

Dated 25th Feb'y 1819

Mr Thos Atkinson and Ann his wife with Mr John Waite

*Attested Copy - Deed of Covenant to levy a Fine with a
Declaration of the Uses thereof*

This Indenture made the twenty fifth day of February in the year of our Lord One thousand eight hundred and nineteen Between Thomas Atkinson of Roundhill in the Parish of Masham in the County of York Yeoman and Ann his wife before her Marriage with him called Ann Appleby the Daughter and Devisee named in the last Will and Testament of William Appleby late of Beck Meetings in the Parish of Kirkby Malzeard in the said County Yeoman deceased of the one part and John Waite of Ripon in the said County of York Gentleman of the other part Witnesseth that for limiting and assuring the Messuage Dwellinghouse or Tenement closes or parcels of Land and Hereditaments hereinafter particularly described to the uses and in manner hereafter expressed and in consideration of the sum of ten shillings of lawful English money to the said Thomas Atkinson and Ann his wife in hand paid by the said John Waite upon or previous to the sealing and delivery of the presents the receipt whereof is hereby acknowledged He the said Thomas Atkinson for himself his heirs executors and administrators and for the said Ann his wife and heirs she hereby consenting thereto doth covenant promise and agree with and to the said John Waite and his heirs that they the said Thomas Atkinson and Ann his wife shall and will at their own and proper costs and charges in the Law as of Hilary Term last or before the end of Trinity Term next or some other subsequent Term acknowledge levy and perfect in due form of Law before the Justices of his Majesty's Court of Common Pleas and Westminster unto the said John Waite and his heirs a fine Sur Cinuzance de droit come ceo &c to be ingrossed recorded and sued forth whereupon proclamations may be thereupon had and made according to the Form of the Statute in that behalf made and provided and the usual

course for the levying of Fines now used and accustomed of All that close or parcel of Arable Meadow or pasture of Land situate lying and being at Berlforth in the parish of Kirkby Malzeard aforesaid containing by estimation two acres be the same more or less with a Barn thereon standing and whereon a Messuage Dwellinghouse or Tenement with a Stable and other outoffices hath some time since been erected and built commonly called or known by the Birlforth otherwise Berlforth and was purchased by the William Appleby of one Thomas Gill Also of the Close of Meadow or pasture One other Close of Meadow or pasture Ground commonly called or known by the name of High Ploughing One other Close of Meadow or pasture Ground commonly called or know by the name of Low Ploughing One other Close of Meadow or pasture Ground called or known by the name of Stony Close One other Close of Meadow or pasture Ground called or known by the name of Brig Bottom One other Close of Meadow or pasture Ground called or known by the name of the Bate? One other Close of Meadow or pasture Ground called or known by the name of Whinney Bank One other Close of Meadow or pasture Ground called or known by the name of the Wood One other Close of Meadow or pasture Ground called or known by the name of High Close One other Close of Meadow or pasture Ground called or known by the name of Brayside Close and one other Close of Arable Land commonly called or known by the name of Low Bottom All which said last described Closes or parcels of Land contain together by mensuaration twenty acres two roods and nineteen perches and are situate lying and being at Ray Carr within a place called Bows in Dallowgill in the Parish of Kirkby Malzeard aforesaid and were purchased by the said William Appleby of one John Bearpark And all which hereinbefore described hereditaments and premises are now in the tenure or occupation of George Metcalfe and Edward Allanson respectively as tenants and were given and devised by the last Will and Testament of the said William Appleby bearing date the seventeenth day of October One thousand seven hundred and seventy six to or in

Trust for his said Daughter Ann the wife of the said Thomas Atkinson his heirs and assigns for ever Also of all that Allotment piece or parcel of Land containing seventeen acres two roods and two perches late parcel of Laverton Moor and Galwhey Moor allotted and awarded to him the said Thomas Atkinson in sight of the said Ann his wife upon the inclosure and division of the said Moors for and in respect of the hereinbefore described lands and tenements and is bounded nearly East by Thomas Gill's allotment In Trust for William Appleby and William Bramley's second allotment nearly West by the hereinbefore described hereditaments and premises and Richard Richmond's first allotment nearly North by Thomas Gill In Trust for William Appleby's real? inclosures and allotment and Richard Richmond's second allotment and nearly South by the hereinbefore described hereditaments and premises and Thomas Ashby's old inclosures and second allotment and is situate lying and being in the township of Laverton in the Parish of Kirkby Malzeard aforesaid And in the tenure or occupation of George Metcalfe and Edward Allanson respectively as Tenants thereof or by whatsoever other name or names quantities qualities of other descriptions the said several hereditaments and premises hereinbefore described or any of them have or hath been at any time heretofore or now are called known or distinguished or howsoever varied or altered in any modern from and ancient or former particular or description thereof And all other the Messuages Dwellinghouses or Tenements closes inclosures allotments or parcels of Land and hereditaments whatsoever of or belonging to them the said Thomas Atkinson and Ann his wife and which she is in any manner entitled to either in possession reversion remainder or expectancy or otherwise howsoever situate and being in the Parish of Kirkby Malzeard aforesaid with their and every of their rights members and appurtenances By such appropriate names and descriptions thereof as will effectually ascertain and comprise the same or shall be thought requisite in that behalf And it is hereby agreed and declared by and between the said parties to these presents that as well the said Fine when so levied perfected and completed as aforesaid or in any other manner or at any other time to be acknowledged and levied and all other fines

conveyances and assurances in the Law whatsoever already had made levied suffered or executed or &c of the said Messuages Dwellinghouses or Tenements closes allotments or parcels of Land hereditaments and premises or any part or parts thereof by or between the said parties to these presents or any of them whereunto they or any of them are is or maybe parties or party privies or privy shall be and enure and shall be adjudged deemed construed taken and expounded and so is and are meant and intended to operate be and enure and the Conusee? or Conusees? in the said fine or Fines named or to be named his or their heirs shall stand and be seised of the said Messuages dwellinghouses or tenements closes allotments or parcels of Land hereditaments and premises with their appurtenances To the uses upon the Trusts and to and for the objects ends intents and purposes hereinafter expressed or declared of and concerning the same, that is to say, To the use of such person or persons for such Estate and Estates Interest and Interests ends intents and purposes and charged and chargeable in such manner and subject to such powers provisos declarations and agreements as the said Thomas Atkinson at any time or times and from time to time by any deed or deeds instrument or instruments in writing with or without power revocation to be by him signed sealed and delivered in the presence of and attested by two or more credible witnesses and either referring or not referring to these presents or by his last Will and Testament in writing or any Codicil thereto or any writing purporting to be or in the nature of his last Will and Codicil to be signed sealed and published by him in the presence of and attested by three or more credible witnesses shall direct limit or appoint give or devise the same hereditaments and premises or any part or parcel thereof and in default and until such direction limitation or appointment or in case any such shall be made then subject thereto and when and as the Estate or Estates interest or interests thereby directed limited appointed or created shall

respectively end and determine and in the meantime subject thereunto and as to such part or parts of the same hereditaments and premises and all such Estate and interest therein of which no such direction limitation or appointment gift or devise shall be effectually made as aforesaid To the Use of the said Thomas Atkinson and Ann his wife and their assigns for and during the term of their joint natural lives and the life of the longest liver of them the said Thomas Atkinson and Ann his wife without impeachment of waste And from and after the decease of the Survivor of them the said Thomas Atkinson and Ann his wife To the Use of all and every the Children and Child of the said Thomas Atkinson and Ann his wife now living or hereafter to be born to be divided between or amongst them in equal parts shares and proportions as Tenants in Common and not as joint Tenants and their respective heirs and assigns for ever In Witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written

Thomas Atkinson

Ann Atkinson

Jn'o Waite

Signed sealed and delivered (being first duly stamped) by the within named Thomas Atkinson and Ann his wife and John Waite in the presence of

Jos'h Burrill (Sworn)

Will'm Morely Stubbs

A Memorial of the within written Deed was registered at Wakefield the fifteenth day of June eighteen hundred and nineteen near four in the afternoon in Book D X? Page 661 and number 765

Ja Stephenson Depy Reg

The Writing contained in this and the preceding Sheet of stamped Paper hereto annexed is a true Copy of the Original Indenture whereof the same purports to be a Copy and of the attestations thereon being compared and examined therewith this second day of July 1819 By us

Jos'h Burrill

Wm Downing