



*Buildings
and Lands
Parish of
Devizes*

M.N.I.

In the High Court of Trustees

Marshall v The Great Western Railway Company

This is the Indenture marked M.N.I. Referred to in the Affidavit
of John Thomas Marshall sworn before me in this Action this

14th day of March 1887

[signature, Commissioner &c.]

Dated 12 August 1886

*The Surviving Trustee
of the late B. W. Anstie Esq^{re}.*

Deceased and others

---- to ----

J.T. Marshall Esq^{re}.



Conveyance

of freehold mansion house known as "Park Dale" with grounds messuages lands and premises situate at Devizes, Wilts and

Acknowledgements

&c as to Title Deeds retained



Parties to this 1886 document :-

Edward Benjamin Anstie of Devizes.
James Waylen, formerly of Etchinghampton, now of Fulham.
Sarah Tomkins Waylen, his Wife.
John Anstie, formerly of Devizes now of Westminster.
James Smith formerly of Delhi India Baptist.
Harriet Tomkins Smith, his wife.
Ann Anstie, now residing at Nice, France, Spinster.
John Thomas Marshall of Devizes.

Property mentioned in this document :-

Freehold Mansion house known as "Park Dale", Devizes

See **opc notes** on page 5.

This Indenture made the twelfth day of August one thousand and eighty six **Between**

- 1) Edward Benjamin Anstie of Devizes in the County of Wilts Tobacco and Snuff Manufacturer of the first part
- 2) James Waylen formerly of Etchilhampton in the said County of Wilts Artist but now of Lillie Road Fulham in the County of Middlesex Gentleman and John Anstie formerly of Devizes aforesaid but now of Number 7 Westminster Chambers Victoria Street in the City of Westminster Civil Engineer of the second part
- 3) James Smith formerly of Delhi India Baptist Missionary but now of Lyndwood Hayne Road Beckham in the County of Kent Non Conformist Minister and Harriet Tonkins [sic] Smith his Wife of the third part
- 4) the said John Anstie and James Smith of the fourth part
- 5) the said James Waylen and Sarah Tomkins Waylen his Wife of the fifth part
- 6) the said John Anstie Harriet Tomkins Smith Sarah Tomkins Waylen and Anne Anstie now residing at Nice in the Republic of France Spinster of the sixth part
- 7) the said John Anstie and the said Edward Benjamin Anstie of the seventh part
- 8) the said Anne Anstie of the eighth part
- 9) the said John Anstie of the ninth part
- 10) and John Thomas Marshall of Devizes aforesaid Gentleman of the tenth part

Whereas under or by virtue of the conjoint operation (the last Will and Testament bearing date the nineteenth day of May one thousand eight hundred and thirty three of Benjamin Webb Anstie late of Devizes aforesaid Manufacturer (who died on the thirty first day of August one thousand eight hundred and twenty four and whose said Will was duly proved in the Prerogative Court of the Archbishop of Canterbury on the sixth day of December following by Joshua Whitaker Richard Biggs and Benjamin Anstie (all since deceased the Executors therein named) and of an

Indenture [8 Mar 1861] bearing date the twenty eighth day of March one thousand eight hundred and sixty one and made between

- 1) Jabez Legg Paul Anstie (since deceased) and Alfred Anstie of the first part
- 2) James Anstie of the second part
- 3) the said Joshua Whitaker and Richard Biggs of the third part
- 4) the said Paul Anstie and George Washington Anstie of the fourth part
- 5) the said Alfred Anstie of the fifth part
- 6) Richard Williams Biggs and Mary Ann his Wife of the sixth part Elizabeth Anstie of the seventh part
- 7) Philip Anstie Smith
- 8) and Frances Emily his Wife of the eight part
- 9) Edward George Smith Robert Leonard the younger and the said Alfred Anstie of the ninth part
- 10) the said George Washington Anstie and Harriet his Wife (since deceased) of the
- 11) tenth part Charles Tomkins and Benjamin Albin Tomkins of the eleventh
- 12) part and the said Edward Benjamin Anstie of the twelfth part

and of another

Indenture [7 Nov 1864] bearing date the seventh day of November one thousand eight hundred and sixty four and made between the said

- 1) Paul Anstie and George Washington Anstie of the first part the said
- 2) Joshua Whitaker of the second part and the said
- 3) Edward Benjamin Anstie of the third part

and of divers other acts and Deeds and the happening of certain events the freehold mansion house messuages lands rights hereditaments and premises hereinafter described and intended to be hereby conveyed became vested in the said Edward Benjamin Anstie for an estate in fee simple upon such trusts as in and by the said Will of the said Benjamin Webb Anstie deceased were expressed and declared of and concerning the same premises or part thereof that was to say Upon trust for the benefit of the said Testator's son the said George Washington Anstie during his life And from and after his decease Upon trust for all the children of the said George Washington Anstie lawfully begotten or to be

begotten as tenants in common and the heirs and assigns of the same children in fee And in case any one or more of such children should die under the age of twenty one years without leaving issue then as to the share or shares of the said hereditaments which should belong to or be taken by the same child or children respectively under the provisions of the said Will Upon trust for the other or Heirs of the same children as tenants in common and their respective heirs and assigns for ever **And whereas** the said George Washington Anstie had eight children only namely

- 1) the said Harriet Tomkins Smith (who was born on the fourth day of September one thousand eight hundred and thirty)
- 2) the said Sarah Tomkins Waylen (who was born on the fourteenth day of November one thousand eight hundred and thirty one)
- 3) Catherine Anstie (who was born on the ninth day of February one thousand eight hundred and thirty four and who died on the twenty eighth day of August one thousand eight hundred and forty four unmarried)
- 4) Frederick Anstie (who was born on the sixteenth day of March one thousand eight hundred and thirty five)
- 5) Mary Anstie (who was born on the twenty third day of April one thousand eight hundred and thirty six and who died on the thirty first day of August one thousand eight hundred and fifty nine a spinster and intestate leaving her father the said George Washington Anstie her heir at law)
- 6) George Anstie (who was born on the eighth day of August one thousand eight hundred and thirty seven and who died on the twenty fifth day of April one thousand eight hundred and thirty eight)
- 7) of the said Anne Anstie (who was born on the nineteenth day of September one thousand eight hundred and thirty eight)
- 8) and said John Anstie (who was born twenty seventh day of September one thousand eight hundred and thirty nine)

And whereas by an

Indenture [24 Jun 1862] bearing date the twenty fourth day of June one thousand eight hundred and sixty two and made between the said

- 1) George Washington Anstie of the first part
- 2) the said Harriet his Wife (long since deceased) of the second part
- 3) the said Sarah Tomkins Waylen (then Sarah Tomkins Anstie) of the third part
- 4) the said James Waylen of the fourth part
- 5) and the said Frederick Anstie and John Anstie of the fifth part

(being a settlement made in contemplation of the marriage then intended and shortly afterwards solemnized between the said James Waylen and Sarah Tomkins Anstie) amongst other hereditaments the considered part or share parts or shares of her the said Sarah Tomkins Anstie of and in the said messuages lands and hereditaments hereinafter described or some part thereof were (subject to the like estate of the said George Washington Anstie therein) conveyed by the said Sarah Tomkins Anstie with the consent of the said James Wylen unto the said Frederick Anstie and John Anstie their heirs and assigns To the use of the said Sarah Tomkins Anstie and her heirs until the said intended marriage should be solemnized and immediately after the solemnization thereof then upon certain trusts for the benefit of the said Sarah Tomkins Anstie during her life and after her decease as in the said Indenture is mentioned And by the said Indenture it was declared that it should be lawful for the said Frederick Anstie and John Anstie or the survivor of them and the executors administrators or assigns of such survivor at any time or times after the solemnization of the said intended marriage at the request and by the direction in writing of the said Sarah Tomkins Anstie and James Waylen during their lives (such request to be attested by two or more credible witnesses) to dispose and convey by way of absolute sale all or any of the said hereditaments and premises to every person or persons whensoever for such piece or pieces as should seem reasonable and for the purpose of effectuating such dispositions and conveyances (as such consent as aforesaid) absolutely to revoke and make void all and every or any of the uses trusts powers and provisions thereinbefore limited expressed and declared of or concerning the said hereditaments and premises so proposed to be sold as aforesaid or any part of parts thereof respectively and by the same or any part or parts thereof respectively and by the same or any parts direct or appoint any use or uses estate or estates trust or trusts of the same.

One thousand eight hundred and eighty six ~ ~

And whereas by an Indenture bearing date the first day of March one thousand eight hundred and eighty six and made between the said Frederick Anstie acting by the said John Anstie as the duly appointed Committee of the estate of the said

- 1) Frederick Anstie of the first part
- 2) the said John Anstie Harriet Tomkins Smith Sarah Tomkins Waylen and Ann Anstie of the second part
- 3) the said James Smith of the third part
- 4) and the said James Waylen of the fourth part
- 5) the one equal undivided sixth part

or share of him the said Frederick Anstie of and in (amongst other hereditaments) all the hereditaments and premises hereinafter described and intended to be hereby conveyed and of and in all other real estate subject to the trusts of the said Will of the said Benjamin Webb Anstie deceased were under and pursuant in the hereinbefore recited Order and direction of the twenty fourth day of June one thousand eight hundred and eighty five conveyed by the said Frederick Anstie as beneficial owner (acting by the said John Anstie as such Committee as aforesaid) unto the said Anne Anstie and her heirs To the use of the said John Anstie Harriet Tomkins Smith Sarah Tomkins Waylen and Anne Anstie and their respective heirs and assigns as tenants in common in equal shares and as to the share of each of them the said Harriet Tomkins Smith and Sarah Tomkins Waylen as her separate property independently of her husband **And whereas** the said George Washington Anstie duly made and executed his last Will and Testament in writing bearing date the eighth day of February one thousand eight hundred and eighty two whereby after making certain specific debts and bequests not affecting the said hereditaments and premises intended to be hereby conveyed he gave devised and bequeathed unto his son the said John Anstie and to the said Benjamin Albin Tomkins and his nephew the said Edward Benjamin Anstie their heirs and assigns All other his real and personal estate whatsoever and wheresoever Upon trust to sell and dispose of his said real and personal estate including his one sixth share of land and personal estate which had become his property as heir at law to his daughter the said Mary Anstie deceased and to pay the proceeds of such sale or sales as therein mentioned **And whereas** the said George Washington Anstie died on the seventeenth day of July one thousand eight hundred and eighty two without having altered or revoked his said Will and on the thirteenth day of October following the same was duly proved in the Principle Registry of the Probate Division of the High Court of Justice by the Executors therein named **And whereas** the said Benjamin Albin Tomkins died on the third day of February one thousand eight hundred and eighty four at Blackheath in the County of Kent and was buried at Charlton Cemetery in the County of Kent **And whereas** the said parties hereto of the second third fourth sixth seventh eighth and ninth parts respectively (the said parties hereto of the second and third parts acting under and in exercise of the powers to them or some or one of them given by the said Settled Land Act 1882 or otherwise and the parties hereto of the fourth part acting at the request and by the direction of the said parties of the fifth part testified by this present writing to be attested by two credible witnesses have contracted and agreed with the said John Thomas Marshall for the absolute sale to him of the said mansion house messuages lands rights and hereditaments hereinafter described with the timber thereon and the inheritance thereof in fee simple in possession free from all incumbrances including land tax for the sum of Two thousand two hundred and twenty five pounds and it has been agreed between the said parties hereto of the said second third fourth fifth sixth seventh eighth and ninth parts that the said sum of Two thousand two hundred and twenty five pounds shall be apportioned between and be paid to them in manner following that is to say To the said parties hereto of the second part the sum of Three hundred and seventy pounds sixteen shillings and eight pence to the said parties hereto of the fourth part the like sum of Three hundred and seventy pounds sixteen shillings and eight pence to the said four parties hereto of the sixth part in equal shares the like sum of Three hundred and seventy pounds sixteen shillings and eight pence to the said parties hereto of the seventh part the like sum of Three hundred and seventy pounds sixteen shillings and eight pence and to the said John Anstie also apart from the other parties hereto the like sum of Three hundred and seventy pounds sixteen shillings and eight pence and in accordance with such last mentioned agreement the said John Thomas Marshall at the request and by the direction of the said several other parties hereto (other than the said Edward Benjamin Anstie) has on or immediately before the execution of these presents apportioned and paid to the said several parties hereto of the second fourth sixth seventh

eighth and ninth parts the respective sums hereinbefore mentioned to be paid to them respectively **And whereas** the said Edward Benjamin Anstie as the Trustee of the said Will of the said Benjamin Webb Anstie deceased has at the request of the other parties hereto agreed to join in these presents in manner hereinafter appearing **Now this Indenture Witneseth** that in pursuance of the said agreements and in consideration of the said several sums so as aforesaid on or before the examination of these presents paid by the said John Thomas Marshall to the said several parties hereto of the second fourth sixth sevenths eighths and ninth parts respectively (the receipt by payment to them respectively in manner aforesaid of which said several sums making together the said purchase money or sum of Two thousand two hundred and twenty five pounds they the said several parties do hereby respectively admit and acknowledge) He the said Edward Benjamin Anstie as such Trustee as hereinbefore appears to the whole of the hereditaments and premises hereafter described and by the direction of the said several other parties hereto He the said Edward Benjamin Anstie as such Trustee as hereinbefore appears as to as Trustees in execution of the power for that purpose vested in them by the hereinbefore recited Indenture of the twenty fourth day of June one thousand eight hundred and sixty two as expressed declared and contained of an concerning the hereditaments intended to be hereby appointed by this present Deed (to be attested as aforesaid) Do as to one equal undivided sixth part or share of the said last mentioned hereditaments hereby appointed and according to their estate and interest and by the direction of the said parties hereto of the fifth part as beneficial owners and the said parties hereto of the second and seventh parts as Trustees and in exercise of all powers and authorities them respectively enabling and as to all the said parties according to their several and respective estates and interests in the same hereditaments and premises and so as in conjunction with the said parties hereto of the fourth part to officially convey the entirety of the equitable estates and interests therein Do and each and every of them Doth hereby convey and confirm unto the said John Thomas Marshall and his heirs **All that** mansion house or capital messuage known as "Park Dale" with the two messuages or tenements belonging thereto and used as an entrance lodge and Coachman's house and stabling and the coach house conservatory dairy and other out offices adjoining or near thereto And also the roads and the shrubberies lawns gardens and pleasure grounds thereto belonging and held and enjoyed therewith And also the garden grounds paddocks orchard and arable pasture land thereto adjoining **All** which said premises with the exception of the said entrance lodge and a portion of the road leading to the said mansion house are situate in the ...

OPC Notes: Benjamin Webb Anstie died 31 August 1824, and buried at Trowbridge 8 September 1824.
George Washington Anstie died 17 July 1882, Will dated 8 February 1882 and proved 13 October 1882.
Benjamin Albin Tomkins died 3 February 1884, buried at Charlton Cemetery, Kent.

There are many interesting snippets of information in this document and I have listed these below, for easy of reference.

Children of George Washington Anstie

Name	Born	Death
Harriet Tomkins	4 September 1830	
Sarah Tomkins	14 November 1831	
Catherine	9 February 1834	28 August 1844
Frederick	16 March 1835	
Mary	23 April 1836	31 August 1851
George	8 August 1837	25 April 1838
Ann	19 September 1838	
John	27 September 1839	

The First Schedule hereinbefore referred to ~
In the Parish of Saint John the Baptist, Devizes

Plan No.	No. on Tithe Map	Description	Quality	Quantity		
				a	r	p
40	59 part 124	Park Dale House and Grounds &c.		3	0	30
41	58	Upper Ploughed Ground	Orchard & Pasture	2	5	10
50a	Part 60 & 61	Paddock	Pasture		2	29
51a	53	Garden	Pasture		1	21
41a	Part 228	Roadway (Back)			2	-
41b	Part 228	Roadway (Webb's Lane)				20
In the Chapelry of Saint James, Devizes						
40a		Entrance Lodge and Carriage Drive (Front)			2	6



The Second Schedule hereinbefore referred to ~

First Part	
6 th and 7 th April 1801	Indentures of Lease and Release. The Release made between William Wyndham of first part. The Reverend Thomas Wyndham of the second part. The Reverend Thomas Heathcote of the third part Benjamin Webb Anstie of the fourth part Richard Knight of the fifth part and John Bannister of the sixth part.
8 th April 1801	Deed of Covenant for production of the Deeds made between William Wyndham of the one part and Benjamin Webb Anstie of the other part.
29 th July 1803	Certificate of this date of the Commissioners for redemption of Land Tax.
19 th and 20 th April 1819	Indentures of Lease and Apportionment and Release the latter made between William Wyndham of the first part the said Thomas Wyndham of the second part The Reverend John Heathcote Wyndham of the third part Benjamin Webb Anstie of the fourth part William Cook of the fifth part and John Bannister of the sixth part.
20 th April 1919 1800	Deed of Covenant for production of Deeds made between William Wyndham of the one part and Benjamin Webb Anstie of the other part. Plan referred to in the Will of the said Benjamin Webb Anstie
6 George IV [reigned 1820-1830]	Indentures of Fine between Thomas Grimes Plaintiff and Thomas Overbury and Mary his wife Jesse Anstie and Sarah his Wife Joseph Grace Smith and Hannah is Wife Paid Paul Anstie and Jane his Wife Defendant.
30 th July 1825	Indentures of Lease and Release the release made between Joshua Whitaker and Richard Biggs of the first part Benjamin Webb Anstie Paul Anstie George Washington Anstie Peter Anstie Joseph Grace Smith of the second part and James Overbury Anstie of the third part and James Knights of the fourth part
15 th February 1827	Indentures of Lease and Release the release made between James Overbury Anstie of the first part James Knights of the second part and Joshua Whitaker and Richard Biggs of the third part.
1 st May 1833	Indenture of Further Charge made between James Overbury Anstie of the one part and Joshua Whitaker and Richard Biggs of the other part.
10 th February 1849	Indenture made between Alfred Anstie of the one part and Joshua Whitaker and Richard Biggs of the other part.
29 th January 1851	Indenture made between Joshua Whitaker of the first part Mary Ann Anstie of the second part The Reverend Richard Elliott Jabez Legg and Paul Anstie of the third part.
11 th July 1853	Indenture made between Jabez Legg and Paul Anstie of the first part Alfred Anstie of the second part and George Washington Anstie of the third part.
28 th August 1855	Indenture made between Frances Emily Anstie of the first part Philip Anstie Smith of the second part, and Edward George Smith Robert Leonard the younger and Alfred Anstie of the third part.
30 th July 1858	Indenture made between Joshua Whitaker and Richard Biggs of the first part Alfred Anstie of the second part Mary Ann Anstie of the third part Elizabeth Anstie of the fourth part Philip Anstie Smith and Francis Emily his Wife of the fifth part Edward George Smith Robert Leonard the younger and Alfred Anstie of the sixth part James Anstie of the seventh part Jabez Legg Paul Anstie and Alfred Anstie of the eighth part and William Henry Anstie of the ninth part.

31 st July 1859	Indenture made between James Anstie of the one part and Jabez Legg Paul Anstie and Alfred Anstie of the other part.
same date	Indenture made between the same parties as the last mentioned Indenture.
same date	Indenture made between James Anstie of the one part and Elizabeth Anstie of the other part.
26 th August 1859	Indenture made between The Great Western Railway Company of the one part and James Anstie of the other part.
1 st July 1858	Award of this date under the hands of Francis Fuller and Richard Hall in the [...] of a reference between the said George Washington Anstie and the said Railway Company and others.
28 th March 1861	The Indenture of this date hereinbefore mentioned and referred to and the deeds and documents comprised in the schedule thereto.
07/11/64	The Indenture of this date hereinbefore referred to.

Second Part

15 th October 1866	The hereinbefore recited Indenture of this date.
-------------------------------	--

Third Part

24 th June 1862	The Indenture of this date hereinbefore recited.
----------------------------	---

Fourth Part

8 th October 1880	Indenture of Mortgage of this date made between the said John Anstie of the one part and James Anstie of the other part.
30/12/85	Indenture of Reconveyance of this date (endorsed on the last mentioned Indenture) made between the said James Anstie of the one part and the said John Anstie of the other part.

Fifth Part

1 st March 1886	The Indenture of this date hereinbefore recited.
----------------------------	---

Signatories to this 12 August 1886 Indenture

Anne Anstie
 Edward B. Anstie
 John Anstie
 Harriet T. Smith
 James Smith
 James Waylen
 Sarah T. Waylen
 Wax seal with pencil initials J.T.M.