

This Indenture made the Twenty seventh day of July, One Thousand eight hundred and ninety three Between:

- John Minson Wyburn of Myrtle Avenue, Brooklyn in the United States of America, Tailor;
- Joseph Wyburn of Drayton [sic], Ohio in the United States of America, Tailor;
- Isabella Mabby the Wife of Jesse T. Mabby of Harden County of Ohio aforesaid with whom she intermarried at Hardin County in the State of Ohio, U.S.A. Twenty fifth day of October, One thousand eight hundred and fifty nine and the said Jesse T. Mabby of the first part;
- Mary H[annah] Cudlipp , the wife of Charles Cudlipp of the American Baking Company, Columbia Street, Brooklyn aforesaid with whom she intermarried at the City of New York in the State of New York, U.S.A. on the Fifth day of September, One thousand eight hundred and eighty two and the said Charles Cudlipp;
- Jennie Lewis, wife of Sidney Herbert Lewis of the American Baking Company, Brooklyn aforesaid with whom she intermarried on the Twenty sixth day of January, One thousand, eight hundred and eighty six [and] the said Sidney Herbert Lewis;
- Joseph Wyburn of Columbia Street in the city of Brooklyn in the State of New York, U.S.A., Baker of the City of New York in the State of New York, U.S.A., Agent; and
- John Henry Wyburn of ??????Avenue, Brooklyn aforesaid of the second part;
- Frances Christiana Perris of Marlock in the County of Somerset, widow, of the third part; and
- William Durman of Creech Saint Michael in the Count of Somerset, Master Mariner of the fourth part.

**Whereas** Job Wyburn, late of Creech Saint Michel in the County of Somerset, Mason, deceased, was at the date of the Indenture ne??? hereinafter recited seized of the hereditaments hereinafter divided and intended to be hereby conveyed in the unincumbered fee simple<sup>i</sup> in possession **AND Whereas** by an Indenture of Mortgage dated the fifth day of April, One thousand and eight hundred and forty four, and made between the said Job Wyburn of the one part and Christian Emery of the other part in the said hereditaments hereinafter described were by the description therein contained, appointed and demised unto the said Christian Emery heirs,

executors, administrators, and assigns from thenceforth for the term of 5000 years by way of Mortgage for receiving the repayment of the sum of Two Hundred Pounds with interest as therein appearing **AND whereas** the said Job Wyburn (hereinafter calls "the Testator") duly made and executed his Will attested by three Witnesses dated eighth day of September, One thousand and eight hundred and thirty two and thereby gave, devised and bequeathed All Those his Messuage or dwelling houses and two closes of meadow or pasture land and also a close of arable land called Potato Close with their appurtenances situate in Creech Saint Michael aforesaid and all other his lands and hereditaments wheresoever and whose nature or kind unto John Minson of Ilminster in the said County. [Baker]? his heirs, executors, administrators and assigns respectively according to the nature of the same property to the use of or in trust for Sarah, his wife, for her life and after the termination of that estate to the use of Job Wyburn his son (hereinafter called Job Wyburn) for the term of his life and after the determination of that estate by any means in his lifetime to the use of the said John Minson, his heirs, executors, and administrators upon trust to forever the remainder thereafter limited. And from and immediately after the decease of his Son, Job Wyburn, to the use of and in trust for all and every the child or children of his said son, the said Job Wyburn, that should be living at the time of his decease and the issue of any child or children that might happen to be dead and of their several and respective heirs, executors, administrators, and assigns forever as tenants in common and to be equally divided between them share and share alike so nevertheless as the issue of any child or children that might then happen to be dead should take the part or share only that his, her or their parent or parents would have been entitled if then living. And the said Job Wyburn, the Elder, appointed the said John Minson, Executor in trust of that his term **AND Whereas** the Testator duly made and executed a codicil to his said Will dated the eighth day of September, One thousand eight hundred and thirty two and thereby revoked the [ de ] of the said close of arable land called Potato Close and devised the same as therein appears but otherwise confirmed the said Will.

**AND whereas** the Testator died on the \_\_\_\_\_ day of \_\_\_\_\_ One thousand eight hundred and thirty ----- and his said will and Codicil were proved by the said John Minson in the Archdeaconry Court of Taunton on the first day of August, One thousand eight hundred and thirty three **AND** whereas the said Sarah Wyburn died on or about the ----- day of ----- One thousand eight hundred and -----  
**AND whereas** the said Job Wyburn [Junior] had by his wife Ann (formerly Ann Minson) seven children and no more namely: John Minson Wyburn, Mary Ann Wyburn, Joseph Wyburn, Isabella Mabby, Robert Wyburn, George Wyburn, and James Wyburn **AND whereas** the said Mary Ann Wyburn died a Spinster and Intestate many years since and was buried at Greenwood Cemetery, Brooklyn, N.Y., U.S.A.; **AND whereas** the said Robert Wyburn died in or about the month of September, One thousand eight hundred and eighty eight at St. Louis, Missouri, United States of America, leaving four children and no more, namely the said Mary H Cudlipp, Jennie Lewis, Joseph Wyburn and John Henry Wyburn **AND whereas** the said George Wyburn died many years since, a bachelor and intestate **AND whereas** the said James Wyburn, son of the said Job Wyburn, died on or about the ----- day of January, One thousand eight hundred and ninety two at Creech Saint Michael in the County of Somerset, a bachelor and intestate **AND whereas** under or by virtue of divers means, assignments and acts in the law and ultimately by an Indenture dated the twelfth day of August, One thousand eight hundred and seventy, made between James Wyburn of the first part and Ann Wyburn (who on the twenty third date of July, One thousand eight hundred and seventy obtained from the Justice of the Peace sitting in and for the Petty Sessional (Division of -----) in the said County of Somerset, a Protection Order under an Act passed in the twentieth and twenty-first years of the reign of Her Majesty instituted an act to amend the law relating to the power of and the matrimonial causes in England) of the second part and James Minson of the third part of the principal sum of one hundred and forty four Pounds (the amount due at the date of the death of the Testator upon the said Indenture of Mortgage) and all securities for the same and the said hereditaments were assigned unto the said James Minson, his executors, administrators and assigns in trust for the said Ann Wyburn,

her executors, administrators, and assigns for her separate use **AND whereas** the said Ann Wyburn duly made and executed her Will dated the second day of September, One thousand eight hundred and eighty one and thereby inter alia<sup>ii</sup> gave to her Son, James Wyburn, so long as his Father, the aforesaid Job Wyburn and himself should both live All her interest in property at North End, Creech Saint Michael near Taunton secured to her by a certain deed dated the twelfth day of August, One thousand eight hundred and seventy and from the decease of either of Job Wyburn, her husband, or of James Wyburn, her son, the [-----] gave the said interest and benefit secured to her by the said deed equally to all her children living at the time of her decease; and she appointed her brother, James Minson, and her friend, Edward Perris, Executors of that her Will and who duly proved the same in the Taunton District Registry of the Probate Division of the High Court of Justice on the tenth day of October, One thousand eight hundred and eighty seven (the said Ann Wyburn having died on the twenty ninth day of November, One thousand eight hundred and eighty nine. **AND WHEREAS** the said James Minson died in the -----day of ----- One thousand eight hundred and eighty eight **AND WHEREAS** the second, Edward Perris died on the twenty seventh day of April, One thousand eight hundred and ninety two having duly made and executed his Will dated the twenty eighth day of October, One thousand eight hundred and ninety one whereby he appointed his Wife, the said Frances Christiana Perris, executor thereof and who duly proved the same in the Taunton District Registry of the Probate Division of the High Court of Justice on the thirtieth day of May, One thousand eight hundred and ninety two, **AND WHEREAS** the said Job Wyburn died on the twelfth day of July, One thousand eight hundred and ninety two at Kenton, Hardin County in the State of Ohio, America **AND WHEREAS** the several parties hereto of the first and second parts have agreed with the said William Durman for the sale to him of the said hereditaments hereinafter described in unincumbered fee simple in possession at the price of three hundred and forty Pounds and the said Francis Christiana Perris has at the request of the several persons parties hereto who are beneficially interested in the said security agreed to concur in these presents in manner hereinafter appearing **NON** this indenture **witnesseth**

that in pursuance of the said agreement and in consideration of the sum of Three hundred and forty Pounds to the parties both of the first and second parts paid by the said William Durman (the receipt of which sum the said parties hereto of the first and second parts according to their respective interests therein hereby acknowledge) They, the said parties of the first and second parts, the **Beneficial Owners** hereby convey **AND** the said Frances Christiana Perris, as the personal representative of the said James Wyburn and Edward Perris deceased, and by the direction of the said parties of the first and second parts hereby conveys and confirms unto the said William Durman all those three messuages<sup>iii</sup> or dwelling houses, gardens, orchards, and premises situate at North End in the Parish of Creech Saint Michael in the said County of Somerset and described on the Tithe Commutation and Apportionment of the said Parish as follows:

No. on Tithe Map	Quality	Quality		
		A	K	?
565	House, garden and orchard	"	2	3
566	House and garden	"	"	20
567	House and garden	"	"	32

Which said premises are more particularly [delineated] and described on the map or plan drawn on the \_\_\_\_\_ of this presentation and thereon coloured pink.

**TO HOLD** The said Premises unto and to the use of the said William Durman, his heirs, executors, administrators and assigns in fee simple. **In Witness** whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

John Minson Wyburn	Signed, sealed and delivered by the before named John Minson Wyburn in the presence of Robert Norgrand (sp?), Counselor at Law, 226 Jefferson Ave, Brooklyn, N.Y., U.S.A.
Joseph Wyburn	Signed, sealed and delivered by the before named Joseph Wyburn in the presence of George L. Roesster, Baker National Home, Ohio, U.S.A.
Isabella Mabby	Signed, sealed and delivered by the before named Isabella Mabby and Jesse T. Mabby in the presence of Emma Mabby and E. H. Cook of Forest, Ohio, U.S.A. [and witnessed by] J.S. Elliott and Wm N. Griffith, Springfield, Ohio.
Mary H. Cudlipp and Mr. Charles Cudlipp	Signed, sealed and delivered by the before named Mary H. Cudlipp and Charles Cudlipp in the presents of Jos. H. Breaznell, Counsellor at Law, No 38 Lawrence St., Brooklyn, N.Y., U.S.A.
Jennie Lewis and Sidney Herbert Lewis	Signed, sealed and delivered by the before named Jennie Lewis and Sidney Herbert Lewis in the present of Robert Ningart, Counselor at Law, 226 Jefferson Ave., Brooklyn, N.Y., U.S.A.
John H. Wyburn	Signed, sealed and delivered by the before named John H. Wyburn in the present of Robert Ningart, Counselor at Law, 226 Jefferson Ave., Brooklyn, N.Y., U.S.A.
Francis Christiana Perris	Signed, sealed and delivered by the before named Christiana Perris in the present of A. W. Philpott, Clerk to Messrs. Jas.S. Watts Solicitors , Marlock, Yeovil [County]

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<sup>i</sup> Fee simple ownership represents an ownership interest in real property, though it is limited by government powers of [taxation](#), [eminent domain](#), [police power](#), and [escheat](#), and it could also be limited further by certain [encumbrances](#) or conditions in the [deed](#)...

<sup>ii</sup> *inter alia* means "among other things"

<sup>iii</sup> In [law](#), a **messuage** is an archaic term used in [conveyancing](#), and is "nearly synonymous with dwelling house. A grant of a messuage with the appurtenances will not only pass a house but all the buildings attached or belonging to it, as also its [curtilage](#), garden and orchard, together with the close on which the house is built.