

LOCAL
AND PERSONAL
STATUTES

4. GEO. 4.
CAP.1-47
1823

A
COLLECTION
OF THE
LOCAL AND PERSONAL ACTS,

*DECLARED PUBLIC,
AND TO BE JUDICIALLY NOTICED,*

PASSED IN THE

Fourth Year

OF THE REIGN OF HIS MAJESTY

KING *GEORGE* the **FOURTH:**

Being the **FOURTH SESSION** of the **SEVENTH PARLIAMENT**
of the United Kingdom of *Great Britain and Ireland*.

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1823

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ANNO QUARTO

GEORGII IV. REGIS.

.....
Cap. xxxiii.

An Act to enable the *Stockton and Darlington* Railway Company to vary and alter the Line of their Railway, and also the Line or Lines of some of the Branches therefrom, and to make an additional Branch therefrom, and for altering and enlarging the Powers of the Act passed for making and maintaining the said Railway.

[23d May 1823.]

2G.4.c.44.

WHEREAS an Act was passed in the Second Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Railway or Tramroad from the River Tees at Stockton to Witton Park Colliery, with several Branches therefrom, all in the County of Durham*, which Railway or Tramroad, and the several Branches therefrom, were by the said Act authorised and directed to be made in the Line or Direction, or several Lines or Directions, described and set forth in a certain Map or Plan and Book of Reference, deposited with the Clerk of the Peace for the said County of *Durham*, as in the said Act is mentioned; and by the said Act several Persons are united and made One Body Politic and Corporate, by the Name and Style of "The *Stockton and Darlington* Railway Company," for making such Railway,
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and the several Branches therefrom, and the several other Works necessary for carrying the said Act into Execution: And whereas it has been found and ascertained, in the Course of the Operations now in progress under the Powers of the said recited Act, that the Liner of the said Railway or Tramroad, and of some of the Branches therefrom thereby authorised to be made, may be materially improved by making the Deviations and Alterations herein-after described or referred to: And whereas by Levels and Surveys lately made and taken it appears that a Branch Railway or Tramroad may be made, as herein-after described, to join or communicate with the said Railway or Tramroad at or near a certain House called *Hill House*, belonging to *John Allen* Esquire, and situate in *Darlington Bondgate* in the said County of *Durham*,

Power to alter
the Line of
Railway.

and now in the occupation of *Anthony Simpson*, and extending from thence to or near the East End of *Croft Bridge*, in the Parish of *Hurworth* in the said County of *Durham*, which will be of considerable Utility: And whereas it is found to be expedient that several of the Powers and Provisions contained in the said recited Act should be respectively altered, amended, enlarged, and repealed, in the Manner herein-after mentioned: And whereas the several Purposes aforesaid cannot be accomplished without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby authorized and empowered, to make such several Deviations in the main Line of the said Railway or Tramroad, and in the Line or Lines of some of the Branches therefrom, authorized to be constructed as in the said recited Act mentioned, as are herein-after expressed and specified; (that is to say), one of the said Deviations in the said main Line of the said Railway or Tramroad to be made from or near a certain place called *Cottage Row*, situate in the Township of *Stockton* aforesaid, to join or communicate with the Line of the said Railway or Tramroad, as authorized to be made by the said recited Act, at or near the Western Extremity of the Boundary Fence, between the Lands and Grounds belonging to the Lord Bishop of *Durham*, situated in the Township of *Stockton* aforesaid, and now in the Occupation of *Martha Howson*, and the Lands and Grounds belonging to and in the Occupation of Master *John Jackson*, and situated in the same Township; another of the said Deviations in the said main Line to be made from or near a certain Close or Field called *Willow Close*, part of a farm called *Oak Tree House*, situated in the Township of *Middleton Saint George* in the said County of *Durham*, and belonging to *Elisha Cocks* Esquire, and the Trustees under the Will of *Elizabeth Pemberton*, deceased, and now in the Occupation of *John Oliver*, to join or communicate with the Line of the said Railway or Tramroad, as authorized to be made by the said recited Act, at or near a Close or Field (Part of a Farm called *Whessoe*) situate in the Townships of *Whessoe* and *Haughton* in the said County of *Durham*, belonging to and in the Occupation of the said *John Jackson*; another of the said Deviations in the said main Line to be made from or near a certain Close or Field, *Part of a Farm called Mires Flatt*, belonging to *Dorothy Dunn*, *Ann Crishop* and *Christopher Terry*, and situate in the said Township of *Whessoe*, and now in the Occupation of *Robert Pallister*,

to join or communicate with the Line of the said Railway or Tramroad, as authorized to be made by the said recited Act, at or near a certain Close or Field called *Wide Bottoms* (Part of a Farm called *Brusselton*), situate in the Township of *Saint Helens Auckland* in the said County of *Durham*, and belonging to Sir *Philip Musgrave* Baronet, and now in the Occupation of *Thomas Walden*; another of the said Deviations in the said main line to be made from a certain Close or Field called *Garth Ends*, Part of a farm situated situate in the Township of *West Auckland* in the said County of *Durham*, and belonging to Sir *Robert Johnson Eden* Baronet, and now in the Occupation of *Henry Thompson*, to join or communicate with the Line of the said Railway or Tramroad, as authorized to be made by the said recited Act, at or near a certain Close or Field situated in the Township of *Escomb* in the said County of *Durham*, belonging to *Joseph Stabler*, and now in the Occupation of *William Proud*; the said Deviation in the Line of the Branch from the said Railway, which is intended to terminate at or near *Coundon* Turnpike Gate, to be made from or near a certain Close or Field called *The Fishpond Field*, belonging to the Reverend *Henry Hildyard*, situate in the Township of *East Thicklely* in the said County of *Durham*, to or near the

West End of the Village of *Coundon* in the said County of *Durham*; the said Deviation in the Line of the Branch of the said Railway, which is intended to terminate at or near *Northgate Bridge*, in or near *Darlington* in the said County of *Durham*, to be made from a certain Close or Field belonging to *George Allen* Esquire, and now in the Occupation of *Thomas Middleton*, and situate in *Darlington Bondgate* in the said County of *Durham*, to or near to certain Streets in *Darlington* aforesaid, called *Union Street* and *Bondgate*.

Power to make an additional Branch.

II. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, in addition to the said main Railway or Tramroad, and the several branches therefrom, by the said recited Act and by this Act respectively authorized to be made as aforesaid, to make, complete, and maintain an entirely new Branch Railway or Tramroad, commencing from the Line of the said main Railway or Tramroad at or near a certain House called *Hill House*, belonging to *John Allan* Esquire, and now in the Occupation of *Anthony Simpson*, and situate in *Darlington Bondgate* aforesaid, and terminating at or near the East End of *Croft Bridge* aforesaid; and also to make, erect, execute, do and perform all such Works, Matters, and Things, as shall be requisite and convenient for making, completing, and maintaining the said last –mentioned Branch Railway or Tramroad, in manner directed and subject to the Provisions and Directions contained in and according to the true Intent and Meaning of the Act.

Plan and Book of Reference deposited with the Clerk of the Peace, to remain there.

III. And whereas a Map or Plan, describing the line of the said several Deviations or Alterations, and also the Line of the said new or additional Branch Railway or Tramroad, terminating at or near *Croft Bridge* aforesaid, and the Lands in and through which the same Variations and new or additional Branch respectively are to be made and carried, together with a Book of Reference thereto, containing Lists of the Names of Owners or reputed Owners and Occupiers of such Lands,

Hath been deposited at the Office of the Clerk of the Peace for the said County of *Durham*; be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace for the said County, to the End and Intent that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies thereof or Extracts therefrom at their Will and Pleasure, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies of or Extracts from the said Book of Reference.

Line not to deviate more than 100 Yards.

IV. And be it further enacted, That the said Company of Proprietors, in making the said Deviations from or Alterations in the main Line of the said Railway or Tramroad and Branches therefrom, and in making the said new or additional Branch Railway or Tramroad by this Act respectively authorized to be made, shall not deviate more than One hundred Yards from the Course or Direction delineated in the said last-mentioned Map or Plan, nor so as to extend into the Lands or Grounds of any person or Persons not mentioned in the said last-mentioned Book of Reference.

Land owners omitted in the Book of Reference and to obstruct the making of the Deviations from the old Line, or of the new Branch.

V. And be it further enacted, That the said Company of Proprietors may make the said Deviations from or Alterations in the said main Line of the said Railway or Tramroad and the Branches therefrom, and may make the said new or additional Branch Railway or Tramroad, and other Works, into, through, across, or over the Lands or Grounds of any Person or Persons whomsoever, Bodies Politic, Corporate, or Collegiate, whose Name or Names shall appear to the Satisfaction of any Two or more Justices of the Peace for the said County of *Durham*, and to be by them certified under their Hands to be by Mistake omitted in the said Book of Reference, or that instead thereof the Name or Names of some other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom such last-mentioned Lands or Grounds do not belong, hath or have been by Mistake inserted therein, any thin herein contained to the contrary thereof in anywise notwithstanding.

Houses and Gardens not to be injured, except such as mentioned in the Schedule.

VI. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the making or maintaining of the said Deviations or Alterations in the said main line of the said Railway or Tramroad, and in the Line or Lines of the said Branches therefrom, or for making and maintaining the said new or additional Branch Railway or Tramroad, and other Buildings and Works hereby authorized to be made, or any of them, or for any other of the Purposes of this Act, any House or other Building which was erected and built on or before the Fourth Day of *February* One thousand eight hundred and twenty-three, or any Land or Ground which on or before the said Fourth Day of *February* one thousand eight hundred and twenty-three was set apart and used as or for any Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, without the Consent in Writing of the Owners and Occupiers

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thereof and Persons interested therein respectively (other than and except those specified in the Schedule annexed in this Act).

Power for the Company to

VII. And whereas it will be expedient and necessary for the said Company of Proprietors to erect Steam Engines or other proper Machines in certain Places upon

erect Steam Engines, and to purchase Land, not exceeding Two Acres in the whole for that Purpose.

or near to the said Railways or Tramroads by the said recited Act and this Act directed or authorized to be made, for the Purpose of facilitating the Transport, Conveyance, and Carriage of Goods, Merchandize, and other Articles and Things upon and along the same; be it therefore further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are therefore authorized and empowered, from and after the passing of this Act, by themselves or by their Deputies, Agents, Officers, Workmen, or Servants, to make, erect, and set up one permanent or fixed Steam Engine or other proper Machine, in such convenient Situation at or near each of the inclined Planes, which shall be made by virtue or in pursuance of the said recited Act or of this Act, as the said company of Proprietors shall think proper, and to take and purchase from any Person or Persons, Bodies Politic, Corporate, or Collegiate, or Corporation Aggregate or Sole, who shall be willing to sell the same, any lands, Tenements, or Hereditaments which may be necessary or convenient for that Purpose, so as the entire Quantity of the Lands, Tenements, or Hereditaments to be taken and appropriated for the purpose aforesaid do not exceed in the whole Two Acres for any one Engine; and also with the Consent of the Owner or Owners of the Lands in or through which the same shall be made, to make such and so many Wells, Watercourses, Drains, and other Works for supplying the said Steam Engines and other Machines with Water, as shall be deemed requisite or convenient, and for the Purposes aforesaid, or any of them, to purchase, take and use the Lands and Grounds of any Person or Persons, Bodies Politic or Collegiate, who shall be willing to sell the same.

Power to make and use locomotive or moveable Engines on the Railway.

VIII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, or any Person or Persons authorized or permitted by them, from and after the passing of this Act, to make and erect such and so many locomotive or moveable Engines as the said Company of Proprietors shall from Time to Time think proper and expedient, and to use and employ the same in or upon the said Railways or Tramroads, or any of them, by the said recited Act, and this Act directed or authorized to be made, for the purpose of facilitating the Transport, Conveyance, and Carriage of Goods, Merchandize, and other Articles and Things upon and along the same Roads, and for the Conveyance of Passengers upon and along the same Roads.

Repealing the Part of the recited Act which relates to the Quantity of Land to be purchased for Wharfs.

IX. And whereas it is in and by the said recited Act enacted, that the said Company of Proprietors shall have full liberty and Power to purchase any Parcel of Land, not exceeding Five Acres in the whole, for the Purpose of making a Wharf or Wharfs: And whereas it may tend to the public Advantage and Accommodation if the said Company of Proprietors be empowered to purchase a greater Quantity of Land than Five Acres, and also to purchase and Messuages or other Buildings for the Purpose of making and erecting a Wharf or Wharfs; and also for the

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Purpose of making, erecting, forming, and providing any Coal Yards, Staiths, Messuages, Warehouses, and other Buildings and Conveniences, for the Purposes of the said recited Act and of this Act; be it therefore enacted, That so much of the said recited Act as empowered the said Company of Proprietors to purchase any Parcel or Parcels of Land, not exceeding in the whole Five Acres, for the Purpose of making a Wharf or Wharfs, be and is hereby repealed.

Empowering the Company

X. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to contract with any

to purchase
Twenty Acres
of Land.

Person or Persons, Body Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, for the Purchase of any Parcel or Parcels of Land, Messuages, Buildings or Hereditaments (not exceeding in the whole Twenty Statute Acres), in such Place or Places as shall be deemed eligible or convenient, for the Purpose of making and erecting a Wharf or Wharfs; and also for the purpose of making, erecting, forming, and providing any Coal Yards, Staiths, Messuages, Warehouses, and other Buildings and Conveniences, for the Purpose of receiving, lodging, depositing, or keeping any Goods, Merchandize, or other Things carried or conveyed, or intended to be carried or conveyed upon the said Railways or Tramroads, or any of them; or for making any convenient Roads, Avenues, or Ways leading thereto, or for any other Purposes whatsoever connected with the said Railways or Tramroads, or any of them, which the said Company of Proprietors shall judge requisite and necessary; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, and all other Persons whomsoever, to sell and grant or convey to the said Company of Proprietors, and their Successors, any Parcel or Parcels of Land, Messuages, Buildings and Hereditaments whatsoever, for the Purposes last aforesaid, or any of them, in the same Manner as Parties are authorized and empowered to convey Lands under and by virtue of the said recited Act, and that without enquiring or ascertaining, or being bound to enquire or ascertain, that the Lands and Hereditaments so sold, granted, or conveyed to the said Company of Proprietors, and their Successors, for the Purposes last aforesaid, or any of them, will not, together with any other Lands and Hereditaments previously purchased by the said Company of Proprietors for the same Purposes, or any of them, amount to or make up a greater Quantity of Land than Twenty Acres in the whole.

Company to
sell Lands not
required for
the Purposes
of the Act, and
to purchase
and sell again
within the Limit
or Quantity
prescribed.

XI. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, from Time to Time and at any Time or Times hereafter, to sell and dispose of any Lands, Tenements, and Hereditaments whatsoever, which they are hereby authorized and empowered to purchase and shall have actually purchased for the Purposes of this Act or the said recited Act, or any of them, or so much and such Part or Parts of the same Messages, Lands, Tenements, and Hereditaments, as the said Company of Proprietors shall thin proper, and either together or in Parcels, by public Auction or private Contract, as shall be thought advisable or expedient, to any Person or Persons who shall be willing to become the Purchaser or Purchasers thereof, and again from Time to Time to contract

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for the purchase of any other Messuages, Lands, Tenements, and Hereditaments more eligible or convenient for the Purposes aforesaid, or any of them, and afterwards to sell and dispose of the same as aforesaid, so that the total Quantity or Number of Acres to be purchased by the said Company of Proprietors for any of the Purposes herein-before mentioned shall not exceed at any one Time the Quantity or Number of Acres by this Act specified or allowed for the same respective Purposes.

Treasurers,
upon Payment
of Money, to
give Receipts,

X11. Provided always, and be it further enacted, That upon Payment of the Money which shall arise by the Sale or Sales of such Lands, Tenements, or Hereditaments, or any Part or Parcels thereof, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Company of Proprietors to sign and give Receipts for the Money for which the same shall be sold; which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for such Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof as shall be sold, or for so much thereof as in such Receipts respectively shall be expressed to be received,

and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money, or any Part thereof.

Lands intended to be resold, to be first offered to former Owners.

XIII. Provided also, and be it further enacted, That the said Company of Proprietors, before they shall sell and dispose of any such Messuages, Lands, Tenements, and Hereditaments as aforesaid, or any Part or Parts thereof respectively, shall first offer to resell the same to the Person or Persons, his, her, or their Heirs, Sequels in Rights, Executors, Administrators, or Assigns, from whom they shall have purchased such Messuages, Lands, Tenements, or Hereditaments, and such Person or Persons, in case he, she, or they shall be desirous of repurchasing the same, shall signify such his, her, or their Desire and Intention in that Behalf to the said Company of Proprietors, through their Chief Clerk or Chief Clerks, within Fifteen Days after such Offer of Re-sale shall have been made; and in this case such Person or Persons shall refuse or decline to avail himself, herself, or themselves of such Offer, or shall neglect or omit to signify his, her, or their Desire and Intention to repurchase such Messuages, Lands, Tenements, and Hereditaments for the Space of Fifteen Days, then in every such Case of Affidavit, made and sworn before a Master or Master Extraordinary in the High Court or Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Durham*, by some Person or Persons not interested in the same Messuages, Lands, Tenements, or Hereditaments, stating that such Offer was made by or on Behalf of the said Company of Proprietors, and a further Affidavit, made and sworn in like Manner by the Chief Clerk or Chief Clerks of the said Company, and that such offer was refused or declined, or was not accepted and agreed to by the Person or Persons to whom the same was made, within the said Space of Fifteen days from the Day or Time of making the same, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made, and was refused or declined, or was not accepted and agreed to within the Time aforesaid, by the Person or Persons to whom the Offer was made, as the Case may be; and in case such Person or Persons shall be desirous of purchasing or repurchasing the

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same, and he, she, or they, and the said Company of Proprietors, shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in the Manner directed in and by the said recited Act with respect to the disputed Value of premises to be purchased by the said Company of Proprietors in pursuance thereof, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as in and by the same Act is directed with respect to Purchases made by the said Company of Proprietors, *mutatis mutandis*, and the Money produced by the Sale or Sales which may be made by the said Company of Proprietors of such Messuages, Lands, Tenements, and Hereditaments as aforesaid, shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money, or bound or liable in any Case whatever to inquire or ascertain whether the said Company of Proprietors have or have not purchased a greater Quantity of Land in the whole for any of the Purposes herein-before mentioned than is in and by this Act respectively specified or allowed.

Mode of Proceeding where persons have

XIV. Provided always, and be it further enacted, That in all Cases where, by reason of Absence or otherwise, the Person or Persons from whom the Lands or Buildings to be resold shall have been purchased, or who would then have been entitled thereto as aforesaid, cannot be found, it shall and may be lawful to and for the said Company

preferable
Right to
purchase are
absent.

of Proprietors, by public Advertisement inserted Three successive Weeks in some Newspaper published within the County in which such Lands or Buildings shall be situated, or in case there shall be no such Paper the in *The London Gazette*, to offer to re-sell such Lands or Buildings to the said Person or Persons, accepting such Offer, within Tow Calendar Months from the Date of the said Advertisement, such Omissions or Neglect shall be considered, deemed, and taken as a Refusal on the Part of such Person or Persons to repurchase the same.

Restraining
the Company
from
purchasing
more than
Twenty Acres
of Land from
incapacitated
Persons, &c.

XV. And whereas the said Company of Proprietors are enabled to purchase Twenty Statute Acres of Land by virtue of this Act for the Purposes thereof and of the said recited Act, and All Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons whomsoever, are empowered to sell such Quantity or Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling any such Lands so purchased from any Body or Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of infants, Lunatics, Idiots, Femes Convert, Cestuique Trust, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, and again purchasing other Lands from the same, or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or Feoffees in trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees,

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or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict settlement, and other Persons being under legal Disability or Incapacity, in lieu or stead of the Lands so sold; be it therefore enacted, That it shall not be lawful for the said Company of Proprietors to purchase from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, more than such Twenty Statute Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Twenty Statute Acres so purchased, it shall not be lawful for the said Company to purchase of , or for the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu or instead of those Twenty Statute Acres, or any Part thereof, so sold or disposed of by the said Company.

Recital of
former Act as
far as
concerns the
Estimate of
Expence of

XVI. And whereas in and by the said recited Act, after stating or taking Notice that the probable Expence of making the said Railways or Tramroads, and other Works thereby authorized to be made, would amount to the Sum of Eighty-two thousand Pounds, and that the sum of Sixty-six thousand Pounds, being more than Four-fifth Parts thereof, had been then subscribed by several Persons under a Contract,

and
Subscriptions
entered into
for making the
Railway.

binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them subscribed respectively, it was further enacted, that the whole of the said Sum of Eighty-two thousand Pounds should be subscribed in like Manner before any of the Powers given by the same Act should be put in force: And whereas the probable Expence of making the said Railways or Tramroads, with the Deviations or Alterations, and the said new or additional branch authorized to be made by this Act, will amount to the Sum of Seventy-four thousand three hundred Pounds, and no more, and the whole of the said Sum of Seventy-four thousand three hundred Pounds hath been already subscribed by several Persons under the Contract herein-before referred to; be it therefore further enacted, That the said Provision in the recited Act contained, restraining or prohibiting the putting in force the Powers hereby given, shall be and the same is hereby repealed; and that the said Sum of Seventy-four thousand and three hundred Pounds, so subscribed as herein-before mentioned, shall be applied in making and maintaining as well as such Part of the said Railways or Tramroads, and Branch Railways or Tramroads (including the Branch Railway to *Evenwood*
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Lane respectively authorized to be made by the said recited Act, as are not relinquished or intended so to be, as the said Deviations or Alterations, and the said new or additional Branch Railway or Tramroad, and other Works by this Act authorized to be made; and that the several Persons who have signed and executed the said Contract shall and they are hereby required to [pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Company of Proprietors shall have all such Remedies and Powers for the recovering and obtaining Payment thereof as are given and provided in that Behalf by the said recited Act.

Regulation as
to Acquisition
of Shares.

XVII. And whereas by the Marriage or Death of Proprietors of Shares in the said Railways or Tramroads, by the said recited Act and this Act authorized to be made, it may be difficult to ascertain to whom the Dividends arising may become due upon such Shares ought to be paid or may belong, be it therefor enacted, That before any Person or Persons who shall claim any Part of the Profits of the said Railways or Tramroads in right of Marriage shall be entitled to receive the same, or to vote in respect of any Shares, an Affidavit, or in case of a Person being of the Society called *Quakers* a solemn Affirmation, in Writing, containing a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, shall be made and sworn to, or solemnly affirmed, by some credible Person, before a Master or a Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace, and shall be transmitted to the Chief Clerk or Chief Clerks of the said Company of Proprietors, who shall file the same, and make an Entry thereof in the Book of Books which shall be kept by the said Clerk or Clerks for the Entry of Transfers or Sales of Shares of the said Railways or Tramroads by virtue of any Bequest or Will, or of any Administration, shall be entitled to receive the same, or to vote in respect of any Shares, the said Will, or the Probate thereof, or the Letters of Administration, shall be produced and shewn to the said Clerk or Clerks, or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or a Copy of such Letters of Administration, in case of Intestacy, shall be made and sworn, solemnly affirmed to, by the Executor or Executors of the said Will, or the Administrator or Administrators of the Intestate, before a Master or a Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace as aforesaid, and shall also be transmitted to the said Cler or Clerks, who shall file and enter the same as herein-before

mentioned; and that in all Cases other than herein-before mentioned, when the Right and Property of any Share or Shares in the said Railways or Tramroads shall pass from the Proprietor or Proprietors thereof

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to any other Person or Persons, by any other legal means that by a Transfer and Conveyance thereof as herein directed, an Affidavit, or solemn Affirmation in Writing, shall be made and sworn, or solemnly affirmed to, by one or more credible Person or Persons before a Master or a Master Extraordinary or in Chancery, or any One of His Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons; and such Affidavit or solemn Affirmation shall be transmitted to the Chief Clerk or Chief Clerks of the said Company, who shall thereupon enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors of the said Railways or Tramroads.

Receipt of
Parents or
Guardians of
Minors
Subscribers to
be a sufficient
Discharge.

XVIII. And be it further enacted, That in all Cases where Money shall be payable under the Provisions of the said recited Act and of this Act, or either of them, to any Proprietor in the said Undertaking, who shall be a Minor under the Age of Twenty-one Years, the Receipt of the Parent or Guardian for the Time being of such Minor shall be sufficient Discharge to the said Company and their Treasurer for the same.

In case
Mortgages
shall be paid
off, Power to
raise the
Amount again.

XIX. And be it further enacted, That in the case the said Company of Proprietors shall raise any Part of the additional Sum of Twenty thousand Pounds in and by the said recited Act authorized and empowered to be raised and borrowed upon Mortgage or Promissory Notes in the Manner therein mentioned, or by either of those Modes, and shall afterwards be required or be desirous to pay off or shall pay off all or any Part of the principal Sum or Sums secured or intended to be secured by such Mortgages or Promissory Notes, or any of either of them, then and in every such Case it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, again to raise, by both or either of the same Ways or Means, in lieu of the principal Money or principal Monies so paid or to be paid off by them, so much and Sum or Sums of Money as they shall from Time to Time have paid off, or be required or desirous to pay off, to the Holders of the said Mortgages or Promissory Notes, or any of them, or any Part or Parts thereof; but all Interest upon the said Mortgages and Notes shall from Time to Time be paid and discharged by the said Company of Proprietors, by, with, and out of the Receipts, Tolls, Duties, and Profits arising or to arise from the said Railways or Tramroads, so as that the said Company of Proprietors shall not in any Event borrow upon Mortgage or Promissory Note more than the principal Sum of Twenty thousand Pounds in the whole.

General
Meetings.

XX. And whereas it is in and by the said recited Act enacted, that One General Meeting of the said Company of Proprietors shall be holden on the First *Friday* in the Month of *June* in every Year, and in regard that it will be more convenient to the said Company of Proprietors that their General Annual Meeting shall be holden on the Second *Tuesday* in the Month of *July* every Year, be it therefore enacted, That so much of the said recited Act as directs the General Annual Meeting of the said Company of Proprietors to be holden on the First Friday in the Month

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of *June* in every Year shall be and the same is hereby repealed, and that the General Annual Meeting of the said Company of Proprietors in the said recited Act directed to be held shall be holden on the Second *Tuesday* in the Month of *July* in every Year.

Rate of
Tonnage on
passing
Inclined
Planes.

XXI. And whereas by the said recited Act the said Company of Proprietors were authorized and empowered from Time to Time, and at all Times thereafter, to ask, demand, sue for, recover, and receive for the Tonnage of all Articles, Matters, and Things for which a Tonnage Duty is therein directed to be paid, which should pass the Inclined Planes upon the said Railways or Tramroads, such Sum as the said Company of Proprietors should appoint, not exceeding the Sum of One Shilling *per* Ton: And whereas at the time of the passing of the said recited Act it was understood and considered that one Inclined Plane would be necessary upon the said Railways or Tramroads thereby authorized to be made; but inasmuch as by reason of the Deviations and Alterations hereby authorized to be made, and by which it appears the Length of the said Railways or Tramroads will be shortened Three Miles, or thereabouts, a greater number of Inclined Planes will be requisite; be it therefore enacted, That it shall and may be lawful to and for the said Company of Proprietors from Time to Time, and at all Times hereafter, to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company of Proprietors, for all Articles, Matters, and Things which shall pass one or more of the Inclined Plane or Inclined Planes upon the said Railways or Tramroads, such Sum as the said Company of Proprietors shall appoint, not exceeding the like Rate or Sum of One Shilling *per* Ton, for and in respect of each of the Inclined Planes, over and above and in addition to the Rates, Tolls, and Duties by the said recited Act imposed or authorized to be taken and received for Goods, Wares, Merchandize, and other Things which shall be carried or conveyed upon the said Railways or Tramroads, or any Part thereof.

Power to take
Tolls for
Coaches and
other
Carriages
going along
the Railway.

XXII. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors from Time to Time, and at all Times hereafter, to ask, demand, take, recover, and receive, or cause to be asked, demanded, taken, recovered, and received, to and for the Use and Benefit of the said Company of Proprietors, for every Coach, Chariot, Chaise, Car, Gig, Landau, Wagon, Cart, or other Carriage, which shall be drawn or used on the said Railways or Tramroads, or any of them, for the Conveyance of Passengers or small Packages or Parcels, such sum for each and every Mile as the said Company of Proprietors shall think proper, not exceeding Sixpence.

Chief Clerk or
Chief Clerks of
the Company
may grant
Releases to
Witnesses.

XXIII. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under the said recited Act or this Act, or otherwise, for any Claim or Compensation against or for or on behalf of the said Company, and also in all Prosecutions commenced and instituted by or on behalf of the said Company, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions and Suits or Proceedings, it shall be lawful for the

Chief Clerk or Chief Clerks for the Time being of the said Company, in his or their own Name or Names, for and on behalf of the said Company, to make, sign, seal, execute, and deliver all and every such general or other Release or Releases as may be or may be deemed to be necessary for the Purpose of exonerating, releasing, and discharging all and every or any Person or Persons who shall or may be produced as a Witness or Witnesses in any such Actions, Suites, Prosecutions, Arbitrations,

References, or other Proceedings as aforesaid, from all or any Claims or Demands which may be necessary to be released by the said Company, to qualify such Person or Persons to give Evidence as a Witness or Witnesses, in any such Actions, Suites, Prosecutions, Arbitrations, References, or other Proceedings aforesaid, and also to do any other Act, Matter, or Thing in any such Actions, Suites, Prosecutions, Arbitrations, References, or other Proceedings, which any Plaintiff or Defendant may do in any Action, Suit, or Prosecution, Arbitration, Reference, or other Proceedings, and every such Release, Act, Matter, and Thing respectively, shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were made under the Seal of the said Company.

Company to make Watercourses in Cases where the Lands are deprived of Water by Means of the Railway.

XXIV. And be it further enacted, That the said Company of Proprietors, shall and they are hereby authorized and directed, at their own Costs and Charges, within Six Calendar Months next after any Part of the said Railways or Tramroads shall be laid out and formed, to make and finish, and from Time to Time to maintain and keep in repair, such and so many Watercourses, Feeders, and Drains by the Sides of, along, or under the said Railways or Tramroads, of such Dimensions, and in such Manner, and with such proper and convenient Bridges over the same respectively, as Two or more Justices of the Peace for the said County of *Durham* shall from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, for the Purpose of effectually supply the Cattle which shall or may be depastured or kept in or upon the Lands and Hereditaments through or near which such Railways or Tramroads shall be made, with Part of the Water of any River or Brook, or Spring of Water of which such Cattle would otherwise be deprived by the making and fencing of any Part or Parts of the said Railways or Tramroads; and which Watercourses and Drains, or any of them, shall or may be made along the Outsides of the Walls or other Fences of the said Railways or Tramroads, or of any of them, or otherwise, as may be found most proper and effectual for the Purpose last aforesaid; and all such Watercourses, Feeders, Drains, and Bridges so to be made for the Purpose last aforesaid, shall from Time to Time, and at all Times thereafter, be maintained and kept in sufficient Repair and Condition by the said Company of Proprietors; and in case the said Company of Proprietors shall refuse or neglect to make and finish such Watercourses, Feeders, Drains, and Bridges as herein-before directed, or to repair and maintain the same, or any of them, when made in manner aforesaid, for the Space of Thirty Days next after the Time to be appointed for these Purposes respectively by such Justices, then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said Lands or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal, to make and finish all such Watercourses,

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Feeders, Drains, and Bridges, as the said Justices shall have before directed or appointed to be made as aforesaid, and to repair and maintain the same from Time to Time as occasion shall require, so that in making and maintaining such watercourses, Feeders, Drains, and Bridges as aforesaid, the said Railways or Tramroads, and other Things hereby or by the said recited Act authorized to be made by the said Company of Proprietors, shall not be obstructed or hindered for any longer Space of Time, or in any other Manner, than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices, shall be repaid to the respective Owners or Occupiers of the said Lands and Hereditaments, who shall have so made, repaired, or maintained such Watercourses, Feeders, Drains, and Bridges as aforesaid, or any of them, by

the said Company of Proprietors, by the Space of Thirty days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof to and from the said Company of Proprietors; and in default of Payment of the said Costs and Charges within the Time aforesaid, the said Justices shall and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company of Proprietors, for the Use of such Person or Persons to whom such Costs and Charges shall have been allowed, rendering to the said Company of Proprietors the Overplus (if any), after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; and every or any of the said Owners or Occupiers, upon Refusal or Neglect by the said Company of Proprietors to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against them, or any of them, for the Recovery thereof by Action at Law, and to be commenced and prosecuted in such Manner as in other Cases is by the said recited Act and this Act, or by either of them, prescribed and directed.

Proprietors and Occupiers to make Watercourses at their own expense.

XXV. Provided always, and be it further enacted, That if the Owners or Occupiers of any lands, or other Hereditaments through which the said Railways or Tramroads shall be made, do or shall at any Time or Times hereafter apprehend that any of the Watercourses, Feeders, Drains, and Bridges respectively, which the said Justices shall have so directed or appointed to be made by the said Company of Proprietors, or which without such Directions shall have been made by them, are insufficient either in their Number, Size, Length, or Situation for the commodious and effectual supplying of the Cattle to be depastured or kept in or upon the same Lands or Hereditaments with Water, according to the true Meaning of this Act, then and in every such Case and so often as the same shall happen, it shall be lawful for any such Owners or Occupiers with the Consent or Aprobation of the said Company of proprietors upon Request made to them, or in case of their Refusal for the Space of Thirty days next after such Request, then with the Consent and Approbation of the said Justices, to make and finish, at their own Costs and Charges, any other Watercourses, Feeders, Drains, and Bridges along the Side of or near to the said Railways or Tramroads, in such Places as shall be found and adjudged most necessary and convenient for the better applying of such Cattle with Water as aforesaid, or for the

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better Use, Cultivation, Improvements, or Occupation of such Lands or Hereditaments, and to repair and support the same at their own Costs and Charges as occasion shall require, so that the Passage through or along the said Railways or Tramroads be not prevented or obstructed hereby for any longer Space or Time or in any other Manner than the same would necessarily have been if such Watercourses, Feeders, Drains, and Bridges had been made by the said Company of Proprietors.

Provisions of former Act to apply to this.

XXVI. And be it further enacted, That the said recited Act, and the general Powers, Privileges, Authorities, Advantages, Directions, Restrictions, Provisions, Rates, Duties, and other Matters and Things, therein contained, so far as the Nature and Circumstances of the Case will admit (except such as are by this Act altered or repealed), shall be used, enjoyed, exercised, and enforced by the said Company of Proprietors, their Deputies, Agents, Workmen, Surveyors, and Servants, for making, completing, preserving, maintaining, directing, and managing, as well the said Branch Railway or Tramroad terminating at or near the East End of *Croft Bridge* aforesaid, and the said Deviations hereby authorized to be made in the said main Line of the

said Railway or Tramroad, and of the said Branches therefrom terminating at or near *Counton Turnpike Gate* and *Northgate Bridge* respectively, as of such Parts of the said Railway or Tramroad, and the said Branches therefrom, as have been or are meant and intended to be made by virtue of the said recited Act; and also for making, erecting, executing, performing, supporting, and preserving all such other Works, Matters and Things, as shall be deemed necessary or expedient for the said Undertaking and for defraying the Expenses thereof; and also shall and may be used and exercised by the Owners and Proprietors of Lands, lying near to or adjoining the said additional Branch Railway or Tramroad or any of them respectively, in such and the like Manner, and as fully and effectually in all respects, and to all Intents and Purposes, as if the said several Powers, Privileges, Authorities, Advantages, Directions, Restrictions, Provisions, Rates, Duties, and other Matters and Things contained or enacted in the said recited Act, were repeated and re-enacted in this present Act, and as if the Deviations from or Alterations in the said main Line of the said Railway or Tramroad, and the Branches therefrom, and the said new or additional Branch Railway or Tramroad, and other Works by this Act authorized to be made, completed, and maintained, had been described in the said recited Act as Part of the Railway or Tramroad and Branches, and other Works authorized to be made by virtue of the same Act.

Alterations and new Branches not completed within Five Years, Powers of this and the former Act to cease, ex-

XXVII. Provided always, and be it further enacted, That in case the said intended Deviations from or Alterations in the main Line of the said Railway or Tramroad, and in the Line or Lines of the said Branches therefrom, and also the said new or additional Branch Railway or Tramroad, and all the Works, Matters, and Things belonging thereto or connected therewith, shall not respectively have been made, completed, and finished within the Space or Term of Five Years, to be computed from

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cept as to such Parts as shall be then completed.

the passing of this Act, then from and after the Expiration of the said Term of Five Years all the Powers, Authorities, and Privileges by this Act and also by the said recited Act given to or conferred upon the said Company of Proprietors, for making such several Deviations or Alterations, and as such new or additional Branch Railway or Tramroad respectively, shall cease and determine, save only and except as to so much of the said intended Deviations or Alterations, and of the said new or additional Branch railway or Tramroad, and the several Works, Matters, and Things respectively belonging thereto or connected therewith, or any of them, as shall have been declared and certified to have been made, completed, and finished within the said Term, by Justices of the Peace of the said County of *Durham* assembled at any General Quarter Sessions of the Peace to be holden in and for the said County, within Six Calendar Months next after the Expiration of the said Term, upon the Evidence of One or more Witness or Witnesses to be examined before them upon Oath for that Purpose.

Justices at their General Quarter Sessions to extend the Time for Two Years.

XXViii. Provided also, and be it further enacted, That notwithstanding any thing in this Act or in the said recited Act contained to the contrary, in case it shall be proved and made to appear to the said Justices assembled at any General Quarter Sessions of the Peace to be holden in and for the said County of *Durham*, at any Time before the Expiration of the said Term of Five Years, upon the Evidence of Two or more Witnesses, to be examined before them upon Oath, that the said Company of Proprietors have been prevented from amiking, completing, and finishing the said intended Deviations from or Alterations in the main Line of the said Railway or Tramroad, and in the Line or Lines of the said Branches therefrom, and also the said

new or additional Branch Railway or Tramroad, and all the Works, Matters, and Things respectively belonging thereto or connected therewith, or any of them, by any inevitable Accidents or unforeseen Contingencies, or that the said Company of Proprietors have used all due and reasonable Diligence to make, complete, and finish the same respectively, and every of them, within the said Term of Five Years, then and in such Case it shall be lawful for the said Justices assembled as aforesaid to extend or enlarge the Time for making, completing, and finishing the said several Deviations or Alterations, and the said new or additional Branch Railway or Tramroad, Works, Matters, and Things, and every or any of them, for the further Space or Term of Two Years, to commence and be computed from the Expiration of the said Term of Five Years.

Former Act, as to such Part of the old Line as is now relinquished, repealed.

XXIX. Provided always, and be it further enacted, That the said recited Act, so far as the same relates to or concerns any Lands, Grounds, or Hereditaments, through, in, or upon which so much and such part or Parts of the said Railway or Tramroad, and Branches therefrom made by reason of the Deviations or Alterations in and by this Act directed to be made as aforesaid, was or were originally intended to pass, shall be and the same is hereby repealed, except only so far as the same may have been acted upon previously to the passing of this Act.

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Expenses of the Act.

XXX. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and of making the Surveys, Plans, and Estimates, and all other Costs, Charges, and Expenses relating to or concerning the same, or any ways incident thereto, shall be borne, paid, and defrayed by the said Company of Proprietors, out of the Money received or to be received or raised by virtue of the said recited Act and this present Act, or either of them, in preference to all other Payments whatsoever.

Public Act.

XXXI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

The SCHEDULE referred to by the foregoing Act.

Numbers in the Plan.	Land Owners Names.	Occupiers Names	Description of Premises.	Parishes
126 33 140	Sir R. J. Eden, Bart. Sir P. Musgrave, Bart James Crow	MAIN Henry Thomson John Parker Himself	LINE Garth Fold Yard Plantation of Forest Trees	St. Andrew' s, Auckland Heighington Houghton
206	Josiah Smithson	BRANCH TO John Burton	COUNDON Plantation of Forest Trees	St. Andrew' s, Auckland
310 320 321 322	Thomas Davison Ditto Ditto Ditto	BRANCH TO Himself George Coates Phillis Snaith Robert Marshall	CROFT Plantation of Forest Trees Garden Ditto Ditto	Hurworth Ditto Ditto Ditto
253 256 257	William Backhouse George Allan, Esq. Ditto	DARLINGTON Himself W. Walters Ditto	BRANCH Shrubbery Garden Ditto	Darlington Ditto