

Dated 16th October 1929

*The Trustees of Robert Holtby deceased to
The Trustees of the Flaxton Institute*

*Conveyance of a piece of land at Flaxton in the County
of York*

Holtby & Procter, York

This Conveyance is made the fifteenth day of October one thousand nine hundred and twenty-nine.

Between

John Howard Walters of 3 Campden Road South Croydon in the County of Surrey Solicitor and Garnham Roper of Priory Court Wimbledon in the County aforesaid [Esquire AB] hereinafter called "the Holtby Trustees" of the first part Jane Margaret Roper wife of the said Garnham Roper of the second part and William Wood of Flaxton in the County of York Farmer and [Father] John Robert Robinson of Flaxton aforesaid Farmer John George Alonzo Metcalfe of Flaxton aforesaid retired Police Sergeant Robert Morris Thompson of Flaxton aforesaid Farmer and George Wilson of Flaxton aforesaid Farmer (hereinafter called "the Club Trustees") of the third part.

Whereas *Robert Holtby of Lilling Hall in the County of York Solicitor died on the sixteenth day of April one thousand nine hundred and eleven having made his Will dated the nineteenth day of February one thousand nine hundred and nine whereby he appointed Alfred Procter of the said City of York Solicitor and the said John Howard Walters to be the Executors and Trustees thereof and he devised all his real estate unto and to the use of his Trustees their heirs and assigns upon trust that they should with the consent of his wife Caroline Tinsley Holtby during her widowhood and his daughter the said Jane Margaret Roper sell the said real estate at such time or times and in such manner as they should think fit with power to postpone such sale indefinitely without being responsible for loss thereby.*

And whereas *the said Will was proved on the first day of June one thousand nine hundred and eleven in the York District Probate Registry by the said John Howard Walters alone the said Alfred Procter having renounced the Probate and execution thereof.*

And whereas *by an Indenture dated the third day of June one thousand nine hundred and eleven and made between the said John Howard Walters of the first part the said Alfred Procter of the second part and the said Garnham Roper and Alexander Leopold Morris of 11 New Square Lincolns Inn in the County of London Barrister at Law of the third part the said Alfred Procter did disclaim all the real and personal estate of the said Robert Holtby deceased and all trusts powers and authorities and the office of Trustee under his said Will and the*

said Garnham Roper and the said Alexander Leopold Morris were appointed to be Trustees of the said Will and all and singular hereditaments and property which were then subject to the Trusts of the said Will became vested in the Holtby Trustees and the said Alexander Leopold Morris for all the estate and interest then subject to the Trusts of the said Will Upon the Trusts and subject to the powers and provisions applicable thereto respectively by virtue of the said Will.

And whereas the said Alexander Leopold Morris died on the third day of December one thousand nine hundred and twenty-three.

And whereas the said Caroline Tinsley Holtby died on the twelfth day of September one thousand nine hundred and twenty-eight.

And whereas the Holtby Trustees in exercise of the trust for sale contained in the said Will of the said Robert Holtby have with the consent of the said Jane Margaret Roper (as she the said Jane Margaret Roper doth hereby acknowledge) contracted with the Club Trustees for the sale to them of the piece of land hereby assured for the sum of Fifty pounds and that the Club Trustees should enter into the covenant contained

And this Deed witnesseth as follows: -

- I. In consideration of the sum of Fifty pounds paid to the Holtby Trustees by the Club Trustees the receipt whereof the Holtby Trustees do hereby acknowledge they the Holtby Trustees as Trustees and, with the consent hereby testified of the said Jane Margaret Roper, do hereby convey unto the Club Trustees.

And that piece of land which in the Township of Flaxton in the County of York bounded by Flaxton Green towards the East by land of Richard Tennant towards the South and by other land of the Holtby Trustees towards the North and West (being a part of the grass field now in the occupation of John Thomas Smedley at the South Eastern corner thereof) and having a frontage to Flaxton Green of eighteen yards and a depth therefrom of twenty seven yards and containing an area of four thousand and eighty six square yards or thereabouts.

Together with the building thereon known as the Flaxton Institute.

But excluding all rights of common or pasturage on Flaxton Green all which rights are reserved to the Holtby Trustees

To hold Unto the Club Trustees in fee simple

II. It is hereby declared as follows: -

- (i) The Club Trustees shall hold the said piece of land upon Trust to erect thereon a suitable building and to form and constitute an Institute or Club to be called "The Flaxton Institute" to be carried on therein with the object of providing a centre for educational and social purposes and for recreation and entertainment for the benefit of such persons as shall in accordance with the Rules to be made as hereinafter provided be admitted to membership of such Institute.
- (ii) The power of appointing new Trustees is vested in the Club Trustees for the time being and the expression the Club Trustees shall herein and hereinafter include the Club Trustees for the time being.
- (iii) The Institute shall be constituted and managed from time to time according to the Rules to be made from time to time by the Club Trustees.

III. The Club Trustees do hereby covenant with the Holtby Trustees and the said Jane Margaret Roper and with each and every one of them as follows: -

- (i) The building to be erected on the said piece of land shall be in accordance in all respect with plans and designs to be approved by the Holtby Trustees and the said Jane Margaret Roper.
- (ii) The Club Trustees shall construct and maintain in good repair on the Northern and Western sides of the said piece of land a suitable and sufficient creosoted wood fence not less than five feet in height with five rails to the satisfaction of the owners for the time being of the adjoining land of the Holtby Trustees.

IV. Nothing shall be done or permitted or suffered on or in the said piece of land or the Institute which shall be or become a nuisance or annoyance to the owners or occupiers for the time being of the adjoining or remaining land of the Holtby Trustees and the said land hereby conveyed and the Institute erected thereon shall be used as an Institute and for ancillary purposes as hereinafter specified

and for no other purpose without the previous consent in writing of the owners for the time being of the adjoining or remaining land of the Holtby Trustees.

- V. *The Club Trustees shall not have any right of way or access over the existing roadway over Flaxton Green to the said grass field at the Northern end thereof or over the adjoining land of the Holtby Trustees.*

The Holtby Trustees do hereby acknowledge the right of the Club Trustees to production of an Indenture dated the fourteenth day of October one thousand eight hundred and seventy and made between Caroline Palmer William Procter William [Batchelor] and John Henry Monkman of the first part Michael Charlton of the second part and the said Robert Holtby of the third part and the hereinbefore recited Indenture dated the third day of June one thousand nine hundred and eleven and to deliver of copies thereof.

It is hereby declared and certified that the transaction hereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds the sum of five hundred pounds.

By Witness whereof the said parties hereto have hereunto set their hands and seals the day and year first above written.

Seals and signatures

Signed sealed and delivered by the said John Howard Walters in the presence of:

R Bloomfield Clerk

Signed sealed and delivered by said Garnham Roper in the presence of:

Margaret Jane Roper

Signed sealed and delivered by the said William Wood, John Robert Robinson, John George Alonzo Metcalfe, Robert Morris Thompson, and George Wilson in the presence of:

Geoff Burns Clerk