by the Indenture now in recital provided and declared that the receipt . . . in writing of . . . John Bonham Carter, . . . for any sum or sums of money payable to him . . . by virtue of the now writing indenture or in or about the execution of any of the trusts or powers therein before contained, should be a sufficient and effectual discharge, . . . for the same respectively, . . . And that the person or persons to whom the same should be given, . . .

Summary - Mary Paxton's Inheritance M.49

should not afterwards be answerable or accountable for any loss, misapplication or nonapplication or be in anywise obliged or concerned to see to the application of the money therein mentioned and acknowledged to be received. **And whereas** . . . John Bonham Carter, in pursuance and performance of the trusts so reposed in him in and by the said recited Indenture, hath contracted and agreed with . . . **James Ryder Burton (#76)** for the absolute sale to him, . . . James Ryder Burton of the pieces or parcels of land and hereditaments hereinafter particularly mentioned and intended to be hereby released and the inheritance thereof in possession free from all encumbrances at or for the price or sum of £125. **1828-2 (p1: 19-27)**

And whereas . . . Sir Walter Stirling, upon the application of . . . John Bonham Carter, hath agreed to join in those presents, now this Indenture witnesseth that, in pursuance . . . of the said agreement and for and in consideration of the sum of £125 to . . . John Bonham Carter . . . paid by . . . James Ryder Burton at, or immediately before, the sealing and delivery of

Summary - Mary Paxton's Inheritance M.50

those presents, the receipt whereof . . . John Bonham Carter, doth hereby admit and acknowledge and . . . doth acquit, release and discharge, . . . James Ryder Burton, . . . for ever by these presents, . . . John Bonham Carter hath granted, bargained, sold, . . . And . . . Sir Walter Stirling, in consideration of the sum of 5s . . . to him paid by . . . James Ryder Burton, hath granted, bargained, . . . and confirmed and by these presents, doth grant, bargain, sell, . . . unto . . . James Ryder Burton in his actual possession now being by virtue of a bargain and sale to him thereof made by . . . John Bonham Carter in consideration of 5s by an Indenture bearing date the day next before the day of the date of these presents for the term of one whole year commencing from the day next before the day of the date of the said Indenture of Bargain and Sale and by force of the statute made for transferring uses into possession . . .

1828-2 (p1:27-37)

Summary - Mary Paxton's Inheritance M.51

All those three pieces of woodland lying on the *East Hill in Shoreham*, Kent, formerly called by the name of *Wingate Woods* and the Shaw being near to them but now called . . the *Doctors Wood* and formerly with other woodlands in the occupation of *James Sharpe (#135)*, . . which said pieces of woodland, together with other lands, were afterwards known by the name of *Paxtons Lands* together with all and singular trees, etc. . . . And all the estate, right title inheritance, use, trust, possession, property, possibility, claim and demand whatsoever, both at Law and in Equity, of the said John Bonham Carter and Sir Walter Stirling and each of them of, in and to the same and every part and parcel thereof. Together with all deeds, evidences and writings whatsoever. which in anywise relate to . . the same hereditaments and premises . . which are now in the possession, . . of . . John Bonham Carter and Sir Walter Stirling, or either of them, . . . To have . . the said pieces . . herein before granted . . unto . . James Ryder Burton . . upon such trusts and to and for such . . purposes as . . James Ryder Burton

Summary - Mary Paxton's Inheritance M.52

shall by any deed . . . by him sealed and delivered in the presence of . . .
two or more credible witnesses . . . from time to time direct, limit or appoint
and for want of and until such direction. . . To the use of . . . James Ryder
Burton . . . in his life time. 1828-2 (p1:37-p2:9)

To the use of . . . *Lloyd Salisbury Baxendale (#78)* . . . during the life of the
said James Ryder Burton in trust for . . . James Ryder Burton . . . during his
life and to prevent any wife of the said James Ryder Burton from being
entitled to the dower out of . . . the said hereditaments . . . or any part
thereof. And from and immediately after the determination of the Estate
herein before limited to the Lloyd Salisbury Baxendale and his heirs during
the life of the said James Ryder Burton. To the use of the said James Ryder
Burton, his heirs and assigns forever. 1828-2 (p2:9-11)

page 2, lines 13-46: large amount of repetition concerning:

Sir Walter Stirling, James Ryder Burton, and John Bonham Carter.

Summary - Mary Paxton's Inheritance M.53

And whereas by a certain Indenture of demise, bearing date on or about 6th May 1737 made between **Mary Paxton (#19)** . . . for the considerations therein particularly expressed, . . . did demise, . . . unto the said **Francis Austin (#29)**, . . . amongst other hereditaments, all those three pieces of woodland lying on the **East Hill in Shoreham** . . . called . . . **Wingate Woods** and the Shaw being near to them, . . . three pieces of woodland being the same hereditaments and premises as are hereinbefore granted and released . . . To hold the same . . . unto the said Francis Austin. . . from the day next before the day of the date of the now reciting Indenture¹³ for the term of 1000 years at a peppercorn rent subject to such proviso for redemption as thereafter mentioned and contained. **1828-2 (p3:1-7)**

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the date of this indenture is 1828, Mary Paxton's sale to Frances Austin was 1737.

Summary - Mary Paxton's Inheritance M.54

The details of the Indenture of 17th December 1737 are repeated here in document 1828-2:

whereas, by virtue of several subsequent assignments and assurances in the law and particularly by certain Indentures of Lease and Release and Assignment: dated respectively 1st and 2nd June 1810 and the Release and Assignment . . . made between - see page M.39 **1828-2 (p3:7-17)**

also by another Indenture of. . . Release and Assignment dated 4th & 5th October 1813 . . . see page M.40 **1828-2 (p3:21-26)**

Summary - Mary Paxton's Inheritance M.55

this Indenture further witnesseth that, in consideration of the premises and for and in consideration of the sum of 5s . . . to . . . **John Collier (#79)** . . . paid by . . . **Arthur Thomas Upton (#80)**, at . . . the sealing and delivery of these presents . . . John Collier, by the direction and appointment . . . of . . . Sir Walter Stirling and . . . John Bonham Carter, . . . hath bargained, sold, . . . unto Arthur Thomas Upton, . . . all and singular . . . of the aforesaid lands, . . . by the hereinbefore in part recited Indentures of 6th May 1737 and 17th December 1737 as are hereinbefore granted . . . And all the estate, . . . and terms of years yet to come and unexpired, property, . . . **1828-2 (p3:27-34)**

Summary - Mary Paxton's Inheritance M.56

To have . . . all and singular the said lands, . . . unto . . . Arthur Thomas Upton, . . . henceforth for . . . all the rest residue and remainder, now to come and unexpired of the said respective terms of 1000 years and 500 years. In trust for . . . **James Ryder Burton (#76)**, . . . and to attend, wait upon and go along with the freehold reversion and inheritance . . . And the said John Collier doth hereby, . . . covenant, promise . . . with . . . Arthur Thomas Upton, . . . in manner following, that is to say, that he, . . . John Collier, hath not at any time heretofore made, made, done, . . . any act, . . . whereby . . . the said lands, . . . are, . . . assigned, surrendered, . . . or in any wise incumbered.

Summary - Mary Paxton's Inheritance M.57

In witness whereof the said parties to these presents have hereunto set
their hands and seals. 1828-2 (p3:35-44)

seals and signatures of:

John Bonham Carter

Walter Stirling

John Collier