

James Templer's estate: vesting settled estates in Devon; another estate to be settled in lieu

WHEREAS James Templer late of **Stover Lodge** in the County of Devon Esquire deceased made and published his last will and testament in writing duly executed for the purpose of passing real Estates bearing date on or about the second day of March one thousand seven hundred and eighty two and thereby gave devised and bequeathed unto **James Templer** his Eldest Son and his assigns all those his Manors Messuages Lands Tenements Hereditaments and Premises with the Rights Members Privileges and appurtenances thereto belonging situate lying and being in the parish of **Teigngrace** in the said County of Devon and also the Reversion Expectant on the death of **Lady Betty Archer** of all those his the said Testator's Manors Messuages Lands Tenements Hereditaments and Premises which he purchased of **Lord Archer** to hold the same unto his said son the said **James Templer** and his assigns for and during the course of his natural life and from and after his decease he gave devised and bequeathed the same with the appurtenances unto the **Honourable Sir Francis Buller** one of the Justices of His Majesty's Court of Kings Bench by the addition of **Francis Buller** of **Churston** Court in the said County of Devon Esquire **Thomas Lane** of **Coffleet** in the County of Devon Esquire **Thomas Parlby** of **Stone Hall** in the said County Esquire **Gabriel Stewart** and **Francis Stewart** both of **Weymouth** in the County of Dorset Esquires and **John Slade** Commissioner of His Majesty's Victualling Office and their heirs and assigns to hold the same unto them the said Trustees their heirs and assigns for ever in trust to support the contingent Remainders and Estates thereafter limited from being defeated or destroyed but nevertheless to permit and suffer the said **James Templer** and his assigns to receive the rents issues and profits thereof and of every part thereof for and during the term of his natural life and from and after his decease the said testator gave and devised the same unto his Grandson **George Templer** and the heirs male of his body and in default of such issue to the second, third fourth fifth and all and every the son and sons of his the said testator's son **James Templer** and his assigns for and during the term of his natural life and from and after his decease he gave and devised the same to his Grandson **George Templer** and the heirs male of his body and for default of his issue then to the second third fourth fifth and all and every the son and sons of his the said testator's said son **James Templer** lawfully begotten or to be begotten in Tail Male Remainder to the Reverend **John Templer** the testator's second son for and during the term of his natural life and from and after his decease then to the heirs male of his body lawfully begotten or to be begotten Remainder to his the testator's son **George Templer** and his assigns for and during the term of his natural life and from and after his decease then to the heirs male of his body lawfully begotten or to be begotten Remainder to his the said testator's son **Henry**

Line Templer and his assigns for and during the term of his natural life and from and after his decease then to the heirs male of his body lawfully begotten or to be begotten Remainder to his the said testator's son **Charles Beckford Templer** (since deceased) and his assigns for and during the term of his natural life and from and after his decease to the heirs male of his body lawfully begotten or to be begotten Remainder to his the testator's daughter **Dame Ann de la Pole** (wife of **Sir John William de la Pole** Baronet) and her assigns for and during the term of her natural life and from and after her decease then to the heirs male of her body lawfully issuing he and them taking and bearing the name of Templer Remainder to the right heirs of the said testator for ever and the said testator by a codicil to his said will bearing date the same second day of March one thousand seven hundred and eighty two appointed the said trustees to be executors of his said will and he soon after departed this life without making any alteration in his said will or codicil respecting the said estate in the parish of **Teigngrace** and the said Reversion so devised by him as aforesaid

AND WHEREAS the said reversion expectant on the death of the said **Lady Betty Archer** so devised by the said will of the said **James Templer** as aforesaid did not consist of entire Manors Messuages Lands and Hereditaments but the said reversion expectant as aforesaid consisted of only one undivided Third Part of and in certain Manors Messuages Lands and Tenements situated and lying dispersedly in the several Counties of **Hants Wilts and Dorset**

AND WHEREAS by an Act of Parliament made and passed in the twenty third year of his present Majesty's Reign entitled "An Act for vesting such parts of the Real estates of **James Templer** Esquire deceased as lye in the Counties of **Hants Wilts and Dorset** to be sold and for laying out the money arising by such sale in the purchase of other lands to be settled to the uses and for the purposes therein mentioned" the undivided Third part and in the Reversion and Remainder in fee simple expectant on the death of the said **Lady Elizabeth Archer** so devised by the will of the said **James Templer** as aforesaid was vested in and settled upon the said **Francis Buller** and **John Slade** their heirs and assigns to the use of them the said **Francis Buller** and **John Slade** their heirs and assigns freed and absolutely discharged of and from all and every the uses trusts estates limitations provisos declarations and agreements limited declared and mentioned of and concerning the same in and by the said will of the said **James Templer** deceased but nevertheless upon trust and to the intent that the said **Francis Buller** and **John Slade** or the survivor of them or the heirs of such survivor did and should (with such

consent and approbation as therein mentioned) sell and dispose of the one undivided third part of the said premises thereby vested in them the said **Francis Buller** and **John Slade** and their heirs as aforesaid and the fee simple and inheritance thereof (but subject and without prejudice to the Estate for life of the said **Lady Elizabeth Archer** therein) unto such person or persons who should be willing to become the purchaser or purchasers thereof for such price or prices as to them the said **Francis Buller** and **John Slade** or the survivor of them or the heirs of such survivor should see reasonable and it was thereby further enacted that from and after the sale and conveyance of the premises thereby vested in the said **Francis Buller** and **John Slade** should be made all and every sum and sums of money which should arise and be procured by such sale or sales respectively should after a deduction of the costs charges and expenses of passing the said Act and of the several applications to be made to the High Court of Chancery as herein directed be laid out and disposed of by and with the approbation of the said **James Templer** or of such other person or persons as herein mentioned in one or more purchase or purchases of entire Messuages Lands Tenements Hereditaments in fee simple in possession situate in or near the said County of Devon and that the said trustees did and should settle convey and assize such entire Messuages Lands Tenements Hereditaments and premises so to be purchased to the use of the said **Francis Buller** and **John Slade** their executors administrators and assigns for the term of sixty years if the said **Lady Elizabeth Archer** should so long live upon the trusts therein after declared of and concerning the same subject thereto upon and subject to such and the same Uses Estates trusts Powers Provisoos and Limitations as in and by the said recited will of the said **James Templer** deceased are limited and declared of and concerning the same Manors Messuages Lands Tenements Hereditaments and Premises so purchased of the said **Lord Archer** as aforesaid or such and so many of them as should be then existing undetermined and capable of taking effect

AND WHEREAS the said one undivided Third Part of and in the Manors Messuages Lands Tenements Hereditaments and Premises so vested in them the said **Francis Buller** and **John Slade** as aforesaid have been sold and part of the money arising by sale thereof hath been laid out in the purchase of the **Manor of Compton** and other lands and premises thereto belonging in the County of Devon and the residue thereof hath been laid out in the purchase of certain Messuages Lands Tenements and Hereditaments situate lying and being at **Christowe** in the said County of Devon and the same have been conveyed (subject to said term of sixty years if the said **Lady Elizabeth Archer** shall so long live) to the same Uses Estates trusts Powers Provisoos and Limitations as in and by the said recited will of the said **James Templer**

deceased are limited and declared of and concerning the same Manors Messuages Lands Tenements Hereditaments and Premises so purchased of the said **Lord Archer** as aforesaid

AND WHEREAS the said **James Templer** hath lately purchased and is seized in fee simple of the several Lands and Hereditaments hereinafter particularly mentioned and described lying contiguous and particularly convenient to the Principal Manors and Estate in the parish of **Teigngrace** aforesaid devised by the will of the said **James Templer** deceased to the said **James Templer** an his first and other sons as before mentioned and of certain other lands hereditaments and premises hereinafter also particularly mentioned situate in the parish of **Highweek** and adjoining to the said last mentioned premises and which are of greater value than the said estate at **Christowe** so purchased by and conveyed to the said **Francis Buller** and **John Slade** upon Trust aforesaid and it would be greatly for the advantage of the said **James Templer** and of the said **George Templer** his infant son and the heirs male of his body and the after born sons of the said **James Templer** and the heirs male of their bodies and the several other persons in Remainder under the will of the said **James Templer** deceased if an exchange were made between the said **James Templer** and **Francis Buller** and **John Slade** of the said estates but which cannot be effected without the aid and authority of an Act of Parliament

WHEREFORE your Majesty's most dutiful and loyal subjects the said **James Templer** eldest son of the said **James Templer** deceased as well as on his own behalf as for and on the behalf of the said **George Templer** his eldest son and also the said **John Templer George Templer Henry Line Templer Sir John William Pole** Baronet and **Dame Ann** his wife and the said **Francis Buller** and **John Slade** most humbly beseech your Majesty that it may be enacted

AND be it ENACTED by the King's most excellent Majesty and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same that all that Messuage or Tenement with the appurtenances in **Christowe** in the county of Devon commonly called and known by the name of **Cole Harbour** and that close of land there called the **Great Head** (?) and containing six acres or thereabouts more or less and sometime or late in the possession of **Christopher Osborne** Gentleman deceased or his assigns or undertenants and all that messuage and tenement with the appurtenances in **Christowe** aforesaid commonly called and known by the name of the **New House** and sometime in the possession of **Joan Clifford** Widow her assigns or undertenants and afterward in the possession of **Edward Archer** and **Valentine Archer** of **Christowe**

aforesaid Yeomen or one of them or one of their assigns or undertenants and also all those three closes or parcels of land meadow or pasture with the appurtenances in **Christowe** aforesaid sometime or late in the possession of **William Miller** of **Christowe** aforesaid Clerk or his assigns or undertenants commonly called or known by the name of **Wood Acre** containing two acres and a half or thereabouts the **Horsepool Meadow** containing also two acres and a half or thereabouts and the **Barton Mead** containing likewise two acres and an half more or less and all that messuage **Baron Orchard** Barn and Stable with the appurtenances there sometime in the possession of **Amy Potter** Widow her assigns or undertenants and all that messuage or cottage with the appurtenances there sometime or late in the possession of **Christopher Flowd** his assigns or undertenants and all that house and garden with the appurtenances there sometime in the possession of **Hanibal Clampit** and **Wilmot Fozer** or one of them their or one of their assigns or undertenants and all those three closes of land meadow or pasture with the appurtenances there called the **Bowleys** containing nine acres or thereabouts and lately parcel of a tenement in **Christowe** aforesaid called **Lower Court** and all that messuage and tenement with the appurtenances there called **Wood** sometime or late in the possession of **Nicholas Yeo** otherwise **Bowden** his assigns or undertenants and all that messuage and tenement with the appurtenances there called **Beare** sometime or late in the possession also of the said **Nicholas Yeo** his assigns or undertenants all which said premises lie in **Christowe** and were purchased by and conveyed to the said **Francis Buller** and **John Slade** from **Baptist Smart** and **Elizabeth Smart** his mother and are so described as aforesaid in the conveyance thereof to the said **Francis Buller** and **John Slade** and their heirs together with all messuages lands tenements houses orchards **Bartons** meadows pastures feedings woods underwoods trees timber trees commons common of pasture common of turbarry ways moors marshes paths easements waters watercourses waterings watering places profits commodities advantages hereditaments and appurtenances whatsoever to the same or any part thereof incident or in any way wise appertaining or thereforeto accepted reputed esteemed taken used occupied or enjoyed to or with the same as part parcel or member thereof or of any part or parcel thereof by whatever name or names soever the same were called or known and the Reversion and Reversions Remainder and remainders yearly and other rents issues and profits of all and singular the messuages lands tenements hereditaments and premises herein-before mentioned to be lying in **Christowe** aforesaid and every part and parcel thereof with their and every of their rights members and appurtenances shall from and immediately after the paying of this out be settled upon and vested in the said **James Templer** his heirs and assigns to the only use and behalf of him the said **James Templer** his heirs and assigns for ever freed and

discharged and absolutely acquitted exempted and exonerated of from and against the said term of sixty years (if the said **Lady Elizabeth Archer** shall so long live) and of and from all and every the uses trusts powers provisions and limitations as in and by the said recited will of the said **James Templer** deceased are limited recited and declared of and concerning the said Manors messuages Lands Tenements Hereditaments and premises or parts and shares thereof so purchased of the said **Lord Archer** as aforesaid in exchange for the Messuages Lands Tenements Hereditaments hereinafter more particularly described and whereof the said James Templer is so seized as aforesaid to be substituted and settled in lieu of the said Messuages Lands and Premises at **Christowe** as aforesaid

AND be it further ENACTED that all that Marsh commonly called or known by the name of the **Lower Marsh** or **Teign Marsh** situate lying or being in the Parish of **Teigngrace** in the County of Devon and containing in the whole by estimation forty acres of land and marsh or thereabouts be it more or less and which said marsh is situate on the lower side of the two marshes now in the possession of the said **James Templer** called the **Spikes** towards the North and bounded by other marshes in the possession of the said **James Templer** to the South and West and by certain lands late in the possession of ----- (*blank*) **Pidgley** to the East over the **River Teign** and was formally in the tenure or occupation of **John Tothill** deceased and afterwards of **Sir Henry Gould** Knight his undertenants or assigns as the same is described in the conveyance thereof from the said **Sir Henry Gould** to the said **James Templer** and his heirs and the same premises are now in the possession of the said **James Templer** his undertenants or assigns together with all ways paths passages hedges trees tithes waters watercourses easements profits commodities emoluments and appurtenances whatsoever to the same belonging to or in any wise appertaining or therewith held used occupies possessed or enjoyed or accepted or taken as part parcel or member thereof or of any part thereof (except such way to and from the **Salt Marsh** or such part thereof is now in the possession of the said **Sir Henry Gould** his undertenants or assigns in and through the said premises if any appertains thereto or has been used therewith) and also all that marsh and marsh ground with the appurtenances called **Bradly Marsh** and also all that Way or Lane to the same marsh appertaining and belonging situate lying and being within the Parish of **Highweek** in the said County of Devon between the lands heretofore of **James Yarde** Esquire since in the possession of the **Reverend William Sanford** Clerk Doctor in Divinity on the West Part the lands heretofore of **John Copplestone** Esquire since in the possession of **Robert Bearn** Gentleman on the East and North Parts and the lands heretofore of **Master Gilbert** on the

South part which said **Bradly Marsh** and Lane were heretofore in the tenure manurance or occupation of **Sir Richard Reynell** Knight heretofore of **West Ogwell** in the said County of Devon afterwards of **Thomas Reynell** Esquire since of **Richard Reynell** and since that also of **Joseph Taylor** Esquire and afterwards of **Thomas Taylor** Esquire his son together with **Nicholas Prout** and **Rebecca Taylor** widow and relict of **Joseph Taylor** and mother of the said **Thomas Taylor** and **Francis Milman** Clerk surviving devisee in trust of and under the last will and testament of the said **Joseph Taylor** of (amongst other lands) the said marsh and marsh grounds and conveyed the same to and to the use of **William Burkland** deceased his heirs and assigns which said descriptions of the said last mentioned marsh and **Jetty Lane** are contained in the conveyance thereof from the said **Elizabeth Burkland** and others to the said **James Templer** and his heirs and also all those other lands and grounds pastures meadows marshes and hereditaments called or known by the name of **Lower Land** and **Jetty** lying within the said Parish of **Highweek** and Manor of **Teignweek** or either or one of them in the said County of Devon all which said last mentioned premises were heretofore in the tenure of **John Sellar** afterwards in the tenure manurance or occupation of **Julian Bennett** widow her assignee or assigns since in the tenure or possession of the said **Thomas Taylor** his tenants or undertenants all and singular which said marshes lands and grounds hereinbefore last mentioned and described and in the said last conveyance mentioned to have been heretofore the lands and inheritance of the said **James Yarde** son and heir of **Walter Yarde** heretofore of **Bradley** in the said County of Devon esquire and to have been sold and conveyed with divers other lands by him and by **Robert Savery Gilbert Yarde Samuel Codner** and **Gilbert Eveleigh** trustees of the said **Walter Yarde** and **James Yarde** by their indentures of Lease and Release bearing date respectively the twenty fourth and twenty fifth days of December which were in the Year of Our Lord One thousand Six Hundred and Fifty Four unto and to the use of the said **Richard Reynell** of **West Ogwell** aforesaid Esquire his heirs and assigns for ever and which said last mentioned marshes lands grounds and premises are in the said last conveyance expressed to have been for many years then last past divided and converted into eight fields closes pieces or parcels of land marsh meadow or pasture and to be called or commonly known by the names of the **Jetty Hill the Long Meadow the Horse Marsh the Little Marsh the Mead Marsh the Great Marsh the Broad Marsh and the Long Marsh** and together with the said Way or Lane called **Jetty Lane** thereunto belonging to contain in the whole by estimation forty acres or thereabouts be the same more or less and also all Buildings Lands Tenements Meadows Leasouts Pastures Fedings Woods Underwoods and the ground and soil of the same **Mines and Quarries Clay Pits** Clay under the earth Paths Passages waters Watercourses

Commons common of pasture easements profits commodities advantages and hereditaments whatsoever to the said Marshes Marsh Grounds Field Closes Lands Tenements and Hereditaments or any part or parcel thereof belonging or in any wise appertaining and therewith or with any part thereof held used occupied or enjoyed or accepted reputed deemed taken or know as part parcel or member thereof or any part thereof (except and always reserved unto the Lord or Lords of the said Manor of **Teignweek** of which the said last mentioned premises are parcel their heirs or assigns or the person or persons claiming or deriving title thereto from by or under him or their Waifs Estrays Goods of Felons and Fugitives Felons of themselves Goods of Outlawed Persons and _____ and all other royalties liberties and privileges unto the said manor belonging used or enjoyed therewith and also the several free fishing in the **River Teign** and **White Lake** and all streams ponds pools fishing places hereditaments advantages liberties privileges and appurtenances thereunto belonging or used or enjoed with the said fishings as appertaining to the said manor) and the Reversion and Reversions Remainder and Remainders rents issues and profits of all and singular the said premises and of every part and parcel thereof and the Fee Simple and Inheritance thereof shall and immediately after the passing of this Act be settled upon and vested in the said **Francis Buller** and **John Slade** their Executors Administrators and assigns for the term of sixty years if the said **Lady Elizabeth Archer** shall so long live upon the trusts hereinafter declared of and concerning the same and subject and without prejudice thereto the said several hereditaments and premises comprised in the said term of sixty years determinable as aforesaid shall be settled upon and vested in the said **Francis Buller John Slade** and **John Holliday** of Lincoln's Inn in the County of **Middlesex** their heirs and assigns to for and upon and subject to such and the same Uses Estates Trusts powers Provisions and Limitations as in and by the said recited will of the said **James Templer** deceased are limited related and declared of and concerning the said manor messuages lands tenements hereditaments and premises so purchased of the said **Lord Archer** as aforesaid or such and so many of them as are now existing undetermined and capable of taking effect in lieu of and in exchange for the said messuages lands tenements hereditaments and premises at **Christowe** aforesaid sohereby vested in the said **James Templer** his heirs and assigns as aforesaid **PROVIDED** always nevertheless

AND be it ENACTED by the authority aforesaid that if it shall happen that the Messuages Farms Lands Tenements Hereditaments and Premises respectively hereby vested and settled in exchange as aforesaid or any of them or any part thereof shall at any time or times hereafter be lawfully evicted or taken away out of the possession of the person or persons his or their

respective heirs or assigns or upon whom or to whose use the same hereditaments and premises are hereby respectively settled and limited by any right or title precedent to the passing of this Act so that the exchange hereby intended cannot continue that then and from thenceforth the said exchange hereby or intended to be hereby made as aforesaid shall be void and of no effect and then and from thenceforth it shall and may be lawful to and for all and every the person and persons and his or their heirs and assigns out of whose possession the hereditaments and premises respectively hereby intended to be exchanged as aforesaid shall be lawfully evicted or taken away from and immediately after such evicstion or taking away of the possession of the said premises or any part thereof as aforesaid to enter into and upon his or their former messuages lands farms tenements hereditaments and premises so hereby respectively settled and vested in exchange as aforesaid and to have hold receive and enjoy the same again as in his or their first and former estate anything in this Act contained to the contrary thereof in anyways not withstanding

AND it is further ENACTED and declared by the authority aforesaid that the said **Francis Buller** and **John Slade** their executors administrators and assigns shall stand possessed of and interested in the said messuages lands hereditaments and premises so vested in them as aforesaid for and during the said term of sixty years determinable as aforesaid Upon Trust that they the said **Francis Buller** and **John Slade** and the survivor of them his executors or administrators shall and do from time to time during the life of the said **Lady Elizabeth Archer** in the first place by and out of the rents issues and profits of the premises comprised in the said term satisfy and pay the costs charges and expenses attending or in any wise relating to the passing of this Act if the same will be sufficient for that purpose and in case there shall be any surplus after such payment as aforesaid the Upon Trust that they the said **Francis Buller** and **John Slade** the survivor of them his executors or administrators shall and do when and so often as the same shall amount to a competent sum place out and invest the rents issues and profits of the premises comprised in the said term at interest in the Public Funds or upon Government Securities by and with the consent and approbation of the said **James Templer** or such person or persons who would be entitled to the possession of the said hereditaments and premises if the said **Lady Elizabeth Archer** was then dead by or under the will of the said **James Templer** deceased or of the guardian or guardians of such person if Minor and also from time to time with the like approbation and consent call in the principal sum so to be placed out the same again at interest upon new or other securities of the like nature and that the interest and produce attending the monies so to be placed out at time to time shall be again

placed out at interest and accumulate during the life of the said **Lady Elizabeth Archer** in the nature and course of compound interest and that from and after her decease as well the principal or capital sums and produce attending the monies so placed out shall be laid out and invested in the purchase of other messuages lands tenements or hereditaments in fee simple in possession situate and lying in or near the said County of Devon and that such messuages lands tenements hereditaments and premises so to be purchased shall be settled conveyed and assured to and for upon and subject to such and the same uses estates trusts powers provisions and limitations as in and by the said recited will of the said **James Templer** deceased are limited related and declared of and concerning the hereditaments and premises so purchased of the said **Lord Archer** as aforesaid or such or so many of them as shall then be existing undetermined or capable of taking effect **SAVING** always to the King's Most Excellent Majesty his heirs and successors and to all and every other person and persons Bodies politic and Corporate his her and their respective heirs executors and administrators (other than and except the said **James Templer** and his heirs and the said **George Templer** the infant and the heirs male of his body and other sons of the said **James Templer** and the respective heirs male of the body and bodies of such second and other son and sons successively and the said **John Templer George Templer Henry Line Templer** and **Dame Ann Pole** respectively and the respective heirs male of their bodies successively and the right heirs of the said James Templer the testator and the respective trustees in the said will named their heirs and assigns and all and every other person and persons claiming or to claim any Estate Right Title Interest Use Trust Remainder or Reversion either at Law or in Equity of in to or out of the said messuages lands and hereditaments hereby vested and settled as aforesaid or any part thereof) all such estate right title interest claims and demands of in to or out of the said messuages lands and hereditaments hereby vested and settled as aforesaid or any of them or part thereof as they every or any of them has before the passing of this Act or could or might have had or enjoyed in case this Act had not been made.