ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 163.

An Act for the Partition of certain ſettled Eſtates of *John Wharton* Eſquire, ſituate in the Counties of *York*, *Weſtmorland*, and *Durham*.

[10th *June* 1809.]

Death of William Wharton 1748.

WHEREAS in the Year One thouſand ſeven hundred and forty-eight *William Wharton*, then of *Gillingwood Hall* in the County of *York* Eſquire, died inteſtate and without Iſſue, and ſeiſed in Fee Simple of the Manors of *Gilling*, *Fremington*, *Aldebrough* otherwiſe *Aldburrough*, and *Melſonby*, in the County of *York*; and of the Manors of *Kirbythore*, *Burwans*, otherwiſe *Burroughs Hall*, *Newbiggin*, *Brayton*, *Dufton*, and *Crakenthorpe* in the County of *Weſtmorland*; and of divers Meſſuages, Farms, Lands, Rectories, Tythes, Advowſons, and Hereditaments in the Counties of *York*, *Weſtmorland*, and *Durham*: And whereas the ſaid *William Wharton* had no Brother, but had Three Siſters, namely, *Anne* his eldeſt Siſter who married *Ambroſe Stevenſon*, *Margaret Wharton*, and *Mary Wharton*: And whereas the ſaid *Anne Stevenſon* died in the Lifetime of the ſaid *William Wharton*, leaving Two Daughters and no other Iſſue ſurviving her, namely, *Anne* the Wife of *John Hall* Eſquire, who aſſumed the Name of *Stevenſon*, and *Frances Stevenſon*: And whereas upon the Death of the ſaid *William Wharton* the ſaid Manors and Hereditaments deſcended upon his ſaid Nieces the ſaid *Anne Hall Stevenſon* and *Frances Stevenſon*, and his ſaid Siſters *Margaret Wharton* and *Mary Wharton*, as his Coheirs at Law, whereby the ſaid *Anne Hall Stevenſon* and *Frances*

His Three Siſters.

Death of Anne Stevenſon.

Her Daughters.

Deſcent of William Wharton's Eſtates.

Stevenſon became ſeiſed in Fee in equal Moieties of One-third Part of the ſaid Manors and Hereditaments, the ſaid *Margaret Wharton* of One other Third Part, and the ſaid *Mary Wharton* of the remaining Third Part: And whereas the ſaid *Anne Hall Stevenſon* had only Two Sons, namely, *John Hall* her eldeſt Son and *Joſeph William Hall*, who in the Year One thouſand ſeven hundred and eighty-five aſſumed the Name of *Stevenſon*: And whereas the ſaid *John Hall* the Son died in the Year One thouſand ſeven hundred and ſixty a Bachelor and under the Age of Twenty-one Years: And whereas the ſaid *John Hall Stevenſon* died in the Year One thouſand ſeven hundred and eighty-five: And whereas the ſaid *Joſeph William Hall Stevenſon* married *Anne Forſter* Spinſter, and died in the Year One thouſand ſeven hundred and eighty-ſix, leaving *John Wharton* his eldeſt Son and *James Wharton* and *William Wharton* his only younger Sons, who were then reſpectively *John Hall*, *James Hall*, and *William Hall*, but have ſince aſſumed the Name of *Wharton*: And whereas the ſaid *Anne Hall Stevenſon* died in the Year One thouſand ſeven hundred and ninety inteſtate, and upon her Death her Moiety of One-third Part of the ſaid Manors and Hereditaments deſcended upon the ſaid *John Wharton* her Grandſon and Heir: And whereas the ſaid *Frances Stevenſon* married *William Farquharſon* of the City of *Durham* Eſquire, who died in the Year One thouſand ſeven hundred and eighty-ſeven, and the ſaid *Frances Farquharſon* died in the Year One thouſand ſeven hundred and ninety-ſeven inteſtate and without Iſſue, and upon her Death her Moiety of One-third Part of the ſaid Manors and Hereditaments deſcended upon the ſaid *John Wharton* as her Great Nephew and Heir: And whereas the ſaid *Mary Wharton* made her laſt Will and Teſtament, bearing Date the Thirtieth Day of *May* One thouſand ſeven hundred and ſeventy-one, which was duly executed and atteſted to paſs Real Eſtates, and thereby after deviſing a certain Freehold Meſſuage with its Appurtenances in the City of *York*, ſhe gave and deviſed all the Reſt and Reſidue of her Meſſuages, Lands, Tenements, Hereditaments, and Real Eſtates whatſoever and wherefoever to her Siſter the ſaid *Margaret Wharton* for her Life; with Remainder to the ſaid *Joſeph William Hall Stevenſon* then *Joſeph William Hall*, and therein by Miſtake called *William Joſeph Hall*, for his Life; with Remainder to the ſaid *John Wharton* then *John Hall* for his Life; with Remainder to Truſtees and their Heirs during the Life of the ſaid *John Wharton* upon Truſt to ſupport contingent Remainders; with Remainder to the firſt and other Sons of the ſaid *John Wharton* ſucceſſively in Tail Male; with Remainder to the ſaid *James Wharton* then *James Hall* for his Life; with Remainder to Truſtees and their Heirs during the Life of the ſaid *James Wharton* upon Truſt to preſerve contingent Remainders; with Remainder to the firſt and other Sons of the ſaid *James Wharton* ſucceſſively in Tail Male; with Remainder to the ſaid laſt-named *William Wharton* then *William Hall* for his Life; with Remainder to Truſtees and their Heirs during the Life of the ſame *William Wharton* upon Truſt to preſerve contingent Remainders; with Remainder to the firſt and other Sons of the ſame *William Wharton* ſucceſſively in Tail Male; with Remainder to the Fourth, Fifth, and other Sons of the ſaid *Joſeph William Hall Stevenſon* ſucceſſively in Tail Male; with Remainder to *Henry Reveley* of *Newby Wiſk* in the County of *York* Eſquire for his Life; with Remainder to Truſtees and their Heirs during the Life of the ſaid *Henry Reveley*, upon Truſt to preſerve contingent Remainders; with Remainder to the firſt and other Sons of the ſaid *Henry Reveley* ſucceſſively in Tail Male; and the ſaid *Mary*

Anne Hall Stevenſon had Two Sons.

Death of one of the Sons 1760.

Death of John Hall Stevenſon 1785.

Marriage of Joſeph William Hall Stevenſon, and his Death 1786.

Death of Anne Hall Stevenſon 1790.

Marriage of Frances Stevenſon, and her Death 1797.

Will of Mary Wharton.

Wharton by her Will directed that it ſhould be lawful for the ſeveral Tenants for Life of her deviſed Eſtates, when in Poſſeſſion thereof, to make Leaſes under certain Reſtrictions, and ſhe declared her Will to be that whenever the ſaid *Joſeph William Hall Stevenſon*, or any of his Sons or their Iſſue Male, or the ſaid *Henry Reveley*, or any of his Sons or their Iſſue Male, ſhould be in the actual Poſſeſſion of her Real Eſtates by virtue of the Deviſes contained in her Will, he or they ſhould, within One Year after he or they ſhould be in ſuch actual Poſſeſſion, take and uſe the Surname and Arms of *Wharton* only, and in Default thereof that the Intereſt limited to the Perſon or Perſons neglecting or refuſing ſhould ceaſe and go to the next in Remainder who ſhould take upon himſelf and uſe the Surname and Arms of *Wharton* only; and in default of Iſſue Male of the ſaid *Joſeph William Hall Stevenſon*, and of his Sons the ſaid *John Wharton*, *James Wharton*, and *William Wharton*, and the ſaid *Henry Reveley*, the ſaid *Mary Wharton* deviſed all her Real Eſtates, except the ſaid Premiſes in the City of *York*, to *Thomas Wharton* of *Old Park* near *Durham* Eſquire, and to his Heirs for ever, he and they taking upon themſelves and uſing the Surname and Arms of *Wharton* only; and the ſaid *Mary Wharton* charged all her Real Eſtates with Payment of ſuch of her Debts, Legacies, and Funeral Expences as her Perſonal Eſtate ſhould be inſufficient to ſatisfy: And whereas in the Year One thouſand ſeven hundred and ſeventy-ſix the ſaid *Mary Wharton* died without having altered or revoked the Deviſes contained in her ſaid laſt Will and Teſtament: And whereas the ſaid *Margaret Wharton* made her laſt Will and Teſtament, bearing Date the Eighteenth Day of *July* One thouſand ſeven hundred and eighty-ſix, which was duly executed and atteſted to paſs Real Eſtates, and thereby gave and deviſed all her Manors, Meſſuages, Lands, Tenements, Hereditaments, and Real Eſtates whatſoever, unto the ſaid *John Wharton* then *John Hall* for his Life; with Remainder to Truſtees and their Heirs during the Life of the ſaid *John Wharton* upon Truſt to ſupport contingent Remainders; with Remainder to the firſt and other Sons of the ſaid *John Wharton* ſucceſſively in Tail Male; with Remainder to the ſaid *James Wharton* then *James Hall* for his Life; with Remainder to Truſtees and their Heirs during the Life of the ſaid *James Wharton* upon Truſt to preſerve contingent Remainders; with Remainder to the firſt and other Sons of the ſaid *James Wharton* ſucceſſively in Tail Male; with Remainder to the ſaid *William Wharton* the Son then *William Hall* for his Life; with Remainder to Truſtees and their Heirs during the Life of the ſame *William Wharton* upon Truſt to preſerve contingent Remainders; with Remainder to the firſt and other Sons of the ſame *William Wharton* ſucceſſively in Tail Male; with Remainder to the ſaid *Henry Reveley* for his Life; with Remainder to Truſtees and their Heirs during the Life of the ſaid *Henry Reveley* upon Truſt to preſerve contingent Remainders; with Remainder to the firſt and other Sons of the ſaid *Henry Reveley* ſucceſſively in Tail Male; and the ſaid *Margaret Wharton* directed that it ſhould be lawful for the ſeveral Tenants for Life of her deviſed Eſtates, when in Poſſeſſion thereof, to make Leaſes under certain Reſtrictions; and ſhe declared her Will to be, that whenever the ſaid *John Wharton*, *James Wharton*, or *William Wharton* the Son, or their Iſſue Male, or the ſaid *Henry Reveley*, or any of his Sons or their Iſſue Male, ſhould be in the actual Poſſeſſion of her Real Eſtates by virtue of the Deviſes contained in her Will, he or they ſhould, within One Year after he or they ſhould be in ſuch actual Poſſeſſion, take and uſe the Surname and Arms of *Wharton* only, and in Default thereof, that the

Death of Mary Wharton 1776.

Will of Margaret Wharton.

the Intereſt limited to the Perſon or Perſons neglecting or refuſing ſhould ceaſe and go to the next in Remainder who ſhould take upon himſelf and uſe the Surname and Arms of *Wharton* only; and in Default of Iſſue Male of the ſame *John Wharton*, *James Wharton*, and *William Wharton*, and the ſaid *Henry Reveley*, the ſaid *Margaret Wharton* deviſed all her Real Eſtates to the ſaid *Thomas Wharton* and his Heirs for ever, he and they taking upon themſelves and uſing the Surname and Arms of *Wharton* only; and the ſaid *Margaret Wharton* charged all her Real Eſtate with the Payment of ſuch of her Debts, Legacies, and Funeral Expences, as her Perſonal Eſtate ſhould be inſufficient to ſatisfy; and ſhe declared her Will to be, that it ſhould be lawful for the ſaid *John Wharton*, and *James Wharton*, and *William Wharton* the Son, when they ſhould reſpectively be in Poſſeſſion of the ſaid Real Eſtates, by Indenture or Indentures, to be ſealed and delivered in the Preſence of or atteſted by Two or more credible Witneſſes, to grant any annual Sum to the Uſe of or in Truſt for any Wife or Wives whom they might reſpectively marry for the Life or Lives of ſuch Wife or Wives by Way of Jointure, and in Bar or without being in Bar of Dower, to be iſſuing out of and charged upon all or any Part of the Real Eſtates of her the ſaid *Margaret Wharton*; provided that no ſuch annual Sum ſhould exceed the Sum of Ten Pounds *per Centum per Annum* upon the Marriage Portion which the Perſon granting ſuch annual Sum ſhould receive with ſuch Wife or Wives: And whereas the ſaid *Margaret Wharton* afterwards made a Codicil to her ſaid laſt Will and Teſtament, bearing Date the Twenty-ſeventh Day of *May* One thouſand ſeven hundred and eighty-nine, which was duly executed and atteſted to paſs Real Eſtates, and thereby ſhe gave to *Elizabeth Knowſley* of *Thirſk* in the County of *York*, Widow, for her Life, One clear yearly Rent Charge of One hundred Pounds, to be iſſuing out of all and every the Manors, Meſſuages, Lands, Tenements, Hereditaments, and Real Eſtates of her the ſaid *Margaret Wharton*, with Powers of Entry and Diſtreſs for enforcing Payment of the ſaid Annuity when in arrear: And whereas the ſaid *Margaret Wharton* afterwards made another Codicil to her ſaid laſt Will and Teſtament, bearing Date the Thirtieth Day of *December* One thouſand ſeven hundred and eighty-nine, which was duly executed and atteſted to paſs Real Eſtates, and thereby ſhe gave to her Servant *Anne Golden* for her Life One clear yearly Rent Charge of Five Pounds, to be iſſuing out of all and every the Manors, Meſſuages, Lands, Tenements, Hereditaments, and Real Eſtate of her the ſaid *Margaret Wharton*: And whereas in the Year One thouſand ſeven hundred and ninety-one, the ſaid *Margaret Wharton* died without having altered or revoked her ſaid laſt Will and Teſtament, ſave as the ſame is altered by the ſaid Codicils, and without having altered the Firſt of the ſaid Codicils, ſave as the ſame is altered by the ſaid Second Codicil: And whereas the ſaid *Thomas Wharton* had Iſſue only Seven Children, namely, *Robert Wharton* his eldeſt Son, who has aſſumed the Name of *Myddleton*, *Richard Wharton*, *Deborah Wharton* now the Wife of *Thomas Brand* Clerk, *Margaret Wharton*, *Elizabeth Wharton*, *Mary Wharton*, and *Catherine Wharton*: And whereas in the Year One thouſand ſeven hundred and eighty-five, the ſaid *Catherine Wharton* intermarried with *Anthony Salvin* Eſquire: And whereas the ſaid *Anthony Salvin* and *Catherine* his Wife had Iſſue only Two Children, namely, *Thomas Salvin* and *Anne Salvin*: And whereas in the Year One thouſand ſeven hundred and ninety, the ſaid *Catherine Salvin* died: And whereas the ſaid *Thomas Wharton* made his laſt Will and Teſtament, bearing

Jointuring Power.

First Codicil.

Second Codicil.

Death of Margaret Wharton 1791.

Children of Thomas Wharton.

Marriage of Catherine Wharton.

Her Iſſue.

Her Death.

bearing Date the Sixth Day of *April* One thouſand ſeven hundred and ninety-two, which was duly executed and atteſted to paſs Real Eſtates, and thereby after taking Notice that under the ſeveral laſt Wills of the ſaid *Mary Wharton* and *Margaret Wharton* (firſt herein reſpectively named) there was a remote Chance that he or his Heirs might become entitled to certain conſiderable Real and Perſonal Eſtates according to the Appointment of the ſame by the ſaid Wills; in caſe ſuch an Event ſhould take Place, it was his Will that One Moiety thereof ſhould go to his Son the ſaid *Robert Wharton Myddleton*, in his ſaid Will called *Robert Wharton*, and his Heirs and Aſſigns for ever, and that the other Moiety thereof ſhould be divided into Six equal Parts; and the ſaid *Thomas Wharton* bequeathed One clear Sixth Part thereof to his Son *Richard Wharton* in Truſt for the Benefit of the ſaid *Thomas Salvin* and *Anne Salvin*, to be paid to the ſaid *Thomas* on the Day of his attaining the Age of Twenty-one Years, and to the ſaid *Anne* on the Day of her attaining the Age of Twenty-one Years or marrying, which ſhould happen ſooneſt, in ſuch Proportions as are therein-after mentioned, that is to ſay, Two-thirds to the ſaid *Thomas*, and One-third to the ſaid *Anne*; and in caſe the ſaid *Thomas* or *Anne* ſhould die before the Period or Periods above-mentioned, then the Share of him or her ſo dying to be paid to the Survivor of them at the Time aforeſaid; and in caſe the ſaid *Thomas* and *Anne* ſhould both die before the Period or Periods above mentioned, then the ſaid *Thomas Wharton* gave and bequeathed the ſaid clear Sixth Part to the ſaid *Richard Wharton* his Heirs and Aſſigns for ever; and he gave and bequeathed One other Sixth Part to his ſaid Daughter *Mary Wharton* her Heirs and Aſſigns for ever, One other Sixth Part to his ſaid Daughter *Margaret Wharton* in like Manner, One other Sixth Part to his ſaid Daughter *Deborah Wharton* now *Deborah Brand* in like Manner, and One Sixth Part to his ſaid Daughter *Elizabeth Wharton* in like Manner, and the remaining Sixth Part he gave and bequeathed to the ſaid *Richard Wharton* his Heirs and Aſſigns for ever: And whereas the ſaid *Thomas Wharton* died in the Year One thouſand ſeven hundred and ninety-four without have altered or revoked his ſaid laſt Will and Teſtament: And whereas the ſaid laſt named *Mary Wharton*, the Daughter of the ſaid *Thomas Wharton*, made her laſt Will and Teſtament, bearing Date the Twentieth Day of *January* One thouſand ſeven hundred and ninety-five, which was duly executed and atteſted to paſs Real Eſtates, and thereby, after reciting the ſaid laſt Will and Teſtament of her Father, ſhe gave to *William Hutchinſon* of *Eggleſton* in the County of *Durham* Eſquire, and *John Bright* of *Grafton* in the County of *Northampton* Clerk, a Sum of Two thouſand five hundred Pounds in Truſt to receive and inveſt the ſame in Government or Real Securities, and to pay the Intereſt and Dividends thereof unto her Siſters the ſaid *Margaret Wharton*, *Deborah Brand* then *Deborah Wharton*, and *Elizabeth Wharton*, or unto ſuch Perſon or Perſons as they ſhould reſpectively appoint to receive the ſame, in equal Shares and Proportions for and during the Term of their reſpective natural Lives, if they ſhould ſo long continue ſole and unmarried; and ſhe declared that upon the Death or Marriage, which ſhould firſt happen, of any One of them her ſaid Three Siſters, the Share of ſuch of them ſo dying or marrying of and in the ſaid Intereſt and Dividends ſhould be in Truſt for the Survivors or others of them her ſaid Siſters in equal Shares during ſo long Time as they ſhould reſpectively live ſole and unmarried; and ſhe declared that upon the Death or Marriage of either of the ſaid Two Survivors or others of her ſaid Siſters,

Will of Thomas Wharton.

Death of Thomas Wharton 1794.

Will of Mary Wharton his Daughter.

the ſaid Intereſt and Dividends ſhould be in Truſt for the Survivor or other of her ſaid Three Siſters during ſo long a Time as ſhe ſhould live ſole and unmarried; and that upon the Death or Marriage of the Third of her ſaid Three Siſters, the ſaid Portion or Sum of Two thouſand five hundred Pounds ſhould be in Truſt for her Brothers *Robert Wharton Myddleton* then *Robert Wharton*, and *Richard Wharton*, and ſuch of her ſaid Siſters as ſhould have been married, and her Nephew *Thomas Salvin* and her Niece *Anne Salvin*, the Children of her late Siſter *Catherine Salvin*, their reſpective Executors, Adminiſtrators, and Aſſigns, but ſhe declared that the ſaid *Thomas Salvin* and *Anne Salvin* ſhould have and receive only One equal Share and Portion between them of the ſaid Sum of Two thouſand five hundred Pounds as the Repreſentatives or ſtanding in the Place of their ſaid late Mother; the ſaid reſpective Shares or Portions of the ſaid Sum of Two thouſand five hundred Pounds to be conſidered as veſted and transferable Intereſts in her ſaid Brothers, Siſters, Nephew and Niece reſpectively, immediately on the Deceaſe of her the ſaid laſt-named *Mary Wharton*, to become payable upon the Events or Contingencies aforeſaid; and ſhe gave and deviſed unto the ſaid *William Hutchinſon* and *John Bright*, their Heirs, Executors, Adminiſtrators, and Aſſigns, all that her Sixth Part or Share of the Moiety of the Real and Perſonal Eſtates of the ſaid firſt-named *Mary Wharton* and firſt-named *Margaret Wharton*, given and deviſed to her by the laſt Will and Teſtament of her late Father, and all her Reverſionary and other Eſtate, Right, Title, and Intereſt therein, upon the ſame Truſts, and to and for the ſame Intents and Purpoſes, and with, under, and ſubject to the ſame Right, Benefit of Survivorſhip, and Accruer and other eventual Rights, as were therein-before expreſſed, declared, or directed of and concerning the ſaid Sum of Two thouſand five hundred Pounds, and the Intereſt attending the ſame, or as near thereto as might be, and the ſaid Real and Perſonal Eſtates of the ſaid firſt-named *Mary Wharton* and firſt-named *Margaret Wharton* would admit: And whereas

Death of the ſame Mary Wharton 1802.

in the Year One thouſand eight hundred and two the ſaid *Mary Wharton* the Daughter of the ſaid *Thomas Wharton* died without Iſſue, and without having altered or revoked her ſaid laſt Will and Teſtament as to the Deviſe therein contained of her One-ſixth Part of the Moiety of the Real Eſtate of the ſaid firſt named *Mary Wharton* and the ſaid firſt named *Margaret Wharton*, and leaving the ſaid *Robert Wharton Myddleton* her eldeſt Brother and Heir at Law: And whereas

Death of Thomas Salvin.

in the Year One thouſand eight hundred and four the ſaid *Thomas Salvin* died a Bachelor and under the Age of Twenty-one Years: And whereas the ſaid *Anne Salvin* is now under the

Anne Salvin a Minor.

Age of Twenty-one Years and unmarried: And whereas in the Year One

Marriage of Deborah Brand.

thouſand ſeven hundred and ninety-eight the ſaid *Thomas Brand* and *Deborah* his Wife intermarried: And whereas the ſaid *Margaret Wharton* and *Elizabeth Wharton*, the Daughters of the ſaid *Thomas Wharton*, are

Margaret and Elizabeth Wharton unmarried.

reſpectively unmarried: And whereas in the Year One thouſand ſeven hundred and ninety the ſaid *John Wharton* married *Suſan Mary Anne Lambton* Spinſter, who is now living, and the ſaid *John Wharton* hath no Iſſue

Marriage of John Wharton

Male: And whereas the ſaid *James Wharton* is a Bachelor: And whereas in

John and James Wharton have no Iſſue Male.

the Year One thouſand eight hundred and eight the ſaid *William Wharton* the Son married the Honourable *Charlotte Dundas* Spinſter, and hath Iſſue only One Son, namely, *John Thomas Wharton*, born the Ninth Day of

Marriage of William Wharton and Birth of his Son.

March in the Year One thouſand eight hundred and nine: And whereas in the Year One thouſand eight hundred the ſaid *Henry Reveley* died a

Death of Henry Reveley 1800.

Bachelor: And whereas all the Debts, Legacies, and Funeral Expences of

of the said first-named *Mary Wharton*, and the said first-named *Margaret Wharton* have been paid and satisfied: And whereas the said *John Wharton* did, in the Lifetime of the said first-named *Margaret Wharton*, procure an Authority and Licence under the Sign Manual of His Majesty, to take and bear the Surname and Arms of *Wharton* only, and immediately upon her Death entered into Possession of the Real Estates devised as well by her said last Will and Testament as by the last Will and Testament of the said first-named *Mary Wharton*: And whereas by Indentures of Lease and Release, bearing Date respectively the Twenty-fifth and Twenty-sixth Days of *March* One thousand seven hundred and ninety-six, the Release being made between the said *John Wharton* and *Susan Mary Anne* his Wife of the First Part; *Walter Fawkes* Esquire, *Thomas Wycliffe* Esquire, and *Thomas Swann* Banker, of the Second Part; and *Jonathan Raine* Esquire of the Third Part; and by Three several Fines levied in pursuance of a Covenant for that Purpose contained in the said Indenture of Release, all that One undivided Moiety or Half Part of the Third Part or Share of and in the Manors and Hereditaments heretofore of the said first-named *William Wharton*, whereof the said *John Wharton* was seised in Fee Simple, together with divers other Hereditaments, was conveyed and assured unto and to the Use of the said *Walter Fawkes*, *Thomas Wycliffe*, and *Thomas Swann*, their Heirs and Assigns, and all the remaining Two undivided Third Parts whereof the said *John Wharton* was seised for the Term of his Life of and in the same Manors and other Hereditaments were conveyed and assured unto and to the Use of the said *Walter Fawkes*, *Thomas Wycliffe*, and *Thomas Swann*, their Heirs and Assigns, during the Life of the said *John Wharton*, upon Trust to sell the same and apply the Monies arising from the Sale thereof, in Payment of Debts owing by the said *John Wharton*, and to pay the clear Surplus, if any, to the said *John Wharton*: And whereas the said Manors and other Hereditaments whereof the said *William Wharton* deceased died seised lie very much dispersed: And whereas the said *John Wharton* and *Susan Mary Anne* his Wife, *James Wharton*, *William Wharton* the Son, *Robert Wharton Myddleton*, *Richard Wharton*, *Thomas Brand* and *Deborah* his Wife, *Margaret Wharton* Daughter of the said *Thomas Wharton*, and *Elizabeth Wharton*, on their own Behalf, and the same *William Wharton* on Behalf of his infant Son, and the said *Anthony Salvin* on Behalf of his infant Daughter, are desirous that a Partition should be made of the same Manors and Hereditaments heretofore of the said first-named *William Wharton*, and that One divided Part thereof proportioned to the Value of the aforesaid undivided Third Part thereof which descended to the said *Anne Hall Stevenson* and *Frances Stevenson* afterwards *Frances Farquharson*, and from them respectively to the said *John Wharton*, should be allotted as the Share of the said *John Wharton* in the same Manors and Hereditaments, and that the Remainder of the same Manors and Hereditaments should be allotted in lieu of the said undivided Shares devised by the said Wills of the said first-named *Mary Wharton* and the said first-named *Margaret Wharton*, and in order thereto have caused the said Manors and Hereditaments to be surveyed, valued, and divided into Two several Allotments, One whereof is specified in the First Schedule to this Act, and comprises such Part of the same Manors and Hereditaments as is proportioned to the Value of the undivided Third Part of the same Manors and Hereditaments which descended to the said *Anne Hall Stevenson* and *Frances Stevenson* afterwards *Frances Farquharson*, and the other of the said Allotments is specified in the Second Schedule

All Debts and Legacies paid. John Wharton took that Name, &c.

Indentures of 25th and 26th March 1796.

Estates of William Wharton deceased lie dispersed.

Parties desirous of a Partition of those Estates.

Are satisfied that Allotments are made in due Proportion.

Advantage of Partition.

Schedule to this Act, and compriſes the Reſidue of the ſame Manors and Hereditaments: And whereas all the Parties intereſted in the ſaid Partition are ſatisfied that the ſaid Allotments are made in due proportion: And whereas it will be for the Benefit and Advantage of all Perſons who are or hereafter may be intereſted in the ſaid Manors and Hereditaments, that the ſaid Partition ſhould be made; but on Account of the Limitations contained in the ſaid Wills and Codicils, and in the ſaid Indenture of Releaſe, the ſaid Partition cannot be carried into Execution without the Aid and Authority of Parliament; therefore Your Majeſty's moſt dutiful and loyal Subjects *John Wharton* and *Suſan Mary Anne* his Wife, *James Wharton*, *William Wharton* the Son, *Robert Wharton Myddleton*, *Richard Wharton*, *Thomas Brand* and *Deborah* his Wife, *Margaret Wharton* Daughter of *Thomas Wharton*, and *Elizabeth Wharton*, on Behalf of themſelves, and the ſame *William Wharton* on Behalf of his infant Son, and the ſaid *Anthony Salvin* on Behalf of his infant Daughter, do moſt humbly beſeech 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, from and immediately after the paſſing of this Act, all and ſingular the Manors, Meſſuages, Farms, Lands, Rectories, Tythes, Tenements, and Hereditaments, which are particularly mentioned and deſcribed in the Firſt Schedule to this Act, with their and every of their Rights, Members, Eaſements, and Appurtenances, ſhall, for and in lieu of the undivided Third Part of the Manors and Hereditaments comprized in the Two Schedules to this Act, which deſcended to the ſaid *Anne Hall Stevenſon* and *Frances Stevenſon* afterwards *Frances Farquharſon*, and from them reſpectively to the ſaid *John Wharton*, be veſted in and ſettled upon, and the ſame are hereby veſted in and ſettled upon the ſaid *Walker Fawkes*, *Thomas Wycliffe*, and *Thomas Swann*, their Heirs and Aſſigns for ever, to the Uſe of them the ſaid *Walter Fawkes*, *Thomas Wycliffe*, and *Thomas Swann*, their Heirs and Aſſigns, for ever freed and abſolutely acquitted, exonerated, exempted, and diſcharged of and from all and every the Uſes, Truſts, Eſtates, Powers, Proviſoes, and Limitations in and by the ſaid Wills and Codicils of the ſaid firſt-named *Mary Wharton*, the ſaid firſt-named *Margaret Wharton*, the ſaid *Thomas Wharton* and the ſaid *Mary Wharton* his Daughter, and in and by the ſaid Indenture of Releaſe of the Twenty-ſixth Day of *March* One thouſand ſeven hundred and ninety-ſix limited, expreſſed, or declared of or concerning the undivided Shares of the ſaid firſt-named *Mary Wharton* and the ſaid firſt-named *Margaret Wharton* of and in the ſame Manors and Hereditaments, but nevertheleſs upon ſuch Truſts, for ſuch Ends, Intents, and Purpoſes, and ſubject to ſuch Proviſoes, Limitations, and Agreements, as in and by the ſaid Indenture of Releaſe of the Twenty-ſixth Day of *March* One thouſand ſeven hundred and ninety-ſix, are limited, expreſſed, and declared of and concerning the undivided Part or Share of the Manors and Hereditaments compriſed in the Two Schedules to this Act, whereof the ſaid *John Wharton* was ſeiſed in Fee Simple immediately before the Execution of the ſaid Indenture of Releaſe.

Eſtates in Firſt Schedule veſted in Truſt for John Wharton in Fee.

One Moiety of Eſtates in Second Schedule ſettled to the Uſes of

II. And be it further enacted, That, from and immediately after the paſſing of this Act, One undivided Moiety of and in all and ſingular the Manors, Meſſuages, Farms, Lands, Rectories, Advowſons, Tythes, Tenements,

ments, and Hereditaments, which are particularly mentioned and described in the Second Schedule to this Act, with their and every of their Rights, Members, Easements, and Appurtenances, shall be settled upon, and the same are hereby settled upon the said *Jonathan Raine*, his Heirs and Assigns for ever, freed and absolutely acquitted, exonerated, and discharged of and from all and every the Uses, Trusts, Estates, Powers, Provisoes, and Limitations in and by the said Will and Codicils of the said first-named *Margaret Wharton*, *Thomas Wharton*, and *Mary Wharton* his Daughter, and the said Indenture of Release of the Twenty-sixth Day of *March* One thousand seven hundred and ninety-six respectively, limited, expressed, or declared of and concerning the undivided Share of the same *Margaret Wharton*, and the undivided Share of the said *John Wharton* in the same Manors and Hereditaments; but nevertheless, to such Uses upon such Trusts, for such Ends, Intents, and Purposes, and subject to such Powers, Provisoes, Limitations, and Agreements, as in and by the said Wills of the said first-named *Mary Wharton*, *Thomas Wharton*, and *Mary Wharton* his Daughter, and the said Indenture of the Twenty-sixth Day of *March* One thousand seven hundred and ninety-six, are limited, expressed, and declared of and concerning the undivided One-third Part of the Manors and Hereditaments comprised in the said Schedules to this Act, which was devised by the said Will of the said first-named *Mary Wharton*, or such of them as are now subsisting and capable of taking Effect.

the Will of first-named Mary Wharton.

III. And be it further enacted, That, from and immediately after the passing of this Act, all that the remaining undivided Moiety of and in all and singular the Manors, Messuages, Farms, Lands, Rectories, Advowsons, Tythes, Tenements, and Hereditaments, which are particularly mentioned and described in the Second Schedule to this Act, with their and every of their Rights, Members, Easements, and Appurtenances, shall be settled upon, and the same are hereby settled upon the said *Jonathan Raine*, his Heirs and Assigns, for ever freed and absolutely acquitted, exonerated, and discharged of and from all and every the Uses, Trusts, Estates, Powers, Provisoes, and Limitations in and by the said Will of the said first-named *Mary Wharton*, *Thomas Wharton* and *Mary Wharton* his Daughter, and the said Indenture of Release of the Twenty-sixth Day of *March* One thousand seven hundred and ninety-six respectively limited, expressed, or declared of and concerning the undivided Share of the said first-named *Mary Wharton*, and the undivided Share of the said *John Wharton* in the same Manors and Hereditaments; but nevertheless, to such Uses upon such Trusts, and for such Ends, Intents, and Purposes, and subject to such Provisoes, Limitations, and Agreements, as by the said Wills and Codicils of the said first-named *Margaret Wharton*, the said *Thomas Wharton* and *Mary Wharton* his Daughter, and the said Indenture of the Twenty-sixth Day of *March* One thousand seven hundred and ninety-six, are limited, expressed, and declared of and concerning the One undivided Third Part of the Manors and Hereditaments comprised in the said Schedules to this Act, which was devised by the Will of the said first-named *Margaret Wharton*, or such of them as are now subsisting and capable of taking Effect.

The other Moiety of Estates in Second Schedule settled to the Uses of the Wills and Codicils of the first-named Margaret Wharton.

IV. Provided always, and it is hereby further enacted, That in case the Person or Persons for the Time being entitled under and by virtue of this Act to the Manors and other Hereditaments comprized in the First Schedule to

this Act shall at any Time or Times hereafter be compelled to pay to the said *Elizabeth Knowsley*, her Executors, Administrators, or Assigns, any Part of the said yearly Rent Charge of One hundred Pounds, or to the said *Ann Golden*, her Executors, Administrators, or Assigns, any Part of the said yearly Rent Charge of Five Pounds, then and in such Case, and so often as the same shall happen, it shall and may be lawful to and for the same Person or Persons respectively, and their respective Heirs and Assigns, by Entry and Distress upon all or any of the Lands comprized in the said Schedule to this Act, to levy and raise so much Money as the same Person or Persons respectively shall have paid in discharge of the same yearly Rent Charges, or either of them.

General Saving.

V. Saving always to the said *Elizabeth Knowsley*, her Executors, Administrators, and Assigns, and to the said *Ann Golden*, her Executors, Administrators, and Assigns, and also to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politick or Corporate, his, her, and their Heirs, Executors, and Administrators, Successors, and Assigns (other than and except the said *John Wharton*, and the said *Susan Mary Anne* his Wife, and the first and other Sons of the said *John Wharton*, and the Heirs Male of the several and respective Bodies of such first and other Sons, and the Heirs and Assigns of the said *John Wharton*, and the said *James Wharton* and *William Wharton*, and their first and other Sons, and the Heirs Male of the several and respective Bodies of such first and other Sons, and the said *Robert Wharton Myddleton*, his Heirs and Assigns, and the said *Richard Wharton*, his Heirs and Assigns, and the said *Thomas Brand* and *Deborah* his Wife, her Heirs and Assigns, and the said *Margaret Wharton* Daughter of the said *Thomas Wharton* and the said *Elizabeth Wharton*, their Heirs and Assigns, and the said *Anne Salvin*, her Heirs and Assigns, and the said *William Hutchinson*, *John Bright*, *Walter Fawkes*, *Thomas Wycliffe*, and *Thomas Swann*, their Heirs and Assigns), all such Estate, Right, Title, Interest, Claim, and Demand of, in, to, and out of the said Manors, Messuages, Farms, Lands, Rectories, Advowsons, Tythes, Tenements, and Hereditaments hereby limited, settled, and assured as aforesaid, as they, every, or any of them had before the passing of this Act, or could or might have had, held, or enjoyed in case this Act had not been made.

Publick Act.

VI. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof so printed shall be admitted as Evidence thereof by all Judges, Justices, and others.

The

The FIRST SCHEDULE to which this Act refers, being that Part of the Manors and Hereditaments therein mentioned, which is thereby vested in John Wharton Esquire, in Fee Simple.

Situation.	Tenants' Names.	Houses and Buildings occupied with the Land.	Quantity of Land, including Homesteads, in each Tenant's holding.	Annual Value.
			A. R. P.	£ s. d.
Yorkshire.	John Allison	A Messuage and Farm Buildings	87 0 25	192 3 4
Aldebrough, otherwise Aldburrough	William Bland	A House, Stable, and Water Corn Mill	9 1 27	43 13 0
	Ralph Dowson	A Barn only	59 0 23	67 18 8
	A Moiety of all Tythes in Aldebrough Manor and Manerial Rights.		1,000 0 0	200 0 0
	Encroachment Rents		- - -	1 4 6
Melsonby	Hutchinson and Forster	A House used as an Inn, Barn, Stable, and Butcher's Shop	25 0 11	48 1 9
	Hannah Waggett	A Cottage	3 3 3	8 11 0
	George Webster	Messuage and Farm Buildings	275 1 0	333 8 5
	Rev^d. Doctor Swire		6 0 14	21 6 0
	William Massam	A House and Stable	36 1 25	54 7 2
Fremington	Manor of Fremington.			
Gayles	William Brunskill		16 1 33	34 1 5
	George Trotter		4 1 36	7 16 7
	Isaac Coates		124 2 36	42 16 1
Richmond	William Close	House and Stable	0 3 0	30 0 0
	James Miller	Old Cottages with Pasture Gates	1 1 0	10 0 0
	John Harland		3 1 12	5 10 0
Cleasby	Christopher Wright	A Messuage and Farm Buildings	85 3 13	169 7 8
	A Moiety of all Tythes, Corn excepted		110 0 0	35 10 4
Aldwark	Daniel Marfoot		83 1 15	64 18 2
	Thomas Andrews		24 2 15	27 8 3
	Several Persons	Towns Pasture	17 0 18	34 4 6
Caldwell	Geo. Wheatley	A Moiety of all Tythes, except Hay	779 0 30	112 2 6
		A Moiety of a Modus for Tythe Hay	- - -	1 0 3
	Stipend issuing thereout to the Vicar of St. John's Stanwick, £3.			
Barton St. Cuthbert	Vicar of St. John's Stanwick	For a Moiety of the Tythes of Wool and Lamb only	- - -	8 0 0

The FIRST SCHEDULE—continued.

Situation.	Tenants' Names.	Houſes and Buildings occupied with the Land.	Quantity of Land, including Homeſteads, in each Tenant's holding.	Annual Value.
Yorkſhire.			A. R. P.	£ s. d.
Eaſt Layton -	Vicar of St. John's Stanwick - -	For a Moiety of the Tythes of Wool and Lamb only	- - -	2 10 0
Carton - -	Henry Pulleyn, Eſq.	For a Moiety of all Tythes	- - -	9 10 4
Stanwick - -	Duke of Northumberland	For a Moiety of all Tythes	- - -	4 14 7
County of Durham, Darlington	Ralph Child - -	A Meſſuage - -	0 0 20	10 0 0

On none of which ſaid Hereditaments are any Timber or Timber-like Trees ſtanding or growing.

John Mowbray.
John Humphries.

The

The SECOND SCHEDULE to which this Act refers, being that Part of the Manors and Hereditaments therein mentioned, which is thereby vested in John Wharton Esquire, for Life; with Remainders over.

Situation.	Tenants' Names.	Houses and Buildings occupied with the Land.	Quantity of Land including Homesteads, in each Tenant's holding.	Annual Value.
			A. R. P.	£ s. d.
Manor and Parish of Gilling in the County of York.	William Westland	- - -	4 0 0	6 8 0
	Samuel Spedding	A Messuage and Farm Buildings - -	186 2 28	300 11 4
	Thomas Fairey	- - -	0 3 34	1 13 8
	Overseers of the Poor	A Dwelling House used as a Workhouse - -	2 1 6	16 17 1
	Six Cottages occupied by Six poor Families, and Two Smiths' Shops	- - -	0 0 26	12 0 0
	Elizabeth Thistlewaite	A Messuage - -	5 2 13	21 17 0
	Robert Featham	- - -	2 1 16	4 18 8
	Joseph Alderson	- - -	1 1 27	4 9 4
	Edward M^c^Gee	- - -	0 3 12	2 17 9
	Joseph Gordon	- - -	21 0 28	57 14 9
	Rev. William Wharton	Offices used with the Vicarage House - -	3 3 20	24 1 2
	John Thompson	- - -	0 2 19	0 18 6
	William Husband	- - -	44 1 38	79 13 5
	Charles Belwood	- - -	2 0 0	3 0 0
	John Mason	- - -	5 2 27	13 14 7
	Robert Walker	- - -	4 1 0	10 16 0
	Rev. John Atkinson	- - -	3 0 0	7 4 0
	Richard Fairey	A Cottage - - -	2 3 35	8 7 6
	James Todd	- - -	46 2 3	93 9 4
	Richard Mason	A Messuage and Farm-Buildings, and a Water Corn Mill - -	168 1 27	300 10 5
	Wood Lands	In Hand - -	138 3 13	78 5 11
	George Porrett	A Messuage and Farm Buildings - -	327 3 28	389 10 1
	George Kipling	House and Farm Buildings	34 0 24	40 12 1
	Deduct Outgoings: Two Fee Farm Rents and for Acquittances £22 14 3			
	Together with the Timber and other Trees growing thereon, the whole Value whereof doth not exceed the Sum of Six hundred Pounds.			
Gilling and Hartforth Rectory.	Corn and Hay Tythes of the Lands above mentioned - - - -		518 1 13	147 3 3
	Do. Do. of the Estates of John Wharton Esq. not mentioned above - - -		172 2 4	51 5 9
	Do. Do. of Freeholders Estates - -		352 0 18	127 5 2
	Corn and Hay Tythes of Lands in the Township of Hartforth - - - - -		566 0 0	159 5 9
	Deduct Outgoings. Two Fee Farm Rents and for Acquittances £24 18 10			
	Free Rents payable to the Lord of the Manor of Gilling - - - -		- - -	19 6 9½

The SECOND SCHEDULE—continued.

Situation.	Tenants' Names.	Houſes and Buildings occupied with the Land.	Quantity of Land, including Homeſteads, in each Tenant's holding.	Annual Value.
			A. R. P.	£ s. d.
	Manerials Rights, and Common Rights - -		- - -	60 0 0
	The perpetual Advowſon of the Vicarage of Gilling, ſubject to the Incumbency of the Rev. William Wharton, the preſent Vicar, aged 39 Years and upwards.			
	The perpetual Advowſon of the Vicarage of St. John's Stanwick, ſubject to the Incumbency of the Rev. William Wharton the preſent Vicar, aged 39 Years and upwards.			
Melſonby in the County of York.	George Maſſam - -	A Meſſuage and Farm Buildings - -	273 0 37	380 16 9
	David Armſtrong -	Do. Do. - -	208 0 35	290 1 11
	Free Rents payable to the Lord of the Manor - -		- - -	0 8 5
	Manerial Rights - - - - -		- - -	25 0 0
Kirkby Thore in the County of Weſtmorland.	John and Tho. Shepherd	A Meſſuage and Farm Buildings - -	200 3 36	300 18 6
	William Atkinſon - -	- - -	180 0 17	154 7 8
	Deduct Outgoings - -	£6 4 1		
	Cuſtomary 20-penny Rents } Quit Rents - - - } Encroachment Rents - - }	in Kirkby Thore - - -	- - -	14 11 3
			- - -	0 11 2
			- - -	0 7 2
	Cuſtomary Rents in Crackenthorpe - -		- - -	3 15 2½
	Quit Rents in Do. - - -		- - -	0 4 0
	Fines on every Alienation by Death or otherwiſe, and on the Death of Lord - - -		- - -	
	Manerial Rights and Common Rights in Kirkby Thore, Crakenthorpe, Burwans otherwiſe Burroughs Hall, Dufton, &c.			
	On which Two laſt mentioned Eſtates there are not any Timber or Timber-like Trees ſtanding or growing.			

John Mowbray.
John Humphries.

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