TOWN OF IPSWICH

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F2257
CONFIDENTIAL
ATTORNEY/CLIENT PRIVILEGE

TO: Jeffrey Simon, Chairman, School Committee
James R. Engel, Chairman, Board of Selectmen

FROM: Charles C. Dalton, Town Counsel

RE: Feoffees of the the Grammar School

I have spent a considerable amount of time trying to trace the legal history of the "Feoffees of the Grammar School in the Town of Ipswich" (herein "Feoffees") from the early 1600s to date in regard to potential changes in its structure or financial consequences during the present era, at the request of Jeff Simon.

After discussing this with several knowledgeable people, researching this subject extensively at the State House Law Library, the Assessors' office, the Town Clerk's office, the Social Law Library, and contacting the Attorney General's Office, I have summarized the results of my historical research, limited primarily to legal elements and implications, on the attached Schedules and in the following discussion.

Feoffees, Feoffment

The concept and terminology surrounding "Feoffee" originated in the Common Law of England centuries ago, subsequently transplanted by British immigrants to the United States in the 1500s to 1700s. The following definitions give the flavor of this arcane field of law, no longer relevant to real estate law, municipal law, nor educational law.

Feoffee. He to whom a fee is conveyed.

Feoffee to uses. A person to whom land was conveyed for the use of a third party. (The latter was called "cestui que use.") One holding the same position with reference to a use that a trustee does to a trust. He answers to the hoeres fiduciarius of the Roman law.

Feoffment. The gift of any corporeal hereditament to another, operating by transmutation of possession, and requiring, as