

A Schedule of the Deeds and Writings  
relating to freehold and copyhold hereditaments  
at Kirkby Malzeard in the County of York  
sold by the Devises in trust of the late  
Mr John Frankland to Mr Richard Atkinson

- 14<sup>th</sup> July 1847 Copy of Court Roll Admittance of the Rev'd  
James William Geldart on the death of the Rev'd  
James Geldart
- 31<sup>st</sup> Aug 1853 Copy of Court Roll Surrender Rev'd James  
William Geldart to John Frankland
- 6<sup>th</sup> Oct 1885 Copy of Court Roll Admittance of William Sunley  
And Charles Lee on the death of John Frankland
- 1885 Abstract of the Title of the Devises in Trust of  
Mr John Frankland to freehold and copyhold  
premises situate in Kirkby Malzeard in the County  
of York
- 22<sup>nd</sup> Oct 1885 Indenture made between William Sunley and Charles  
Lee of the one part and Richard Atkinson of the  
other part
- 22<sup>nd</sup> Oct 1885 Copy of Court Roll Surrender William Sunley and  
Charles Lee to Richard Atkinson

Received the documents comprised in  
the foregoing Schedule this day of  
1885

Abstract of the Title of the Devises in Trust of  
Mr John Frankland deceased to freehold and  
copyhold Dwelling houses and hereditaments  
situate at Kirkby Malzeard in the township of  
Kirkby Malzeard in the West Riding of the County  
of York contracted to be sold to Mr Richard  
Atkinson for £220

As to the freehold part of the premises  
3<sup>rd</sup> & 4<sup>th</sup> July 1831 Indentures of Lease and Release of these dates  
the latter made between Elizabeth Smith of

Leases in the Parish of Bedale in the County of York, Spinster of the 1<sup>st</sup> part John Frankland of Kirkby Malzeard in the said County of York of the 2<sup>nd</sup> part Wheel-wright Henry Robinson Glaister of Bedale in the said County Gentleman of the 3<sup>rd</sup> part whereby

*(Written in the margin)* These Deeds will be returned by the Vendors who will give a qualified undertaking for their instructions to the Purchaser

After Stating that the said Elizabeth Smith being seized of or entitled to inheritance in fee simple in possession of and in the messuages tenements or dwellinghouses allotment or parcel of land and premises thereafter particularly described and expressed to be thereby released had contracted and agreed with the said John Frankland for the absolute sale thereof to him free from incumbrances at or for the price of £190

It was by the present abstracting Indenture witnessed that in consideration of £190 by the said John Frankland to the said Elizabeth Smith paid the receipt etc. The said Elizabeth Smith did thereby grant bargain sell alien release and confirm unto the said John Frankland in his actual possession etc and to his heirs and assigns (along with other hereditaments)

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All that allotment or parcel of land containing by estimation half an acre be the same more or less situate near to the town of Kirby Malzeard aforesaid bounded by the Turnpike road leading to Dalla Gill on or towards the East by a road leading to Ringbeck on or towards the North by an allotment or parcel of land belonging to the Curate of East Whitton on or towards the West which said

allotment or parcel of land was then lately set out and allotted to Joseph Wright deceased by the Commissioners named and appointed in and by an Act of Parliament made and passed in the year of our Lord 1787 entitled an Act for dividing certain Moors, Commons or Waste Grounds in the Parish of Kirby Malzeard in the County of York Also all those two messuages cottages or dwellinghouses then lately erected and built on the said allotment or parcel of land with the Carpenter's Shop thereto adjoining All which said last mentioned premises were then in the occupation of the said John Frankland or his undertenants

Together with the appurtenances  
And the reversion etc

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And all the estate etc

To hold the said messuages tenements or dwellinghouses allotment or parcel of land and premises with their appurtenances unto the said John Frankland and his heirs for ever nevertheless

To the Use of such person or persons for such estate or estates interest or interests upon such trust and for such intents and purposes and with under and subject to such conditions powers provisoes limitations charges and declarations as he the said John Frankland at any time or times during his life by any deed or deeds instrument or instruments in writing to be sealed and delivered by him in the presence of and attested by 2 or more credible witnesses or by his last Will and Testament in writing or any Codicil or Codicils thereto to be signed and published by him in the presence of and

to be attested by 3 or more credible witnesses should from time to time direct limit or

appoint.....Remainder

To the Use of the said John Frankland and his assigns during his natural life without impeachment of waste .....

.....Remainder

To the Use of the said Henry Robinson Glaister and his heirs during the natural life of the said John Frankland

In Trust for the said John Frankland his heirs and assigns for ever

Covenants by the said Elizabeth Smith for herself her heirs executors and administrators with the

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said John Frankland his heirs and assigns that she was lawfully seized - for peaceable possession - free from incumbrances - and for further assurances -

Executed by both parties and duly attested

Receipt for consideration money (£190) endorsed signed by the said Elizabeth Smith and witnessed

Registered at Wakefield 8<sup>th</sup> July 1831 in Book K.Y. Page 562 and Number 569

As to the copyhold part of the premises Copy Court Roll Admission of John Frankland whereby it appears that at a Court held the 31 August 1853 it was presented that in consideration of £32 to the Rev'd James William Geldart Rector of Kirk Deighton in the County of York paid by John Frankland of Kirby Malzeard in the said County wheelwright the said James William Geldart did out of Court the 31<sup>st</sup> day of March 1853 surrender into the hands of the Lords

of the Manors by the hands and acceptance of James Coates etc and according to the custom thereof

All that allotment or parcel of land (with the building then recently erected thereon) being parcel of Kirby Moor in the Parish of Kirby Malzeard aforesaid containing by admeasurement 1r and 6p was the same more or less bounded nearly east by Gelgate Road West by an allotment then late belonging to William Moreland but then of George Musgrave, North by (the said) John Frankland and the Rev'd William Heslop's allotment and South by an allotment belonging to William Almack and then or late in the occupation of John Frankland

Together with all houses etc

And all reversion etc

And all the estate etc

To the only proper use and behoof of the said John Frankland his heirs and assigns for ever By the rents and services therefore due and of right accustomed according to the custom of the said Manor

Whereupon to that court came the said John Frankland and prayed to be admitted tenant to the same premises to whom the Lords by their Steward granted assigns? etc and he was admitted tenant thereof according to the customs of the said Manor

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3<sup>rd</sup> May 1876 The said John Frankland made his Will of this date whereby

He appointed William Sunley of Headingley in the County of York Gardener and Charles Lee of Carlesmoor Gentleman joint Trustees and Executors

He devised and bequeathed unto the said William Sunley and Charles Lee

All his real estate whatsoever and wheresoever and of what nature or kind soever

Upon Trust as soon as conveniently might be after his decease to make sale and absolutely dispose of all and every his real estate and to invest the proceeds thereof and apply the income and accumulations thereof as in the said Will mentioned

Executed by the said Testator in the presence of and attested by two witnesses

9<sup>th</sup> Jan 1885 The said John Frankland by a Codicil to his said Will of this date

Directed his trustees and executors to permit and allow his wife Mary Ann Frankland

To reside and occupy

The dwellinghouse which he then lived in with the use of the garden and outbuildings rent free

So long as his wife Mary Ann Frankland remained his widow and thought proper

And in all other respects the said Testator thereof confirmed his said Will

Executed by the said Testator in the presence of and attested by two witnesses

3<sup>rd</sup> March 1885 The said John Frankland died

28<sup>th</sup> Sept 1885 The said Will and Codicil were proved in the Principal Registry of the Probate Division of the High Court of Justices by the said executors

26<sup>th</sup> Oct 1885 Probate registered at Wakefield in Vol 26 page 44 Number 27

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Manor of the late  
Prebend of Masham

Copy Court Roll admittance of this date of the said William Sunley and Charles Lee to said Copyhold land and hereditaments according to the the said testator of the said Will of the said John Frankland deceased

Out of Court  
6<sup>th</sup> Oct 1885

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Transcribed by Sheila K Douglas from  
The Making of Mashamshire's Edmundson and Gowland papers