

Yorkshire Archaeological & Historical Society : MD247 / 95
Edward Hartley & Cuthbert Wade, 1679

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One single-sided folio with Dorse
Condition – Good

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- ¹ **This Indenture** made the Twentie eight day of June In the One and Thirtieth year of the Raigne of our most gracious Sov^raign Lord **Charles** the second by the
- ² grace of God Kinge of England Scotland France and Ireland defender of the faith &c Annoq Dōmi 1679. **Between** Edward Hartley of Kilnsay in Craven and in the Countie of Yorke Batchler of thone p^{te}; And
- ³ Cuthbert Wade of Kilnsay afforesaid and in the said Countie of Yorks Esq^r: of another p^{te} **Witnesseth** that the said Edward Hartley for and in Cosideracōn of the Summe of Twnetie three pounds of good and lawfull
- ⁴ Money of England p^{te} in hand already paid to the said Edward Hartley before thensealinge and deliverie of these p^rsents, And securities given for the rest by the said Cuthbert Wade to the said Edward Hartley wherewth he the said
- ⁵ Edward Hartley holdeth himselfe fullie contented and satisfied; **Hath** demised, granted, bargained, sold, assigned, and sett over, And by these p^rsents he the said Edward Hartley from him, his executo^{rs}, adm^{rs} and assignes, doth demis¹ grant
- ⁶ bargain sell assigne and sett over unto the said Cuthbert Wade, his executo^{rs}, adm^{rs} and assignes, **All** that Close or Inclosure of Arable or Meadow ground lyninge and beinge at the Outgange wthin the Lordshipp of Kilnsay, Abuting
- ⁷ on the Southside there of to a Close belonging to the said Cuthbert Wade formerlie called Thompsons Close and since called Battie Close wherein a dwellinge house together wth a Barne latelie stode w^{ch} not longe since burned
- ⁸ downe by fire; And the Northside thereof, Abuttinge on an other Close belonging to the said Cuthbert Wade called Ruckle close; And the Westend thereof Abuttinge to other lands of and belonging to the said Cuthbert Wade, And
- ⁹ the East end thereof Abutinge to a p^rcell of grond² called Limekilnebancke belonginge to Scarthcoate wthin the Lordshipp of Kilnsay afforesaid, And alsoe one other p^rcell of ground containing by estimacon halfe an Acre be the same more or lesse, Lyinge and

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- ¹⁰ beinge in the Scarthcoate Farr feild amongst the lands and grounds now in the Possession and belonge to Willim³ Lambert Richard Aerton & Thomas Aerton of Scarthcoate afforsaid. **And alsoe** all waies, pathes, passages, waters, watercourses, wateringe
- ¹¹ places, esm^{ts} liberties freeledges p^rfits Commodities and Emolum^{ts} whatsoever to the said Close lyninge and beinge at Outgange And the said p^rcell of ground lyninge and beinge in the Scarthcoate farr feild afforesaid belonginge or in aniewise appertaininge
- ¹² w^{ch} said Close, p^rcell of ground, and p^rmisses wth thappurtenn^{es} above herein mencōned, are reputed taken and knowne to be, p^rtes and p^rcells of and belonginge to a Messuage farme and tenem^{te} scituate and beinge at Kilnsay afforesaid Whereof Edward Hartley late of Kilnsay
- ¹³ afforesaid deceased whoe was Grandfather to the said Edward Hartley p^rtie to these p^rsents was possessed. And in his lifetime by his Indenture of Assignem^{te} beareinge date the Thirteenth day of November, In the Seaventeenth yeare of the Raigne of or Sov^raigne Lord Kinge Charles the Second
- ¹⁴ that now is, did demise grant Sell assigne and sett over the said Messuage farme and tenem^{te} wth thappurtenn^{ts} (wth severall other lands in Kilnsay afforesaid) To John Hartley of Kilnsay afforesaid and John Lealad thelder of Coniston Kettlewell in the said Countie of Yorks Yeoman
- ¹⁵ **To houd** unto the said John Hartley and John Lealand there execut^{rs} adm^{rs} and assignes from and after the decease of the said Edward Hartley (onlie as freinds in trust) to use benefitt and behoofe of the said Edward Hartley his said Grandchild and p^rtie to these p^rsents, untill he
- ¹⁶ shold accomplish the age of One and Twentie yeares, And afterwards to the said Edward Hartley his said Grandchild p^rtie to these p^rsents, for all the residue of a Terme of yeares w^{ch} weare then to come of a Terme of Three thowsand yeares Commenceinge from the fourth day of December,
- ¹⁷ w^{ch} was in the Fowrteenth yeare of the Raigne of our late So^vaigne Ladie Queene Elizabeth deceased As by the said Indenture of Assignem^{te} to wch reference thereto beinge had more fullie and at large it doth & may appeare; And since and after the decease of the said Edward
- ¹⁸ Hartley the Grandfather. The said Edward Hartley p^rtie to these p^rsents haveinge heretofore fullie attained the age of One & twentie yeares; And the said John Hartley and John Lealand haveinge freelie and Clearlie released there trust before herein mencōned, The said Messuage farme and tentm^{te}
- ¹⁹ wth thappurtents are now lawfullie come into the possession and occupacion of him the said Edward Hartley p^rtie to these p^rsents or of his assigne or assignes; And the said Edward Hartley p^rtie to these p^rsents for himselfe his execut^{rs} adm^{rs} & assignes doth Covenn^{te} & p^rmisse and grant to and wth
- ²⁰ the said Cuthbert Wade his execut^{rs} adm^{rs} and assignes and w^{ch} everie of them by these p^rsents, That he the said Edward Hartley p^rtie to these

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- p^rsents his execut^{rs} adm^{rs} and assignes (for the Consideracon afforesaid) shall and will for and dureinge the terme of yeares wch are above menconed to be granted
- 21 upon the request of the said Cuthbert his execut^{rs} adm^{rs} or assignes; Produce and show, or cause to be p^rduced and shwone wthin anie of his Mat^{es} Courts of England, The said Indenture of Assignem^t. And all other deeds writetinges and evidences, w^{ch} he the said Edward Hartley p^rtie to these
- 22 p^rsents now hath onelie concerninge the p^rmisses, for the better and more p^rfect assureinge of these p^rsents when and soe often as need shall require **To have and to hold** the said Close or inclosure of Arable or meadow ground lyinge at the Outgange afforesaid, And the other p^rcell
- 23 of ground lyinge and beinge in the Scarthcoat farrfeild aforesaid, And all and singuler other the p^rmisses before herein demised granted sold assigned & sett over, or menconed or Intended to be hereby demised granted bargained sold & sett over wth there & every of there appurtennt^{es}
- 24 unto the said Cuthbert Wade his executo^{rs} adm^{rs} and assignes from the first day of May last past, for dureinge and unto the full end and terme w^{ch} weare then and are yet to come of the said terme of Three thousand yeares and the same to be fullie compleate finished
- 25 and ended And the said Edward Hartley p^rtie to thes p^rsents his executo^{rs} adm^{rs} and assignes the said Close of Arable and medowground lyinge at the Outgange, And thither p^rcell of land lyinge in the Scarthcoat farrfeild afforesaid and all other the p^rmisses before herein assigned
- 26 and sett over unto the said Cuthbert Wade his executo^{rs} adm^{rs} and assignes against all people for and dureinge the terme afforesaid shall & will warrant and defend by these p^rsents; Hee the said Cuthbert Wade his executo^{rs} adm^{rs} & assignes, Yeildinginge therefore and paying
- 27 duringe the said terme the Rent of one pennie of lawfull money of England at the Feast of St Michaell tharchangell as p^rte of the rents belonging to the said Messuage onelie upon lawfull demand, And alsoe **Yeildinginge** paying & discharginge all galds layes and assessmts
- 28 w^{ch} shall hereafter grow due, for and respect of thafforesaid Close p^rcell of land and p^rmisses to and after the rate of Twelve pence antient rent, and as other the Inhabitants wthin Kilnsay shall doe for the like p^rporcon of Rent And the said Edward Hartle⁴ p^rtie to
- 29 these p^rsents for himselfe his executo^{rs} adm^{rs} and assignes and for everie of them, doth Covennt^{te} p^rmisses and grant, to and wth the said Cuthbert Wade his executo^{rs} adm^{rs} and assignes, and to and wth everie of them by these p^rsents; That he the said Edward Hartley p^rtie to
- 30 these p^rsents at the time of thensealing and deliverie hereof, Hath in himselfe full power good right and lawfull authoritie to demise grant

⁴ sic

bargaine sell assigne and sett over thafforesaid Close of inclosure of Arable or meadow ground aforesaid pcell of grounde

- ³¹ lyinge in the Farr Scarcoatfeild, And all other the p'rmisses before demised or menconed or Intended to be hereby demised wth there and everie of there appurtennt^{es} unto the said Cuthbert Wade his executo^{rs} adm^{rs} and assignes for and dureinge the said terme, and in
- ³² manner and forme afforesaid, **And that** he the said Cuthbert Wade his executo^{rs} adm^{rs} and assignes and everie of them shall and may from time to time and at all time hereafter dureinge the said terme, peaceable and quietlie have hold occupie possesse and Injoy
- ³³ all and singuler the aforesaid demised and assigned p'rmisses wth there and everie of there appurtenn^{es} without anie manner of let suite trouble eviction ejection denial disturbance or incumbrance whatsoever of Him the said Edward Hartley ptie to these p'sents
- ³⁴ his executo^{rs} adm^{rs} and assignes, or anie of them, or of anie other p'son or p'sons whatsoever; **Freed** and discharged by the said Edward Hartley ptie to these p'sents his exceuto^{rs} adm^{rs} and assigned, of and from all and all mann^r of former and other bargaines Sales gifts
- ³⁵ grants, with Intails, Mortgages, rents, tents, extents, Charges, troubles, and Incumbrances whatsoever, w^{ch} shall or may hereafter arise for and in repsect of the aforesaid p'rmisses before herein demised wth their appurtenn^{ts} The said rent of one pennie payable for tents
- ³⁶ as afforesaid, And galds layes and taxes above herein reserved and hereafter to become due onelie excepted, And moreover, that he the said Edward Hartley ptie to these p'sents his executo^{rs} adm^{rs} and assignes and everie of them shall and will at all times heare after dureinge
- ³⁷ the said Terme at and upon the Reasonable request Costs and Charges in the law of the said Cuthbert Wade his executo^{rs} adm^{rs} and assignes or some of them: Make, doe, knowledge and execute or cause and suffer willinglie to be made done knowledged and executed, All and everie
- ³⁸ such further Acte and Acts divice and devices as assurance and assurances in the law whatsoever for the better and more p'fect assureinge suretie and suremakeinge of All and everie the said premises before herein demised wth there and everie of their appurtenn^{ts} to the said Cuthbert
- ³⁹ Wade his executo^{rs} adm^{rs} and assignes, according to the effect and true meaninge of these p'sents: or by anie other reasonable and lawfull meanes whatsoever, As by the said Cuthbert Wade his executo^{rs} adm^{rs} and assignes or anie of their or by his there or anie of there Counsellis learned in the
- ⁴⁰ lawes of this Realme shall be reasonable and lawfullie, demised advised & required; **In Witness** where the pties abovesaid to thes p'sent Indentures interchangablelie have sett their hands and seales the day and yeare first above written.

⁴¹ {signature with seal} Edward Hartley

{Dorse}

¹ Sealed signed and delivered in
² the sight and p^resence of {signatures}
³ Christopher Wade
⁴ John [?Hande]
⁵ Jonathan hughes
⁶ Edward Thompson
⁷ ⁵28th June 1679 –
⁸ Edward Hartley deede
⁹ made 1679
¹⁰ for the Outgang Close soometimes⁶
¹¹ called the far Close, together wth
¹² the parcel in Scarthcoate feild
¹³ Kilnsay
¹⁴ ⁷Hartley to Wade
¹⁵ Ass^t of a Close lying at
¹⁶ Outgange & ½ an acre in
¹⁷ Scarthcoate field for the residue
¹⁸ of a term of 3000 y^{rs} –
¹⁹ yearly rent 1^d.

⁵ change of handwriting

⁶ sic

⁷ change of handwriting