

ABSTRACT OF TITLE – 18 May 1863

Descriptions

From the solicitors account, we know this abstract was prepared in May 1863. The day is arbitrary.

Written in a single hand on ten sheets of thick blue paper plus a cover sheet, 33.5cm x 42cm, bound together with a parchment ribbon. This very dense document is made easier to read by the writer who made extensive use of indented paragraphs.

reverse

1863

Abstract of Title

of M.^r John Holder Edwards
to hereditaments and
premises called New House
at Cleobury Mortimer in
the County of Salop

Snape

Warwick

Preamble

Abstract of Title of Mr John Holder Edwards to heredi[tamen]ts & prem[is]es called New House at cleobury Mortimer in Co[unt]y of Salop

19 April 1811

Prod.d

Office copy Will of W^m Cock of the parish of Alveley in the Co[unt]y of Salop Farmer

Whereby after direct^e his debts & funeral exp.^s to be paid out of his

He gave devised and bequeathed unto his friends Tho^s Bache of the Green House in the parish of Alveley afores^d Farmer & Tho^s Falkner Talbot of Wightwick in the par[ish] of Tettenhall in County Stafford Farmer

All his Messu[ag]es ten[emen]ts or dwellinghouses Lands heredit[ament]s household goods & furniture money sec[uriti]es for money & all other his real & p[er]sonal estate & effects what^r & wheresoever being & of what nature kind or quality same may be

To Hold the same unto s^d Tho^s Bache & Tho^s F^r Talbot their heirs ex[ecut]or[s] adm[inistrat]or[s] & ass^s To for & upon such trusts ends Int^{ts} and purp[ose]s as were th[e]r[einafte]r ment.^d expressed & declared of and concerning same (that was to say)

Upon Trust to permit & suffer his wife Martha Cock & her assigns to have receive & take the rents I.^s of his s^d real estate & the use & proceeds of his personal estate for & during the term of her natural life provided she should continue my Widow & from & after her decease or intermarriage which should 1st happen

Upon Trust that they s^d Tho^s Bache & T F^r Talbot or the survivor of them or the heirs ex[ecut]or[s] or ad[ministrat]or[s]

of such survivor should sell & dispose of s^d messu[ag]es lands heredi[tamen]ts household goods & furniture for the most & best price & prices that co.^d be obtained for and get in his personally

And Upon Further Trust that they s^d Tho^s Bache & T F^r Talbot or the s[ur]vivor of them or the heirs ex[ecutor]s or ad[ministrat]ors of such Survivor should pay apply & dispose of the monies to arise as afores^d in manner th[e]r[e]in mentioned

And for facilitating such Sale Testator's Will was that the rec.^t or receipts of his s^d tr[ust]ees or the su[r]v[i]vor of them or the heirs ex[ecut]ors or adm[inistrat]ors of such su[r]v[i]vor sh.^d be a good & suff^t discharge for so much money as sh^d be th[e]r[e]in ackn[owledg]ed or expressed to be rec[eiv]ed **And** the purchaser or purch^{rs} his her or their heirs or assigns should not a[fter]w[a]rds be obliged or liable to see to the applic[at]ion of such purch^e money or acc[oun]table for any loss misapplic[icati]on or nonapplic[icati]on th[e]r[e]of or of any part thereof

And Testator th[e]r[e]by nominated constituted & app[oint]ed s^d Tho^s Bache & T F^r Talbot or the survivor of them or the heirs ex[ecut]ors or ad[ministrat]ors the ex[ecut]ors of that his will

Executed & attestd by 3 witnesses Proved in the Royal Peculiar & Exempt Jurisdiction of the Deanery of Bridgnorth by bot the Executors 12th November 1811

24th & 25th March 1814

Prod.d

Indentures of Lease & Release the latter between the s^d Tho^s Bache & T F^r Talbot of the 1st part Tho^s Owens of cleobury Mortimer in s.^d Co[un]ty of Salop Labourer of the 2nd p.^t & J[oh]n Barker of Cleob^y Mort^r afo^d Carrier 3rd part

Reciting s.^d abst.^d will of s.^d W^m. Cock

And recit^g the death of s.^d W^m. Cock & proof of his s.^d will

And recit^g that s.^d W^m. Cock at the time of his death was seized in fee simple of & in the mess[uag]e tenem[en]t or dw[ellin]ghouse garden land ground & hered[itament]s th[e]r[e]ina[ft]er descr.^d & wit^d to be thereby granted & released & also of certain other freehold property in s.^d parish of Alvely

And recit^g that s.^d Martha Cock his widow had also then lately died & in consequence th[e]r[e]of s.^d tr[ust]ees & ex[ecut]ors had entered upon the ex[ecuti]on of the will of s.^d W^m Cock & had sold his furniture & had then lately /contracted &/ agreed with s.^d Tho^s Owens for the sale of the mess[uag]e or tenem[en]t gardens & closes of land & ground & hered[itament]s th[e]r[e]ina[ft]er described at the price of £246 being the best price s.^d Tho^s Bache & Tho^s Falkner Talbot could get or procure for same & more mo[n]ey than was off^d. upon the auct.ⁿ for s.^d prop[ert]y previous to such contract

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And recit^g that s.^d Tho^s Owens not being provided with mo[n]ey sufficient to pay s.^d purchase money had applied to s.^d John Barker to lend him £150 & upon his consenting so to do s.^d Tho^s Owens had agreed that s.^d Tho^s Bache & T. F^r. Talbot sho^d grant & assure s.^d hered[itament]s unto & to the use of s.^d J. Barker his heirs & assigns for ever as a Mortgage in fee for the p[ur]pose of securing the repayment of s.^d £150 with l[aw]ful int.^t for same And after payment th[e]r[e]of Then to & for the uses intents & purposes th[e]r[e]ina[ft]er ment.^d & expressed.

It was witnessed that in cons[ideratio]n of £96 unto s.^d T. Bache & T. F^r. Talbot paid by s.^d Tho^s Owens (being part of s.^d sum of £246 purchase money) rec.^d & acknowl[edg]ed And also in cons[ideratio]n of £150 unto s.^d Tho^s Bache & T. F^r.

Talbot (at the request & by & with the consent dir[ect]ion & approb[at]ion of s.^d Tho^s Owens) paid by s.^d John Barker the rec.^t & in full for the residue of s.^d purchase money thereby ackn[ow]ldg[ed] They s.^d Tho^s Bache & T. F^r. Talbot (at the special instance & request & by and with the dir[ect]ion approb[at]ion & apptm^t of s.^d Tho^s Owens test.^d &c) Did each of them grant bargain sell alien release & confirm unto s.^d Tho^s J. Barker & in his actual poss[essi]on &c & unto his heirs & assigns.

All that mess[uag]e or tenem[en]t called or known by the name of the New House wit the garden & piece or parcel of land th[e]r[e]unto belong^g. called & known by the name of the Sling containing by estimation about half an acre (be it more or less) having lands theretofore of Miss Meysey (who since married Edmund Wigley Esq^{re}.) & then late in the poss[essi]on of Tho^s Lowe then of [blank space] Wynne on the East lands then late of Tho^s Compson then of James Compson Esq^{re}. on the west lands theretof[ore] in the occ[upati]on of Thomas Stedman since of Tho^s Norncott & then of M^r. Bacchus the proprietor th[e]r[e]of on the North & the Turnpike road leading from Cleobury Mortimer aforesaid to Tenbury on

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the South end th[e]r[e]of All which prem[iss]es were situate in the parish or near to the Town of Cleobury Mortimer aforesaid & then or then late in the occup[ati]on of Ja^s Blakeway and were bought & purchased by s.^d W^m Cock dec[eas]ed of & from Geo[rge] Colebatch the heir at law of Timothy Ball Surgeon deceased

And Also All that sling piece or parcel of meadow or pasture ground sit^d. in the parish of or near to the Town of Cleobury Mortimer afores^d. containing by admeasurement 1 acre & 1 rood or th[e]r[e]ab[ou]ts adjoining on the top to the Turnpike Road to Tenbury & on the one side to land of Edmund Wrigley Esq^{re}. & on the other to s.^d prem[iss]es called the New House & Sling with half of the water and watercourse at the bottom th[e]r[e]of of which s.^d piece or parcel of land was purchased by s.^d W^m. Cock of & from W^m. Childe Esq^{re}. & his son W^m. Lacon Childe Esq^{re}. & was then adjoining & open to a certain pasture belong^g. to s.^d W^m. Childe called the Cow Pasture & was supposed to contain by estimation 2 roods or th[ere]ab[ou]ts

Together with all outhouses &c

And the reversion &c.

And all the estate &c.

Together with all deeds &c.

To hold same hereditament[s] with their & every of their appurt[enance]s unto s.^d John Barker his heirs & assigns

To the use of s.^d J. Barker his h[ei]rs & ass^s. for ever

Subject nevertheless to a

proviso contained that if s.^d Tho^s Owens his heirs ex[ecut]ors or assigns or either of them should pay

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or cause to be paid unto s.^d John barker his ex[ecut]ors adm[inistrat]ors & assigns s.^d prin.l sum of £150 with lawful int^t for same upon 25th Sept^r then next without deduction Then s.^d J. Barker his heirs & assigns would at the request costs &

charges of s.^d Tho^s Owens his heirs or assigns convey s.d heredi[tamen]ts with the appurt[enance]s unto & to the use of s.^d Tho^s Owens his heirs & assigns or as he or they sho^d. direct free from all intermediate incumb^s.

Covenants by s.^d Tho^s Bache & Tho^s Falkner Talbot that notwithstanding any &c by s.^d W^m. Cock dec[reas]ed or by them done or suffered to the contrary they were lawfully seised &c _____ had good right to convey _____ for peaceable enjoyment by M[or]t[ga]gee subject to proviso for redem[pti]on _____ free from incumbrances _____ for further assurance

Covenants from s.^d Tho^s Owens for payment of M[or]t[ga]ge money & int^t. _____ & for peaceable enjoyment by M[or]t[ga]gee upon default in payment

Declaration that until default in payment s.^d Tho^s Owens it sho^d. be lawful for s.^d Tho^s Owens his heirs & assigns peaceably to enjoy s.^d heredit[amen]ts

Lease Executed by s.^d Tho^s Bache & Tho^s F^r. Talbot – Release by them & s.^d Tho^s Owens both duly attested Receipt for cons[iderati]on monies of £150 & £96 making together £246 endorsed on release signed and witnessed

1817 May 17th

Receipt for £50 in part of s.d £150 endorsed on said abstracted lease but not signed

1st October 1833

Memorandum indorsed on s.d Ind[enture] of Release as follows

“I the within named Tho^s Owens do acknowle[dge] & declare
“that John Fox of Cleobury Mortimer in the Co[un]ty of Salop
“Gentⁿ. hath at my request by & with his own p[ro]per monies
“paid & discharged the rem^g. principal sum of £100 to the
“Ex[ecut]ors of the within named John Barker deceased and in

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“cons[iderati]on th[e]r[e]of I do hereby promise undertake & agree to &
“with the said John Fox that the freehold messu[ag]e closes
“of Ground garden & prem[iss]es compr^d. & described in this
“deed shall be & remain a good & sufficient Mortgage
“security to the s.^d John Fox his ex[ecut]ors adm[inistrat]ors & ass^s. for
“the payment of the said principal sum of £100 & interest
“Witness my hand the 1st day of Oct: 1863¹

Witness

The mark of

X

John Eaton

Thomas Owens

¹ This should probably say 1833

13th December 1834

Prod.d

Probate Copy Will of s.^d Tho^s Owens

Whereby he gave & devised

All that his freehold messu[ag]le garden & closes of Ground called the New House where he then resided in the Township of Cleobury Mortimer afores^d.

Unto his son Edward Owens his heirs & ass^s. for ever but subject to & chargeable with the payment of the prin^c. sum of £100 with the int^t. thereof due & payable to John Fox Gentⁿ. who had lent & advanced same & paid off & discharged such prin^c. sum to the ex[ecut]ors of the late M^r. John Barker deceased And also subject to & charged & chargeable with the payment of /the sum of/ £30 unto his dau[gh]ter's Mary Ann Owens her ex[ecut]ors & adm[inistrat]ors with int^t. from his decease at £4 ,, 10 ,, 0 per cent per annum And also to the further sum of £30 unto to his dau[gh]te[r] Theodosia Owens with like int^t. payable for same until s.^d 2 legacies or sums should be resp[ective]ly paid & discharged And s.^d Testator appointed his s.^d son Edward Owens sole Executor of that his will

Executed & attested by 3 witnesses

Proved in the Consistory Court of Hereford 28th June 1842 by s.^d Edward Owens the sole Executor – Testator died 1st Jan[uar]y 1842

23rd May 1843

Prod.d

Legacy Receipts from s.^d Mary Ann Owens for £30 & int^t. duly stamped
Same date Legacy Rec^t. frpm s.^d. Theodosia Owens for £30 & int^t. duly stamped

9th Jan[uar]y 1844

Prod.d

Probate Copy will of s.^d Edward Owens th[e]r[e]in described as of the

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Township of Stourbridge in the parish of Old Swinford in the County of Worcester Yeoman

Whereby he devised that his just debts funeral & test[amentary] expenses be fully paid & discharged by his ex[ecut]or & ex[ecu]trix (th[e]r[e]ina[ft]er named) out of this freehold & personal estate & edffects & after payment th[e]r[e]of he gave his p[er]sonal estate as th[e]r[e]in ment^d.

He gave and devised that all his freehold Messu[ag]le garden & closes of Ground called the New Hous eint eh township of Cleobury Mortimer in the County of Salop Unto his wife Maria Owens her heirs and assigns for ever

But subject to & ch[ar]g[e]able with all liabilities th[e]r[e]on w[hi]ch s.^d. freehold he th[e]reby directed to be sold by his ex[ecut]ors as soon as convenient after his decease & the proceeds disposed as afore directed

And he th[e]reby nominated constituted & app[oin]ted M^r Paul Matthews of Stourbridge (his present employer) ex[ecut]or & his said wife Maria Owerns as Ex[ecu]trix th[er]e[of]

Executed by s.^d. Testator in the pres^{ce} of & attested by 2 witnesses – Proved in the Consistory Court of Worcester /22nd June 1844/ by s.^d. Maria Owens – Testator died 9th Mar[ch] 1844

4th June 1846

Prod.d

Ind[enture] between John Fox of Cleobury Mortimer in the County of Salop Gentⁿ. & Tho^s. Pardoe of Westbromwich in the County of Stafford Gentⁿ. of the 1st part & John Fox of 2nd part Paul Matthews of High Street Stourbridge afs^d. Yeoman & Maria Owens of same place widow of the 3rd p^t. & Tho^s. Edwards of Cleobury Mortimer aforesaid Innkeeper of the fourth part

Reciting abstracted Ind[entures] of lease & release of 24th & 25th March 1814

And reciting that the sum of £50 part of s^d. £150 was subsequently paid by s^d. Tho^s. Owens to s^d. John Barker resp[ective]ly deceased but £100 part of s^d.

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advanced sum of £150 remained due to s^d. John Barker at his decease & weas eventually (as appeared by a memorandum indorsed in s^d. in[denture] of re[leas]e paid by said John Fox out of his own proper monies to the account of the personal estate of s^d. John Barker then deceased who had by his will dated 21st Dec^r. 1819 – (eventually proved by s^d. John Fox & Tho^s. Pardoe ex[ecut]ors thereof in the [blank space]) devised among other hereditament[s] All & singular the messu[ag]le g[ar]den sling or piece of land th[e]r[e]ina[ft]er granted & conveyed unto s^d. John Fox & Tho^s. Pardoe their heirs & assigns

And recit^g s^d. abstracted Will of s^d. Tho^s. Owens & his death & the proof of his s^d. will

And recit^g s^d. abstracted Will of s^d. Edw^d. Owens & his death & the proof of his s^d. will

And recit^g that s^d. Paul Matthews & Maria Owens had contracted & agreed with s^d. Tho^s. Edwards for the /absolute/ sale to him of s^d. messu[ag]le garden sling piece of land & other hereed[itament]s th[e]r[e]ina[ft]er more part[ic]ularly described free from incumb^s for the price of £214 out of w[hi]ch it had been agreed that the £100 remaining due to s^d. John Fox (all int^t. th[e]r[e]on having been fully disch^d.) should be paid & satisfied

It was witn[ess]ed that in cons[iderati]on of the prem[iss]es & in cons[iderati]on of £100 to s^d. John fox by s^d. Tho^s. Edwards /paid/ at the request of & by the d[irecti]on of s^d. P. Matthew & M. Owens & with the consent of s^d. Tho^s. Pardoe test^d. &c. rec^t. &c. ackn[ow]ledg]ed And also in cons[iderati]on of the fur[th]er sum of £114 to s^d. Paul Matthews & Maria Owens paid by s^d. T. Edwards rec^t. & payment &c. acknowl[ed]g]ed They s^d. John Fox & Tho^s. Pardoe at the req^t. of & by the dir[ect]ion of s^d. P. Matthews & M Owens test^d. &c. Did each of them grant rel[eas]e & confirm And s^d. Paul Matthews & Maria Owens Did each of them grant ratify & confirm unto s^d. Thos. Edwards & his heirs

All that sd. Messu[ag]le or tenem[en]t called or known by the name of the New House

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with the Garden & piece or parcel of land th[e]r[e]unto belonging called or known by the name of the Sling cont^g. by estim[ati]on about half an acre be it more or less sit^t. in the parish & near to the Town of Cleobury Mortimer afores^d. formerly in the occup[ati]on of James Blakeway a[ft]erw[ar]ds of s^d. several testators Tho^s. Owens & Edward Owens dec[eas]ed & then or late of Edward Birch & James Jones

And also all that Sling piece or p[ar]cel of Meadow or pasture Ground sit^t. in the parish & near to the Town of Cleobury Mortimer afores^d. immed[iate]ly adjoining to s^d. Messu[ag]le & land lastly th[e]r[e]inbefore described & containing by admeasure^t. 1 acre 1 rood or th[ere]a[bo]u]ts Together with all deeds rights &c. And all the estate &c.

To hold same unto s^d. Tho^s. Edwards his h[ei]rs & assigns

To the use of s^d. T. Edwards his heirs and assigns for ever

Covenant from sd. John Fox Thomas Pardoe & Paul Matthews that they had not incumb^d.

Covenant from sd. Maria Owen that notwithstanding any act &^c. the p[ar]ties th[e]r[e]to of the first & third parts had good right to convey _____ free from incumb^s. _____ and for further assurance

Ex[ecu]ted by sd. John Fox T. Pardoe P. Matthews & M. Owens & duly att[est]ed _____ Separate rect^s. for cons[iderati]on mon[ie]s indorsed signed & witnessed

12th October 1846

Produced

Probate Copy Will of sd. Tho^s. Edwards

Wh[e]r[e]by he app[oin]ted his wife Elizth. Edwards sole Ex[ecu]trix th[e]r[e]of & W^m. Downes Draper & Tho^s. Williams Butcher both of Cleobury Mortimer trustees of same

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He directed his just debts funeral & testamentary expenses to be paid out of this personal estate & if that insuff^t. his real estate to be subj^t. th[e]r[e]to

He gave & devised unto his dear wife Elizabeth Edwards

All his real estates whatsoever and wheresoever situate

To hold to her for her natural life _____ Rem^r.

He gave & devised same unto his Grandson John Holder Edwards & his heirs & assigns for ever ____ But in case he sho^d. died before he attained the age of 21 years & without issue Then Testator gave his real estate as therein more particularly described

Executed by the said Testator in the pres^{ce}. of & attested by 2 witnesses

12th January 1850

Prod.d

Probate Copy Codicil to s^d. will not affecting the afo^d. devise

Executed by said Testator in the pres^{ce}. of & attested by 2 witnesses

Adm[inistrati]on with s^d. will & codicil annexed

Granted by the District Registry of Hereford on 23rd Febr[ua]ry 1851 to s^d. W^m. Downes & Thos^s. Williams (s^d. Elizth. Edwards having died before s^d. testator) during the minority of s^d. J. H. Edwards who attained his majority on 2nd Dec^r. 1859 And on 3rd August 1860 adm[inistrati]on de bonis non² was granted by s^d. Dist^t. Registry of Hereford to s^d. J. H. Edwards – Testator died 7th October 1850

² Administration de bonis non – granted to a new administrator when, for some reason, the previous administrator has not full administered the estate