

# THREE EIGHTEENTH CENTURY MINING DISPUTES AT GRASSINGTON, YORKSHIRE

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Mining historians often find that the records of mining disputes are a rich source of information because they contain contemporary business documents and statements by witnesses. Sometimes, however, because they only relate to one of the parties, they are highly partial. In such cases, great care must be taken to confirm interpretations by comparing them with independent data. This paper gives a detailed account of the events surrounding three major eighteenth century disputes at mines on Grassington Out Moor, Yorkshire.

In 1968, a paper by Dr Raistrick described the Ripley Vein and the 14 & 10 Meers disputes, and outlined their effects on mining (Raistrick 1968 1-7). Recent research has made the picture of both more complete, however, and has shown that the latter was not settled by arbitration as previously thought. This justifies the writing of a new paper on the topic.

## BACKGROUND

Customary lead mining law originated in the mediaeval period and was found in the Mendip, North Wales, the North Pennines and Yorkshire. It was, however, best developed in those parts of Derbyshire called King's Fields, where the Crown owned the mineral rights and miners were free to mine almost wherever they wished. Some of the liberties, which the Crown did not own, followed similar rules but others were private and mining could only take place with the owner's permission. Grassington, which had never been a King's Field, was a customary liberty by 1630, but it was not until 1642 that 20 laws were recorded by a Barmoot, or Miners' Court (Gill 1988 211f).

The laws and customs of the mine were often verbal and governed the relationship between the miners, merchants and Mineral Lord. This arrangement was an administrative benefit to the latter because some of the responsibility for controlling the mines was placed in the hands of those who worked them. Under the laws, the discoverer of a vein was entitled to two meers, in return for a dish of ore from it. Other miners then could apply for one or more meers of ground along each vein. These Meers were thirty yards long. The quarter cord was a strip of ground, 7.5 yards wide, on either side of the vein and ran the full length of the grant. It was used for waste dumps, dressing heaps, hovels etc. Miners were not permitted to work outside their quarter cord and, to prevent trespass, it was the Barmaster's duty to set out and record any new grants and mark them with stakes. Each grant carried the entitlement to work only one vein and if another was found it must be freed and new meers taken. It was also difficult to merge, or consolidate, blocks of meers. This was intended to discourage the monopolisation of ground but it also prevented sideways growth, through crosscutting, and deterred the adventurers from investing in expensive pumping plant as the mines became deeper. In Derbyshire, this problem was overcome by independent companies which drove soughs through numerous mining setts and claimed a fee, or composition, for all ore raised from the

ground which had been drained. This tradition of soughing never developed at Grassington.

The modern period of mining at Grassington began in 1604 and since then only three families have held the mineral rights, they are (Gill 1988 pp46-62):-

1605 to 1655 Earls of Cumberland  
1655 to 1758 Earls of Burlington  
1758 to Date Dukes of Devonshire

The lord's agents were concerned to protect his rights to regulate mining and smelting and receive the income from duty payments on the smelted lead. In 1731, the Earl's chain of command, from the bottom up, was William Peart, the Barmaster, at Grassington; Thomas Hawkswell, the Agent, at Bolton Abbey; and Henry Simpson, the Steward, who travelled with the Earl. Changes in these personnel are covered in the text.

The correspondence and submissions about the disputes allow us to examine the status of the adventurers who, besides miners, included local land owners, such as John Tennant, William Drake and William Currer, and others described as yeomen. When a dispute arose, the last two groups were prepared to take their case to the Chancery Court rather than the Barmoot. This recurred during the 14 and 10 meers dispute of the 1760's and, in both cases, the development of the mines was damaged.

## THE RIPLEY-CASTAWAY VEIN DISPUTE

This was about whether Ripley and Castaway were a single vein, or two distinct ones, and the title to meers on the Ripley-Castaway Vein and the Cross Vein, which featured in the 14 and 10 meers dispute of the 1760's. The plan of the area [Fig 1] where Cross Vein intersects Ripley Vein, at Chatsworth Mine, shews that the latter is diverted slightly and becomes Castaway Vein.

In October 1731, John Ripley made a promising discovery of ore on Grassington Out Moor or Common. This aroused much interest because it came when the output of the mines was low and only eight other veins were being worked:-

In the Old Pasture  
1 - The New Rake 2 - Yarnbury  
3 - Blow Level 4 - Losskill Bank

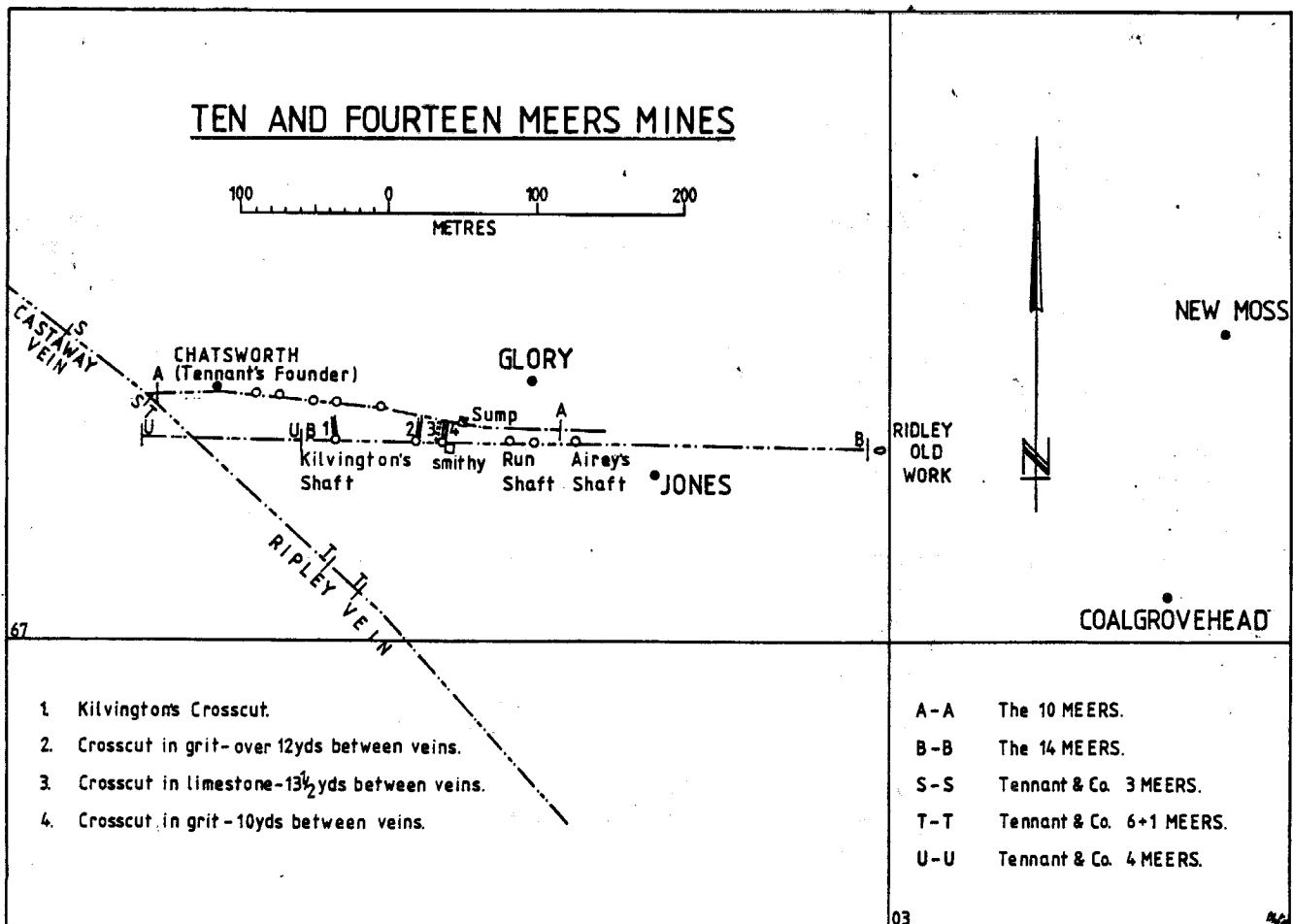
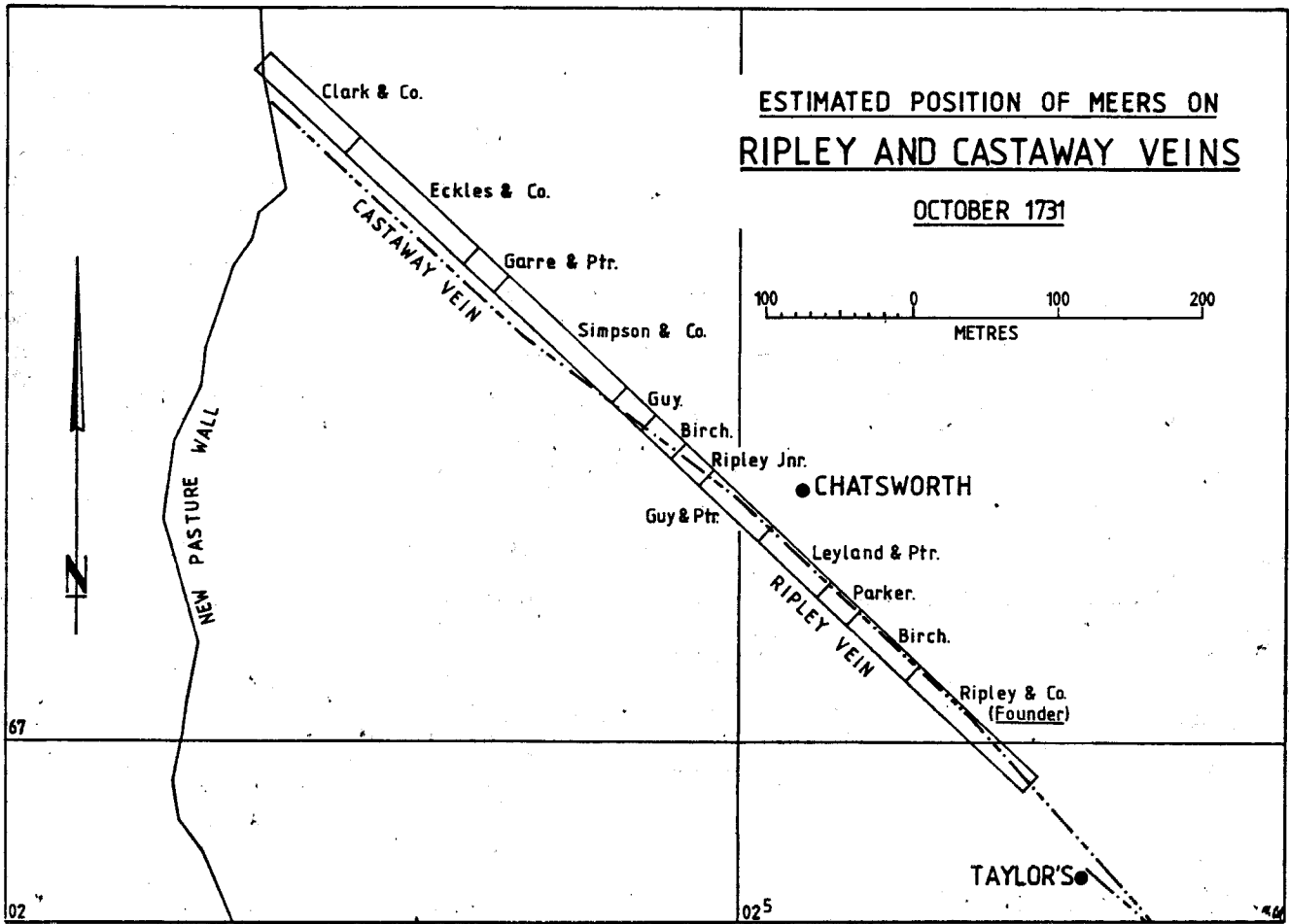


Fig 1 (above) Ripley and Castaway Veins.

Fig 2 (below) Ten and Fourteen Meers Mines.

In the New Pasture.

5 - Franklands Folds      6 - Grove Sty.  
7 - Plett Head (rich)      8 - Bycliffe.

On the Common (Out Moor)

9 - Coalgrove Gate (Ripley) Vein.

On the Saturday night, following his discovery, Ripley asked the Barmaster, William Peart, to book four meers to him. Ripley was only entitled to two, as first finder, under an amended version of the 1642 laws. These should have been followed by a Lord's meer but Peart booked all four, along with several meers for other miners. Others took umbrage at this illegal grant of four meers and questioned the Barmaster's impartiality, because his son, Stephen Peart, had a one-fifth share of John Ripley's mine. Custom forbade the granting of meers on Sundays and so they waited until Monday, then went and cut up sods, on the line of the new vein. They claimed this gave them possession and this was a prior or superior title to only booking ground. Peart went to the moor on Tuesday and began measuring the grants which he booked, but, he was disturbed by a crowd, which he described as "being such ill natured people, there is no talking with them" (Chatsworth MSS: 16/10/1731). A later report says that the crowd actually "broke the (measuring) cord in his hand" (Raistrick MSS: NRA9)!

The Barmaster's behaviour left adventurers with conflicting claims to ground (which was either booked, measured or in possession) on Ripley's Vein and resulted in a dispute about what gave the title to a meer. Was it by booking or did cutting ground give a right of prior possession? Peart wrote to Henry Simpson, the Earl's Steward, asking him to "confirm what rules must be observed, which is in my Lord's power". Simpson was also briefed by Thomas Hawkswell, who noted that "Others, according to an ancient custom, went and cut up a sod or turf (which has been accounted possession hitherto and a prior title to booking by persons versed in Minery) and afterwards applied to the Barmaster to measure their ground" (Chatsworth MSS: 19/10/1731). Peart had booked at least thirty meers, at a charge of 1s 6d each, by December 1731, of which only 15 were admeasured. Henry Simpson commented that he "doubt(ed) not but at that price he (Peart) would measure the whole common" and stopped everyone from working except Ripley who was restricted to the two meers to which he was entitled (Chatsworth MSS:23/12/1731). Soon after, the Earl's agent remarked that, "the late discovered vein of lead ore which has occasioned so much bustle and noise in my ear is not so promising as was reported" (Chatsworth MSS: 7/1/1731[32]).

This was only a brief respite, however, because, in April 1732, Simon Harker discovered a place, about 700 yards west of Ripley's shaft, where he wanted to make a trial. Harker and his partner, Henry Marshall Jnr, applied to the Barmaster, for a grant of four meers. Despite their claim that it was a new vein, about 100 to 200 yards from any other, Peart suspected that they were within the meers already booked to Eckles and Clark, with their partners, on Ripley Vein. He booked, but would not admeasure, the meers and reputedly told Harker that he might work without disturbance if it was not Ripley's Vein and, if it was, he would have wages allowed for what he did (Chatsworth MSS: 30/10/1732). The Barmaster, however, had no authority to employ miners on the Earl's account and why he felt able to do this is unclear. Nevertheless, Harker and Marshall continued working their vein, which

they called Castaway, for about six months, during which time their right to do so was disputed by John Tennant, one of Clark's partners. Next, Whitehead and Storey began work in the five meers adjacent to Harker, which were also booked to others, and by late summer had discovered a rich vein and were getting ore. Peart's orders to stop work were ignored.

It is at this point that it becomes clear that the miners had taken wealthy partners. Whitehead, Storey, Harker and Marshall, were backed by three men: John Martin, Mr. Freeman and William Cushworth, about whom we know little. It remains to be confirmed, but it is thought that Freeman was an adventurer in the Melbecks liberty, in Swaledale. The first miners with ground booked on Ripley's vein were joined by John Tennant, William Drake and Mr. Bagshaw and an incomplete draft of an agreement between them shows that they prepared to make common cause in fighting the case (SCL.OD.1509/29).

On October 25th 1732, Tennant and other original grantees recommenced work, saying that if they had not obeyed the Barmaster's earlier discharge, the ground would have been worked by them. They were quickly discharged by Peart but Storey kept working. Tennant's men returned to the moor, on the following day, and were threatened by Martin's miners and their works filled in. On the 27th, Tennant stayed with his men, who were not troubled, and they continued for six or seven days whilst they traced the vein for over five meers towards Ripley's. On November 3rd, a discharge by Henry Simpson was obeyed and "all the workmen submitted to the order immediately and came out of their shafts without reply as cheerful as school boys on a holiday" (Chatsworth MSS: 7/11/1732).

Hawkswell's opinion was that if Tennant and his partners had really felt the matter to be worth disputing, or that the new vein was Ripley's, they would have protested to Simpson much earlier and not waited until the rich discovery. Tennant's claim started the dispute's second phase, however, in which the principal players were landowners who were partners in the various adventures. These wealthy men, unlike the miners, did not feel themselves constrained by the Mineral Laws & Customs and were ready to press their suit at the assizes. Two groups of adventurers, fought the case. The first, led by John Tennant, of Chapel House, believed Ripley and Castaway to be one vein and claimed to have ground booked or measured on it. The other party, led by John Martin, made similar claims but believed they were two veins.

In early 1733, Simpson allowed Tennant to expose Castaway and Ripley Veins in the intervening ground in order to prove whether or not they were the same vein. This took too long, however, and Simpson called a Barmoot, commenting that "it will be necessary at that time to have rules fixed by the jury to prevent these quarrels for the future and a method established for proceeding hereafter in the minery and only subject to be altered at my Lord's will and pleasure". Martin's proposal that the Earl should choose 12, or more, eminent Derbyshire miners to form an impartial jury, their expenses to be shared equally with Tennant, was rejected because the Earl knew no miners there. Moreover, Simpson wanted matters settled by a local Barmoot and, in 1733 and 1734, he had lists of potential jurors drafted. Stewards from Swaledale and Nidderdale liberties were included on the first of these, which may have been an attempt to accommodate Martin's wish (Raistrick

Colln., Falshaw MSS: R/B 1-33).

Simpson's failure to act decisively, was probably the result of being counselled to be cautious of any attempt to take matters to a higher court, where a judgement might prejudice the Earl's rights. He was also preoccupied with the Estate's finances, mainly from the great expense of the new house and gardens which the Earl was constructing at Chiswick (Chatsworth MSS: 14/6/1733). At least 60 labourers were employed at the house and in digging a series of canals; which were to be filled with water raised from the Thames by a fire engine!

A Barmoot, held on June 29th, had the task of resolving the dispute but it failed. The parties then appointed arbiters, in the autumn of 1733, to resolve two matters. First "whether the veins discovered by Harker and Ripley, called Castaway and Ripley Veins, are one and the same vein, or two distinct and separate ones". Secondly, "the respective claims and titles the several disputants or adventurers have in and to the same".

The only surviving account of this process is a minority report, submitted to the Earl of Burlington, by Thomas Smales and William Gorton\*, which makes it clear that the arbiters did not agree. These men found that Ripley's and Castaway were two separate and distinct veins, that the title to the 9 meers of ground on the Castaway Vein was properly Harkers and that the 16 meers upon a north random, which Tennant claimed as a Cross Vein, were Martin's. Ripley's Vein is described as hardly a vein, but more of a thin string (Chatsworth MSS: 1/12/1733). No account was taken of their report, however.

The Barmaster was under orders not to smelt any disputed ore but, in February 1734, Martin asked permission to smelt the ore raised from Castaway Vein and, after paying duty, sell the lead made from it. He also proposed that, in return for being allowed to continue working, a bond of £500 would be established to protect Tennant's interest, should his case be proved. If, however, Tennant opposed smelting and insisted on stopping Martin's miners from working, he was to produce a bond of £500. The Steward favoured the proposal, if Tennant agreed, because the estate needed the cash from the duty payments (Chatsworth MSS: 6/6/1734). The latter's legal advisors objected, however, claiming that the Earl's rights may also be prejudiced, and the request was refused.

Attitudes hardened, and when Horner and Popplewell ignored demands to stop working the Cross Vein, in April, the Earl ordered their prosecution, along with any other miners working without permission. Notwithstanding this, there was a "tumult" at the smelt mill, and some injudicious statements were made, which resulted in the smelters (the

Harrison's) being sacked and the miners being threatened with the Justice of the Peace. The accounts show an item for "expenses with ye constable, when Harker & Ptrs made ye disturbance at mill" (Chatsworth MSS: 7/8/1734). The Earl's advisers wanted to smelt the ore and tried to get a Barmoot to agree the matter, in September 1734, but the contending parties would not accept bonds and the Barmoot could not, or chose not to, impose them.

\* Chatsworth MSS: 1/12/1733; Arbitrament of Thomas Smales and Wm Gorton. Thomas Smales, of Park Hill, was a son of Matthew Smales, Steward of the Manor of Healaugh and Muker. William Gorton was mining agent of the Duke of Wharton, in Swaledale.

In October, the lawyers met and agreed the issues to be tried but the outcome is not known because there is a break in the record until August 17th 1735, when William Peart was replaced, as Barmaster, by Solomon Bean. Dr Raistrick believed that the question of title was finally decided by the lawyers, who found that Tennant's title was deficient because it had been booked but had not been booked and admeasured as the customs required. It is possible to confirm Dr Raistrick's conclusion using data from the smelting ledgers, which show that, in 1735 and 1736, Martin's party smelted ore from the Castaway and Cross Veins and that they retained their interest thereafter.

A Great Barmoot, held at Grassington in May 1737, accepted thirty-three laws, which were based on the twenty recorded in 1642, some of which were made more precise. The earlier agreement that, to gain title, ground must be both admeasured and booked was ratified, and the customary gift to the barmaster of the first dish of ore from the vein was replaced by a fee of 1s 6d per meer. The Barmoot's verdict was published under the title "Rara Avis in Terris" and applied to all Burlington's liberties in the West Riding of Yorkshire. These were: Grassington cum membris (Grassington, Threshfield and Linton), Littondale (Arncliffe, Hawkswick and Litton), Langstrothdale (Starbotton with Buckden) and Cononley, in Airedale.

The revised code of laws provided stability, but it did not stimulate interest in the Grassington mines. By the mid 1750s, however, they were proving inflexible to technological change and demands for larger scale working. The laws came under increasing pressure during the next decade and the situation was exacerbated by the Earl of Burlington's death, which left the liberty without an effective mineral lord.

The first serious test of the revised laws came in 1760, when the 10 Meers Mine accused its neighbour, the 14 Meers Mine of working its vein by trespass.

#### THE 14 & 10 MEERS DISPUTE

The 14 & 10 Meers Mines, on Grassington Out Moor, worked cross veins which intersect Ripley Vein where it becomes known as Castaway Vein. This junction was later worked by the Chatsworth Mine [Fig 2]. The cross veins run eastwards, from the north-east side of Ripley Vein, and their outcrops slowly converge. As they pass from the gritstone into the limestone beneath, however, the veins take opposing hade and get further apart. Some time around 1734, a Dr Kilton (or William Kilvington), of York, took a grant of 14 Meers on the Cross Vein and worked eastwards, from the west end, to a shaft called the Run Shaft (SCL.OD.1509/4). No record of this grant can be found, but the smelting ledgers confirm that Kilvington produced 119 tons of pig lead, from the 14 Meers on the Cross Vein, between 1737 and 1750 (Raistrick MSS: NRA 17).

The Barmasters' book records that, on November 5th 1754, James Swale purchased all of Kilvington's share in the 14 Meers Mine for thirty guineas, plus another fifteen pounds when the mine had produced ten tons of lead. The mine was then divided into the following shares:-

Mr Pratt, of Askrigg	1/4 share.
James Swale	1/4 share.
John Ridley	1/8 share.
John Ridley Jnr	1/8 share.
William Ridley	1/8 share.
Thomas Leech	1/8 share.

Some shares were later sub-divided and sold but it has only been possible to trace one of them, because not all transactions were registered with the Barmaster. The purchase price is not given, but a quarter of Pratt's 1/4 share (1/16th of the whole) was sold to John Pickersgill, in June 1756, and resold to Mr Hasle, of Ripon, by November. There were fifteen partners in the 14 Meers Mine by December 1756, with shares ranging from an 8th to a 32nd. Shares continued to change hands during the dispute and, in February 1761, William Aislebie acquired a 16th from Charles Harrison. The regular changes of partners, coupled with the broken series of records and the tendency for charges to be made by and against different persons makes interpretation difficult. For simplicity, therefore, the following convention has been adopted: until 1765, the 10 Meers partners were the plaintiffs and the 14 Meers partners were the defendants.

Some idea of the price of the shares is given in a petition to the Duke of Devonshire, which notes that Hassell and others had "purchased their several shares in the said mine after the rate of £3000 or thereabouts for the whole" (Raistrick MSS NRA 18). This made a sixteenth share worth about £187. Between 1764 and 1773 the 14 Meers produced 573.61 tons of pig lead, worth about £8400, which after deducting 1/5 for duty, left £6700. The cost of working the mine is unknown but it may be estimated from the reckonings of the Six Meers and Three Meers Mines, over the same period (Bolton MSS Wardle Reckoning Book). Their output, of 247 and 301 tons of lead, cost £2060 and £2754 respectively; which, when adjusted for duty, gives an average cost of £11.98 per ton of pig lead. Applying that figure to the 14 Meers gives a working cost of £6300, against an income of £6700, which is a profit of £400. This calculation is, of course, only a guide because the costs of working mines, even those on the same vein, varied greatly. It does, however, suggest that the company was overvalued.

The 10 Meers first appears as an entry in the Pearts' Book, for the 20th May, 1747, when (Bolton MSS Barmasters' Book 1744-1763):

"Mr Tennant, Mr Drake, Mr Buck and Edward Haslam to make tryal for a vein on ye north side of ye Cross Vein on Grassington Moor. And they bespoken 10 Meers of ground if they find a vein."

They then took a series of grants on 5th April, 1750: "Measured to Mr Tennant, Mr Drake, Mr Buck and Edward Hasleham three meers of ground at east end of Castaway. The same having been long forfeited to my Lord for want of working, ALSO 6 MEERS ON YE NORTH SIDE OF YE 14 MEERS BURNT LING, which said 3 meers & 6 meers were included in one and ye same grant to the above partners in May 1747

Measured to Mr Tennant, Mr Drake, Mr

Buck, Edward Hasleham, George Hasleham and Robert Pickles six meers of ground adjoining to the east end of the 3 meers above, and so eastwards. The same being forfeited for neglect in not working.

Measured to Thomas Tennant one meer of ground at ye east end of ye six meers as above measured to Mr Tennant & Co."

This shows that Tennant & Co had a total of 9 Meers on Ripley cum Castaway Vein with only 6 on the North String and it was the validity of that entry on which much of Hassell's defence revolved.

When Stephen Peart, the Barmaster, went to admeasure Tennant & Co's bespoken 10 meers, he realised that the course of the new vein appeared to converge on the quarter cord of the 14 Meers grant and interfere with it. He felt, therefore, that he could only measure the six meers safely and left the others until the vein's true course was known. There the matter stood until 1760 when the dispute arose. Various plans show that Thomas Tennant's single meer had, by then, been added to the nine on Ripley Vein. Tennant had also taken four meers on the western end of the 14 Meers; which were not in dispute but, when added to the six on the North String, conveniently made another 10, thereby adding further confusion to the eventual claims.

In the autumn of 1760 miners from the 10 Meers, who were working eastwards from their Founder Shaft, in the 10 Meers Vein, broke into workings from the 14 Meers and the dispute ensued. The 14 Meers partners had driven three crosscuts from the Cross Vein, northwards into the ground claimed by the 10 Meers partners, and were raising ore.

The mine was dialled and it was found that, if the end of the 6th or last measured meer was taken as the limit, the 14 Meers had encroached by some 44 yards into 10 Meers ground. They had also worked some 66 yards to the east, within the four unmeasured meers, which were claimed by Tennant. This was a total trespass of some 3.64 meers. The crosscuts were measured and found to confirm that the veins were converging towards the east and that, in the gritstone, they were 12 and 10 yards apart, whilst in the limestone below they were 13.5 yards apart. One plan shows another crosscut, driven north from Kilvington's Shaft, going outside the 14 Meers quarter cord, but failing to reach the 10 Meers Vein (NMRS Records Plan B/M447).

In December 1760, the Duke's Steward, James Collins, discharged the miners from working the 10 Meers, which the partners complied with, but he apparently gave no similar order at the 14 Meers. The Duke was asked to give Collins such a direction, which he did and Collins ignored (SCL.OD.1509/14). He also ignored another order to sequester all ore raised in the disputed ground and, it was claimed, encouraged the 14 Meers partners to continue working (SCL.OD.1509/4). It was in this atmosphere of distrust that, on April 12th 1762, a Barmoot, with Sir Anthony Abdy, the Duke's accomptant, as Steward, tried to decide the matter.

The competency of the Court was questioned, however, when Messrs Collins, Peart and John Summers\* were accused of subornation and other malpractice (SCL.OD.1509/26). For example, under the Mineral Laws,

the Barmaster chose the jury, but Collins appointed one and packed it with "friends and immediate acquaintances of the 14 Meers partners". Summers was accused of collusion, because he was with the jury when it retired to consider its verdict. Two jurors were seen in close conference with him and they had whispered to Collins that they wanted Summers to join them, to which Collins agreed. Despite this malfeasance, Sir Anthony did not make a judgement and allowed the 10 Meers partners time to cut their ground through and thereby prove the line of their vein. At least two extensions to this time were sanctioned, by four members of the original jury, but no more Barmoots were called (Chatsworth MSS: Evidence 1764).

The case went to the York Assizes, where it was heard on July 16th, 1763, before Sir Henry Gould, Knight, one of the Justices of his Majesty's Court of Common Pleas, and the Honourable George Perrot, one of the Barons of his Majesty's Court of Exchequer Justices. They also had to consider a similar, but quite separate, dispute which had arisen in the Starbotton Liberty, about whether or not the Merryfield and Old Camm Veins were distinct veins. This dispute had also been heard at the Barmoot of 1762.

Mr Stanhope, counsel for the defendants, proposed that the Starbotton case should be referred to arbitration, but the plaintiffs would not agree, unless the 14 and 10 Meers dispute was referred with it. Initially, the defence objected to this but, after consultations, it was acceded to and three arbiters were appointed; two by the court and the third, Dawson, by the Duke of Devonshire to represent the Duchy's interests in the affair:

Joseph Pursglove, of Wickersley, Co. of York, Gent.  
William Hill, of Tidswell, Co. of Derby, Gent.  
Adam Dawson, of Wensley, Co. of Derby, Gent.

We have a great deal of undated evidence from this period but the case's outline may be deduced from it. Hassell, the defendant, claimed that at about 4 meers from the east end of his grant, the Cross Vein split into two strings by a rock or ryther (rider) in the gritstones (Raistrick MSS: NRA 18).

These did not diverge longitudinally but continued, for upwards of 5 meers westwards, within 5 or 6 yards of each other. Vertically, however, they were constantly united at a depth which varied from 14 to 19 fathoms. In all that length of ground, the rider was broken by numerous strings and leadings which communicated from north to south and alternatively enriched and impoverished the strings. Because of this, it was asserted that, even if the strings did not unite at depth, they were one and the same vein.

The plaintiffs charged that the crosscuts were used to work the 10 Meers Vein illegally and for bringing the ore to surface in the 14 Meers ground in order to deceive them. Estimates of the amount of lead stolen varied between 600 and 700 fothers but, because the relevant Barmaster's book is missing, upon what basis this computation was made is unknown (Chatsworth MSS: 16/7/1763). The defendants were also accused of obstruction by placing large quantities of rubbish in the disputed ground, in such a way as to prevent the determination of the truth. Moreover, they had refused the Barmaster entry when he wanted to view the

mine, as was his right under the laws. The charge of trespass was countered by the defendants, who claimed that the 10 Meers Vein was an outflinger from the Cross Vein and that, on the basis of Kilvington's earlier grant, they had the right to work it as far as the end of their own meers. This was another 38 yards into the measured part (6 meers) of the 10 Meers grant!

The plaintiffs held that the claimed right to work outflingers was inconsistent with Hassell & Co's earlier actions on the south side of their grant; where a crosscut had been driven and a vein discovered. Instead of claiming it, an application had been made to the Barmaster for a distinct grant; which was allowed. The claim of "a right to work" was, therefore, projected as an idiosyncratic device rather than the established custom claimed by its author, John Summers. Later, in the submissions of evidence by witnesses for the plaintiffs, it was remarked that "Upon what Mr Summers was pleased to signify and tell us - first after he had produced his plan or map he confessed the same was false and erroneous, that there was no outflingers in the length of the Ten Meers but that there were two distinct and separate veins till two or three meers east of 10 Meers which being so far from the ground in dispute that we could take no cognizance of it, but that the custom of their mines is to work the outflingers to the length of their ground. NB. This outflying custom beyond quarter cord we believe to be a custom of his own".

The arbiters found in favour of the plaintiff, Bagshaw: "It appearing to us to be a distinct and separate vein from the 14 Meers; save and except 13 yards east and 18 yards west from a stob, stake or mark made and shown to the Barmaster, which said lengths we find to be a weak part of the ryther and within quarter cord of the 14 Meers". Damages, for the ore got by trespass, were set at £1351 16s 9.75d plus £170 8s 1d costs. These were to be paid in the porch of the Parish Church of Linton between the hours of 10 and 12 on the morning of June 7th, 1764. Also, all the ore got from the 10 Meers Vein and still lying on the ground at the 14 Meers was to be returned (Chatsworth MSS: 6/12/1763).

Dr Raistrick felt this award, dated 6th December 1763, settled the affair, but new research has shown that depositions of evidence were taken within days of its being made in preparation for a fresh, or resumed, trial (SCL. OD.1509/31 & 35). Before we continue with the case, however, we shall digress to study the major changes in the personnel supervising the Grassington liberty.

Stephen Peart died in the summer of 1763 and, for a time, Richard Falshaw, the Barmaster of the Starbotton and Buckden Liberty, undertook his duties. Around this time, the Marquess of Hartington became Lord of the Field. He was the 4th Duke of Devonshire's eldest son and, in his minority, had become heir to the last Earl of Burlington, who died in 1753. George Bradley was appointed Barmaster, in May 1764, with orders to set matters straight and he immediately undertook a survey of the disputed ground and dialled the workings.

Bradley's report to the Marquess, criticised earlier practices and tells us much about the state of the liberty (Raistrick MSS: NRA 16). For example, we learn that, contrary to the laws, there had only been one Barmoot, that of 1762, "these 20 years". The whole moor was claimed by the miners but none of their meers had marks of possession

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\* Summers brought his family to Grassington from Muker, in Swaledale, in 1737. He was followed by his brother, Ralph, in 1752. The author and H.M. Martell are preparing a detailed study of the Summers family.

and not one-tenth of them were being worked; which made it impossible to grant new meers safely. Hasleham was sinking a shaft without permission and "he could do no more if the liberty of Grassington was King's Field". Summers' claim about the right of custom to work outliers beyond the quarter cord was being put into practice by several people. The report concluded that "For want of these or some better regulations Grassington Liberty is in the utmost disorder, and the disputes that are now subsisting, seem only to be the beginning of troubles; it is much to be wished that whatever disputes may henceforward arise, that they might be determined by the Lord or his Steward or the 24 (Grand Jury) from this liberty, without calling in other people, or going into any other court".

Also, much later, in a letter about a problem in the Forest of Knaresborough Liberty, he recollected that "When I first came here, all the smelting mills lay open, and the lessees at each mine took a quantity of lead for their own use; and not one pound of lead paid or received for duty". When Bradley raised this with his superior, Collins, he was advised that he should put a stop to all dishonest practices and "put everything upon a fair and honest footing, and that I should be supported". Moreover, he "put locks on the mills and fixed smelters at each hearth", with orders to note those who removed lead without leave, and attended them himself two or three times a day. Despite his precautions, however, "they broke open the mills in the night time, and took lead, until I found out the offenders and, to prevent a prosecution, they declined such practices" (Chatsworth MSS: 17/6/1790).

From the foregoing, it is clear that Grassington liberty was in chaos and the authority of the customary laws had broken down. The arbitration of December 1763 had not been accepted and in 1764 the case resumed.

A long reassertion of the defendants' case was made by Thomas Wacker, of Lincoln's Inn, on July 14th (Raistrick MSS: NRA 17). Around the same time, the testimonies of the witnesses called by the plaintiffs (those called by the defence have not been found) were recorded (Chatsworth MSS undated). Little had changed from earlier versions, except for the claim that the quarter cord should be measured from the centre of the two strings, rather than from the centre of the southern one. This had the felicitous consequence of bringing the North String, or 10 Meers Vein, within the new quarter cord!

By 1765, William Aisleabie, George Hassell and others, partners in the 14 Meers, had taken out a bill of complaint against the 10 Meers partners, which reversed their roles (SCL.OD.1509/4 & 26). This resulted in an agreement to let the 14 Meers miners smelt the ore raised during the dispute and, in 1765 and 1766, two large parcels of ore were smelted. We do not have details of this agreement, however, but it did not settle the dispute. A letter, in December 1773, states that the dispute was still running at that date but there is no further mention of it thereafter (Ryl.Bagshaw MSS: B8/3/46).

Having stated the chronological case, we shall now look at the relationship between the customary laws and the dispute. Peart's reluctance to admeasure more than the 6 meers on the North string was reasonable because, when plans of the disputed ground are compared, the apparent course of the North String would have interfered with the

quarter cord of the 14 Meers by the end of the seventh meer. It was shown later, however, that the vein turned slightly more eastwards and it was not until the eighth meer that the quarter cords may have overlapped by about 3 yards. This underlines the wisdom of the Barmoot's judgement that time should be allowed to cut the ground through.

The legality of Peart's arrangement to admeasure the last four meers when the vein was proved is suspect, because there was no provision for the practice of "bespeaking". There was, therefore, no title to the outstanding 4 meers because Law I, of Rara Avis, stated that ground should be admeasured, booked and paid for before it was worked.

As to the actions of the 14 Meers partnership, it is dependent upon whether or not the two veins were judged to be one, and whether they were then allowed to measure the quarter cord from the centre of the rider. If it was so, then the crosscuts and stopes were within the quarter cord, but, if not, law XI forbade any person to obtain ore from another's ground without permission. Law XVI covered working by trespass and gave the basis for calculating damages. In addition, law XXII allowed for any claim to a meer to be made by arrest, with all ore won from that time to a Barmoot's verdict to be paid to the plaintiff by the defendant if judgement was given.

If the veins were found to be separate and distinct, whether or not Tennant had title to the bespoken 4 meers, two cases of trespass are clear. The first involved the working of the North String for some 44 yards within the measured part (6 meers) of the 10 Meers grant. The second, assuming that the 10 Meers Partners had no title, was against the Mineral Lord because the three crosscuts were driven beyond the 14 Meers quarter cord into unlet ground.

In view of the above, it is surprising that the Mineral Lord did not protect his interests more vigorously. Any repetition of the vacillation which was seen in the Ripley Vein dispute, of the 1730's, may, in this case, have more to do with the transition of titles from the Boyle (Earls of Burlington) to the Cavendish (Dukes of Devonshire) families; especially when a minor was involved. No doubt some adventurers felt emboldened to cause disturbances during the hiatus. John Summers, who was the most recalcitrant, was allegedly backed by the estate's agent, Collins, and he, with his son Ralph Summers Jnr, was often near the core of disputes.

Matters had probably gone too far to apply law XXXII when the Marquess of Hartington reached his majority and George Bradley became Barmaster. This forbade adventurers from suing in any other than the Barmoot Court and, if they did, it was on pain of forfeiture of all matters in dispute, and their right to plead at a Barmoot. In view of the advanced state of the case, legal counsel on this matter may well have cautioned against action which could jeopardise the Lord's authority; which Bradley actively sought to restore.

One serious effect of the dispute was revealed, when Bradley reminded Francis Tennant that the last dispute in which he had been concerned had prevented any ground being granted for about 15 years (Chatsworth MSS: 16/6/1782). This agrees with the period from the discharge in December 1760, when the Duke stopped making grants of new ground, to the start of the new leases in the summer

of 1774 (SCL.OD.1509/26).

The Marquess of Hartington became the 5th Duke of Devonshire, in 1770, and his attorney, Sir Anthony Abdy, proposed replacing the customary laws with leases soon after. He had seen this system, which could be enforced more rigidly, in the neighbouring liberties of Appletreewick and Ramsgill, where it was accepted by the miners after a dispute in the 1760's (Ryl.Bagshaw MSS: B8/4/46a). Whilst the introduction of a lease at Grassington was never open to question, the adventurers were consulted about the form of the covenants and concessions made to them. The new lease has no surprises for the mining historian, however, and incorporates many of the features of the customary laws.

The lease ran for 21 years and under it, the Barmaster set-out an area of ground and marked its boundaries with upright stones. The miners were allowed to work all the veins in the grant, not just one as had been the case. The new grants were all between 5 and 10 meers in length but the quarter-cord was extended to 75 yards or, where veins were too close together, by apportioning the intervening space equally. Besides tighter regulation, therefore, the new system allowed the myriad grants on the Out Moor and the Old and New Pastures to be rationalised. The larger grants were offered to existing adventurers as an inducement for their surrender of old grants and acceptance of the new system. All earlier marks of possession were removed when an old grant was given up and meer stones were put around the new boundary. It is possible, therefore, to date most of the stones to the period between 1774 and 1776. A few stones mark later grants but these are easily recognised (Raistrick 1963 p1-4).

Under the laws and customs, the lord provided the miners with chopwood, which was used for smelting, in return for a duty of one-fifth. Because the Duke's woods were depleted after the 1760's, large amounts of peat were burnt instead. In 1774, however, twenty-one of the Grassington freeholders petitioned the Duke claiming (successfully) that he had no rights to dig peat on the moor (Chatsworth MSS: 4/2/1774). In response, a new covenant was added to the leases which decreased the rate of duty from one-fifth to one-sixth, in return for the miners finding their own fuel.

This was the end of the customary laws, which were subsumed in the lease, but the new system worked well, and its introduction went so smoothly that by October 1774, George Bradley wrote "large numbers of mining tenants in his Grace's Liberties (except some few) have surrendered, retaken and cheerfully accepted his Grace's terms" (Chatsworth MSS: 23/10/1774).

### THE COALGROVEHEAD TRESPASS

The first grant at Coalgrovehead was made in November 1737, when Solomon Bean, the Barmaster, measured 6 meers of ground to Isaac Thornhill and Mr Hardesty (Chatsworth MSS: 27/6/1774). Through the consolidation of later grants, by 1764, Coalgrovehead Mine consisted of two parts, the North and South Allotments. The former was on the eastern continuation of the 14 Meers Cross Vein and the latter onto the Six and Three Meers Vein. A number of veins were worked, despite the legitimate grants only covering two, and the Thornhill's made large profits.

The Thornhill's also had extensive mining interests at Sunde and Craven Cross, on Greenhow, where they drove Thornhill's (Jack Ass) Level (SCL.Bar D.805). John Thornhill was one of the few adventurers who steadfastly refused to surrender their old grants and retake under lease.

There were arguments about the boundaries of some new grants, but the first real test of the new system was prompted by a new grant called Wilkinson Pits, north of Coalgrovehead Mine, which was admeasured in December 1773 [See Fig 3]. Its owners, the Wilkinsons, of Chesterfield, purchased the rights to use the shafts of the adjoining Pit Moss Mine, from its owners Messrs Shackleton, in April 1774. In the same month, George Hasleham, the latter's agent, accused John Summers, the Coalgrovehead agent, of deserting the old vein and driving north-eastwardly to cut the Pit Moss Vein (Chatsworth MSS: 4/4/1774).

The Barmaster had to take action on Hasleham's complaint but, whereas customary law provided for him to call on members of the jury to assist with viewing mines, the new leases made no such provision. On April 26th, Bradley viewed and dialled Coalgrovehead Mine with seven other miners, including George Hasleham, and found that Summers had deserted his vein and was driving east in rock. The Pit Moss adventurers paid part of the survey party's expenses (SCL.Bag C 587(22)1-6). The next day, Summers was ordered to stop work and threatened with being made to clean out all the drifts, waygates, crosscuts etc to the Founder Shaft, where the vein was first discovered (Chatsworth MSS: 26/4/1774).

Summers claimed that he was following the north side of the vein, as he had done for 200 yards, and that it was usual for the vein to part and come together again. Moreover, those chosen to view the mine were all strangers to his intentions and the nature of the work. Bradley responded that, in places the vein was 2 - 3 yards wide. Moreover, each juryman had been a miner since his childhood and had between 20 and 35 years experience in the liberty.

Thornhill then arranged for Summers and two of his agents from Greenhow to dial both mines on May 12th but they found a trapdoor locked against them in the Pit Moss workings. The following day they returned with the Barmaster and he allowed them to open the door and complete their dialling (Chatsworth MSS: 24/5/1774 & 10/9/1774). It was their belief that Wilkinson Pits was working the Coalgrovehead North Vein and Thornhill asked that all ore raised from Pit Moss should be reserved. He also told Summers to drive forward in his North Vein, with all speed, to prove whether or not it was the one being worked by the Wilkinsons.

In early June the foreheads were within 60 yards of each other but, because of ventilation problems in Wilkinson's workings, it was another three weeks before they passed each other at a distance of 25 yards. By July, Summers' forehead was six feet inside Wilkinson's allotment. Because Bradley suspected that the Coalgrovehead North Vein was not the one originally granted to the Thornhills, however, Summers was ordered to clean out all the waygates back to the Founder Shaft, in order that the matter could be fully resolved. These old works had been driven between twenty and thirty years before and it took until November to clear them (Chatsworth MSS: 3/11/1774).

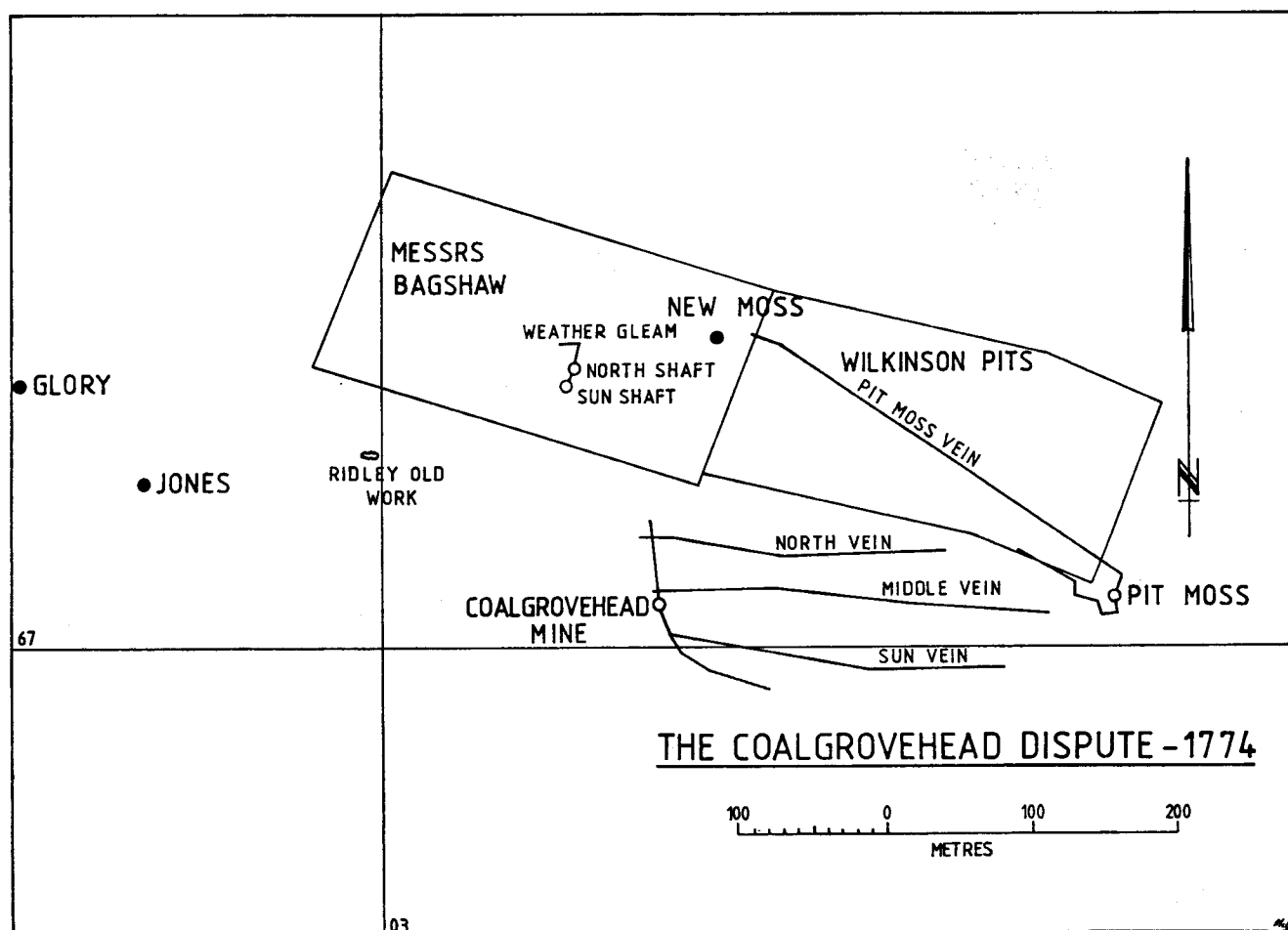


Fig 3 The Coalgrovehead Dispute - 1774.

Matters remained quiet until the following September when, in a move which appears to have been prompted by the death of Sir Anthony Abdy and the arrival of his replacement, Mr Baron Hotham, Thornhill let it be known that he felt that he done everything possible to assist and that the forehead had been stopped long enough (Chatsworth MSS: 8/9/1775). He proposed, therefore, to recommence driving.

In December, Wilkinsons' agent tried to view the Coalgrovehead workings but was prevented by a trapdoor which, on the Barmaster's orders, was broken down (Chatsworth MSS: 24/12/1775). Summers was not, however, working in the new grant and there is nothing to suggest that the trespass was renewed. Unlike the earlier disputes, this one did not reach court and the Barmaster, backed by the Duke's accomptant, was able to regain control over one of the most powerful adventurers.

The reason for Summers' captiousness is unclear but it probably springs from a belief amongst some freeholders, of which he was one, that they had rights to the minerals on the Out Moor. He had a long running row with the Barmaster about the duty taken when slags were smelted. Bradley insisted that the old duty of one-fifth was applicable, because Thornhill had not surrendered, and Summers refused to pay anything. His next ploy was to commence driving through Ridley Old Work, which was at the west end of Coalgrovehead North Grant, to reach the

14 Meers Mine. He was cautioned about making such gates or drifts in April but work continued apace and was only stopped when Thornhill's Greenhow agents visited the mine (Chatsworth MSS: April 1776).

### CONCLUSIONS

Disputes always generate complex and contradictory data, but they are valuable topics of study. I have assimilated this data, in my paper, to form an episodic narrative which may give readers the impression that the Grassington liberty was torn by strife. This was not the case, however, and most mines worked normally.

The Ripley Vein and 14 & 10 Meers disputes did, nevertheless, cause changes in the customary laws which regulated the liberty. Using the evidence adduced in those disputes, which records how the laws were applied over many years, it is possible to deduce how the laws evolved. This aspect has been discussed in a wider context, that of Yorkshire, elsewhere (Gill 1989).

The cases also throw light on the size, organisation and finance of mining and show the links with other mining areas. Surveys of eighteenth century lead mines are rare, yet all three disputes left us with plans, of varying reliability (NMRS Records B/M440-446). These show that, like their mediaeval counterparts, mines were small and fairly shallow

until the mid-eighteenth century when they became more extensive. The Ripley Vein dispute shows that the miners were taking capitalists as partners. Thirty years later, however, few, if any, of the 10 or 14 Meers partners were miners, and the adventurers employed a steward to look after their interests. The miners worked as contractors and, at Grassington, were paid for each ton of clear lead produced, that is the 4/5ths remaining after the mineral lord's 1/5th duty was taken. They had to wait, therefore, until the ore was smelted and the partnership made a reckoning of its accounts. In this way, the miners provided the mine's working capital, and the adventurers, its fixed capital. During disputes, however, when ore was not smelted, the miners were not paid.

Besides showing the presence of capitalists, the disputes shed light on an important issue, that of the changing origins of partners in mines at Grassington. In the 1730's, only one adventurer from Derbyshire (a Bagshaw) has been recognised, the rest were Yorkshiremen, many of whom had mines at Greenhow or in Swaledale. The latter groups expanded their mines in the 1750's and one partnership employed a colliery viewer, from the north-east, to introduce mechanised winding and pumping (Northumberland Record Office: William Brown's letter book 137-140). During the 1770's, however, capitalists from Derbyshire, South Yorkshire, Flintshire and Cheshire were encouraged to invest in the mines and, for about thirty years, the Barkers, Brailsfords, Wilkinsons, Smedleys and the Wardles became prominent.

It would be useful if this aspect of mining was more widely examined, because, whilst writers often mention the influence exerted on one mining area by another, they seldom substantiate their claims in any way (For example, see the debate on diffusionism in: Willies 1989, and letter p20, in this number, and Gill 1989).

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| NCMRS          | Northern Cavern and Mine Research Society.                       |
| NMRS Records   | Northern Mine Research Society Records.                          |
| Raistrick MSS  | Dr Raistrick's Private Collection.                               |
| Ryl.Bagshaw    | John Rylands Library, Manchester University, Bagshaw Collection. |
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