

The Indenture made the sixteenth day of May in the year of our Lord One Thousand Eight Hundred and Fifty BETWEEN William Gillard the Elder of Brixham in the County of Devon. Gentleman of the first part, William Gillard of Bridgetown in the parish of Berry Pomeroy in the said County of Devon, Surgeon of the second part and Richard Walter Wolston, Gentleman; Thomas Lakeman, Malster; William Gibbs Hendrick, Shipowner; John Smith, Shipowner; Nicholas Smith, Shipowner; Peter Carwell, Shipowner; Jim Gorley, Shipowner; Edward Fox, Shipowner; William Blake Shipowner; Robert Narraway-Smith, Sailmaker; Nicholas Drew, Cordwainer and Frederick Hoare, Painter all of Brixham aforesaid of the third part.

WHEREAS the said William Gillard the Elder is seized for an estate for the term of his natural life and the said William Gillard the younger is seized of the remainder or reversion in fee immediately thereupon expectant of and in the piece or parcel of land hereinafter mentioned and intended to be hereby conveyed.

NOW THIS INDENTURE WITNESSETH that for and in consideration of the premises and of the sum of Fifty Pounds of lawful money of Great Britain in hand and well and truly paid by the said Richard Walter Wolston, Thomas Lakeman, William Gibbs Hendrick, John Smith, Nicholas Smith, Peter Carwell, John Gorley, Edward Fox, William Blake, Robert Narraway-Smith, Nicholas Drew and Frederick Hoare to the said William Gillard the elder and William Gillard the younger at or before the sealing and delivery of these presents the receipt whereof the said William Gillard the elder and William Gillard the younger do hereby respectfully acknowledge they the said William Gillard the elder and William Gillard the younger have and each of them hath appointed and also granted, bargained, sold and released and by these presents do and each of them doth appoint and also grant, bargain, sell and release unto the said Richard Walter Wolston, Thomas Lakeman, William Gibbs Hendrick, John Smith, Nicholas Smith, Peter Carwell, John Gorley, Edward Fox, William Blake, Robert Narraway-Smith, Nicholas Drew and Frederick Hoare ALL THAT the lower or northern part of and in the field or close of land commonly called or known by the name of Pomeroy's Court Field situate lying and being in the parish of Brixham aforesaid adjoining to and bounded on the south by the other portion of the said field lately purchased for an addition to the ancient Burial Ground or Churchyard of the parish church of Brixham on the east by a house and gardens belonging to Mrs Samuel Hyne (widow) on the north by the Turnpike Road and on the west by premises belonging to Mr James Clarke and containing by admeasurement from east to west on the north side about ninety seven feet and on the south side one hundred and fifty eight feet and from north to south on the east side about one hundred and twenty eight feet and on the west side one hundred and twenty seven feet or thereabout be the same, more or less and which said piece or parcel of land is further delineated in a plan thereof drawn in the margin of these presents together with all ways, paths, passages, waters, water courses, hedges, ditches, fences, easements, profits, commodities, advantages and appurtenances whatsoever to the said piece of land belonging in anywise appertaining and the reversion and reversions remainder and remainders, rents, issues and profits thereof and all the estate right title interest, property, profit, claim and demand whatsoever of the said William Gillard the elder and William Gillard the younger into or out of the said hereditaments and premises hereby conveyed and every part thereof TO HAVE AND TO HOLD the said piece or parcel of land hereinbefore described and hereby intended to be conveyed with is appurtenances unto and to the use of the said Richard Walter Wolston, Thomas Lakeman, William Gibbs Hendrick, John Smith, Nicholas Smith, Peter Carwell, John Gorley Edward Fox, William Blake, Robert Narraway-Smith, Nicholas Drew and Frederick Hoare (hereinafter called 'the Trustees') their heirs and assigns to be used, occupied and employed as and for the sole purpose of a Grave Yard or Burying Ground at the direction and under the superintendence and direction of them the said Trustees or Trustee or other Trustees for the time being under the presents and the said William Gillard the elder and William Gillard the younger do hereby for themselves their heirs and assigns, covenant and declare with and to the said Trustees and their heirs and assigns that they the said Trustees and their successors shall and lawfully may enter into and upon, at all times, forever, hereafter peacefully and quietly have hold, occupy and posses the said piece or parcel of land hereinbefore described and hereby conveyed as and for the purpose of a Grave Yard and Burying Ground as aforesaid without any interruption claim or demand of, from or by the said William Gillard the elder and William Gillard the younger or any other person or persons whomsoever lawfully equitably claiming or to claim by, from, through or under them or either of them free from all incumbrances whatsoever PROVIDED ALWAYS and it is hereby declared and agreed no building, meeting house or chapel should be erected on the said piece or parcel of ground for the purpose of celebrating Divine Service other than such necessary convenient building or chapel for Divine Service at the time of the burial of any corpse or corpses and to be used at no other time and also that the present or any future Trustees shall not nor shall any or other either of them at any time hereafter receive of take any gratuity or fee, sum or sums of money or other remuneration for or on account of, or by reason or in consequence of the burial or any corpse or corpses within the said Grave Yard or Burying Ground and premises hereby conveyed or intended so to be other than the fees, gratuities, sum or sums of money according to a schedule to be drawn up and established by the present or any future Trustees acting under these presents such as gratuities,

fees, sum and sums of money so to be received to be laid out and expended on the necessary and decent maintenance of the said Burial Ground or Grave Yard and in appurtenances and the payment of any person or offices to be employed by the them in the management thereof PROVIDED ALSO that in case there shall at any time or times hereafter be any difference of judgement or opinion between or amongst of the said Trustees for the time being acting under these presents such difference of judgement or opinion shall be settled and overruled and all other differences and difficulties which may arise in the management and superintendence of the said Grave Yard or Burial Ground shall be arranged and determined by and according to the judgement of the majority number of the Trustees who shall for the time being be acting under these presents and lastly it is hereby declared that when and as soon and from time to time, when and as often as the number of the said Trustees shall by death resignation or ceasing to reside within ten miles of the parish of Brixham shall be reduced to the number of three it shall be lawful or such one of the Trustees shall be then living and willing and capable of continuing to act under these presents and for the heirs of the survivor of them in case all of them shall have died and also for the Trustees or Trustee to be appointed as hereinafter mentioned from time to time to nominate and appoint by any writing under their or his hands or hand, any other person or persons known and of good report as Believed in the Lord Jesus Christ to be a Trustee or Trustees in the place or stead of such of the said Trustees as shall have died, resigned or otherwise become incapable in the execution of the trusts of these presents and the said piece or parcel of land hereby conveyed shall henceforth from time to time be conveyed and assured by such or such one of the said Trustees as shall be then living and capable of acting in the trusts of these presents or by the heirs of the survivor of them or by other the acting Trustees or Trustee of these presents for the time being as the case may be unto and to the use of themselves or himself and the Trustees to be so newly appointed as foresaid.

IN WITNESS where the foresaid parties to these presents their hands and seals have set the day and year first before written