

**WHEREAS James Templer** late of **Stover** in the County of Devon Esquire deceased duly made and published his last will and testament in writing bearing date on or about the second day of March one thousand seven hundred and eighty two and thereby (amongst other things) 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 and 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 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** 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 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 said Parish of **Teigngrace** and the said Reversion so devised by him as aforesaid

**AND WHEREAS** by an Act of Parliament made and passed in the twenty third year of His Present Majesty's reign intituled "An Act for vesting such parts of the real estates of **James Templer** Esquire deceased as lie in the Counties of **Hants Wilts** and **Dorset** in Trustees to be sold and for laying out the money arising by such sale in the purchase of other Lands and Hededitaments to be settled for the uses and for the purposes therein mentioned" after writing amongst other things that 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** the said undivided third part of and in the Reversion and Remainder in Fee Simple expectant on the death of the said **Lady Elizabeth Archer** so divised by the will of the said **James Templer** as aforesaid was by the said Act vested in and settled upon the said **Sir Francis Buller** and **John Slade** their heirs and assigns to the uses of them the said **Sir Francis Buller** and **John Slade** their heirs and assigns freed and absolutely discharged of and from all and every the Uses Trusts Estates Limitations Provisions Declarations and Agreements limited declared and mentioned of and concerning the same in and by the said recited will of the said **James Templer** deceased but nevertheless upon Trust that the said **Sir 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 said one undivided third part of the said Premises thereby vested in them the said **Sir 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 **Sir Francis Buller** and John Slade or the survivor of them or the heirs of such survivor should seem reasonable and it was thereby further enacted that from and after the sale and conveyance of the premises thereby vested in the said **Sir 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 **Sir 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 **Sir 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** in the **Parish of Marldon** 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** by another Act of Parliament made and passed in the twenty eighth year of His Present Majesty's reign intituled "An Act for vesting part of the settled estates of **James Templer** Esquire in the County of Devon in him and his heirs in exchange for another estate of greater value in the same County to be settled in lieu thereof" the said estates of **Christowe** so purchased by and conveyed to the uses aforesaid were conveyed and vested in the said **James Templer** and his heirs in exchanged for several Lands Tenements and Hereditaments then lately purchased by him and which lie particularly convenient to the Principal Manors and Estates situate in the Parish of **Teigngrace** aforesaid devised by the said will of the said **James Templer** deceased to the said **James Templer** and his first and other sons as before mentioned and other Lands Hereditaments and Premises situate in the Parish of **Highweek** and adjoining to the said last mentioned Premises and which Lands Tenements Hereditaments and Premises so given in exchange by the said **James Templer** for the said estate of **Christowe** were of such greater value than the said estate at **Christowe**

**AND WHEREAS** there hath been discovered upon certain Waste Lands parcel of the said settled estate a large quantity of **White and Black Clay** proper to be used in the manufactory of **Pipes and Pottery**

**AND WHEREAS** such White and Black Clay after being brought by Land Carriage to the Port of **Teignmouth** at a very great expense is from there exported and carried coastways to several parts of the Kingdom

**AND WHEREAS** it hath been judged to be practicable to make a Cut or Navigable Canal through great part of the said settled estate beginning at **Jews Bridge Plantation** upon **Bovey Heathfield** adjoining the **High Road** from London through **Chudleigh** to **Ashburton** to communicate with the **River Teign** between **Goulds and Buckland Marshes** by which the Black and White Clay to be raised on the said settled estates might be sent from the Pits where the same is dug and delivered on board Vessels in the Port of **Teignmouth** for exportation at an easy expense which would greatly promote the sale of such clay to be got from the waste lands of the settled estates whereby the said settled estates would be greatly improved

**AND WHEREAS** an estimate hath been made of the charge of cutting digging and making such canal and of erecting necessary Wharehouses and Storehouses on the borders thereof and

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providing implements for lading unlading such clay and the same hath been calculated at the sum of **Five Thousand Pounds**

**AND WHEREAS** the said **James Templer** is desirous of having the said work executed and a sum not exceeding the sum of Five Thousand Pounds should be raised upon the said settled estates to defray the expense thereof and is willing to keep down the Interest of the sum so to be raised during the term of his natural life

**AND WHEREAS** the said **James Templer** hath begun to make a canal for the purposes aforesaid in and upon the said settled estate and hath created some Warehouses and other necessary buildings on the Borders thereof

**AND WHEREAS** it is reasonable and just that the expense of making the said canal and the above mentioned works connected with it should be made a charge upon the said settled estates more especially as the said **James Templer** hath already expended divers large sums of money in draining and feuring (?) Wet and Boggy Lands parcel of the said settled estates and in planting barren and waste Lands other parts thereof and hath thereby made great and substantial improvements on the said settled estates for which he can have no allowance nor is the said settled estate liable to any charge by way of Portion or Provision for the for the numerous family of the said **James Templer** who hath now ten children living But the several purposes aforesaid or any of them cannot be effected without the aid and Authority of Parliament wherefore Your Majesty's most dutiful and loyal subject the said **James Templer** for and on behalf of himself and the said **George Templer** his infant son and also the said **John Templer George Templer Henry Line Templer Sir John William de la Pole Baronet and Dame Ann** his wife most humbly beseech Your Majesty that it may be enacted

**AND be it ENACTED** by the King's Most Excellent Majesty by and with the advice and consent of Lords Spiritual and Temporal and Commons in the present Parliament assembled and by the authority of the same that from and immediately after passing this Act it shall and may be lawful to and for **John Buller of Morville** in the County of **Cornwall** Esquire and the said John Slade or the survivor of them his Executives or Administrators to cause a survey to be made of a line of such intended Canal and if the same shall be found practicable to contract with a proper person or persons for completing the same and for erecting Warehouses upon or near the Borders thereof for receiving Clay and for setting up and providing implements

necessary for lading and unlading the same and for defraying the expenses thereof together with the expenses of obtaining this present Act

**BE IT further ENACTED** by the authority aforesaid that it shall and may be lawful for the said **John Buller** and **John Slade** or the survivor of them his Executors or Administrators by and with the consent and approbation in writing of the person or persons who for the time being shall under the Limitations in the said Will be seized or or intitled to the freehold or possession of the hereditaments to be charged as therein after mentioned who shall be of the age of twenty one years or if such person or persons shall be under the age of twenty one years with the consent and approbation in writing of his or their Guardian or Guardians respectively by and Deed or Deeds Writing or Writings to be by him or them duly sealed and delivered in the presence of two or more credible witnesses to charge a competent part of the said manor of Compton and other Lands and Premises thereunto belonging situate lying and being in the said Parish of **Marldon** in the County of Devon and also the said Messuages Lands Tenements and Hereditaments in the said County of **Devon** so given in exchange by the said **James Templer** as aforesaid not exceeding in the whole the yearly rent or value of four hundred pounds with the payment of any sum or sums of money not exceeding in the whole the sum of Five Thousand Pounds and for securing the Repayment thereof with lawful interest for the same to grant mortgage lease or demise the manors Messuages Lands Tenements and Hereditaments so to be charged as last mentioned unto such person or persons as shall be willing to advance and lend the same for any term or number of years so as every such Grant Mortgage Lease or Demise be made with a proviso or condition to cease and be void or with the express Trust to be surrendered when the sum or sums of money thereby respectively to be secured with the Interest thereof shall be fully satisfied and paid so as every such Grant Mortgage Lease or Demise which shall be made in the lifetime of the said **James Templer** do also contain a covenant on his part to pay and keep down during his life the interest on the money thereby secured

**BE IT further ENACTED** by the authority aforesaid that the sum so to be raised by virtue of this Act shall be laid by the person or persons so lending or advancing the same unto the said **John Buller** and **John Slade** or the survivor of them his Executors or Administrators who shall thereupon apply and dispose thereof in manner following (that is to say) in the first place in paying out and defraying the necessary charges of passing this Act and shall and do in the next place pay the necessary expenses of such survey and of making out and completing and

erecting and completing finishing such works and providing such implements as aforesaid  
**PROVIDED** always

**AND BE IT ENACTED** by the authority aforesaid that if it shall appear to the said **John Buller** and **John Slade** or the survivor of them his Executors or Administrators that all or any part of the Canal already executed by the said **James Templer** at his own expense is within the line of the said canal hereby authorised to be made and that all or any part of such canal or all or any part of the Warehouses Storehouses or Buildings erected by the said James Templer in and upon the said settled estates for the purpose of the more convenient transfer of Clay from the said settled estates to the said Port of **Teignmouth** are properly and sufficiently executed then and in such case it shall and may be lawful to and for the said **John Buller** and **John Slade** and the survivor of them his Executors or Administrators to cause an estimate to be made of the expense incurred in making and executing so much of the said Canal Warehouses and Buildings as shall be by them found to have been propely and sufficiently executedas aforesaid and that it hall and may be lawful for the said **John Buller** and **John Slade** and the survivor of them his Executor or Administrators and they are hereby respectively directed to apply such part of the said sum of Five Thousand Pounds as shall be sufficient to complete such intended Canal Buildings and implements in completing and finishing the same respectively and afterwards by and out of the residue of the said sum to be raised not exceeding the said sum of Five Thousand pounds as aforesaid to reimburse unto the said **James Templer** his Executors Administrators or Assigns such expense so by him incurred as aforesaid or so much thereof as such residue shall be sufficient to pay and satisfy

**PROVIDED** always

**AND BE IT further ENACTED** by the authority aforesaid that in case the said sum of Five Thousand Pounds so hereby directed to be raised as aforesaid shall not be sufficient to complete and finish the said intended Canal Buildings and Implements that then and in such case the Manors Messuages Lands Tenements Hereditaments and Premises with the Rights members Privileges and Appurtenances thereto belonging situate lying and being in the said Parish of **Teigngrace** together with such parts of the said Manor of Compton and other Lands and Premises thereto belonging situate lying and being in the said parish of Marldon in the said County of **Devon** and also such part of the said Messuages Lands Tenements and Hereditaments in the said County of **Devon** so given in exchange by the said **James Templer** as aforesaid as shall not have been charged with or subjected to the payment of the said sum of

Five Thousand Pounds shall be and they are hereby vested in the said **John Buller** and **John Holliday** of **Lincoln's Inn** in the County of **Middlesex** Esquire and the survivor of them his Executors and Administrators for the term of ninety nine years if the said James Templer shall so long live In Trust that they the said **John Buller** and **John Holliday** and the survivor of them his Executors or Administrators do and shall by and out of the Rents Issues and Profits of the said estates so hereby vested in them during the said term as aforesaid from time to time raise such sum or sums of money as together with the said sum of Five Thousand Pounds shall be sufficient to complete and finish the said canal Buildings and Implements and do and shall complete and finish the same accordingly

**PROVIDED** always

**AND BE IT further ENACTED** by the authority aforesaid that after the said Canal shall be completed and the Warehouses Storehouses and other erections hereby directed to be made of the Borders thereof shall have been erected and built he the said **James Templer** shall during the term of his natural life keep support and preserve the same in good and sufficient repair at his own proper costs and charges and the said Manors Messuages Lands Tenements Hereditaments and Premises so hereby vested in the said **John Buller** and **John Holliday** for the term of Ninety Nine Years if the said **James Templer** shall so long live shall from thenceforth revest in the said **James Templer** during the term of his natural life and he the said **James Templer** and his Assigns shall from thenceforth have hold and enjoy the same and every part thereof as if the said term had not been created

**PROVIDED** always

**AND BE IT further ENACTED** by the authority aforesaid that the Receipt and Receipts of the said **John Buller** and **John Slade** or the survivor of them his Executors or Administrators for the monies which they are hereby respectively authorised to charge as aforesaid shall respectively be a good and effectual discharge to the Mortgagee or Mortgagees of all or any part or parts of the said Hereditaments so hereby made chargeable as aforesaid for so much of the same monies as in such receipt or Receipts shall be expressed to be received and that after such Receipt and Receipts shall be given such Mortgagee or Mortgagees shall not be obliged to see to the application of the monies therein acknowledged to be received or any part thereof nor be answerable or accountable for any Loss Misapplication or Nonapplication thereof or of any part thereof

**PROVIDED** always

**AND BE IT further ENACTED** that the said **John Buller** and **John Slade** or either of them their Executors or Administrators shall not be answerable or accountable for any monies to be received by virtue of the Trusts hereby in them reposed any otherwise than each person for such sum or sums of money as he or they shall respectively actually receive and that no one of them shall be answerable or accountable for the Acts Receipts Neglects or Defaults of the other of them but each and every of them only for his own Acts Receipts Neglects or Defaults neither shall they the said Trustees or any of them be answerable for any Loss or Damage which may happen in the execution of the aforesaid Trusts or in relation thereto unless the same shall happen by or through their or his own wilful Neglect or Default respectively and also that they the said Trustees and each of them and their respective Executors and Administrators shall and may out of the monies which shall come into their hands respectively by virtue of such Mortgage as aforesaid retain to and reimburse himself and themselves respectively such charges damages and expenses as they or any of them shall or may pay bear suffer sustain or be put unto in the execution of any of the Trusts hereby in them reposed or in any wise relating thereto

**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 intended to be charged or made chargeable respectively 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 which are by this Act respectively intended to be charged and made chargeable aforesaid as they every or any of them had before the passing of this Act or could or might have had or enjoyed in case this Act had not been made.