

[Notes:

This is a collection of correspondence mostly related to the making of the Weardale Inclosure Bill of 1799 and a variety of earlier related papers. The earlier papers are of interest in documenting correspondence from the Bishop and his agents in short spells in the 1730s, 1760s, 1770s and 1780s related to the lead mining rights generally let to the Blackett business. The papers were earlier held in two files, viz. 34457A and 34459A, and have been arranged in roughly chronological order. Further information on the archival history and catalogue of contents is available in the Durham University Special Collections Catalogue at [http://reed.dur.ac.uk/xtf/view?docId=ark/32150\\_s1g158bh297.xml](http://reed.dur.ac.uk/xtf/view?docId=ark/32150_s1g158bh297.xml) ]

**7 Apr 1732    Walter Blackett to Edward Chandler**

[Note: Edward Chandler was already 62 years old when he arrived from Lichfield as Bishop of Durham in 1730.]

7th April 1732

My Lord

Last Sundays post brought me the honour of yours somewhat complaining of a short (if any) notice but agreeing to receive the Lot ore in kind from the first of may next; I must confess the notice given your Lordship might not be thought entirely legal or sufficient as nothing was particularized, so if you please to accept of another month we are willing to pay the usual rent till the first of June & from that time your steward to receive it in kind; & as your Lordship must then dispose of the Ore to some one we shall be ready to give full as good a price if not a better than any other person shall, I mean so much per Byng.

I do assure your Lordship our chusing to pay it in kind instead of a certain rent is purely from necessity, the groves not possibly being able to afford above the £250 offered as a short time will evidence, but I hope I may be mistaken. We must beg leave to differ from your Lordship's opinion in relation to your ninth from the old heaps, we conceive we have a right to them entire; but except Lead should surprisingly advance its price they must continue unmolested & remain dead heaps to us both, so that I am at a loss which way to wish should the advancement of Lead endanger a dispute with your Lordship.

I am Your Lordships most obedient

Wr Blackett

**7 Apr 1732    Francis Pewterer to Charles Whitaker**

[Note: Whitaker was the Bishop's secretary. Pewterer was the Bishop's Auditor]

Auckland Castle April 7th 1732

Dr. Sr.

Mr. Mowbray's Uncle lives near Lanchester abt. tenn miles from this Place, & so <...> to find him at home, that last Tuesday I Sent my Servant with a Letter to him to Know when & where I cou'd see him, & it being Passion Week, he was at home, & Sent me the Inclosed Answer. Yesterday he din'd with me here, & says that he has contracted with Ald: Ridley & Partners, for all their Ore till Xmas, so that Ald Smelts none this year, & therefore I need not wait upon him. The bargain, he says, will be about five or six & twenty hundred pounds. as my Lord Enters not till Mayday, Mr Mowbray says he need not be hasty in disposing of his ninth, neither thinks he it proper to Appoint One to look after it at present. I find by another Inclosed Letter, that Mr. Blacket's Agents are busy in getting all the Ore of the <Fa: misses> before that time, so that my Lord must Enter Naked. the Under-Stewards make up their Accts quarterly, & the fairest way for my Lord is to see their Accts at every Quarter's End, or rather sooner for him, & not to appoint One to Attend daily, because the workings lye straggling, at least tenn miles asunder, & in different places, & by their delivering Ore at several places at the same time, the servt. Appointed will give my Lord little satisfaction. He is confident the stewards dare not produce any false Books, & this is his scheme at present: on Saturday Sennight we have appointed another meeting, tho' I find few Dealers care to thwart with Mr. Blacket; but I Know a Gent called Mr Hutchinson, who lives at Barnard Castle, & has the greatest Regard for his own Interest. he is a Dealer this way, & shal be waited upon the beginning of the next week , & what I gather from him shal be faithfully transmitted. if the subject had bin Coal instead of Lead, I cou'd have fram'd my self into a proper method, because <no it> like bought <to it>; but I confess I know little of Lead Mines, only my best Endeav[our]s. the Poor here are daily Inquiring for Xmas Charity, as they call it. I have sought for Sanders Lease at Howden for a month by-past, & can find no mention of it, save the minutes Ao 1687. I hope my Lord & his Surrog[ate]s find that the Enrolmt of Leases have not been so much neglected, since the office of Auditor came into the hands of Dr. Sr.

Yrs. Affectionately

Fra. Pewterer

**14 Apr 1732 Francis Pewterer to Charles Whitaker**

Auckland Castle April 14th 1732

Dr. Sr.

Last Tuesday I waited upon Mr. Hutchinson at Barnard Castle, who is not nor has been well all the last winter. Some day the next week he will send his Agent to view the mines in Weardale, to see what distance they are one from another, as also to see what sort of Ore they work, because some sort is better than another by tenn Shillings in a

Bing. & then will give me an Answer with his Proposals in writing, wch Answer I will transmit to you, & after that will give him another meeting. If my Lord & He can Agree, He will buy them for One Year, & if he makes a Safe <Salt> he will then take them for a longer time. He says a man must be employed to give daily attendance, to see that the <Worse> Ore is not mix'd with the Bad, wch man may deserve £25 or £30 per ann, but he will treat in undertaking all. He also says there is no great hast in doing this. I am to meet Mr Mowbray at Durham to morrow, & shal hear what more he says about it, but he cares not to meddle in this affair, considering the owner. He will be willing to give any directions for the managing of it, but no otherwise. If it shou'd be agreed, that my Lord must find a man; no fitter Person can be, than Mr Joseph Hall, the present Bailiff of the Customary Rents in Weardale. He was born there, & has liv'd all his time amongst them. He, nor any other for that purpose, need not be trusted wth Receiving any money, only his Honesty & Diligence is requir'd. no more can be said at present by Dr. Sr.

Yrs affectionately F. Pewterer

[on left side of reverse:] To Mr. Whitaker

[on right side of reverse, in a different hand, presumably Whitaker's:]

14 April 1732

That Mr Hutchinson of Barnard Castle would view and Report of Weardale Lead Mines.

## **28 Apr 1732 Andrew Dickson to Richard Chandler**

I am informed Mr Hutchinson is not to take a Lease of my Lords lott Oar for a certain Sume but only to buy my Lords lott Oare when it is drawen, so my Lord will be at the Charge and truble of employing one to draw it. Mr Mowbray told me this day he pays fiftie shillings a Bing for all the Oare he buys in Weardale.

When Peter Whitfield was proposed to me for a proper person to take Account of my Lords Oare I wrot to him that he wou'd give me the Nomber of Mines, their Names, and distance from each other I here give an extract of his letter.

According to your request I have sent you the places and distance of a great Sort of the Lead-mines in Wearsdale which is now Wrought, but shall Ommit all them that is not wrought. I shall take my distance from the New House where Mr Blackett Steward lives for it is near the Center & he who takes my Lord Bishops lott Oare must be near that place to be in readiness when they give notice. There is <3> separat vains near that place two which is wrought called by name of Allerclough & Rakes vains. The next to the Northwest is Sedeling vain<2> miles from the center. Killhope 6 ms west from the center but there is a great many of them I doe not know th[ei]r names. Rountreesike one mile south east. Green Loes 2 ms South east. <Jo>nglyshead 4 ms sow-west. Whesenhope 4 ms So-east. Shaftwell-head 7 ms So-east. Nueleaeside 5 mls So-east.

Lincsgarth 4 mls Nor-east. Westgateheight 2 ms Nor-east Richard Hall vain one mile Noe-east. by Reason here is so many, so far distant there must be notice given some time before hand, or there cannot a right Account be got by reason they are so far distant & so many Carryers & diferent Smelt Mills which the Oare goes to that the Man which is Imployed shoul'd be well skilled to distinguish which is right good Oare, or he may be Sure to get the worst. And it may be allowed one to have liberty to goe down into the Groves to See if they are fairly Wrought for fear they Lett the best working Stand. One shou'd have liberty to view their Acct. Books at the Smelt Mills for fear some Carryers take the Oare when none sees. There must be conveniences made for keeping the Oare after it is taken.

I forget the Groves wch the New-Castle Gent hath taken of Mr Blackett which all pay lott Oare, there is About 6 of them in Rookhope None of them is wrought but Risby which hath got a great quantety of oare it is near 4 miles from the Center likewise Wolfcleugh 4 mls.

I thought proper to insert Peters letter not knowing but it may be of some use to you. In my last of the 14th Inst I Advised you Mr Blackets people had brock ground in Stanhope parke and in that place which is called the Deer Park there since they have cutt a vain about a yeard wide but it is what they call a dead or deaff vaine having little oare in it. Munday next [I] shall order the man who keeps the Parke or pastorage and lives at the entry into it to have a Strick [strict] eye on them and take a particular acct of of what loads of Oare they bring out if any.

If the two Parks be not lett to lease I desire to be informed that the persons who takes the Parks be to pay to my Lord 20 sh per Binge of Oare and have the Oare to themselves or that they are to have 20 sh per Binge from my Lord and my Lord to have the Oare. If my Lord have the Oare from the undertakers there is none in this Countrie will take lease at that Rate. I also begg to be informed of the Circumference of Stanhope Parke if it be all with in the walls or the intack ground commonly called the Park Quarter then the Circumference is large and I believe will take in Some of the Mines wrought by Mr Blackett. hoping you will pardon this long epestile [epistle] doe beg leave to continue as

Your most Humble Servant  
Andrew Dickson

Wolsingham the 28 Apr 1732  
PS I have none of yours since the 1st Inst.

[Address on reverse:] For Richard Chandler Esqr Att the Excise Office London

**12 May 1732 William Hutchinson to Francis Pewterer**

Barnard Castle the 12th May 1732

Sir,

I've your favour the 11th Instant.

As you tell me, who will shew my Agent the Mines, he'll order him goes soon to that purpose. But I am afraid, your project will be attended with soe many difficultys, that his Lordshp will at last be obliged to continue in the old way, there's one very essential point to be considered, that is, how any person that buyes the Oare, can have the Part due delivered to his Carryers, unlesse his Lordship or the buyer keep an Agent to attend the Mines daily, & can have dayes Sett apart to deliver at <soe many> Mines as he can regularly supervise . Such an Agent will be difficult to find out for he must be very Active, & Judicious in Metall, & a sober honest man, & these quallifications will require a Sallary at least £30 p ann[um], which must lay upon the Metall, to whoever buyes it & is all saved to the Gentleman has the Mines in working. After my servant has viewed them you shall heare more from me & I wish this stepp may be a meanes of an Agreement with the Gentleman, who has it in his power to give more for it than any Else, you may depend I'll serve you all in my power & are

Sir your Most Obt Humble Servt

Wm Hutchinson

[addressed on reverse:] For Mr Pewterer Bishp. Auckland

[annotated to rear:] 12th May 1732 Mr Hutchinson to Mr Pewtr.

Will send to view the dead Oar in Weardale in order to offer a Price for the Lot of 1/9 Part.

## **25 May 1732 William Hutchinson to Francis Pewterer**

Barnard Castle the 25th May 1732

Sir,

I sent my Mill Agent, & one of my smelters, to view all the workings in Weardale. Thro them all not above 250 Bings laying, of a very poor kind & badly dressed, your Bayliff acquaints them, the yearly produce of the Mines may be about 1400 Bings, reckond at 40 shillings per Bing, at an average, would bee £309 per ann[um]. Now this being barly a supposition, the yearly produce of the Mines may be more or lesse. Therefore as to my own part, I can make noe other proposalle than a certaine price for every Bing I have delivered my Carryers, & If you are inclined to treat upon this footing, I'll make you my proposall for a yeare or a longer time as may be agreed on, Methinks there should be some way you may have the yearly quantitys the mines produce, their pay-Bills make that appeare, & noe doubt ther's a Covenant in the Lease from the Bisshopp for delivery of faire Coppys of all their pay-Bills to the Bisshops Agents if required. I am assured Mr Mowbray has had the offer of these <dues>, & long before you writt mee , His refusalle gives me to think there may be insuperable difficultys in getting the Just Dues from the severall Mines & makes me somewhat timorous of

engaging under such hasards, however the stepps I have taken can doe the Bisshopp noe harm, & if I can bee further serviceable that way, I shall be glad & ready to doe it from

Sr your Most Obedt Humble Servt

Wm Hutchinson

[addressed on reverse:] To Mr Pewterer at the Castle Bishp. Auckland

[annotated to rear in a different hand, presumably that of Pewterer's clerk:] 25th May

1732 Mr Hutchinson to Mr Pewterer

Will give 40 per Bing for the Lot Oar.

### **5 Jun 1732 Edward Chandler to Walter Blackett**

[Note: rough draft or copy. Date of 5th June has possibly been overwritten with 3rd June]

June 5 1732

Sr

An Act of Parliament that empowers the Bp of D[urham] to lease the lead mines at Stanhop & there is this clause, "yielding & paying the lot oar or 9th pt of the said lead ore gotten in the said mines, from time to time as the same shall accrue & be gotten, clean & well washed, without deduction of any manner of charges – at the Feasts of Pentecost, Lamas, St Martins in winter & Candlemas Day – And if it shall happen that the lot – or any part thereof to be behind and unpaid, by the Space of 40 days, after any of the said feasts on wch the same ought to be paid in manner as aforesaid, that then the s[ai]d Lessee his Exec[utor]s Adm[inistrators] & Assig[nees] shall forfeit & pay to the s[ai]d Bp of D[urham] for the time being the sum of 40sh <noe> pence for every day if these s[ai]d rents shall be so behind. And for default of such payment it shall & may be lawful to enter & distrain for the same. So often during the continuance of this lease as the said lessee his heirs or Assigns shall neglect or refuse to pay the s[ai]d Lot oar – referred as aforesaid."

upon this clause, the person that is treating for the managemt of my 9th lot, observes that the weighing of the oar, (when the division of the 9th part can only be made) is to be quarterly and that he is to have notice of the same some days before that he who is <employed> by the B[ishop of] D[urham] may attend successively at the several workings [struck out: pit]. he hopes he may have the liberty to inspect the Agents books every quarter, & if need be to ride the shafts. W[he]n the method of taking the lot is once settled, wch I am willing to believe you'l not make unsafe to me, I shall then be <prepared> to hear your proposals for the oar so separated in case you are <incline> as you seem to be to take it yourself. I desire you to order your servant to send me the names of all the mines held by virtue of the Lease & to let me know how



far you consent to these p[ar]ticulars which my manager thinks he hath a right to by the intention of the Act. I am Sir your obedient humble servant ED

Q[uestions] for council

- (1) Hath not the B[isho]p a right to the 9th of all the old heaps <so washt>
- (2) is not the 9th lot, a 9th of the whole, i.[e.] a 9th of the whole and one 9th of a tenth & whether this is to be taken out of the Lessee's 8 p[ar]ts or out of the Rector's
- (3) W[ha]t notice is to be given to the B[isho]p's Agents?

[on reverse, on right, summary:]

Lot Oar

Bp Chandler's Letter to Mr Blackett (as it's supposed) 5th June 1732

About a Division of his 1/9 Part

[On reverse, on left in a different hand, presumably a misplaced annotation:]

Reasons for dispensing with Dr Toppin

**7 Jun 1732    Andrew Dickson**

Reverend Sir

When I had the Honn[ou]r to wait on my Lord last week his Lordship asked me at what price he might dispose of his Lead Oar I then told him not under fifty shillings per Bing (or 64 ston) last night I was with La[w]yer Cuthbert who told me that Lead advances in its price, Lead Oar being now at 50sh <and> 56sh per Bing and still rising in its price. I thought it proper his Lordship should know this without delay.

Peter Whitfield is now privetly observing what Mr Blackets people are doing at the lead mines he will be at this place this night in order to wait on my Lord. I beg you would lett me know what day in this week will be most proper to wait on my Lord and I shall bring him down according to his Lordships order. I ask pardon for this freedom and begg leave to be

Reverend Sr Your most humble and Obedient Servant

Andrew Dickson

Wolsingham 7 June 1732

**17 Jun 1732    Walter Blackett to Edward Chandler**

Newcastle 17th June 1732

My Lord

Upon my return from Berwick I found your Lordship had honoured me with a letter in my absence; I am sorry I was not master enough of business to have given a more speedy answer, I really was at a loss till I had made proper inquiries from our stewards in Weredale, which by reason of distance could not be immediately executed; I perceive there are other differences likely to arise, upon which account, if agreeable, I will do my self the honour to wait upon your Lordship on monday next.

I am My Lord, Your Lordships Most Obedient  
Wr Blackett

**9 Jul 1732     Edward Chandler to Walter Blackett**

[Note: Apparently two drafts of the same ultimate letter, in Bishop Chandler's hand. The first includes two phrases apparently in some form of shorthand. Second draft has much shorthand, not all of which is transcribed, with main sections indicated with '....'.]

Mr Walt Blackett

July 9 . 1732

I have reason to think myself very ill used.  
While you & Mr Algood were treating with me for my 9th lot & you both assured me no oar should be carried off the premises without my knowledg, as did Mr Richmond again at Newc. Your men were then actually carrying away the oar, as I can prove by several persons of undoubted credit & Mr Peart can't deny it. I can't prevail [phrase apparently in shorthand: O vs 2 .. d is .. V y .. F.. ].

Whether this is done without or with your privity the injury is the same to me, [superscripted phrase apparently in shorthand: e v is y I .... >7/> 7 v vs] reparation for that, & for all the oar taken up in Stanhop Park & other places within Sanderson's Lease, shall be progressed by all legal means. I must now insist upon you carrying off only once a quarter as the Act directs or that you show me some decree of Court to the contrary

July 9th, 1737/2

Sir

I have reason to think myself very ill used, for that while you & Mr Algood were treating with me for my 9th lot & both assured me no oar should be taken off the premises <V .. .. as ,,> Mr Richmond Agent at Newc[astle] <Your r I q o> actually carrying <^ ,> oar, as I can <br I> persons of undoubted credit, & Mr Peart doth in pt own I <..> p[re]vail [3 lines of shorthand follow, not given here] demand legal reparation .... in Stanhop Park ... places ..Mr Sanderson's...specified... Act of



Parliament.....purchase.. Sanderson's.... and take Mr Butler's .. lot off  
9th.....Peart.....priviledge... decree in Chancery hath .....> .  
I am etc

[on reverse:]

9th July 1732 [amended from 1737]

Bishop Ch's Lre to Mr Blacket

On the Lott Oar being carried away without Notice to his Lordship

### **11 Aug 1732 Joseph Butler to Edward Chandler**

[Note: Butler, (1692-1752) was rector of Stanhope, and therefore entitled to a tithe (a tenth) of lead ore raised in his parish, which covered most of Weardale. His interests were therefore largely aligned with those of the Bishop's rights to his 'lot ore'. He succeeded Chandler as Bishop in 1750.]

August the 11th 1732

My Lord,

I had the honour of yr Lordships Letter on Wednesday; & intirely agree that if Mr Blackets People will not contract on Monday, to pay the former Rent, that tis necessary without further Delay to strike a Bargain with the Northumberland Gentlemen. So that the only thing under Deliberation seems to be, whether to let them the Oar per Bing, or for a certain yearly Rent, in Case of Mr Blackets Refusal. Now tho I think they offer a good Price per Bing, & that twill at long Run be for our Advantage to let it this way, or tho I th[ough]t be very unwilling to sink the annual Rent, yet upon the whole, my Lord, it seems to me more adviseable to let it for a few years, 1,2, or 3, at a certain Rent, & even for what they offer if they will not give more, rather than break with them. My Reasons for thinking thus are

- that what with Neglect of working & other artifices of these under-ground people have, it may be taken for granted that the Mines will not be so good for some time as they have been.

- that as they will be very angry at the Oar being let to others, so tis to be expected they will at first do all they can to render the Gathering of it difficult, till their ill Humour a little subsides: & the Northumberland Gentlemen, being I suppose fellow miners, will be much more a match for them than yr Lordship & I.

- that if, contrary to Expectation, they (Mr Blackets People) should be ever so fair in this Respect, yet we being so unacquainted with these matters shall not be able readily to

get into a proper method of gathering it; wch our Tenants will easily do. For if they give a certain annual Rent, the Gathering the Oars will be wholly upon them. And thus if in any future time yr Lordship shd think proper that we gather it ourselves, we will have the advantage of their Method to follow. If this way of bargaining for a certain Rent be resolved upon, there is one thing wch seems necessary to be guarded against, for one cant be too cautious in dealing wth Miners. The annual Rent offered, wch I understand to be 600<ll> for <both>, is so much less than Mr Blacket can plainly afford to give, that twill be in the Power of our Tenants without further Trouble, to let the Tith & Lot Oar to him at a considerable Advantage. This yr Lordship sees would be very vexatious, & would frustrate one main Reason for contracting this way. I would therefore humbly propose & submit it to yr L[ordshi]ps Consideration, whether it may not be proper or even necessary, to find them under some considerable Penalty, at least for failure of the Lease, to give an account of all the Lot & Tith oar, & not to let it to any other Person in the Gross without yr Lordships Consent, And if you do not think fit, my Lord, to acquaint the Gentlemen (for I don't believe they design any such thing at present) with the Reason of this Caution, you may please to throw it upon me; who having lived some time among Miners, may be supposed to have Reasons wch yr Lordship may not thoroughly enter into.

If on the contrary we bargain per Bing, & so are to gather it ourselves, with which I shall be intirely satisfied if yr Lordship thinks it the better way, tis certainly best to distribute the office into two <Families>.

I write all this upon Supposition that Mr Blacket will not come to an Agreement, as yr L[ordshi]p seems to think he will not. But Peart has been wth me & speaks of the Agreement as made: & gives out in the Country that it only wants to be put into writing.

The Rispey Grover came according to appointment, but brought no Security. I found an alteration in his way of talking, wch he was not ready to acquaint me with the cause of. All that I could get out of him was, that his Securities required that he should indemnifie them from Mr Blacket. However he seems very desirous of the Bargain still.

Suppose, my Lord, that you were to ask Mr Richmond what they would give per Bing; for I should think it better to agree wth them for 40s & half a crown, than with anyone else for 45s. I hope also yr Lordship will settle wth them (if they will not contract) the Times for Delivery of our Oar, wch I think may be any number of Times from 6 to 10 in the Year.

I fear, my Lord, whether Business of this Sort, may not give one a certain Manner of Writing not altogether suitable to my Distance; wch I doubt not your Lordship will excuse, as I am with the greatest real Respect,

My Lord your Lordships most dutiful & most humble Servant

J. Butler

[at foot of last page, in a different hand and inverted:] Dr Butler Aug.11.1732  
About compounding for, & Letting of, Lot & Tythe Oar.

**13 Aug 1732 Joseph Butler to Edward Chandler**

[Note: Given that Joseph Richmond wrote to Lancelot Allgood on 15 Aug 1732 that an agreement had been closed worth the Bishop the day before, this letter can probably be dated 13th August, which was a Sunday]

Stanhope Tuesday Night

My Lord

I have just now received information wch I think may be depended upon, that Mr Blackets People intend to come to an Agreement with your Lordship, & that they will be at Durham this week.

I am not able to get any Account at all what Terms they design to offer; But thought proper to send this information, tho I hope to be able to wait upon your Lordship before they come. I must add, that upon further Inquiry I am fully assured of the Truth of what I mentioned concerning the good Condition of the Grove they opened in Stanhope Park

I am My Lord Yr Lordships    most dutiful   most obedient            humble Servt  
J. Butler

**4 Jun 1736    Edward Chandler**

[Note: This appears to be a grant of authority from the Bishop of Durham to inspect adherence to the terms of a mining lease in the South Durham area. Undated but possibly prepared at the same time as the lease and thereby dated her to 4th June 1736]

Know all men by these presents That I Edwd. by the Grace of God Ld. Bisp. of Dm. Have made ordained constituted & appointed and by these presents Do make ordain constitute and appoint my friend & lawful Attorney for such & in any manner into or upon All those Mines or Veins of Lead, Lead Ore & Copper in & under all & every the Lands & Liberties within the Liberties or Townships of Evenwood, Killerby & West <Thir/ckly> in the County Palatine and Bi'prick of Dm. which by Indent[ure] of Lease bearing date the 4th day of June in the year of our Lord 1736 were by me Delivered & Granted to Charles Walker of Lincolns Inn in the County of Middlesex Esq. & James Harris of <.....> in the County of York Gent., or upon the Banks of the sd. grounds or any part thereof, or into or upon any Mine or Groves there found to enter & go in order to see the Land & how they are worked & carried on, And in case of any default of or in working the sd. Mines, Or if the sd. Lessees have <neglected> to work the sd. Mines by

the space of Six Months next before such Entry, Then for me & in my Name to leave Notice in Writing of such default or neglect with any of the Servts. or Agents of the sd. Lessees their Ex[ecu]tors Admin[istra]tors or assignees there, for <these> the sd. Lessees or their Ex[ecu]tors Admin[istra]tors & assignees, And if no such Servts. or agents shall be there found Then to leave such Notice as aforesd. upon the Banks of the sd. Mines and in case such Mines or any of them shall not be effectually wrought, or shall <continue> unwrought for the space of Six Months next after Notice given or left as aforesd.\_

Then I do hereby authorise & empower the sd. for & in my name to enter into or upon such of the sd. grounds as shall be so unwrought or any part thereof in the name of the Whole & to take possession thereof, and the sd. Lessees their Ex[ecu]tors Admrs. & assignees thenceforth to <.....> put out & <remove>, and to <..... & keep> the possession thereof for my use, And whatsoever my sd. Attorney shall legally do or cause to be done in the <process> I do hereby Ratify & Confirm In Witness <....>

Revd. Char[le]s Walker

Revd. Jas. Harris

For & in the Name of the Rt. Revd. Father in God Edwd. By the Grace of God Ld. Bp of Dm. I do hereby give you Notice that I am this day <comd> upon the Banks of the Mines or Veins of Lead, Lead Ore & Copper within the Liberties or Towns[hi]p of Evenwood, Killerby & West <Thir/ckly> lately demised & Granted to you by the sd. Rt. Revd. Father in order to see the said Mines & how they are worked & carried on, And I do find that the same or any part thereof not, nor within the space of Six Months <over> last past have been worked or wrought. As Witness my hand this       day of

**19 Sep 1742 Edward Collingwood to Edward Chandler**

[Note: There was an Edward Collingwood (1694-1779) at Chirton in 1734. Appears to be a stray letter outside the context and date range of the rest of the collection]

Chirton: Sept: 19. 1742

My Lord,

In obedience to your Lordship's request, and in pursuance of a Notice of the reference you mention, which I had received from Mr Rudd, I fully purpose, God willing, to be

att Durham this evening, when I shall do myself the honour to wait upon your Lordship.

I am My Lord Your Lordship's most obedient humble servant

E <A> Collingwood

**1 Oct 1760    Nicholas Halhead**

[Note: Undated memorandum but the content appears to tie the calculations in to information supplied by Joseph Richmond to the Bishop's agent, Nicholas Halhead at Auckland Castle in early September 1760, leading to further correspondence between them. A date of 1st October is used here. There are two slightly different versions of the same memo, which differ insofar as the 'wood and contingencies' calculation is higher in one than the other. Richmond confirmed the second in his letter to Halhead on 2nd September 1760. The revised portion is included as a separate section within the transcript.]

A Calculation of the Yearly Value of the Lead Ore got within the Inclosures and Parks including the Common Pastures, in Weredale, upon an Average of fourteen Years 1746 & 17<59> inclusive, being the Time <.....> the Lease thereof, over and above the <Benefit> to the Lessee from his Composition for the Rector of Stanhope's Tenth, which his possession of the Lease of the said Ore has procured him.

Ore got, according to the Extracts sent by Mr Richmond, with which he has proposed to compare the Books & Pay Bills.

	Bings
In Great Slitt Vein .....	9819 ,, 1 ½
Prydale .....	1317 ,, 0 ½
The Billing .....	75 ,, 2 ½
	11212 ,, 0 ½
The Rector's 1/10 after the Bishop's 1/9 is deducted .....	996 ,, 2 ½
	10215 ,, 2 (@ 50 <sup>s</sup> p Bing. 25538,,15,,0.)

Cost according to the same Extracts

Pay Bills .. Great Slitt .....	13375 ,, 17 ,, 7 ½
Prydale .....	2080 ,, 8 ,, 9 ¼
Billing.....	90 ,, 12 ,, 4 ½
	15546 ,, 18 ,, 9 ¼

Wood & Contingencies, if not included in the above Charges p Bing .....	560 ,, 12 ,, 1 ½
Proportion of the composition paid to the Bishop .....	295 ,, _ ,, 6
	16402 ,, 11 ,, 4 ¾
Total Value of the 14 Years .....	9136 ,, 3 ,, 7 ¼
The Value of One Year .....	£ 652 ,, 11 ,, 8

[First calculation as described in Notes]

Cost according to the same Extracts

Pay Bills Great Slitt	13375 17 7 1/2
Prydale	2080 8 9 1/4
Billing	90 12 4 1/2
	15546 18 9 1/4

Wood & contingencies if not 560 12 1 1/2  
Included in the above charge  
<@> 1s pr bing

Proportion of the composition	295 6
paid to the Bishop	16402 11 4 3/4
Total Value of the 14 Years	9136 3 7 1/4
The Value of One Year	652 11 8

[Second calculation as described in Notes]

Cost according to the same Extracts

Great Slitt in the Pay Bills	13375 17 7 1/2
Wood & contingencies	2661 15 1
	16037 12 8 1/2
 Prydale	 2080 8 9 1/4
Billing	90 12 4 1/2
	18208 13 10 1/4

Proportion of the composition	325 9 6
paid to the Bishop	18534 3 4 1/4



Total Value of the 14 Years    7002 7 10 1/4  
The Value of One Year            500 3 5

	Bings
a The whole Quantity of the Ore got	11211 0 1/2
The Bishop's 1/9 thereof	1245 2 1/2
Remainder	9965 2
The Rector's 1/10 whereof	996 2

b  
Supposing the whole Quantity of Ore got 63000  
under the Moor Master's Lease for the sd.  
Last 14 Yrs. to be only 4500 Bings pp Ann:  
tho The real Quantity it is believed has  
been Considerably greater than That

		£	s	d
The Bps 1/9 Lott Ore wd be	7000 @ 50s	17500	0	0
The Bps Rent of 20s for Duty Bing, or 1/9 part,		1245	12	6
within the Inclosures & Parks as above, being				
The Produce of the Bps Lott for the 14 Yrs. wd. be		18745	12	6

Then Say  
If 18745.12.6, the Produce of the Bps Lott for 14 Yrs. , Requires £4900, the Composition  
pd. For the same @ £350 a Yr. What will 1245.12.6, the produce of the Bps Rent of 20s  
Duty Bing within the Inclosures & Park, require.  
<Answer .....> will be £325 ,, 9 ,, 6.

[Another variation of the same calculation given on a separate sheet:]

	Bings
a The whole Quantity of the Ore got	11211 0 1/2
The Bishop's 1/9 thereof	1245 2 1/2
Remainder	9965 2
The Rector's 1/10 whereof	996 2

b  
Supposing the whole Quantity of Ore got 70000  
under the Moor Master's Lease for the sd.  
Last 14 Yrs. to be only 5000 Bings pp Ann:  
tho The real Quantity it is believed has  
been Considerably greater than That

		£	s	d
The Bps 1/9 Lott Ore wd be	777 @ 50s	19444	7	6
The Bps Rent of 20s for Duty Bing, or 1/9 part, within the Inclosures & Parks as above, being		1245	15	0
The Produce of the Bps Lott for the 14 Yrs. wd. be		20690	2	6

Then Say

If 20690.2.6, the Produce of the Bps Lott for 14 Yrs. , Requires £4900, the Composition pd. For the same @ £350 a Yr. What will 1245.15.0, the produce of the Bps Rent of 20s Duty Bing within the Inclosures & Park, require.

And the Answer will be £295.0.6

### 15 Nov 1762 Nicholas Halhead

[Note: Transcribed from poor quality image. Although un-named and undated this appears to be a memo in Nicholas Halhead's handwriting, extracting numbered clauses from the proposed Act of Parliament that would combine the two separate lead-mining leases held by Sir Walter Blackett in Weardale. A letter from Henry Richmond to Sir Walter Blackett of 9 Nov 1762 mentions a draft bill and on the presumption this was also in Halhead's hands a date of 15 Nov is used here]

Sir Wm Blackett intituled to the Lead Mines in Weardale by virtue of a Lease for 3 Lives & a Lease for 26 years. He made his Will wherein he says he was possessed of them as things foreign to This and devised them to <True heirs> to pay £77,000 to Guy's Hosp then his funeral Exps & Legacies & Debts To ye use of his illegit. Dau[ghte]r Eliz. Ord or Blackett With various Remainders over then in case of no heirs to Sir Wr. for Life More Remds. to Sisters (or their Hrs. Eliz. Marshall Frances Blackett Isaba. Blackett Diana Wentworth Ann Trenchard & Rems. to right Hrs of the test[ator]

Some dead & the rest with out Issue except Diana Wentworth who has an only Son Thos.

Sir Wr. hath enjoyed ye Estate ever since he married sd. Eliz. Ord

6. And Bp. Chandler renewed ye Life Lease to ye sd. Sr. Wm. in 1750, on Mrs. Algood's Surr[ender] of it in 1746, wch is here recited. And Bp. Trevor renewed the Lease for years in 1762 9 Sept: to sd. Sr. Wr.

7. Tho' no Fund was set apart by Sr. Wm. B. for Renewal Fines, Yet Sr. Wr., for ye sake of ye Testr's Intention, hath renewed ye L[ease]ss. & ye sd. Thos Wentworth

agrees that the <Freeh[ol]d Manors> Lands etc. of ye sd. Sr. Wm. B. shall be charged therewith.

The Boundaries of the Two Leases are difficult to be ascertained

9. And Sr. Wr. & Mr. Wentworth have proposed to ye Bp. That the Two Leases be united & granted for 3 Lives to sd. Sr. Wr. for ye benefit of others intitled under ye Will And ye Bp consents but ye same cannot take effect for sd. Purposes without ye Aid of Parliamt .

10. Therefore enacts that the 2 L[ease]s be surr[endere]d after the passing the Act & ye Bp grant anew One of ye whole to Sr. Wr. Under ye Rent of ye 9th Lott at 4 Feasts & £150 p. Ann during ye present Bp's Continuance in that See. & £150 p Ann at ye Exchequer to his Succe[ssor]s. Penalty 40s. p. Day for every Day ye rents are unpd. after 40 days. And if default 40 days Bp may enter & distrain till answer satisfied. – A Cov[enan]t to get 5 Fo[the]r of Lead in 2 years or ye L[ea]se to be void. – Covt. to make the Tents. good their Damages.

17. And further enacts That This new Lease shall go with the other Estates devised as af[ore]sd. But Sr. Wr. may demise any sufft. part of these Estates to reimburse him the Fine in 1762 the Int[erest] & ye Exps. of ye Renewal & this Act wth. Int

18. Till that is done the Freehd Manors Lands etc. to be chargeable therewth to Sr. Wr.

[Final paragraph obscured and illegible]

### **1 Jan 1763 Thomas Marshall**

[Note: Possibly incomplete document as the foot of the single sheet is obscured. Ascribed here to Thomas Marshall, who undertook calculations for Halhead and the Bishop. Date of 1st Jan 1763 used here]

An Answer to two Accounts delivered at the same time to the Lord Bishop of Durham by Sir Walter Blackett Baronet, One of them said to be of all the Ore gotten in Weardale under the two Leases, the Latter has from the former, between 1st. Day of Janry 1749 and the 1st. Day of Janry 1762, being twelve Years; Together with the Cost of the said Ore; Dated the 28th. day of March last past & Signed by Mr. Peareth & Mr. Walton And the Other intitled in Substance much the Same and making the Yearly Profit by the said Ore to be Six hundred sixty & two Pounds a Year.

The said Lord Bishop, to prevent all further Altercation, agrees that the said Sir Walter Blackett's Accounts of the Quantity of the Lead Ore Gotten and the Cost thereof shall, in the present Case, determine what the yearly profit of the Leadmines granted by those Leases is; But insists that, as Sir Walter has proposed that Method for the ascertaining of such Profit, he (the said Lord Bishop) is intitled to have those Accounts themselves inspected by a Person or Persons of his own appointing, and that he ought not to be concluded by Extracts (from those Accounts) only. Which are not fair upon the Face of them, and which the Persons Signing seem to have been persuaded to believe the Truth of this Misrepresentation.

The year 1762 ought to be in <...> the calculation

[last line illegible]

**7 Mar 1763    Thomas Marshall to Nicholas Halhead**

Received 7th March 1763 of the Honble. & Right Reverend the Lord Bishop of Durham by the Payment of Mr Wm Hodgson and Hands of Nicholas Halhead the sum of twenty one Pounds for Attendances Calculations &c in Respect of Leadmining. I say reced by me

£21.0.0 Thos Marshall

**1 Apr 1763    Thomas Marshall**

[Note: Undated and unsigned but assumed to be calculations for the Bishop in respect of negotiations over combining the leadmining leases in Weardale. Dated here to 1 April 1763, ie. to similar calculations dated 24th April, assumed (from handwriting) to be from Thomas Marshall to Nicholas Halhead.]

A Calculation of the Yearly Value of the Lead Mines comprized in Sir Walter Blackett's Lease for Lives according to Mr Richmond's Conception 20th August 1762 (in his Observations upon Mr Halhead's Calculation of the Yearly Value of the Lead mines granted to him by the Lease for Years) and according to the Terms of the only two Tacks lett, Viz. Scraithhead and Pike Stone.

	Bings h
The Whole Quantity of Ore got under	49987 0 1/2
said Lease for Lives in 14 Years 1746	
and 1759, both inclusive, being	

The Quantity in one Year will be about 3570 2

#### Deductions

The Bishop's 1/9 Lott nearly 396 3  
 3173 3 at 50s £7934 7 6

	Scraith head	Pike Stone
The Rector's 1/10 after the Bishop's 1/9 is taken out ..... 317 ,, 1 ½ .....	a 50 <sup>s</sup> .. 793 .. 0 .. 9 }	
Raising 3570 <sup>B</sup> ,, 2 <sup>h</sup> .....	a 30 . 5355 .. 15.. _ }	at 33 <sup>s</sup> .. 5091 .. 6 ..6
Money Rent Reserved by the Lease .....	..... 150 .. _ .. _	.....150 .. _ .. _
<b>Total of Deductions besides the Bishop's Lott .....</b>	<b>£ 6299 .. 3 .. 9..</b>	<b>.....£ 6041 .. 6 .. 6</b>
One Year's Value (exclusive of the Profits by the Composition for the Bishop's Lott and the Rector's Tenth).....	..... 1635 .. 3 .. 9 ..	..... 1893 .. 1 .
One Year's Profit by the Bishop's Lott only .....	..... 670 .. 10.. _ .	..... 670 .. 10 ..
	<b>2305 .. 13 .. 9</b>	<b>..... 2563 .. 11 .</b>

N.B. N. Halhead is of Opinion that the Quantity of Ore raised Yearly under said Lease for Lives from the Year 1750 (when the Lease in Being was granted) to the present time considerably exceeds 3570B[ings] 2H[orse] and that the Medium Price for that time also considerably exceeds £12 10 p Ton for Lead, which Answers to 50s p Bing for Ore .

#### 24 Apr 1763 Thomas Marshall to Nicholas Halhead

[Note: Undated and unsigned, but assumed to be further calculations for the Bishop in respect of negotiations over combining the leadmining leases in Weardale]

24 April 1763 Calculations referred to by N. Halhead under No. 721 & 722 in his Paper concerning Renewals of Leases of Estates belonging to the See of Durham of this Date

a

Cost of a Bing of Ore from Sr. Wm. Blacketts best Mines in Weardale above £2,  
 according to the Quantity & Cost certified by Mr Peareth & Mr. Walton.

Ore raised in 12 Years 1750 & 1761 inclusive 53078 Bings, which cost \_ 116725 .. 13 .. 6  
 Whereof <net> Expenses in Raising, to be deducted,

Fine in the Year 1750	525 .. _ .. _
Reserved Rent, in Money	1800 .. _ .. _
Composition paid	7980 .. _ .. _
	<b>10305 .. _ .. _</b>

Remainder ..... 106420 .. 15.. 6

	£	
53078)	106420	(£2..0..1 p. Bing.
	106156	
	...	264
	20	
	5290 (0	
	12	
	63546 (1	
	53078	
	10468	

b

Profit of the Moor Master's Share only of the Quantity of Ore – Certified as above, had it been raised by the Tackers from the worse Mines lett.

According to Mr. Richmond's Premises.

The Whole Quantity certified in 12 Yrs 53078 Bings

Within the Years <£> in 14 Years on a late

Occasion.....	11212	
2 .....	1602	
12 .....		9610
Rem <sup>r</sup> . within Moor Master's Leases		43468 @ 50 <sup>s</sup> ...108670..0..0

Deductions	Scraith head	Pike Stone
Raising 43468 Bings .....	at 30 <sup>s</sup> 65202.._.._	}
The Rector's 1/10 after 1/9 Lott deducted		}at 33. 71722.. 4.. 0
<sup>B</sup> 3864	at 50. 9660.._.._	}
Composition paid for the 1/9 Lott 12 Y <sup>rs</sup> .	..... 4200.._.._	4200.._.._
Money Rent reserved by the Moor Master's Lease	..... 1800.._.._	..... 1800.._.._
Total Deductions .....	..... 80862.._.._	77722.. 4.. 0
Profit in 12 Years .....	..... 27898.._.._	..... 30947..16..0
1Year.....	..... 2317.. 6.. 8	2578..19.. 8

c

According to Mr. Richmond Premises, except Allowing the Lessee the full 1/9 Lott instead of the Composition only.

Within Moormasters Lease in s<sup>d</sup>. 12 Years as on the other side. 43468 Bings



---

Bp's 1/9 Lott ..... deduct ..... 4830  
 38638 @50<sup>s</sup> ... £96595..0..0

<b>More Deductions</b>	<b><u>Sraith head</u></b>	<b><u>Pike Stone</u></b>
Raising 43468 Bing ..... at 30 <sup>s</sup> .	65202.._.._ }	
Rectors 1/10 of 38638, Viz <sup>t</sup> . 3864 .... at 50.	9660.._.._ }	33 <sup>s</sup> . 71722.. 4.. 0
Money Rent .....	1800.._.._ .....	1800.._.._
Total of Deductions besides Bps Lott .....	76662.._.._	73522.. 4.. 0
Profit in 12 Years .....	19933.._.._	23072..16.._
1 Year .....	1661.._.._	1922.. 8.._

<sup>d</sup>. According to W. Richmonds Premes except Deducting the full 1/9 Lott & adding 2<sup>s</sup>. p Bing to his Price of 50<sup>s</sup>.

Ore, deducting Bps 1/9 Lott as above, B 38638 @ 52<sup>s</sup> ... 100458..16..0

<b>Other Deductions</b>	<b><u>Sraith head</u></b>	<b><u>Pike Stone</u></b>
Raising 43468 Bings .....at 30 <sup>s</sup> .	65202.._.._ }	
Rectors 1/10 after Bps 1/9 is Ded <sup>d</sup> . B3864		} at 33 <sup>s</sup> 71722.. 4.. 0
..... at 52 <sup>s</sup> .	10046.. 8 .. }	
Money Rent.....	1800.._.._	1800.._.._
Total of other Deductions .....	77048.. 8.._	73522.. 4.._
Profit in 12 Years.....	23410.. 8.._	26936..12.._
1 Year.....	1950..17.. 4	2244..14.. 4

[a further undated sheet of working calculations on the same subject. Mention of 1762 fine indicates a later date than this, and included for convenience with the 24th April 1763 calculations:]

If 1/10 be worth only £360. <the whole is worth> £3,000.

If 1/9 be worth only £350. the whole is worth £3150.

If the whole be worth but £3150. the 8/9 are worth but £2800.

And if from £2800 is deducted the Reservd. Rent of £150 the remainder will be £2650

	£2650 0 0
Rental of Killhope & Wellhope	87 17 6
Deduct the reserved Rent	1 17 8
	85 19 10
 Rental of Linzgarth	 10 - -
Dedt.resd. Rt	7 8

9 12 4  
£2745 12 2

The fine in 1762 for [Killhope] was £82 : 2 : 4.

The fine in 1760 for [Lintzgarth] was £14 : 0 : 0. qu: how comes the rent of this to be less now than in 1760?

### **3 May 1763 Nicholas Halhead to Henry Richmond**

[Note: Although this appears to be the lease from Sir Walter Blackett the cover notes indicate that it is a draft, presumably sent from the Bishop's agent Halhead to Richmond, acting for Blackett]

To all people to whom these presents shall come Sir Walter Blackett of Wallington in the County of Northumberland Bart. sendeth Greeting Whereby Indenture of Lease [inserted text: duly executed] bearing date the 9th day of September last past and made or mentioned to be made between the Right Revd. Father in God Richd. by the Grace of God Lord Bishop of Durham of the one part and the said Sir Walter Blackett of the other part the said Revd. Father for divers good causes and considerations Did demise grant and to farm lett unto the said Sir Walter Blackett his Exrs. Admrs. & Assigns All those Lead Mines Lead and Lead Ore gotten and to be gotten lying being and remaining and which could be had sought wrought obtained or won for the <....> under all these several Parks of Stanhope & Wolsingham & either of them in the County of Durham & within forth and under all and every the Lands closes and inclosed Grounds & other singular the Copyholders Leases Tenants for years and customary Tenants of the said Reverend Father in Weardale and every of them in the said County of Durham And also free Liberty to earth dig or break up Ground & to make smelt get & work Lead & Lead Ore within all & every the said Parks and premises & every or any part or parcel thereof together with sufficient heap Room & ground room for laying and placing of all such Lead & Lead Ore sand gravel Slates Stones metal & all other Rubbish as shall proceed and come forth of the said Leadmines & Lead Works And also convenient & sufficient wayleave of Ingress and Regress through the sd. parks & premises with Carts and Wains Waggons Barrows Horses Cattle or otherwise whatsoever for the leading carrying & conveying of the said Lead & Lead Ore from the said Mines & Works to any place or places whatsoever And also for the leading carrying and conveying of all such things Implements & Work Gear wood stone and other necessities that shod. be used & employed in and about the working of the said Leadmines winning & getting of Lead and Lead Ore within the said parks and premises as aforesaid to and from the said Mines & Works any manner of way howsoever together also with free Liberty to digg sink work & make Trench or Trenches Dammes or Damme Watergates & Watercourses and to do and perform whatsoever else shall be needfull fitting and convenient to be done made and wrought

as well for the getting obtaining & winning of Lead Ore and for the washing thereof as also for the avoiding & conveying away water & <Styth> Together with free Liberty to digg winn & get Stones Slabs Sand Gravel Clay & Lime within the said parks and premises or any part or parcel thereof for the building of the Mills Houses & Furnaces and for all necessary uses in and about the said Works And also to erect and place build & set up Wind Mills Water Mills & Engines for the smelting of all such Lead and Lead Ore as shall [be] wrought had & gotten forth of the said parks and premises and to make <have> convey and direct water & watercourses unto the said Mills & Engines for making them to go & work the same and to do execute & perform whatsoever also shod. be needful necessary fitting or convenient to be made done or wrought for the winning getting washing & smelting of the said Lead & Lead Ore any manner of way whatsoever To hold the said Leadmines Lead & Lead Ore Liberty & privileges and all <singular> other the said premises [inserted text: hereby demised & granted] unto the said Sir Walter Blackett his Exrs. Admrs. & Assigns from the making thereof for a Term of 21 years from thenceforth next and immediately following at and under such <Rent> Covenants provisos and agreements as are herein mentioned as in & by the said Ind[enture] of Lease <relation> being thereunto had may more fully appear

And whereas it is intended and Agreed that the said recited Ind[enture] of Lease so made by the said Revd. Father to the said Sir Walter Blackett shall be surrendered to the intent that a New Lease of the said Mines Liberties privileges & premises may be forthwith obtained thereof

Now these presents Witness that the said Sir Walter Blackett in pursuance of the said Agreement Hath <remised> released Surrendered yielded and given up and by these presents Doth remise & release surrender yield & give up unto the said Reverend Father the said Leadmines Lead and Lead Ores Liberties privileges and all and singular other the premises in and by the said recited Indenture of Lease demised & granted or mentioned or intended so to be with their & every of their appurtenances together with the said Recited Indenture of Lease and all the Estate right Title Interest <Term> of years yet to come and unexpired property claim and demand whatsoever both in Law <&> Equity of him the said Sir Walter Blackett of into or out of the said Mines and premises or every or any part or parcel thereof To the intent that a good and effectual New Lease may be obtained and granted of the said Mines and premises by the said Reverend Father to the said Sir Walter Blackett for and during the natural lives of him the said Sir Walter Blackett aged about 55 years, Elizth. Marshall of the parish of Saint George Hanover Square in the County of Middlesex Widow and Relict of Wm. Marshall Esq. Deceased aged about 74 Years and Thos. Hepple Son of Thos. Hepple of Kirkhill in the County of Northumberland Husbandman aged about 30 Years and the life of the longest liver of them In Witness whereof the said Sir Walter Blackett hath hereunto set his hand and Seal this Third day of May in the year of our Lord 1763.

Sealed etc.

[on cover:]

3 May 1763/ Sr Wr Blackett Bt to The Ld Bp of Durham/

Draft of a Le[ase] for Years of Leadmiens in Stanhope & Wolsingham Parks & Inclosure

[in a different hand:]

Draft Surrender of a Lease for 21 years of leadmines in the County of Durham in order to take a new Lease thereof for 3 lives

Sr Wr Blackett Bt /to/ The Right Revd the Ld Bp of Durham

NB. Please to date this Surrender a day or two before the date of the New Lease

**15 Jun 1763 Richard Trevor to Walter Blackett**

[Note: Appears to refer to letter from Bishop Trevor of Durham given as 16th May in Richmond's outgoing letterbook: NRO 672/E/1E/2. Presumably drafted by Halhead for the Bishop. 15th June used here.]

Glynde June 1763

Sir

I reced the Favour of Your Letter dated 19th. May, but I cannot agree to what you propose in Regard to the Price of your Lead Ore for the 13 Years ending 31st. Decr. 1762, as I understand that a Bing of Austin [Alston] Moor Ore is not at any time sold for so much as a Bing of Weardale Ore, that the Owners of the Dues of Austin Moor have for a considerable Part of that time been under the Disadvantage of having but one Buyer of their Ore, and having no Smelting Mill of their own, and that 50s. p Bing is much below the Price of Weardale Ore either at present or upon a Medium for the last 13 Years.

I agree to the Price of the latter being fixed at the Medium Price it has been actually sold at, or has been worth in Proportion to the Price of Lead for those Years in which no Weardale Ore has been sold, if any, within that time; which is I think all that can be desired.

[on cover:]

June 1763/ Draft of Answer to Sr Wr Blackett's Letter to Ld Bp of Durham 19th Ult  
Relating to the Price of Weardale Lead ore for the Last 13 years

**1 Jul 1763 Henry Richmond to Nicholas Halhead**

[Note: Undated and unsigned document but has a strong resemblance to the handwriting of Henry Richmond, Sir Walter Blackett's agent. As it is amongst the papers dealing with the Weardale leases it is likely to have been among those items

addressed by Richmond to the Bishop's agent Halhead in the summer of 1763 over combining the leases. 1st July used here]

Weardale inclosures

1. Prydale, has got about 50 bings of Oar the last years but is now very poor.  
[annotation in different hand]: pretty good like to continue
2. Kids Grove, is the property of the Dean & Chapter, & leas'd of them by John Kidd.
3. Dryburnside is freehold, [annotation in different hand: 'Mr Williamson freehold']  
The copyhold adjoining is under the moor mats. Lease & no inclosure under the Leases for Years, but it has been try'd very lately & does not prove worth anything.  
[annotation in different hand: 'will soon run into copyhold inclosure']
4. Billing no workings, or likely to be – [annotation in a different hand: 'but will soon <...> in a little time']
5. Stanhope park, there is a tack here upon trial, but no vein discovered as yet.
6. Peakside [annotation in different hand: 'Pike Stone'] & Browndale, are in Stanhope not in Wooslingm parish, neither of them is wrought or any probability of it, Peakside has not been wrought in the Memory of Man, & nobody will take Browndale.

Lastly, As to the best mines [annotation in different hand: 'veins'] running through the inclosures to the moors on each side of the Water, it is allow'd; & the worst also do the same, but the Bps Agent should have been so ingenuous as to acquaint his Ldship, that as the Levels are begun near the River they are all or mostly wrought through in the inclosure many years, nay Ages ago & if his Ldship knew how little has been got in the inclosures since old Sr Wm Blacketts purchase of Saunderson, I am persuaded he would never have ask'd any fine at all.

**1 Jul 1763     Nicholas Halhead**

[Note: undated but appear to be part of the renegotiations over the merging of the moormaster ('lease for lives'/'the commons') and ancient enclosures ('lease for years') mining leases in Weardale in 1763, and assumed to be from Nicholas Halhead, who was negotiating this for the Bishop.]

Abstracts of The Weardale Lead Mine Leases viz under

The Commons  
(As granted to Sr. Wr.  
Blackett 1750.)

Inclosures  
(as proposed by Sr. Wr. Blackett  
1763.)

Recital of a Surr. of a

Do. but in a Form somewhat different

former Lease

The Parcels. Liberties &  
Privileges (Reserving late  
Hall & Sanderson's part.)

The Parcels etc.

Habend: [for] 3 Lives

Habend:[for] 3. Lives

Reddend: 1/9 of Ore to Bp &  
his Succrs And £150 per Ann.  
to Bp. Chandler Whilst Bp. of  
Dm. And £150 per Ann to his Succrs

Reddend: 1/9 of Ore.

Covt. that Lessee will forfeit  
40s. for every day the rents  
shall be behind above 40 days &  
the Lessor may distrain for sd.  
forfeits <Accd.>

Nothing to this effect

Covt. for paymt. Of Rents as  
reserved.

Covt. that Lessee will pay sd. 1/9  
Ore.

Proviso That Lessor, in case of  
default, may reenter & keep till  
pd. (No mention of a Distress)

The very same.

Nothing to this effect

Covt. by Lessee to pay the Parson  
his accustomed Tithe part of the Ore.

Nothing to this effect

Proviso that if Lessee do not  
endeavour within 2 years to raise 5.  
Fothers of Lead, this lease to be  
void.

Nothing to this effect

Covt. by Lessee to make good damages  
to the Bp's Tenants of Inclosures.

Nothing to this effect

Covt. by Lessee that he will under a  
certain Penalty within 3 Months  
inroll this Lease & pay the  
Aud[itor]s Fees which may be  
distrained for.



Covt. by the Bp. that the  
Lessee paying the Rents and  
performing the Covts. may  
quietly enjoy

The very same.

The Bp. nominates his Attys to  
take & deliver possession.

The very same.

In Witness etc. in Words very  
proper, but not in <those  
generally found in> Bp of  
Durham's Leases.

In Witness etc. – the very same.

In the Lease of the above Parcels  
dated 9. Sept. 1762. there was a  
Covt. by the Lessor That the Lessee  
might take the Lott Ore at 20s. [per]  
Bing: Wch is now discontinued. So  
that the Lease now proposed differs  
only in that & the Habendum, wch  
before was for 21. Years, and in the  
Recital of the last Lease & Surrd. –  
The Clause for Reentry & Covt. for  
quiet Enjoymt. & Nomination of  
Attorneys.

[on cover:]

An attempt to bring a conclusion between the Parties themselves, a renewal of the  
Lease of the Leadmines within the Parks and Inclosures of Stanhope and Wolsingham

[separate sheet but apparently on the same subject and therefore included here:]

If Sir Walter Blackett insists, as Mr Richmond Junr. said on the 7th. Nov 1760 he did,  
that the Leadmines within the Common Pastures (tho' ancient Inclosures) in Weardale  
are within the Moor Master's Lease; No Terms of Renewal ought to be made.

If That Point be given up (which ought to be done in Writing) Will Sir Walter  
consent to the Covenants, now commonly used for Leadmine Leases, being added in a  
New Lease of Those within the Parks & Inclosures of Wolsingham and Stanhope?

If That should be agreed to, Will Sir Walter pay a Fine of £2250 for Renewing 14  
Years from 9th Sep. 1760? Or what is the Most he will give for such a Renewal?

**10 Sep 1771 John Egerton to Walter Blackett**

[Note: Bishop Trevor had died in June 1771, to be replaced by John Egerton.]

Memorandum That on this tenth day of September in the Year of Our Lord One thousand seven hundred and seventy one It is agreed between the Right Reverend John Lord Bishop of Durham of the one part and Sir Walter Blackett Baronet of the other part that the said Lord Bishop Doth hereby demise and let to the said Sir Walter Blackett the Lot Ore or the Ninth part of all the Lead Ore raised within the Parishes of Stanhope and Wolsingham in the County Palatine of Durham from the Ninth day of June last past and which shall be raised henceforward during his Lordship's Possession or Enjoyment of the Bishoprick of Durham Under the Yearly Rent of Three Hundred and fifty Pounds to be paid Quarterly, vizt. at the Feasts of Lammas Saint Martin the Bishop in Winter the Purification of the Blessed Virgin Mary and Pentecost by even and equal Portions clear of all manner of Deductions whatsoever And the said Sir Walter Blackett Doth hereby oblige himself to pay or cause to be paid the said Rent or Composition of Three Hundred and fifty Pounds a year in manner above mentioned And Lastly the said Parties agree that a Lease shall be drawn and executed pursuant to the above Covenant in which Lease is to be inserted that on the Death or Removal of the said Lord Bishop in the said Bishoprick the said Rent shall be paid to that same time in whatsoever part of the Quarter it may happen to be.

Wr. Blackett

Witness

Henr Richmond

Cuth Peart

[on cover:]

10 Sept 1771

Agreemt with Sir Walter Blackett for the Lor Ore in Weardale

Sept 15th 1777

I delivered to Mr Blackett the new agreemt enter'd into by the Bishop with Sr Thos Blackett

And also the agreement with the Rector of Stanhope

WW

[an identical paper is annotated 'Agreemt pr Lott ore/1771' and signed 'Durham' and Witnessed by 'Geo Brooke Not[ary] Pub[lic]k' and '<Rich> Hutchinson']

**15 Jul 1777 Thomas Thurlow to John Egerton**

[Note: Thomas Thurlow at the time of writing this letter was Dean of Rochester. He succeeded Egerton as Bishop of Durham in 1787. Thurlow had been Rector of Stanhope from 1771 until 1775.]

My Lord,

I am informed that your Lordship will make no Alteration in that Part of the Agreement which respects the Ninth of the Lead Oar; or rather, that the Ninth Part is not the Subject about which Sr. Tho: Blackett is now treating with your Lordship: but the renewal of a Life.

If this be the Case, my settling with Sr. Thomas Blackett has no Connection with the Treaty he is carrying on with the Bp. of Durham; being of a quite different Nature. Will your Lordship be so obliging as to desire your Secretary to write to me, that I may know this Matter more certainly?

I would not presume to give your Lordship this trouble, but I have been repeatedly pressed by Sr. T. Blackett's Agent, to send a definitive Answer about the Tythes of the Lead Ore, which I have hitherto deferred, as imagining, that your Lordship had not settled the Price of the Ninth Part – your Lordship's Due.

I acknowledge myself to be greatly indebted to your Lordship's Condescension and Goodness on my former Application, and I remain,

With the truest Respect,

My Lord, your Lordship's

much obliged & most obedient Servant

Tho: Thurlow.

Rochester

July 15: 1777.

**27 Jul 1777 William Wilson to George Brooks**

Sir,

I desire you will be so good as to get the Bishop to sign an Agreement with Sir Thomas Blackett, similar to that enter'd into with Sir Walter Blackett, & my Clerk shall write one over for you, (to save you the Trouble of sending it), & I will get the same signed by Sir Thomas Blackett, & deliver it to you the first opportunity.

I am Sir, Your most Obedt. Servt.

Wm Wilson

Newcastle July 27th 1777

[cover:] George Brooks Esq/ Auckland Castle

**30 Jul 1777 William Wilson to George Brooks**

Sir,

Sir Thomas Blackett's description is as follows:

Sir Thos. B of Bretton in the County of York (heretofore called Sir Thos. Wentworth) Bart.

Sir Walr Blackett died on the 14th of Feb: last.

It will certainly be right to give up the present Agreements, when the new ones are deliver'd.

I am Sir, Your Most Obedient Servt.

Wm Wilson

Newcastle July 30th 1777

The Rector of Stanhope has agreed to let Sir T.B. have the Tithe Ore upon the same Terms Sir Walr B. had it.

**7 Sep 1777 William Wilson to George Brooks**

Sir,

Sir Thomas Blackett went South from this Place on Friday last; & I think proper to acquaint you, that I informed him of what passed between you & me at the Castle at Durham; (viz), that the Bishop would accept the sum of £2,000 for a Fine for the Renewal of all the Leases the late Sir Walr Blackett held of the See of Durham: Sir Thomas Blackett said he was much obliged to his Lordship but from the Information he had received from his Agents as to the true value & produce of the Mines, (and which had been communicated to the Bishop,) he cou'd not by any means think of paying more than was paid upon the last Renewal: - 1,000 Guineas.

Whenever the Bishop is disposed to accept of that Sum, Sir Thomas Blackett's Agents here will pay the money.

I am Sir, Your Most Obed. Servant

Wm Wilson

Newcastle Sept 7th 1777

**19 Jun 1787 John Erasmus Blackett to George Brooks**

[Note: This letter, nor one of the 12th June, are to be found in the JEB outbound copy letters (NRO 672/E/1E/5)]

Newcastle June 19th 1787

Dear Sir

I wrote to you the 12th inst. to which I beg leave to refer you; I am since favour'd with your letter of the 13th inst. & observe that the Bishop wishes to have the Composition settled from the 18th January to Pentecost & then it will go on regularly in

the quarter days: I have made a calculation of the sum for 137 days which I believe will be £319.0.9 <sup>3</sup>/<sub>4</sub> if you agree with me in it on your advising me I will remit you a bill at ten days date for the same. I paid Mr. C Johnson the Moor Master Rent due to the late Bishop to the 14th July last. I am with respect

Dear Sir Your most obedt. Servt  
John E. Blackett

George Brooks Esqr.

**23 Oct 1787 John Erasmus Blackett to George Brooks**

[Note: A slightly different version of this letter is included in JEB's outbound copy letters (NRO 672/E/1E/5), which exclude the shooting request on behalf of his son-in-law]

Newcastle Octr. 23rd 1787

Dear Sir

Inclosed I send you a Bill drawn by Eden Ridley & Co. on Castell & Co. dated 22nd inst. at 20 Days date for £212..10..0 which I desire that your Banking House will place to the Account of the Lord Bishop of Durham being the Composition for the Weardale Lot Ore due from Sir Thomas Blackett for three Months <date> the 27th Augt. last not being used to make these payments Quarterly occasioned its escaping my Memory.

My Son Mr. Stead has agreed for a Lease of Newton cap near Bishop Auckland, he is fond of Country diversions & would be very happy to have the Lord Bishops permission to shoot in his liberty, may I beg of you to present my Respectful Compliments to his Lordship requesting that favour.

I am with respect Dear Sir Your most Obedt. Servt.  
John E. Blackett

[Postscript] Please to advise me of the receipt of the Bill & when paid send me his Lordship's receipt as usual.

George Brooks Esqr.

**22 Nov 1787 John Erasmus Blackett to George Brooks**

[Note: A slightly different version of this letter is included in JEB's outbound copy letters (NRO 672/E/1E/5), dated 21st Nov, which excludes the phrase about Mr.Stead]

Dear Sir

Your favour of the 29th ulto. I received & am much obliged to you for being so kind to speak to the Bishop of Durham respecting Mr. Stead's request to his Lordship.

I now enclose you a Bill drawn by Eden Ridley & Co. on Castell & Co. dated 21st inst. at one Month for £212..10..0 being for three months Composition for Weardale Lot Ore due to the Lord Bishop of Durham from Sir Thomas Blackett on the 28th inst. the receipt of wch. You will please to acknowledge & at your leisure send me the Bishop's receipt for the half years Composition. I am with respect

Dear Sir Your Most Obedient Humble Servant

John E. Blackett

George Brook Esqr.

### **13 Sep 1796 unknown RB**

In Weardale the Lands are of 3 descriptions.

1st. The Inlands, or Enclosures adjacent to the Villages, which are rich meadow or pasture ground, & in general let for 40s/ or 60s/ pr. Acre or even more.

2d. Stinted Pastures enclosed from the Moors, on which the Customary freeholders exercise a limited common right. A Stint of 2 Acres is valued always at 8s/ or 4s/ pr Acre.

3d. Moors on which common right is generally exercised.

The rights of the Customary Freeholders appear to be of an uniform Nature, so that one bill of Enclosure would suit all Weardale alike, & the Stinted Pastures generally appear so far to partake of the Nature of the Inlands as by drainage, & the use of Lime, which is there abundant, & of the best quality, to be capable of great improvement. Whilst other Tracts of Moor being enclosed for the purposes of the Stinted Pasture might undergo a favourable change by being regularly stinted.

The Customary Freeholders are numerous & too much upon an Equal footing to furnish among themselves <an head> to direct, <.....> have generally a jealousy of the claims of right which would follow any measure of Enclosure on the part of the Bishop of Durham as Lord of their Manors. These Claims of right in the interim, & till an Enclosure, can however produce nothing to the See whilst, supposing them to be substantial, the Freeholders would be benefitted in general by an Enclosure more than in proportion to what must be sacrificed to satisfy those claims.

It is apprehended that from the Records of the County the Bishop might ascertain the nature of those claims, & if his Lordship were to propose to the Freeholders a Bill of general Enclosure for Weardale by which legal disabilities shd. be removed on a certain Number of them concurring in the Measure; & were to make overtures to the



Freeholders to submit any disputed claims to the Opinion of leading then in the Law either previous to passing such a bill, or under the provisions of the bill itself, I am disposed to think that his Lordship would be gratified by producing within his County is a short period, what I fear will be long sought for in vain by the bd. of Agriculture with regard to England at large.

RB

Sedgefield Sept. 13. 1796

**1 Oct 1796     Arthur Mowbray**

[Note: Undated, but after 1791. It is likely to have been drawn up as part of the Weardale enclosure plans of 1796-8 by or for Arthur Mowbray, perhaps at a similar time to the notes dated 13 Sep 1796. 1 Octo used here]

Lease to Sir Walter Blackett Bart. of the Moor Master's Place and Lead Mines in the parishes of Stanhope & Wolsingham. Rent for 1/9th part of the Lead Ore Vizt.

By Bp. Cousin 60 £ pr. Ann

1706	150	
1723	350	
1771	350	Bp. Egerton
1787	850	Bp. Thurlow
1791	925	Bp. Barrington

Fines

1688	Lead Mines 2 Lives	£950
1706	Davison & Wilkinson 1 Life & 10 yrs. 2 Leases	322 10
1732	Lanc. Algood for Mr. Blackett 1 Life. Lead Ore	700 -
	Do Wolsingham and Stanhope Park 21 Yrs	200 -
1750	Sir W. Blackett, Stanhope & Wolsingham 1 L. chd	523
1771	Sepr. 10 Do 1 Life for this & the <next> Lease	1050
1783	Jan. 29. Sir Tho. Blackett 1 Life for Do	1312 10
1790	Octr. 28        Do        1 Life chang. for Do	600 -

Lease of Lead Mines under the several parks of Stanhope & Wolsingham & under all and every the Lands Closes & inclosures Grounds of Copyholders – Leases for Years & Customary Tents. in Weardale. Term 21 yrs. changed to Lives in 1763  
Rent 1/9 Lot Ore

Fines

1762 Octr. 9	Sir Walter Blackett Bart 16 yrs.	2500 -
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63 May 11	changed to Lives		
1771 Sepr. 10th	Do 1 Life	1050£	for this and the above
1783 Jan. 29	Sir Ths. Blackett	1312	Do
1790 Octr. 28	Do 1 <Life>	630	Do

**25 Sep 1797 Arthur Mowbray to Shute Barrington**

County of Durham

Observations as to the division of Lands, within the Park and Forest of Weardale, whereof the Bishop of durham is Lord of the Manor, with Copies of two Letters, asking <.....ing> for the purpose, by some of the Principal Land Owners.

The Moors or open Tracts of Grounds, within the Park and Forest of Weardale, has been <stated> by me by Estimation to contain 70,400 Acres. A part is enclosed and subdivided. Other parts are also enclosed by Ring Fences, and stinted in certain stipulated proportions by the Owners of the <farmes> etc. Other parts are open and said to be stinted in the like Manner; and, there are other parts I believe that are Common and have no Limitations of Stinting. \_

The Tenures, I presume, <are> Freehold, Customary Freehold, Copyhold, and Leasehol[d]s, of the Freehold I suppose, there is a very small proportion. The Owners of the Customary Freeholds claim, and I believe, have enjoyed the same Interest in the Soil as The Freeholds, save the Payment of an Annual Rent to the Lord, the Mines, and Wayleave. The Copyholders, and Leaseholders, have I presume, the same Right as the Owners of similar Tenures, within the County of durham. \_

Having received two Letters, the following are Copies,

Copy of the Letters

Westgate. Sep 14th. 1797

Sir.

We the proprietors of Lands, in <the Park> and Forest of Weardale, are desirous of having a division of the several Tracts of open stinted Grounds, and inclosed stinted pastures; the Bishop of durham having in various parts, in Right of his Church & See, several Stints in different Pastures, are desirous on Behalf of ourselves, as well as on the Behalf of several others, to meet you, to converse on the Subject of Inclosure, to know, how far it may be agreeable to his Lordships directions to subdivide, at Watsons,

Wolsingham; being the Center, as soon as may be, before the Bishop leave the County.  
We are,

Your mot. Obdt. Servts.

John Wallis.

Jno. Brumwell.

Lanct. Allgood.

Bishop <auk> 19th Sep 1797.

Dear Sir,

I received a Letter the other day from the Gentlemen at West Gate requesting that I would forward the enclosed as soon as convenient and also saying that you had been in their neighbourhood, and had been so obliging as to promise to give them a Meeting; to consult about the propriety of dividing the Commons, and the Pastures in that Neighbourhood, or such parts thereof, as may be thought advantageous to the Proprietors. <If> I would make one of the Number, which I will do, with the greatest Pleasure at any Time that you may think proper; as I shall always rejoice at every Improvement made in the Parish of Stanhope.

I am with great Regard, Your very obt. hble. Servt,  
Robt. Curry

Mr. A. Mowbray

These caused me to make a few Observations, as to the Line to be drawn between the Lord and his Tenants. The General Good, I stated on a former Occasion. \_

1st. \_ That the Lord have all the Mines, reserved in as full and ample a Manner, as they are or have been enjoyed, with all the Rights of Wayleave etc etc thereto belonging –

2d. The Parts that are inclosed by Ring Fences, and where the Stinting is <ascertained>, I am of opinion the Lord has no reasonable pretence to an Allotment, as Lord; or any Annual Payment, charged upon each Acre, in Lieu thereof; nor do I think the Lord has any better Right to a Share or Charge, on Lands that are open, and not inclosed; where the Stinting is, and has been for a certain Number of Years, limited and precisely known; but I believe there are other Lands not inclosed, where the Stints are not limited, these, I presumes, ought to be considered as Common Lands, and the Lord entitled to one sixteenth part as Lord, or to one sixteenth of the Annual Value in Money

General Benefit

Should a division take place, the Advantage resulting to the different Owners of Lands etc must be great, and the Expence moderate, compared with Similar Divisions. (see the Outline) I have observed, that the Bishop of durham, as Lord, is <convinced> and

desirous to give a <task>, so laudable, Encouragement and Support; and I further observe, that I do decline acting as a Commissioner but, that I will give assistance and advice without <Fear or Favour.>

The outline

That the Surveyor do perform vizt. Admeasuring, attending the Valuation, allotting, planning, and giving Instructions for the Award, by the Acre; Vizt. that the Commissioners do receive Claims, value, and attend the Surveyor, when allotting by the Acre, and that the obtaining the Act, drawing the Awards be confined to a certain Term. The whole of these will be done for about 2s. pr Acre, and, I presume, that Land had better be sold to pay for the Making of the Roads, however, considering the Extent; they will comparatively be <trifling>. Similar arrangements will I doubt not be consented to, as at Chester-le-Street for planting –

Committee to be named.

It will, I dare say, be found better to fix by the Act a Committee to order, direct and take Charge, of the different Matters relating the Execution of the division and that all Disputes as to Claim Title etc I believe had better be tried at the durham Assizes, and that no Arbitrators be named in the Act. \_

These observations are hastily drawn up, By  
Arthur Mowbray

Sherburn, 25th. Sepr. 1797

## **25 Sep 1797 John Scott to Shute Barrington**

[Note: John Scott, 1st Earl of Eldon, (1751-1838) was a British barrister and politician. He served as Lord Chancellor of Great Britain between 1801 and 1806 and again between 1807 and 1827. He was Chancellor of Durham between 1787-8, but describes himself as such in this letter of a decade later. He was born in Newcastle upon Tyne, the son of a prosperous merchant of humble origins. In 1772 Scott famously eloped with Bessie Surtees from her father's house in Sandhill, Newcastle. Also something of a windbag if this letter, which concerns a dispute between the Bishop and one of his tenants over a Yorkshire lease, is anything to go by.]

My Lord,

I have delayed writing to your Lordship, because I had thought myself to believe That I might have the Honour of waiting upon you, &, in that Case, the Opportunity of a few Minutes Conversation about Walkington. I have not held the Chancery Sittings, because Mr. Pearson informed me that there was neither Cause nor Motion to dispose of, and, though the Country ought not to have in its Power to say that they have not a

Court open, to which they may occasionally come, I ventured to think that, with this Information given me, and no business having been done at the last Sittings, they would have no Reason to complain of your Chancellor, if he postponed attending the Court till the next Spring. Notwithstanding this determination I meant to be farther North than I am, But I am afraid that I have found the 'Solicitae iucunda Oblivia Vitae' so bewitching, as to have induced me to allow my Time of Absence from Town to glide almost wholly away, before I have been sufficiently impressed with the reflection that it was well nigh spent. I regret this the less, as far as your Lordship's Interests ought to influence my feelings about it, because, upon Consideration, I do not think that I could, very usefully, have done more, if I had had the Pleasure of a Conversation with you, than what I am doing by Letter, which is to request that you would direct your Secretary to desire that your Solicitor may call upon me in Lincolns Inn upon my Return to Town, which I think will be early in the next Week, with a Copy of the Affidavits, upon which the Court of Common Pleas granted the Rule \_ I think it would be also desirable that Mr. Pearson should transmit to me to Lincolns Inn about the same Time, as accurate an Account & Narrative as he can, of those disputes, differences, & questions, which the present Lease to Mr. L. states to have arisen between the Bishop & Mr. L. which, of course, will include in it some account of the <v[ouch]safe> of Enjoyment by the Tenants of the Wood as to cutting it, and I think it must also include the Opinions, which Sir F Norton, & Mr Wilbraham formerly gave upon the Subject of the Tenant's having or not having a Right to cut the Wood, and he and Mr Mowbray will probably be able to explain upon what principles they thought that the Arrangements made by the Lease, (attending to what L. was required to do by it) & which propose that L. should have two thirds of all Timber grown or to grow, & the Bishop & his Successors one third, were reasonably Beneficial to the See; an Arrangement which seems to me to apply to the 70 Acres to be planted, as well as to the other demised premises. Lockwood seems surprised that I should have doubted the validity of his Lease, & I found that Mr <Plumer>, who was his Counsel before Parlt., had not felt much doubt about it: to be sure, if L. had a Right as against the Bishop, to denude the Land of all the Timber when he pleased, there may not be much Reason to doubt the Validity of the Lease: but, if the Timber was the Bishop's, how can this Lease, with its Arrangement, be good against your Successor, as to any one Tree that shall be upon the Land in his Time? or, if the <v[ouch]safe> was to cut Timber only, that was from Time to Time growing rife? There are other Considerations also respecting the Validity of the Lease, in my Apprehension, material, but I understood Mr L. to be very willing to submit all these Matters to Mr <Plumer> & myself, who were in the Course of considering them, when this Application was made to the Common Pleas.

It will, in my Opinion, be material to learn what Affidavits Lockwood means to lay before the Court, if he is advised to lay any before the Court \_ This occurs to me to be so, because the fact that the Timber has been principally cut down, pending the disputes, against your directions, seems to me, at present, to be a fact which it may be difficult, with due Regard to you, not to state to the Court, & which cannot, with a very favourable effect, as with respect to him, be stated to the Court. It also occurs to me to

be so, because he knows best whether he can or will by Affidavit deny that he made those Assurances respecting the <Intention> not to cut down the Wood, <which> their Affidavits, if I rightly <re...t> them, aver that he did make \_ and it may be difficult, with due Regard to you, not to state that fact that no Applications were made to you by the Land Owners as to the not converting the Wood into Land otherwise cultivated, and that neither they nor he communicated to you the fact that such Assurances were given by L., or received by the Land Owners. It seemed to me as if his Counsel meant to rely upon the Court's having no Jurisdiction if the facts stated in the Affidavits were true, & therefore not to answer as to the Matter of fact, but it may deserve very grave Consideration whether this Matter should be so treated as to the Bishop of Durham, or at least, whether Case should not anxiously be taken that, if the Matter is rested upon the Question of Jurisdiction, the Court should not be fully informed that, as with respect to the Bishop, the Land Owners cannot possibly have been misled by him. This business will be heard about the middle of November: with reference to your concern in it, I can only add that I shall exert my best Judgement with much Anxiety, both, because I ought to do so, and because I cannot deny that I think that neither your Lordship, nor I have been handsomely treated in the last Scenes of this business.

I had written thus far when Mr Solr. General interrupted me, most agreeably, by coming in to dine with me. In this business he is very hearty, and he tells me that he means to pay his Respects to your Lordship at Auckland Castle. He has almost <inclined> me to think that the Discussion should turn chiefly, before the Common Pleas, upon the Jurisdiction of the Court, and I am much struck with what he suggests - that this is not the Concern of the Bishop of Durham, but of all the Bishops, & that no Bishop can cut an <Oak>, if this Application, uncontrolled by the King, the Patron of all Sees, can be successfully made to the Court by any Man, who chuses to make it.

I have the Honour to be, Your faithful & obliged Servt.

J. Scott.

Newby Park  
Sept 25. 1797

**28 Sep 1797 Thomas Bernard to Shute Barrington**

Foundling 28 Sep 1797

My Lord,

As far as appears from the papers, the principles that Mr. M. has adopted seem to be fair between the Parties, & to be intitled to a general approb[atio]n as a ground of Treaty: so far I shd. wish yr Lp's Approb[atio]n to extend. I presume it will be sufficient for you to say at present that, from what has been stated, you conceive the proposed inclosure will be both a general benefit to the Country, & an advantage individually to the Proprietors of Land within Weardale: that it therefore has your intire approbation. That as to the Line between the Parties, you wish Mr Mowbray & them to consider it



first among themselves, & examine how it can be drawn most beneficially and fairly for all the Parties concerned. That in that, or in any other plan, conformable to general Practice in similar Inclosures, yr Lp will be ready to give your assent & assistance as far as you conceive you can with Propriety.

This with a few words added, expresses of your Confidence in Mr M, I submit to your Lp as the Sketch of your letter. It seems to be as far as you can prudentially go at present, & probably is as much as is wished. In a sep: letter to Mr M I should request you wou. desire him to state to you, as near as he can by Conjecture at present,

1st. How many of the 70,400 Acres of the open Land will, upon the principle laid out by him, be subject to an Allotment of a 16th part to your Lp: 2nd. How much of them is ring fenced with the Stinting ascertained: \_ 3rd. How much (remaining open and uninclosed) has been, for a certain number of Years back, subject to a lim[ite]d Stint; & why (as to these 2 last & particularly the uninclosed part) is your Lp to be excluded from any Allotm[en]t as Lord? \_ 4th. What will be (by Conjecture) the Annual Average Value per Acre of the Land to be Allotted? \_ 5th. the respective proportions of Freehold, Customary Freehold; Copyhold & Leasehold; & the calculated proportion of the Lord's Interest in each of the 3 last Tenures? - as in Copyhold at Time uncertain, when the Lord's Interest is worth 1/5th of the whole; there (to give an Example & supposing the Fee simple worth 27 1/2 Years Purchase) the Copyholders' Interest is worth 22 Years, & the Lord's Interest 5 1/2 Years Purchase. 6th. What is the imagined Value of the Mines in Weardale compared with that of the Soil.

My Object is to ascertain your Lps Int[ere]st in the Premises, & wh[ethe]r any other Outline can be proposed that will make the Inclosure more profitable to the Proprietors & at the same time better for the Bishop. I do not return Mr. M's Papers till I have your direction; as you may want some thing more said on them before they are returned.

I called on Mr. Atkinson, He seemed <much> pleased with the Task proposed for him. As soon as he has consulted Mr. Wyatt I am to see him about it. \_ I have been today at Mr Wollaston's noble Mill at Chislehurst, which is working away, & in full business. \_ I am happy to find the Accounts of the Admiral continue so favourable. \_ This is a sad rheumatic season, & has been more wet in the South than in the North. We felt very little <Molestation> from it at Auckland. \_ I should there Continue a question of Buxton being wanted, I hope you will give it fair time.

Our best wishes & respects attend your Lordship & Mrs Barrington. I remain most truly

Your Lordships obliged & faithful  
Tho Bernard

The Lord Bp of Durham

I <trouble> your Lordship with a Note to accompany your first Letter to Mr Emm.



**4 Oct 1797    Shute Barrington to Arthur Mowbray**

[Note: This is an amended draft of two letters to Mowbray based on the outlines suggested in Bernard's letter to the Bishop dated 28 September 1797. The document is annotated: '<Substance> of two letters to Mowbray. Buxton Oct 4 1797']

Mowbray,

From the statement which you have made to me of a proposed inclosure in Weardale, I conceive that it will a general benefit to the country, & an advantage individually to the proprietors of land within that extensive district. On these grounds therefore it has my entire approbation: As to the line between the parties interested, I wish you & them to consider it first among themselves, & to examine how it can be drawn most beneficially & fairly for all the parties concerned. In that or any other plan conformable to usual practice in similar cases I shall be ready to give my assent & assistance as far as I apprehend I can with propriety.

I am &tc

S.D.

Arthur Mowbray Esqre    Public

Mowbray,

I have availed myself of my earliest leisure to consider the general statement which you made of the principal enclosure in Weardale & left with me on the eve of my departure from Auckland Castle. It has my approbation as expressed in my ostensible letter which accompanies this. But with that <confidence> to you to whom I hold that confidential language to which you are entitled from me, I must put some questions which you will answer at present.

1st. How many of the 70,000 acres of the open lands, as far as you can at present conjecture, will upon the principle laid down by you, be subject to an allotment of a 16th part to me: 2nd. How much of them is ring fenced with the stinting ascertained? 3rd. How much (remaining open & uninclosed) has been, from a certain number of years back, subject to a limited stint, & why as to these two last (& particularly the uninclosed part) am I to be excluded from any allotment as Lord? 4th. What will be (by conjecture) the annual average value per acre of the Land to be allotted? 5th. What are the respective proportions of Freeholds, Customary freeholds, copyholders & Leaseholds, & the calculated proportion of my interest as Lord in each of the three last tenures? 5th. What is the imagined value of Mines in Weardale compared with that of the soil?

You will immediately see the object of these <questions> is to ascertain my interest in the premises; & whether any other outline can be proposed that will make the inclosure more profitable to the Proprietors, & at the same time better for me & my successors.

As I may have occasion to refer to your papers, & <.....> that you have a rough draught of them, I do not return them.

I am &tc

S.D.

Private

**9 Oct 1797    Arthur Mowbray to Shute Barrington**

Sherburn 9 Octr. 1797

My, Lord,

I have your Lordship's Favors of the 4th Inst., and will with Care communicate what Your Lordship observes in one of them to some few of the Land Owners; having to be near West Gate to view one of your Lordships Farms in the Course of a few Days:

I took the Quantity of Land in Weardale from the County Survey, from which I presume I have formed a pretty fair Estimate, but how to apportion the Quantities by mere Guess, I know not:

I should imagine, (but it is merely Imaginary) that the enclosed Lands may be about one seventh, and that the enclosed pastures may run about two thousand acres, but it seems difficult to give this lightest Guess at the others, I should conceive there is considerably more open Lands where the Stinting is limited, than where it is stinted in Common;

The Ring Fenced part appears to me to be an enclosed Farm, where each Owner has a known Interest, and where the Owner may at Pleasure enclose without any Leave from the Lord; and I do presume that the Outpasture, where stinted is and has for several Years been limited and precisely known, is the same, However, there is one Question that seems necessary, and which seems proper to be enquired:- Whether the Stints on the part not enclosed are Appurtenants belonging to the enclosed Grounds, or if they are separate Estates, bought and sold by separate Deeds, and enjoyed by different Owners; if they are an Appendant, it is rather a Query with me, and I think there is Reason to suppose they ought to pay the 16th., if the latter, I think they ought to be exempt. I should suppose the Lands to be divided and allotted may on an Average run about 10% p. Acre, when brought into Cultivation.    It is hard to say what may be Freehold, it is a very small proportion indeed, as I have been informed, and the Copyhold proportion cannot be great; \_ I should suppose the customary Freeholders, and the Leaseholds under your Lordship, may be almost equal, yet I think the Leasehold must be more:

The Lords Allotments I consider to be but in secondary Object, the first is to obtain (which you will completely do by a Division) a competent & clear Acct. of the

Leaseholders, and the Value of their Estates, and to have them put forward in Improvements, by which the Fines will be considerably more than double in Weardale; However, when these Matters are more looked into the Rights will be better known, & as soon as I can procure more Information, your Lordship shall be informed;

I find some Difficulty in estimating the Value of Mines in Weardale, altho' I have made several Enquiries, but I think were the whole out of Lease at this Moment, they cannot be estimated at less than £20,000 p. Ann. and I see I have valued the whole lands at £43,945. 13. 4 when Improved; and £3,760 in their present State.

I will turn your Lordships Hints in my Mind, and will endeavour to improve upon the Minute I gave your Lordship, and in every Act with the Landowners, Your Lordship may be certain that I will act with every Precaution; \_ I think it better to postpone the Meeting till I hear again from your Lordship.

I have rec'd. a Letter from Bramwell, saying that Mrs Yeoman's Trustees will release their Trust for the £1800 on the money being deposited in the old Bank at Newcastle for her use; therefore, my Lord, I now propose to draw on your Bankers (Drummonds) for that Sum so that the Interest may cease, and the Mortgage be released; I have paid the Interest viz; £26. 2. 8d accrued since Mayday.

I am sorry that I have not, nor can I obtain Buddle's Report as to Bedlington, in a Conversation he told me he wd. recommend boring to prove the Coal; I particularly desired him to give me a short Mem[oran]dum that I might hand it to your Lordship, but I have not obtained it.

I am My Lord, Your Lordships very much obd. & most obt. Hble. Servant  
Arthur Mowbray

The Honb. & Rt. Revd. Ld. Bp. of Durham

## **28 Oct 1797 Thomas Bernard**

[Note: Undated notes on the proposed Weardale Enclosure. From the content, would appear to have been made by an agent of the Bishop of Durham. It appears to be in the handwriting of Thomas Bernard. Given same date here as Bernard's letter to the Bishop of 28th Oct]

Does this enclosure differ with regard to the Land owners from other enclosures?

Will not their expenses be proportioned. Is the extent of their allotments as in similar cases?

Additional churches must be built & ministries maintained from the improved state of the Land. As this charge would be for extensive for the rector - the ministries to be independent of him.

If tithe or corn rent or any other payment be suggested. Will not the Land owners object & would it not be difficult & expensive to collect such payments for the Trustees to be appointed.

Will an allotment of Land answer this and proposed without being subject to the objections made in common enclosures as it will be under the <discretion> of Trustees, the rector & curates receiving only a portion of the rents.

**28 Oct 1797 Thomas Bernard to Shute Barrington**

[Note: Thomas Bernard (1750 -1818) was a noted English social reformer who from 1795 until 1806 held the position of Treasurer of The Foundling Hospital, London. He had earlier been called to the English bar and practised as a conveyancer. In 1796, together with Bishop Barrington and William Wilberforce, he helped to help to establish the 'Society for the Bettering the Condition and Increasing the Comforts of the Poor'. Bernard gave up the Treasurership of the Foundling after succeeding to the baronetcy conferred on his father following the death of his elder brother. In 1801 Barrington appointed Bernard Chancellor of the Diocese of Durham, in which position he assisted the Bishop in his charitable work in the diocese, especially with regard to the establishment of schools and training of teachers.]

My Lord

I send you a sketch of a letter to Mr Mowbray, leaving it for your correction when I have not adopted or correctly expressed your Sentiments. I agree with Mr M that your great Interest in the the Inclosure arises upon the Leasehold; & that your Allotments are secondary Objects. Supposing that I have not misunderstood Mr M, & that the Commutation for your Reversionary Interest in the Leasehold were fixed (I speak now incorrectly & from Information that is not correct) at 2s/an Acre (1/5th) it would be £3500, & at 1s/ an Acre £1750 a Year Income to the See; & the Tenants would have an Increase of Ten times the Encouragement to improve. I mention this as Introductory to another Suggestion, as to the questionable Allotment for the limited <Stint>, for your Consideration; wh[ic]h with Justice to yourself & your Successors you might not let that Allotment go for Chapels Schools &c; the Trustees being the Bishop, the Archdeacon & the Rector of Stanhope for the time being; & having power to grant <Scitus> for Cottages & apply the Surplus Rents in anything for the promotion of Religion, Morality & Industry within the Parish. If your Lordship thinks so, the following words might be added to the Letter to Mr M. 'If I can do it with Strict propriety, & the Parishioners will agree that an Allotment for the Chapels &c shall be made of 1/16th of the limited Stint, I shall be desirous, as far as I properly can, of waiving my Claim in the respect.' That 16th would be about 2000 Acres.

If it is convenient for your L[ordshi]p to take your family dinner [word obscured] fryday I would endeavour to <engage> Mr Sullivan & Mr Price to meet you. It would form an adjourned Committee of the Society.

I am with sincere respect Your Lps obliged & obed Servt

Tho. Bernard

Foundling, 28 Octr 97

[This is presumably the 'sketch of a letter to Mr Mowbray' enclosed with Thomas Bernard's covering letter to the Bishop:]

Upon considering at leisure your Letter of the 9th Instant the division of the land in Weardale (so far as your Estim. can at present go in point of Correctness) is as follows

	acres
Inclosed Land	10,000
Inclosed Pastures	2,000
Lim[ite]d Stint	33,400
Stinted in Common	25,000
	70,400

and the division of <tenures> as to the inclosed Land as follows

	acres
Freehold	500
Copyhold	600
Customary freehold	5000
Leasehold	5900
	12000

I am not stating these as precise & correct Numbers, but for the Purpose of enquiring whether I understand your last letter right & of explaining my own Ideas on the subject in the course of this Letter.

1st .. As to the qu[estion]n of my having any allotment out of the lim[ite]d Stint I conceive the question will depend a good deal on the fact wh[ethe]r this is held in exclusive Severalty? If not, if it is held in Common, the Freehold of the Soil I apprehend still remains in the Lord, & it cannot be inclosed without his Concurrence; & then, upon the Common principles of Inclosures the Lord must have an Allotment; tho not a 16th, at least a 20th or 24th.

2nd.. As to the general Objects of the Inclosure.

With me there are 2; the first the general Improvement & benefit of the Country; 2nd the <...> of a reasonable & just benefit upon the Inclosure to the See of Durham. With a view to this I wish you thoroughly to consider wh[ethe]r the Leasehold Estates held under me are sufficiently permanent to encourage the Improvement of the Allotments; & if not, wh[ethe]r there is anything I can properly do to give a <prominence> of Interest, that may induce to a spirited & active Improvement of the Property.

<...> a provision for Schools. I wish you would consider with the Propr[ieto]rs where in so large Parish some specific provision should not be made by the Act for <erecting> & supporting at least 2 Chapels, & for a free School: & wh[ethe]r this can be

better done than by an Allotment to Trustees for those, & any other Similar Purposes in promotion of Religion Morality & Industry within the Parish of Stanhope. If I can <&tc>

Upon the <Mines> & the other Subjects of your letter I have no Observation to make at present. You have not said what is proposed to be done about Tythes.

**30 Oct 1797 Shute Barrington to Arthur Mowbray**

Mongewell Oct. 30th 1797

Mowbray,

Upon a leisurely consideration of your letter of the 9th Inst the division of the lands in Weardale (so far as your estimate can at present go in point of correctness) is as follows.

	acres
Inclosed Land	10,000
Inclosed Pastures	2,000
Lim[ite]d Stint	33,400
Stinted in Common	25,000
	70,400

and the division of <tenures> as to the inclosed Land as follows

	acres
Freehold	500
Copyhold	600
Customary freehold	5000
Leasehold	5900
	12000

I do not state these as precise numbers, but for the purpose of enquiring whether I understand your last letter right, and of explaining my ideas on the subject in the course of this letter.

1st. As to the question of my having any allotment out of the limited stint.

I conceive the question will depend a good deal on the fact whether this is held in exclusive severalty? If not, if it be in common, the freehold of the soil, as Mr Bernard thinks, is still in the Lord; and it cannot be inclosed without his concurrence; and then upon the usual principles of enclosures, the Lord must have an Allotment, though not a 16th, at least a 20th or 24th.

2nd. As to the general objects of the inclosure. With me these are two. The first, the general improvement and benefit of the Country; second, the securing a reasonable and just benefit upon the inclosure to the See of Durham. With a view to the first, I wish you thoroughly to consider whether the leasehold Estates held under me are sufficiently permanent to encourage the improvement of the allotments; and if not,



whether there is anything I can properly do, to give a permanence of interest to a spirited and active improvement of the property. 3rd. As to a provision for Chapels, Minister's Homes, Maintenance of Schools &c, I wish you to weigh yourself, and having weighed to suggest to the Proprietors whether in so very large a Parish some specific provision should not be made by the Act for erecting and supporting at least two Chapels, and for a free school; and whether this can be better done than by an Allotment to Trustees, for these and any other similar purposes in promoting of religion, Morality and industry within the parish of Stanhope.

If I can do it with strict propriety and the Proprietors will agree that an allotment be made of the 16th of the limited Stint, I shall be desirous, as far as I properly can, of waiving my Claim in that respect. That 16th will I apprehend be about 2000 Acres.

Upon the Mines and the other subjects of your letter I have no observations to make at present. You have not said what is proposed to be done about Tithes.

I am Yr

SD

Arthur Mowbray Esqre

**30 Oct 1797 Arthur Mowbray to Shute Barrington**

Sherburn 30th October 1797

My Lord

Since I last wrote your Lordship Mr Lockwood has been at Durham when I made an Affidavit as to the proceedings at <Walkington>, which was examined by Mr Pearson, he also looked over Mr Lockwoods, and made some alterations. As I proposed, Lockwood had procured an additional Affidavit from the persons who purchased the Wood and obtained others from those who had formerly declared, drawn up in the <May> I observed, leaving out a great part of the Matter, and introducing other Observations just, and more favourable to the Cause, the whole will be filed, I believe, this day, and your Lordships Solicitor, as Lockwood promised, furnished with Copies.

I find, My Lord, that the Stints in Weardale belong in several Instances, to persons that have no Inland, or Inclosures, and that they are bought, sold, and conveyed by separate Deeds, or Instruments.

I have had another Letter from the people in Weardale as to a division, and I think the Business in its present Stage requires a Meeting, when I suppose a tolerable competent Knowledge of the Estates &c, &c may be had. Since I last wrote your Lordship, I find the whole of Bollihope is Common said to contain 8000 Acres.

I am going this day to Morpeth, and will look over the Bedlington Estate. I am sorry to say I have not yet received from Buddle his Report, however, I will try to get it as I pass Newcastle, nor Have I got any further as to the Grants of the Wastes to your Lordship. \_



This Morning I have wrote Mr Pearson to know if I can do any thing when in Northumberland with any of the parties to the purchase deeds &c. We get slowly on. I only can assure your Lordship, that no Endeavours of mine have been wanting, nor shall they be slackened.

I am My Lord Your Lordships very much obg, & most obt. Servt.

Arthur Mowbray

The Honble. & Right Revd. The Lord Bishop of Durham

**13 Nov 1797 Arthur Mowbray to Bishop of Durham**

My Lord,

Your Lordship's Favour of 30th Octr- reached me in the North, I deferred writing in Answer until I returned Home Yesterday; My last Letter to your Lordship of the 30th Octobr. will show that the People in Weardale continue anxious for a Division, and I think they ought to be attended to whilst in the Humour; the Stints as I observed are I imagine held in exclusive severalty because there are several Owners, as I have been told, that have Stints <who> have no Inland, and that it is usual and customary to buy and sell Stints which are conveyed by separate Deeds that have no Relation to the Parcels of Inland nor are in any way dependant or connected with the Owners thereof: Your Lordship's Apportionment of the Quantities are I dare say carefully taken <from> my former Letters, but as your Lordship observes must be subject to Alteration, when more and better Information on the Subject can be obtained \_ however I think they stand fair enough in their present State as a Ground for Your Lordship's separate Enquiries. \_

The first as to your Lordships having any Allotments out of the limited Stint; Having explained the Usage in this and my former Letters, I should like well to have Mr Bernard's Opinion as to the legal Right but subject nonetheless to my making Terms as advantageous as I can for Your Lordship, and the general Benefit. \_

2nd. As to the first general Object, no Doubt but a Division in the Mode I formerly pointed out will ensure a general Improvement & Benefit to the Country and a Profit to the See of Durham: Your Lordship's Leasehold Estates are sufficiently permanent to encourage the Improvement of the Allotments; if in any of the interior Parts they are not found so, Modes for their Improvements will easily be found, as those Parcels will under Your Lordship's Direction; And thirdly, as to a Provision for Chapels Ministers Houses &c; No doubt but a Provision may be made, I have touched a little upon it, and I think the Proprietors will agree to make reasonable Provisions, However they complain much as to the Management of the present Schools. Should not something more be done about that at Westgate? I doubt it is at present very much neglected; those Matters may be more fully digested after the Information that may be expected to be gained at the first Meeting; \_ \_ \_ Shall be obliged by any further Observations on this Subject it being a Matter I am very desirous should be fully and deliberately weighed,

as I hope if the Object can be obtained upon fair Grounds Your Lordship may expect much Satisfaction.

It would be a great thing to have the Lands about to be inclosed exempt by a Compensation for the Payment of Tithes; should be obliged for a Hint from Your Lordship whether it would be better to propose Land or a Money Payment certain, or a Money payment to rise and fall with the Necessaries of Life.

I am sorry to say that I have not obtained Buddles Opinion as to the Bedlington Coals; I think he has given over Answering Mr Emm's Letters or mine; I do not know what to do:

The Half Years Interest to Mr <Tew> & Lawson will become due on 22nd Inst. should I draw upon your Lordships Bankers; as the Half Years Rent due at the same time will not in the Course of receiving Rents, be received until about 12 Feby. or rather later.

I have recd. Mr Cleaver's Answer and forwarded it to Mr Emm, he does not seem to be so explicit as I could have wished, however Mr Emm will forward it to your Lordship with his Observations.

I used every Endeavour to have the Papers ready for the Attorney General sooner. I hope they would be in Time; I should have a Pleasure in hearing how the Matter has turned.

I am My Lord, Your Lordships very much obld. & most obedt. Hble. Servt.  
Arthur Mowbray

The Honble. & Rt. Revd. the Lord Bishop of Durham

**18 Nov 1797 Shute Barrington to Thomas Bernard**

Rendcombe Park Novr. 18. 1797

My Dear Sir,

I feel no hesitation in requesting a continuance of your friendly advice respecting a plan of inclosure, which from its magnitude & peculiar circumstances, must in many points differ from all other inclosures; & from its difficulties requires the exertion of such talents as yours. Among these difficulties the substitution of some equivalent in lieu of Tythe is not the least. To a fixed <pecuniary> payment; to Land solely, there are in my opinion strong objections; & therefore the last of the three modes mentioned by Mowbray appears the least exceptionable and yet how to settle this is by no means easy. It will demand much consideration, & more than in this place involved in business I can give it. I should hope that much good may result from a cool & full discussion of the subject. When you are at leisure you will have the goodness to communicate your sentiments respecting Mowbray's letter transmitted herewith, which you will at the same time return. I go from hence on Monday on a two days visit to my invaluable Brother & propose being at Mongewell on Friday.

Believe me My dear Sir &tc

S:D:

Tho: Bernard Esq:

[Annotated at foot:]

Copy of a letter to Mr Bernard Novr. 18. 1797

**24 Nov 1797 Arthur Mowbray to Shute Barrington**

Sherburn 24th Novr. 1797

My Lord,

The same Post that I recd. your Lordships Favour of 18 Inst. brought a Letter from Mr Pearson, informing me that the Walkington Business is determined against Jefferson, and that the Rule is discharged; this gives me Pleasure, Mr Wood must now be done.

I sent Mr Cleavers Answer to Mr Emm, some Days since, that he might inform your Lordship, and of his Opinion; Cleaver said as far as I can recollect (for I did not keep a Copy) that the Copyhold Wood was sold with Wood growing on Freehold Lands; and that the Copyhold Wood would not be cut until the last, and until it was cut, he could not pay Your Lordship; For Answer Mr Emm wrote me saying he thought I ought to write Mr Cleaver an Apology for asking for the Money. However I am of a different Opinion and in Course have not wrote. I shall see Mr Emm at Bp Auckland on Monday first I think neither the Mode of selling, so to cut the Copyhold Wood, nor his Answer is very handsome, as he ought to have informed Your Lordship of the Amount of the Copyhold Wood, and when payment is to be expected.

On Monday I will submit these thoughts to Mr Emm and write Mr Cleaver as he may advise.

I have by this Post wrote Mr Lockwood.

I am sorry that Buddle does not finish Your Lordships Business he ought, or at least assign a Reason for the Delay.

I am, My Lord Your Lordships very much obliged & most obedient Hble. Servant  
Arthur Mowbray

The Honble. & Rt. Revd. Lord Bp of Durham

**29 Nov 1797 Thomas Bernard to Shute Barrington**

Foundling 29 Nov 97

My Lord,

I have felt some difficulty & diffidence in offering your Lordship my Sentiments upon a beneficial & proper Compensation to be given for Tythes. Every one agrees that

they are an Impediment to the Agricultural Improvement of a Country, & (where disputes occur between the Clergymen & his Parishioners) extremely prejudicial to the Cause of Religion; but what unexceptionable Compensation can be made which shall always be commensurate to the Contingent Improvement of the Country is not easy to ascertain.

I cannot persuade myself that the Objection which existed in Queen Elizabeth's time against the Reservation of a stipulated <share> as Corn rents, tho I do not object to <....> a compensation so varied & divided as to bearing, is less felt than one taken all in one Mode: & the Living of Stanhope will be so opulent, if this Inclosure takes place, that it will not be subject to the Common Objections to which lesser Livings are liable. If I were called upon to divide the Compensation into parts, I sho[uld] give 1/5th in demesne land, 2/5ths in demisable Land, & 2/5ths in Money Rents, not immediately divided, but fixed in larger Sums. The Making the latter agreeable to the Parties interested would require a little Arrangement, but would not, I hope, be attended with much difficulty

[page possibly missing]

annual Sum in lieu of Tythes, has the same or any proportional degree of force at present; Tho I think it a reason why the Compen[satio]n should not be all in an Annual Sum, but partly in an improvable Estate, as has been done in the Living of Terrington in Yorkshire.

To apply that Example to the present Case I should propose for Consider[atio]n whether part of the Compens[atio]n for the Tythes of Stanhope should not be 1st.\_ an Allotm[en]t of glebe or demesne land, to the possession of which the Rector would be entitled on his coming to the living: - 2nd an All[otmen]t of land demisable for 21 Years at a Rackrent; - 3rd Money Rents payable out of certain parts of the other Allotm[ent]s. \_ I do not propose

[page possibly missing]

When I hear from you again on the Subject, & I know your Ideas, I may be able to add more to the above. Anything that respects your L[ordshi]ps Concerns has always a first place with me. I will avail myself of your hint about Mr Burn.

I am always, most humbly Your Lordship's obliged & Obed. Servt.  
Tho Bernard

The Ld. Bp of Durham

**4 Dec 1797    Thomas Bernard to Shute Barrington**

Foundling 4 Dec 1797

My Lord,

I have not yet seen anything that appears to me to exclude your L[ordshi]p's claim to an allotment out of the lim[ite]d Stints. all rights of Common are in some degree stinted; & the degree of the Stint makes no difference as to the Lord's Allotm[en]t, if the common remains open & uninclosed. If indeed ground is inclosed (as may possibly be the case here) with an exclusive Right of Pasturage in certain individuals, & no right of soil or dominion remains in the Lord, they may be a Species of Tenants in Common, with a right to make a division among themselves without the Lord's leave, & the Lord may in that case have no claim to any Allotment. Except in such an Instance I am not aware on what principle the Lord is to be excluded.

If y[ou]r L[ordshi]ps proposition for the benefit of Chapels & Schools is not acceded to, I do not conceive anything better can be done than for Mr Mowbray to propose to all the Parties on the limited Stints that a Case shall be prepared on behalf of all concerned, & submitted to the Att[orne]y & So[licito]r General for their Op[inio]ns.

I did not get your letter till after the Post was gone on fryday; & between a Meeting of our Foundling Governors & a <Master> in Chancery's Office; all my time was occupied on Saturday. I hope how[eve]r this will not be too late, & I remain with much Esteem & Respect,

Your Lps obliged & Hble Servt  
Tho Bernard

**6 Dec 1797    Shute Barrington to Arthur Mowbray**

Mongewell Dec: 6th 1797

Mowbray,

A variety of employment, and many avocations, together with the want of Mr. Bernard's opinion relative to the limited Stints (which I transmit herewith and desire may be returned) have hitherto delayed my Answers to your letter of the 13th ult.

The question respecting an unexceptionable compensation for Tithes, which shall always be commensurate to the contingent improvement of the Land, is replete with difficulty in common cases. That difficulty must be increased indeed by the magnitude and singularity of the proposed inclosure in Weardale. It requires much and deep consideration on my part, and discussion with others who are very conversant with the subject. I have not yet made up my mind upon it, when I have you shall hear from me. In the meantime I should hope that in the present stage of the business it may be sufficient for you to assure the proprietors that the Tithes shall not be left, but such an equivalent given as shall prove satisfactory to all parties. If this general assurance does not quiet their minds, let me know, and I will be as expeditious as I can in coming forward with a specific proposition. My best endeavours shall not be wanting to put the Westgate School on a proper footing as far as I legally can.

As Buddle has at length found leisure to make a report of those collieries which I had submitted to his examination; perhaps he may be inclined, if you press him to

proceed to give an opinion concerning that at Bedlington. Is not the whole of that purchase now completed? And, if it be, is it not now time that it should be in my name? I wish to hear from you on this and any other points, on which Mr. Bernard's advice may be requisite, on the 10th or 19th Inst. when I purpose being in London. You will then inform me for what particular payments you have drawn upon me for the sums of £135 and £45.

I am, with much regard, etc  
S.D.

PS How goes on the County Report? Sir I. Sinclair has already expressed impatience.

Arthur Mowbray Esqre.

**6 Dec 1797 Shute Barrington to Thomas Bernard**

Mongewell Dec: 6th 1797

My Dear Sir,

I feel in its full extent the difficulty of adjusting a fair compensation for the Tythes of Stanhope, from the magnitude of the inclosure and the singularity of its nature. You wish to know my sentiments as to the modes which you have suggested.

1.If it be certain that money has attained its summit of depreciation (of which question I acknowledge myself to be an incompetent judge) I shall then agree with you that there can be no objection to a pecuniary payment as a part of the Equivalent. A corn rent, if money may still lose its value, is preferable, as fluctuating in price with that necessary of life, and is therefore a better standard of the value of the relinquished Tythes.

2. In the case of Common Inclosures I confess myself an enemy to the whole compensation being made in land, for reasons, which, I persuade myself, I have stated you in conversations on the subject. But in the case of Stanhope those reasons do not apply in their full force, and indeed without demisable land an adequate compensation cannot be made and it must be the least exceptionable to the proprietors of any. The great point to be attended to here is the Covenants to which the Tenant is to be subjected, to prevent under such a tenure, the impoverishment of the land.

3. In a parish like Stanhope, especially in its present state, and till its population be increased, Villages built, and other consequences of an improved Agriculture take place, the proportion of demesne land should be large.

In the proportions which you assign in the proposed divisions I am much inclined to concur with you. It has occurred to me as a matter deserving consideration, whether, as the advantages to the Rector of Stanhope will so greatly exceed all common bounds, some of the other <onora> should not be thrown upon him. Should not a certain proportion of his improved income be appropriated, perhaps for a limited term, to the



erecting Churches, Parsonage houses and towards the maintenance of the Ministers of these Churches? I wish you turn this in your thoughts.

Will it not be advisable to draw an outline of the Gen[era]l Plan, not only that you and I may weigh all its parts and bearings, but that the opinion of others may be taken, so that the whole may be shaped into the most unexceptionable form before it is submitted to parliament? On all the various branches of this uncommon measure I wish to have an opportunity of conversing with you during my short stay in London in the week after next. I purpose being there on Monday the 10th. and returning hither on Friday the 29th. unless there is a meeting of our Committee on that day which you think I should attend.

Can you condescend to partake of such a dinner as my housemaid can <chefs>, either on Tuesday, Wednesday, or Thursday. Much may be done in a quiet tete a tete. I will endeavour to write tomorrow, and return your paper on beggars.

I am &tc

SD

Thos. Bernard Esqr.

#### **11 Dec 1797 Richard Scruton to Arthur Mowbray**

[Note: Addressee unstated, but a later annotation indicates 'To Arthur Mowbray Esq Sherburn'. It is the letter referred to in Mowbray's letter to the Bishop of Durham dated 14 December 1797.]

Dear Sir,

I could not meet with you on Saturday last, altho' I frequently call'd at <Fairests>, I was told you were at Shotton's. \_

I attended the Meeting as advertised & communicated to the Persons who attended, the gracious Intentions of My Lord of Durham, to favour the Measure of a Division, which you had enabled me to do, & in Consequence only found one Sentiment amongst them \_ The Inclemency of the Weather (which was beyond all description) occasioned the Absence of many Proprietors, but those who attended signed a Resolution expressive of their Wishes for a division & appointed a Committee, of which I am one; to meet you on his Lordships Behalf on any Day that you will have the Goodness to appoint for the Purpose. \_

I hinted distantly at the Circumstances mentioned by you respecting the Chapel & Schools, & as to my own part (independent of the Question of Right) I shall be happy by every Means in my Power to forward that Plan whether the Division goes forward or not \_ They directed me to prepare the Draft of a Bill for his Lordship's Approbation, in which I have made some Progress, but of course the finishing Hand cannot at present be put to it 'till his Lordship's Sentiments are fully known \_



As the Post goes from hence to Weardale tomorrow Morning, if you could name any early Day to meet at Wolsingham I could inform the Committee accordingly.\_

I am Dr. Sir Yr. very obedt. Servt.

Rd. Scruton

Durham

11th December 1797\_

**14 Dec 1797 Arthur Mowbray to Shute Barrington**

My Lord,

I duly received your Lordship's Favor of the 6th Inst.\_ I have taken a Copy of Mr. Bernard's Letter and herewith I return it.

The Proprietor of Lands in Weardale have had a Meeting at Chapel last Week (it was by Advertisement in the Newcastle Chronicle which I did not see) to take into Consideration the Propriety of applying for a Division, Mr Scruton an Attorney in Durham who has an Estate in Weardale told me he was desired by several other Proprietors to attend, and asked me to be present. I told him that I thought the Proprietors had better be to themselves, and if they desired, I would give them a Meeting any time afterwards.

I also hinted to Mr. Scruton as to the Schools & Chapels; The Meeting terminated as I would have wished a Committee is fixed and they desire my Attendance at the next Meeting which I have promised any Day after the next Week (I enclose Scruton's Letter);

In a Conversation Yesterday Morning with him, he said that he found that any Acre Money in the stinted Pastures would do the Business up: the Proprietors seem fixed and determined not to pay for them; to this I answered that I conceived it would be the best in Case any difference of Opinion arose on this Head, that a Case should be drawn up and referred to the Attorney & Sol[icitor] General, to this he said he could see no objection, and would give the Proprietors that hint; Mr Bernard's Letter is very clear and full; should anything more occur I'll be obliged by being informed in the Course of the next Week, that I may attend the Meeting as much master of the Subject as possible.

Any Hints as to a Compensation for Tithes would greatly accelerate the Work, should be glad to have your L[ordship]'s Sentiments, I see no great difficulty in drawing the Line.

I do not know what to do as to Buddle, I can neither procure a Report as to Bedlington, nor has he Answered my Letters on the Subject, I have wrote four as pressing as I could; nor can I get any Answer as to the Agricultural Survey;\_ what does your Lordship think, should I proceed? the <Collings/?Culleys> think this a very bad time in the Year for procuring drawings of Cattle, & they advise that it be delayed till May: I should like Buddle to come forward as he proposed, but if we are not more

alert, there is no saying when we may finish, I should like to have the Drawings before I begin to write the Report;

The £200 has been applied to the pay[men]t of Mr. <Tewes> half Years Interest, and to Mrs. Yeoman's until the Time the principal was paid: I have about seven Pounds in Hand, but Lawson is to pay viz. £25 which I will do as soon as I know who receives for him.

Last Week I got from Mr. Emm a very full Acct. of all the <vacant> Grants at Bedlington which I gave to Mr Castle and desired him particularly & expeditiously to compare them with the Books and to furnish me with a full Acct. so that those essential to your L[ordshi]p's Interest in the Colliery may be granted to me, when this is done the whole may in one Deed be conveyed by me to your Lordship; these are the only Reasons that at present occur and I will put the Business in this way as fast forward as I can, if in the Mean Time I do not receive different directions from your Lordship.

I am My Lord Your Lordship's very much obligd & most obedt. hble. Servt.

Arthur Mowbray

The Honble. & Rt. Revd. The Lord Bishop of Durham

**18 Dec 1797 Arthur Mowbray to Shute Barrington**

Sherburn 18th Decr. 1797

My Lord,

I have fixed to meet the Committee of the Land Owners of Weardale at Wolsingham on Thursday the 28 Inst. as to the Division. I tho[ug]ht it better to inform your Lordship of the day. Mr. Pearson talks of attending the Meeting; if any Thing further occur, I will be obliged by being informed, as I could wish to go prepared; I think I have them now in good Trim, and I wish to keep them so;\_ I find they have thought of going to Parlia[men]t this Session;

I only yesterday received Mr Lockwood's Answer wishing for more time, and this day I have wrote him the Money is expected.

Does Your Lordship wish any Wood to be cut this Year.

I am My Lord, Your Lordship's very much obt. and most obt. Hble. Servant

Arthur Mowbray

The Hon. & Rt. Revd. The Lord Bishop of Durham

**19 Dec 1797 Thomas Bernard to Shute Barrington**

Tuesday Morn.

19 Dec 97

My Lord,

I have made a point of sketching as well as I could the outline of 2 letters this Morning, as with our Chapel, some appointments after it, & a dinner party at home, I thought I had little Chance otherwise of sending it you in time. One is an ostensible letter framed on the suggestions of last Night; the other containing private & confidential directions to Mr Mowbray on the subject; & both of them sent merely for Consider[atio]n & Correction; If I can contrive it, I will call on your Lordship tomorrow after our Committee.

As your Lordship wished [at] dinner tomorrow a mere Tete a Tete, I did not venture to ask you wh[ethe]r you wo[ul]d endeavour to engage Major Price to come with you: \_ Should you intend it now as an Adjournment of last Night's debate, perhaps you will make <Interest> for me with Mr Price to a company. We shall be most happy to see him, if he is disengaged.

With sincere respect & Esteem I remain Your Lordships obliged & faithful Servt.

Tho. Bernard

The Lord Bp. of Durham

**21 Dec 1797 Shute Barrington to Arthur Mowbray**

Cav: Square Decemr. 21st 1797

Mowbray,

I am so convinced that the inclosure at Weardale will add to the prosperity and plenty of the County of Durham, by the great quantity of Land which it must bring into cultivation, that it will have not merely my good wishes but (as far as I can go with propriety) my aid and assistance. I may not be able to assent to some things in an Episcopal Estate, which I might in what is merely my own private property. Not that I am aware of any difficulty arising in the present instance on that account; as in the only questionable point it seems to occur that of the limited Stints I perfectly approve of what is proposed the taking the opinions of the Attorney & Solicitor General. If they think I have no claim in that respect, my own inclination will be to abide by their decision.

With regard to the Compensation for Tythes, it will probably be more desirable for the proprietors (and I am not apprized of any objection) that an Allotment in Land should be made at once, without embarrassing the Lands to be improved with any Money or other rents, and any encumbrances upon them. This is a subject I would wish them to consider among themselves and if they prefer such an allotment They will of <course> propose the proportion that has been usual in similar inclosure. I write the more freely and openly on the subject, and wish this letter to be communicated to the proprietors, as I hope that in consequence of it a liberal and candid discussion and arrangement will take place in the manner most beneficial to all the parties interested.

I am, &tc

S.D.

Public

Cav: Square Decemr. 21 1797

Mowbray,

I have very little to add to the letter which accompanies this: My wishes that the proprietors should arrange among themselves the terms on which they desire an Inclosure. If any part of their plan is liable to objection, as injurious to the just claims of the See, or The Rectory, or in any other respect it will be easy to explain the objection, and probably not difficult to obviate it.

I should be better pleased if they would propose a small Allotment (four or five hundred Acres, or even less) for support of Parochial Schools &c. If they would adopt the idea, on your own personal suggestion I should like it, but I do not wish you to press it. When the proportions of Allotment for The Lord & Church are fixed, the arrangement and application of them will be a subject of consideration for the Rector and me, and everything related to that matter may be put out of the question for the present.

As the Allotments for the Leaseholders will be held for the same terms as the present Leasehold Estates are respectively held for I fear there will not be a sufficient length and continuity of tenure to encourage the Cultivation of them. This however is a subject of delicacy to me and any proposal about it can only originate with the Tenants. If you thought proper to have (as of yourself) a conversation on the subject with one of the longest and most liberal Leaseholders, he might probably make a proposition of a money rent in lieu of The Bishop's interest; so as for him to have the Allotment in fee simple liable to a cheap rent per Acre, and I upon receiving that proposition, should have time to consider whether I can with propriety assent to it. If I can, the others will probably make the same application. I mention this in confidence and am  
&c S.D.

Private

[annotated:]

Decemr. 21st 1797 Copy of two Letters to Arthur Mowbray

**26 Dec 1797 Arthur Mowbray to Shute Barrington**

Sherburn 26th Decr. 1797

My Lord,

On Saturday last Scruton informed me that the Land-owners of Weardale had desired the meeting to be postponed for a few days, as they were not quite ready; this gives a little Time in Case any Thing occur.

I see no Hardship in Lockwoods paying Money that he received at Mayday last.

I am persuaded that some propositions will be made by the proprietors as to Parochial Schools, I gave the hint thro' Scruton.

As your Lordship does not like Rent Charges in Lieu of Tithe, would it not be better to name three proper persons in the Act to ascertain what ought to be a fair Compensation to the Rector for Tithes, to be allowed in Land.

If the Leasehold Allotments could be made free, by the Act, on payment of about nine years purchase, this would encourage the division, and raise I do suppose a good Sum of Money; to be applied, in part, to the Building of Chapels, and the Residue in Land or public Securities for the Benefit of the See. This is the first Thought on this point. If this or something similar is not adopted, probably giving a little Encouragement in Renewals at the outset may be right.

I have had a Letter from Buddle, he advises Boring for Coal at Bedlington. I have wrote and desired him to forward me an acc[oun]t of what he recommends, and the probable Expense; that I may lay it before your Lordship. I'll have the Survey fixed with him, one Way or the Other soon, and it shall by one or both be put forward. I have received a Letter from Lawson as to the half years Interest of £1000 / Bedlington which I will remit tomorrow. He asks to have the Principal at Mayday next, I will write that I will consider it, and give him an Answer shortly.

I have had a good deal of Talk with Mr. Pearson on the Weardale Business, every Care shall be taken in the proceedings in drawing the Case, and in expediting the Business; by

My Lord, Your Lordship's very much obld. & mot. obdt. able. Servant.

Arthur Mowbray

The Honble. and Right Revd. The Lord Bishop of Durham.

### **30 Dec 1797 Shute Barrington to Arthur Mowbray**

Mongewell Decem. 30 1797

Mowbray,

In answer to the two material points on which you wish to have my opinion, I reply. 1. It will be much better that the proprietors of Lands in Weardale should consider what they will propose as the Allotment for tythes; an 8th, or (at the expense) a 9th would be the least that could be offered; and it would be sufficient. 2. A payment of nine years purchase, would amount to a very large sum; but whatever the compensation for my reversionary interest in the leasehold may be (whether in an Allotment of Land, a money rent, or a payment in gross) it had better be proposed by them, and made a matter of request to you. The mode does not appear to me to make much difference. Suppose that Compensation in a money rent would have been £2000 a year; if it came in one gross payment w[hi]ch was placed in the funds, it would produce more than £2000 a year; - if an allotment in land it would probably produce at present much less, but at a distant period much more. I think on the whole, it will be

most advisable that you should help the proprietors in discussing the question, and then let them decide what proposition they will make.

As to Lawson's wish to have the £1000 on the Bedlington Estate paid, he must be sensible that these are not times in which Mortgages can easily be paid off. You will therefore signify to him that there is but little probability of his being gratified. If I discover in the course of the year that the thing is practicable I will give you notice.

I shall be glad to hear the result of Buddle's examination at Bedlington.

I am, &tc

S.D.

Let me know what I am in your debt for Lawson's interest.

Arthur Mowbray Esqr.

**9 Jan 1798     Arthur Mowbray to Shute Barrington**

Sherburn, 9th January 1798

My Lord,

I have seen Scruton & Pearson several Times lately. we do not get forward with the Weardale proprietors & I have been told they are proving a little Lukewarm, but I hope they will come round and be sensible of your Lordships Goodness, no pains on my part shall be wanting to bring about a Work so laudable in every Point of View.

£   s   d

Paid Mr. Tew half a years Int. due 22 Novr last on	£6,200	155	0	0
do. Mr Lawson ditto on	£1000	25	0	0
do. Mrs Yeoman do. £1800 till the 16th October,				
when the principal Sum was paid		38	14	1
		£218	14	1
Receivd. by <Dft.> on Drummond & Co.		200		
Due to A. Mowbray		£18	14	1

By some Chance I have mislaid Mr. Bramwell's Bill  
which I think amounts to abt. £43   0   0

And I have Messrs. Froggitt & Robson's (Mr. Tews Solicitor)  
before me, which amounts to £29 10 4  
To pay £72 10 4

I have sent for a Copy of Mr. Bramwell's Bill.



I had wrote Lawson as to the £1000, saying that I was afraid it would not be convenient to pay the Money at May, and I also observed that I hoped on reconsidering the Matter he hardly could desire it being so soon after the Transfer & Expense.

I am really almost distressed, for Want of Buddells Report as to Bedlington Coal. I hope to see him next Week, if so, I will sit by him till I get it. I learn Cooper Colliery is doing very well, and Buddell says your Lordship's is the same Seam.

I have received an Acct. from Mr Castles of some vacant Bedlington Leases. as soon as I get them fully examined I will forward them to your Lordship with observations.

I gave Mr. Fenwick possession on Monday last Mr. Emm having previously informed me of his Correspondence with your Lordship as to an abatement in the Fine. Mr. Fenwick observed that he had wrote. I told him I was informed and had directions to make that Matter pleasant to him, that it was not your Lordship's Wish on any Consideration that a Fine should bear hard on any Man. What was set, was the usual Fine. Mr. Fenwick said he did not wish to have his Renewal on easier Terms than others, I told him I could assure him that the year & quarter had been always taken by the late Bishop of Durham, in Course he paid the whole Fine very pleasantly, wch. I was very pleased of, as it would have been the Means of several similar applications Fenwick being by no Means poor, but rich.

Sir Jno. Eden & Coln. Bewick are desirous to enclose a Common that lays to the North of Chester Common, called Urpeth Common, of wch. your Lordship is the Lord, they propose to proceed without an Act of Parliament, if your Lordship consents. Sir John thinks it is not so good Land as Chester and that 4d p. Acre would be fair for the Lord. Chester was 6d. I really don't know, I should suppose whether 6d or 4d the Difference would not be much as I believe there is not more than abt. 150 Acres. I told Sir John that I would write your Lordship and acquaint him with the Answer.

I am, My Lord Your Lordship's very much obt. & mch. obld. hble. Servt.

Arthur Mowbray

The Honble. & Right Revd. The Lord Bishop of Durham.

**13 Jan 1798 Shute Barrington to Arthur Mowbray**

Mongewell Jan: 13th 1798

Mowbray,

Whatever may prove the event of The Weardale Plan, the failure, if it does fail, will not be ascribable to you. The Proprietors, if they do not proceed will be their own enemies, and the enemies of the County. My object is the benefit of both.

You will assure Sir John Eden, with my compliments, that I shall readily consent to the inclosure of [blank space] Common on any terms which he as a man of honour shall say are a fair Compensation for my rights as Lord of the Manor. I would have you deliver this message, unless you are apprehensive that the precedent may be injurious to the See on similar applications. If you think so you will then inform Sir John that I



shall agree to any allowance per acre which shall be settled by you and any person appointed by him. If my recollection be accurate Bramwell's bill amounts to £47. no to £43. in either case the difference is not very material; but I have directed Messrs. Drummonds to answer your Draught for £80.0.0. lest there should be a further error.

Buddle's delays are indeed very vexatious. I hope however that your activity will infuse a little into him, and that I shall ere long have from him a <....> considered opinion on which I can depend. As soon as further concealment of my name as purchaser of the Bedlington Estate appears to you unnecessary, you will appraise me, that the proper Deeds may be prepared under Mr. Bernard's direction. I hear nothing of Lockwood's money from you or from him. If he received it in May there can be no plea for deferring payment.

I am, &tc

S.D.

A. Mowbray Esqr.

**14 Jan 1798    Arthur Mowbray to Shute Barrington**

Sherburn 14th January 1798

My Lord,

I have just received a letter from Mr. Buddle, the following is a Copy of what relates to Bedlington.

'In Regard to a Boring at Bedlington I made application to Mr Rawling for his Conditions on a datum of 70 fathoms, which I have enclosed, but you must know that these Estimates are exclusive of a number of incidental (and often very weighty) Charges; such as Swelling Clays, Quick sands, Foul holes, Whin Stone, Lime Stone, &tc &tc Tagle Legs, deals, &tc &tc, some one or more of which are generally to be encountered with on every Boring to the depth of 80 Fathoms, may be executed for about 200 Guineas, and which depth compared with what is already known <of> the Strata may fully satisfy an Undertaker, thus you see that Colliery Experiments are not made for Trifles '

Mr. Rawling's Conditions

Rates of Boring		£. s. d.	£ s d
To 5    Fathoms at	5/- p fath	1 5 -	
5       do.	10/-	2 10 -	
10   Fathoms cost			3 15 -
5   do.   at	15s	3 15 -	
5   do.   at	£1	5 - -	8 15 -
20   Fathoms cost			12 10 -

5 do.	£1. 5	6 5 -	
5 do.	1.10	7 10 -	13 15 -
30 Fathoms cost			26 5 -
5 Do.	at £1.15	8 15 -	
5 do.	at £2.	10 - -	18 15 -
40 Fathoms cost			45 - -
5 Do.	at £2. 5	11 5 -	
5 Do.	£2.10	12 10 -	23 15 -
50 Fathoms cost			68 15 -
5 do.	at £2.15	13 15 -	
5 do.	3.	15 - -	28 15 -
60 Fathoms cost			97 10 -
5 Do.	at £3.10	17 10 -	
5 do.	3.15	18 15 -	36 5 -
70 Fathoms cost			£133 15 -

Copy of another part of Mr Buddle's Letter as to the Agricultural Survey.

'Thos. Bewick seems unwilling to give us an Estimate, he thinks it will be so vague, however he has promised to do it for 20 <W Pro> Engravings for an Octavo Page.

If no handsome Support is given by the Agricultural Society to our Design, I have no Idea for my own part, whether to adopt their general Title Pages, or be trammel'd by their Rules, the servile compliance with which, has rendered some of the Published Reports extremely dry, tedious, and even disgusting.'

The Weardale Business is revived. I saw one of the Proprietors at the Quarter Sessions at Durham last Wednesday, and he in the name of the Committee desired a Meeting: He fixes next Thursday at Wolsingham, your Lordship shall be immediately informed of the Result.

Mr. Bramwells Bill, that I noted in my last Letter, to be about £43, is £51. 19. 8.

I am My Lord, Your Lordships very much obld. & most obdt. hble. Servt.

Arthur Mowbray

The Honble. & Right Revd. The Lord Bishop of Durham

**18 Jan 1798 Shute Barrington to Arthur Mowbray**

Mongewell Jan: 18th 1798

Mowbray,

Ignorant of every circumstance relating to Collieries I can form no guess what proportion boring bears to the other expenses which the proprietor of the Colliery has to defray before he lets it, of this therefore I must be previously informed; as well as whether the communication with the river Blythe is secured by a way leave, and,

whether, on the boring's turning out advantageously, there is a fair prospect of any responsible person's undertaking to work the Colliery. I incline to think with Buddle, that if you can improve your report by conducting it on a better plan than that of the Agricultural Society, their premium will not be an object sufficient to confine you to it.

By this post I sent directions to Messrs. Drummonds to answer your Draught for £100.4.1. the amount of the balance £10.14.1, Bramwell's bill £51.19.0. & Froggitt's bill £29.10.11.

I hope this days business at Wolsingham will be satisfactory. & am,  
&tc S.D.

I purpose being in London on the 31. Inst.

A.Mowbray Esqre.

**22 Jan 1798 Arthur Mowbray to Shute Barrington**

Sherburn 22nd January 1798

My Lord,

The Boring for Coal at Bedlington Buddell estimates £133 15s 0d. Extracts £76.5.0. together £210. and without a Boring, he thinks no one will lease the Mine at a fair Price. If the Seam is found, which he believes there is little doubt, on a Vend of 15,000 Chaldrons, which is deemed very moderate, the Colliery will pay a handsome Rent, and the Expenses of Winning, say from 12 to 16,000£ with Interest in twenty one years, and leave £3,000 p. ann profit.

This is Mr. Buddell's opinion in a Conversation I had with him last Week, but if a larger Vend can be had, the profits in Course will be more. This depends on Exportation, the Wayleave we consider very clear, as to what is to be worked from under the Leasehold to the high or old Staith, and by Mr. Pearson's opinion a Stage Way from thence along the Freehold Waste to the deep Water in Cooper Pool; In Course, I hope, if we have the Coal safe, and good, we will find a Way without difficulty to the Markett.

I will consult Buddell further as to the agricultural Report.

I met at Wolsingham last Thursday the Committee deputed by the Land Owners of Weardale. Mr Pearson & Mr Scruton attended. The Acre Money for the stinted pastures they seem to object to. I shewed them my Report as to the Improvement (from the minutest Calculations) a division would cause; and, that the Land owners would annually receive £30,000. this they seemed to allow, but said, rather than give up their Rights, and pay Acre Money, they would continue as they are; they purpose having another Meeting, and desired that they would consider, and make a proposal as to the Share or Sum to be charged. I told them that probably your Lordship would consent to appropriate a part for Schools &tc &tc. However, after the Meeting Pearson, Scruton and myself were of Opinion that if your Lordship thought right, to write Coln.

Beaumont and could procure a favourable Answer from him that he wished a division, such a Letter would completely do the Business, as one half of Weardale are influenced by the Coln. Such a Letter we wish to put into Scruton's Hands, to shew to several of the proprietors, and if your Lordship approve and can procure it, the sooner the better.

I am My Lord, Your Lordships very much obld. and most obdt. hble. Servt.

Arthur Mowbray

P.S. Coln. Beaumont is in London.

The Honble. & Rt. Revd. The Lord Bishop of Durham.

**25 Jan 1798 Shute Barrington to Thomas Richard Beaumont**

Mongewell Jan: 25th 1798

Dear Sir

It has been intimated to me that many of the Proprietors of Lands in Weardale are desirous of an inclosure. The idea meets with my fullest approbation from a conviction that the greatest benefits will result from the carrying it into execution both to the individuals concerned, and to the County at large from bringing into cultivation such an extent of unproductive soil. I should hope that it will appear to you and Mrs. Beaumont in the same light. If it does, you will have the goodness to signify to me your consent to the division as a general measure; not binding yourself to any specific terms, wch. may be adjusted in the prosecution of the Commission.

Mrs. Barrington's best compliments accompany mine to Mrs. Beaumont and yourself.

I am, Dear Sir, Etc

S D

Colonel Beaumont

**25 Jan 1798 Shute Barrington to Arthur Mowbray**

Mongewell Jan: 25th. 1798

Mowbray,

I have written by this post to Colonel Beaumont; and transmit herewith a Copy of the letter, as you should not be left ignorant on what foot I have put my application to him for his consent. You may depend on the earliest communication of his answer.

From your statement it is perfectly clear that the boring for Coal at Bedlington should be proceeded upon whenever Buddle shall think it proper. You will acquaint me when matters are ripe for the purchase to be in my name.

I purpose being in London on the 31 <Inst.>

<I> am, Etc

S:D

Arthur Mowbray Esqre.

**1 Feb 1798    Arthur Mowbray to Shute Barrington**

Sherburn 1<sup>st</sup> Feby. 1798

My Lord.

I am just returned from Newcastle where I have been attending Mr. Walton; Our Plan and Award as to the Boundary between the manor of Stanhope and Alston Moor is finished and very pleasantly: I find Mr. Walton has received for more than 4000 Bin[g]s of Lead Ore the last Year at rather more than £3 a Bin, <br[ough]t> the Sum of abt. £14,000 and this not a good Year; they have, I learn some other Years, as Lords received net £20,000.

Buddle was to have met me at Newcastle, when I proposed to have fixed with him as to the Boring for Coal at Bedlington, he did not come. I will write him and Your Lordship shall be informed of our Proceedings.

Herewith I send an Acco[un]t of such vacant Grants as appears to me ought to be granted to Your Lordship Vizt.

18<sup>th</sup> March 1766 Lease to Henry Perry of Newbiggin. \_ Of 'Waste Ground between high and low Water Marks on the South Side of the River Wansbeck from a Place called Broken Causeway down to the Passage of the said River by Ferry with the Liberty to get Stone for making Wharfs or Staiths and Warehouses thereon,'  
Term 21 Years                      Rent £1..0..0.

2<sup>nd</sup>. Augt. 1773 Lease to John Simpson Esqre., \_ Of 'Waste Ground between the high and low Water Marks on the South Side of the River Wansbeck extending from East to West the whole Length of the Lands of him the sd. Jno. Simpson in the Parish of Bedlington adjoining upon the said Waste Ground. – with the <Quary> & Granary thereon erected and built at or near the East End of the said Parcel of Ground with Liberty to build Staiths etc.'  
Term 21 Years Rent £1..0..0

The three Concurrent Leases granted to Mr. Burgess 22<sup>nd</sup> Oct: 1796, I conclude need not be noticed; if I find any other I will inform your Lordship; \_ I will pay every

Attention to Buddle's Directions, & advise as to the Coal, it will give me great Pleasure if we can establish a good Colliery.

I have viewed Urpeth Common along with Sir Jno. Eden's Agent; on valuing the whole and taking 1/16th it amounted to more than 6d. an Acre, in course the Agent conceived that Sir John would not object to 6d.

I do not think the dividing without an Act will be quite so easy as Sir John & Coln. Bewick thot. yet I think they may work thro', there is a Waggon Way now and must for a Number of Years be of considerable Value, Mr. Pearson and I propose to except it out of the Ground about to be divided.

It will give me great Pleasure to have a favourable Acct. from Coln. Beaumont.

If Your Lordship think Right I see no Particular Reason why the Bedlington Estate may not be conveyed to Your Lordship, the Leases of Wastes Mines etc I thot. had first better be made to me and the whole pass by one Instrument to Your Lordship.

I am My Lord Your Lordships very much obliged and most obedient Hble. Servant  
Arthur Mowbray

Bp. Lawson agrees to continue the 1000£ on the Bedlington Estate. \_

The Honble. and Rt. Revd. The Lord Bishop of Durham

**15 Feb 1798 Arthur Mowbray to Shute Barrington**

Sherburn, 15th Feby. 1798.

My Lord.

I dare say Coln Beaumont has wrote North for Information. I think it very probable that his Agents will advise him not to come freely forward, however if he keep back for Self Interest, it will be ungrateful, and very injurious to some hundreds of Families, and their Successors. Some of the Colns Agents in Weardale are old, born on the Spot and, (I have been told) think it best to keep that part of the Country where their chief Mines are as much in darkness as possible and also to prevent the Inhabitants from turning themselves to Agriculture, but continue <in> as many of them now are little if any better than Slaves and dependents. I should think the Advantages the Coln. receives from your Lordship would awaken a Sense of Feeling, joined with Humanity to his Fellow Creatures, would cause him to come freely and generously forward, and prevent him being biased by any selfish Views.

I have wrote to Buddle again by this post as to the Coal etc at Bedlington and to know if there is any Thing that has occurred to him in the Wayleave, of StaithRoom necessary to be granted to benefit the Coliery Working, and I have said that in Case he cannot give an Answer from his plan and Notes, that I will meet him at an early day to take a View. This done, I will give the directions to Mr, Brumwell, as your Lordship has pointed out.



The Season is now at Hand for Marking and Selling Wood about four or five hundred pounds Worth may be sold at Frankland, and about one hundred or one hundred and fifty pounds Worth at Bedburn, if your Lordship think right, Neither of the parcels will improve, but the prices for Timber are now very low,

I go in a day or two to view an Estate out of Lease at Howden, and then, I will see how Lockwood is proceeding with his Improvements at Walkington, look over the Staiths etc etc at Howden.

I am        My Lord,        Your Lordships very much obld. & most obdt. hble Servt  
Arthur Mowbray

The Honble. & Right Revd The Lord Bishop of Durham

**24 Feb 1798   Thomas Richard Beaumont to Shute Barrington**

Portman Square   Feby <1>4. 98

My Lord,

I had the Honor of Your Lordships letter some time since respecting the Division & Enclosure in Weardale & immediately wrote down to my Agents about it. I have been confined to my House for some time by an Accident in hurting my leg, but as soon as I am able to stir out I will do my self the Honor of waiting upon Your Lordship. I have the Honor

To be, My Lord   Your Lordships most obt. & very humble Servant  
Tho. Rd. Beaumont

[on verso in Bp Barrington's hand:]

Col. Beaumont. Feb 24 1798. I saw Col.B the same day in consequence of this letter & wrote to Mowbray by the Post. L.D.

**24 Feb 1798   Shute Barrington to Arthur Mowbray**

Cav: Square   Feb. 24th 1798

Mowbray

I have this morning had a conversation with Col: Beaumont on the subject of the Weardale Inclosure, in consequence of a letter from him signifying that he had just heard from his Agents. I found him by no means indisposed towards the measure; but apprehensive that his rights might be injured unless there were strict clauses in the bill to secure them. He expressed a fear also lest many would enjoy freeholds under the bill, who at present claimed, but had no legal title to them. I replied that every precaution should be taken to secure the first and to prevent the second. I proposed therefore to him, and he readily concurred in the proposition, that a meeting should be had between Mr. Pearson and you on my part, and Mr. Blackett & Mr <Hern [?Heron]>

on his; that the whole should be discussed; when I flattered myself such matters would be so arranged as to satisfy both parties; and prepare them for a General Meeting. Col. B. promised to write by this post, and you will take the first opportunity of communicating this letter to Mr. Pearson; and setting an early day for the meeting.

I am, etc

S.D.

A. Mowbray Esqre.

**7 Apr 1798    Arthur Mowbray to Shute Barrington**

Sherburn 7 April 1798

My Lord,

Herewith I send you an Acct. of the Constables of the County of Durham by Mr. Josh. Sanderson the County Treasurer, and who as Mr. Pearson's Clerk has for him the Chief Management of the Office of Clerk of the Peace.

I found Things here much the same as before I came to Town.

Appeals against the New Taxes seem fashionable, I think from the highest to the lowest all go and obtain Relief; I should think the Minister never brought forward a Tax that will turn out less productive, who frames his Bills I know not, but certain I am that those that frame them have very little Knowledge how they will apply, it strikes me very forcibly that it might have been drawn so as to have produced considerably more, and would have been better received; and I think the Landtax Bill which I had sent me Yesterday is of the same kind.

I have wrote Buddle to prepare the Bedlington Report &tc.

I am, My Lord, Your Lordships very much obld. and most obt. Hble. Servt.

Arthur Mowbray

The Honble. and Rt. Revd. The Lord Bishop Of Durham

**1 Aug 1798    Arthur Mowbray to Shute Barrington**

Durham, 1st August 1798

My Lord,

I have just seen Scruton, he has not as I imagined communicated the Content of the Memorandum, which I left with Mr. Bernard. I told him as indeed I did before that he had much overstated your Lordships Intention as to the portion of the Allotment to be given for the Maintenance of the Chapel, and also mistaken the Mode and Power to the Commissioners for Enfranchising. In the Conversation he seemed convinced, says it was hastily drawn up, and he will be very ready on Monday to put it in any Way Mr. Bernard may suggest - I have given him the Hint of the propriety of the Land Owners

making a proposal of giving a proportion of the Enclosed Pastures and told him the advantage they in all Likelihood would derive by so doing, he says he for his own part would readily do it, and he has undertaken to use his Influence with others. Scruton seems to wish your Lordship would agree to have any Matter in dispute (the damages by working the Mines, or any Thing else) left to H: Williamson and that he may revise the Draught, and settle the Bill. I thought it best to give your Lordship this Information before our Meeting on Monday.

I am, My Lord, Your Lordships very much obld. & mot. obdt. hble. Servt.

Arthur Mowbray

The Honble. & Right Revd. The Lord Bishop of Durham

**22 Aug 1798 Shute Barrington to Henry Hardinge**

[Note: Revd. Henry Hardinge was the Rector of Stanhope in 1798.]

Auckland Castle Aug. 22nd 1798

Dear Sir,

I consider the proposed inclosure of the waste hands in the parish of Stanhope as a measure, which will not only be very beneficial to the Country, but will (if properly arranged with regard to the rights and interests of the parties) produce a considerable advantage to every person interested, and among them both an immediate and prospective advantage to the Rectorial and Episcopal estate.

As however some questions may occur relative to the arrangement proper to be adopted respecting our several rights, it would be a great relief if the proprietors and their advisers were to form the outline of a proposal as to the terms of the inclosure; and that it be submitted to Counsel for opinion, both as to the Justice and propriety on our part. This, though not conclusively binding, would have it's weight in directing our Judgements, and removing any scruples, as to the propriety of what may be proposed to be done relative to the rights which it is our duty to attend to, and for which we must consider ourselves as Trustees.

Under this impression I have intimated an inclination for an interview upon the subject, in order to suggest to the agents the expediency of their forming such an outline for our consideration. If they accede to this, and you concur in the expediency of what I have proposed, I should wish that a Case stating the circumstances, should be sent and laid before your Brother (if he will give us leave) for his opinion & advice as to the rights and claims both of the Episcopal and Rectorial Estate. Let me have your Sentiments and believe me, &c

S.D.

The Revd. Henry Hardinge

**24 Aug 1798 Samuel Castle to Shute Barrington**

Durham 24th August 1798

My Lord,

Mr. Heron answers me that for the benefit of his health he is going with his Family to Tynemouth on Tuesday, and therefore proposes coming here on Monday. I have written to him again and expect he will breakfast with me that morning \_ so as that we may be at Auckland by twelve or one o' clock, and accomplish his wish of returning to Newcastle the same Evening \_ in case that time happens to be convenient for your Lordship and Mr. Bernard.

Mr. Scruton is from home, but I have seen Mr. Mowbray, and we think it best to take the chance of the above Appointment \_ and should the Attendance of any other interested Party be thought advisable they may be summoned.

If your Lordship hears nothing to the contrary before that, we shall, I trust be at Auckland by twelve or one o'clock on Monday first, for I have requested Mr. Heron to let me know tomorrow if he cannot possibly go farther than Durham \_ he desires me to present his most grateful Acknowledgements for your Lordship's kind Invitation to Auckland.

The Bearer waits in case your Lordship has any Commands hither.

I would have ridden over today myself \_ but having a Cause against the Sittings \_ and to prepare for the Ale Licensing afterwards \_ could ill be spared.

I have the honour to remain Your Lordship's most obliged and obedient humble  
Servant

Samuel <Castle>

**24 Aug 1798 Shute Barrington to Arthur Mowbray**

Auckland Castle Aug. 24 1798

Mowbray,

Mr. Harding was here yesterday & informed me that he shd. wish in any arrangemt. to be made as to his rights & claims to be advised by Mr. Hopper Williamson. This is the Man agreeable to me as Mr. H.W. is the person to whom, in point of character, I, probably & almost all the parties wd. have the most satisfaction in a reference. It is therefore very material that he shd. be consulted before the meeting on Thursday next, as to his sentiments in this business, & on a proper outline of terms between all parties; & particularly that he shd. be made aware of, & be able to explain to Mr. Harding the great & almost immediate advantage that the Rector's estate wd. secure from an allotment from the Commons &c in lieu of tithes of them, & the impossibility of any inclosure & improvement of that country taking place, if the Rector

is to retain his right of tithes over the land to be enclosed; a supposition wch. Mr. H. seems to have adopted on the suggestion of Mr. Curry.

You will consider whether this shall be laid before Mr. H.W. as a case with a professional fee, or in conversation, or how. The sooner it can be properly done the better. If as a written case, Mr. H's supposition as to the tithes shd. not be inserted.

I am &tc

S.D.

### **1 Sep 1798    Thomas Bernard**

[Note: A schedule of income that the Bishop of Durham might expect to receive from the lease of his Weardale Enclosure allotments and an illustration of how this might be expended. Probably dates to autumn 1798 when the inclosure's benefits to the See were being estimated and a plan for their use outlined. 1 Sep 1798 used here. Assumed to be from Thomas Bernard, who had an active interest in the topic.]

Suppose the Allotments to be 8000 Acres & Leased for 21 Years -

for the first seven at 5s pr Acre making	£2,000 pr an
for the second seven at 6 pr Acre making	£2,400 pr an
for the third seven at 7 pr Acre making	£2,800 pr an

in the first seven years would be received -    14,000

2 Parsonage houses	3000	
2 Churches	5800	
Curates - 200 pr an	2800	
Agent under the trustees	1000	
Rector a 10th	1400	14,000

in the second seven years would be received    16,800

2 Schools	800	
2 Poor houses	1000	
Expenses of poor houses	2100	
Expenses of Schools	2100	
Curates - 250 pr an	3500	
Agent	1000	
Rector a 10th 240 P an	1680	
Balance in the hands of the trustees	4620	16,800

in the third seven years would be received    19,600

Expenses of schools	2100
Expenses of Poor houses	2100

Curates 310 pr an	4200	
Agent	1000	
Rector @10th	1960	
Balance in the hands of Trustees	8240	19,600

At the expiration of the Lease suppose the Land to be worth ten Shillings pr Acre or  
4,000 pr an

Expenses of Schools	300	
Expenses of Poor houses	300	
Curates	600	
Agent	150	
Rector @ 10th	400	
Balance in the hands of Trustees	2250	4,000

The balances may be required for churches, parsonage houses &tc according to the increase of population.

### **3 Sep 1798 Thomas Bernard**

[Note: This document contains notes on the plan for settling the compensation due to the Bishop and Rector as a consequence of the Weardale Enclosure. The author is not stated but based on the handwriting it is possible that the notes were produced by Thomas Bernard.]

Durham. 3 Sep 1798

The Amount of the Rector's Allotment in lieu of Tythes out of the new Inclosures to be referred entirely to the Commissioners.

The Tythes of the old Inclosures to be compensated for by a Money Payment to be fixed by the Commiss[i]one[r]s; unless where the Rector & any of the Proprietors unite in preferring an Allotment in Land.

The Lord to have an Allotment of 1/16th of the Commons:- this allotment, it is supposed, will be between 1500 & 2000 Acres \_

The Question of any Allotmt. for the Stinted Pastures to go to the Solr. General & Mr Mansfield for their Opinions; unless the Proprietors should prefer a Reference to the Opinion of Mr. H. Williamson.

The Plan of Sale of Part of the Episcopal & Rectorial Allotments for Payment of the Expenses of Inclosure much approved of by Mr.W. as remaining the only difficulty the Rector could have about the Inclosure.

The Proposal as to Chapels &tc to be left out of the Question at present; &, when Made, to come as Offer by Letter from the Bishop to the Rector.



The Draft of the Act to be immediately prepared by, or under the direction of, Mr Williamson; & when approved by him, one Copy to be sent to the Bishop before he leaves the Country; another Copy to the Rector; & a third to the Proprietors, in Order that the 3 Parties may consider any Observations to be made upon the Draft.

The working of the Mines to be submitted to Mr W's Consideration; & a Meeting proposed at Mr. W's at Newcastle in Order to settle whether the <Power> may not remain subject to some & what Modifications.

Tythes of Mines to be reserved. Bishop's Allotment to be <free> from Tythes.

Three Commiss[ioners]; one named by the Bishop; another by the Rector; the third by the Proprietors.

### **1 Oct 1798    Richard Scruton**

[Note: Undated and unsigned early draft of the main headings of the Bill to be put before Parliament regarding the enclosure of common land in Weardale. Possibly from Richard Scruton, the lawyer who drew up the bill in the autumn of 1798. 1st Oct used here]

Preamble - Preamble, stating the Lands, Parties, & proposal to inclose.

Commiss[ioners]

Enacts that the Lands be divided by Commiss[ioners]/ Power to appt. new  
Comm[issioners]/ Form of Oath

Arbitrators

Appoints Arbitrators as to disputed Claims &tc, with power to appt. new ones, & form of Oath

Boundaries

Boundaries to be rode before the 2nd Meeting: if disputed to be settled by Reference, & (failing that) by a Jury.

Surveyor & Survey.

Commiss[ioners] to app a Surveyor. Survey to be made. Commiss[ioners] to fix the price, not exceeding [blank] per acre.

Incroachments -Incroachments (except of 20 Years or upwards) to be included in the Inclosure.

Notice of Meetings - Notice to be given of M [last line obscured]

Claims

Parties, or their Agents &tc, to give in their Claims. If disputed, to be referred to the Arbitrators, & det. in 6 Mo. Power to summon & examine Witn[esse]s. Persons giving false Evidence liable to the Penalties of Perjury. Office Copies admissible Evidence. Arbitrators may award Costs.

Valuation - Commiss[ioner]s to value the Lands

Roads

To set out Roads, & Stonepits or Gravel pits for the Roads. No Gates across the Roads. No Trees to be planted within 20 feet of the Roads that are nearer than 60 feet to each other Surveyor of the Roads to be appt. Proviso as to width of Roads.

Watercourses - Power to divert Watercourses

Cessation of Common Rt. - Common Right to cease as soon as the Stakes are drove

Leases - Leases at each Rent to be void.

Allotm[en]ts

Commiss[ioner]s to allot [blank] to the Lord of the Manor for his R[ight] of Soil to allot [blank space] to the Rector in lieu of his Tythes of the Lands inclosed.

Qu. a Propn. of these 2 allotms vested in <Feu> for Supporting Chapels & Schools the Residue Tythe free to Persons havg. Rt. of Common or Stints in Perp[etuity] to their Rights.

Qu. the <raising> =from 700 to= 1000£ for <Erectg> a Chapel, a Curate's House & 2 School houses

The Allotments to follow the Estates for which they are made.

Tythes of Old Inclosures

Commiss[ioner]s to fix a Money Rent for the Tythes of the old Inclosures, except where the Rector & the Propr[ietor]s shall prefer a Compens[atio]n by allotmt of Land.

Award - Comm[issione]rs to make an Award

Parties to accept &tc

Parties, or their Guardians, to accept their Allotmts., & inclose; In default, Comm[issione]rs may inclose

As to Settl[ement]s - No Settl[en]t or Right of <Dower> to be affected

Saving to Lord. –

Saving to the Lord & those claimg. under him of <manorial> & mineral Rights

Qu. as to mode of Satisfaction for damage in working Mines?

Exchanges.

Power of Propr[ietor]s, with Comm[issione]rs Consent, to exchange old or new Inclosures

Timber

Power of the Bishop's Lessees to plant & cut Timber upon the new Inclosures

Power to infranchise

Power of the Bp to infranchise any of the copyhold or Leasehold new Inclosures the Purchase Money being to be laid out in the Purchase of Episcopal Estate in the County, or the Episcopal Land tax.

Powers to lease

Powers for the Bishop & Rector to lease for 21 Years; the 1st Leases to be with Concurrence of the Commiss[ioner]s.

Provision for Exp: of Inclosure

Power for Ten[ant]s for Life &tc to raise Money by Mortgage of their new allotmts. & for the Comm[issioner]s by Sale of part of the Bps & Rectors new allotmts., to pay Exps of the Inclosure not exceedg. 40s per Acre

Enacts that Marriages in the St. John's Chapel in Stanhope shall be good. The Rector to have half the Fees. \_

Exp: of Act &tc

Provision as to Exp: of Act - of Comm[issioner]s - & of Arbitrators

Appeal - Appeal to 2 <Inspectors>

Saving - Genl Saving

**31 Oct 1798 Thomas Bernard to Shute Barrington**

Foundling 31 Oct 98

My Lord,

On my arrival in town last night I found the Dra[ft] of the Stanhope Inclosure Bill, with a Note from Mr Castle, requesting that it may be returned within 10 days to a fortnight from that time at the most. \_I looked into the draft last night enough to convince me that I should do Injury to your L[ordshi]p's Interests if I perused it at present; as there are objections which I could not help making at present, & which

would embarrass the business now; but which I trust will be done away by the Parties, <or> by Circumstances, before I see the dra[ft] again on your part. \_ Fortunately the draft is a very long one (116 folio Sheets) & could not be exam[ine]d by me as it should be & returned in less than 10 days or a fortnight more, which is incompatible with the time limit[e]d by Mr Castle. I have therefore made use of these Circumstances to return the draft without any Observ[atio]ns on my part.

When the other Parties are agreed, & Mr H. Williamson has approved the dra[ft] which he has not as yet done, it will then come as a proper Subject for Consider[atio]n & <discretion> what, either in words or <Essence>, should be conceded on your part for a general benefit & where any Alteration should be suggested. At present it appears to me to be premature.

Your L[ordshi]p will allow me to suggest this in Confidence, & to add that there is nothing at present that requires anything said or done on your part, or that will not but remain in total Silence.

I am with unfeigned respect & Esteem, Your Lordship's obliged and obedt. Servant  
Tho. Bernard

The Lord Bp. of Durham.

P.S. I fear Mr Cammidge will think I have neglected his Commission; but I have not, tho I have not as yet anything to communicate.

I have sent Mr Burgess a Copy of my preface in Mr Castle's Parcel; so that I need not trouble your Lordship to send one.

**1 Nov 1798 Thomas Bernard to Shute Barrington**

Foundling, 1 Nov 98

My Lord,

I accept very thankfully your <Correction>. I have struck out the word 'desired' in the 4th page. In the use of the word Philosophy I have a reference to the benefit derived from that System of Philosophical Experiments which Lord Bacon originally suggested; & in that view it is the only word that will give my meaning. All the same I feel the force of your L[ordshi]p's observ[atio]n. \_ The word has been horribly abused. \_ Cannot I prevent its being misunderstood by adding to it \_ natural Philosophy or true Philosophy. I shall be very glad to see the plan of your female friendly Society. \_ I have to thank yr Lp & Mr Eldon for his Hymns. - The former one, the Sunday Hymn, is a beautiful Composition. \_ I cannot, speaking in Confidence, say the same of his Easter Hymn.

Any Arrangement of the Trust Fund in Weardale would be made after the Bill is agreed upon among the Proprietors: - this part concerns only you & the Rector. \_

Inclosed is a paper that has been printed in the Lewis Journal. Your Lp will easily guess the Author, tho I don't own it.

I am with much respect Your Lps obliged & affectionate Servt.

Tho. Bernard

I inclose in separate Covers 2 copies of my preface, one of which I must beg you to direct for me to Mr Gilpin, the other to Mr Gisborn.

[on outer leaf:]

The Honb. & Rt. Revd. Ld. Bp. of Durham/ Mongewell House/ Wallingford.

**4 Nov 1798    Arthur Mowbray to Shute Barrington**

Sherburn 4th Novr. 1798

My Lord,

I duly received your very obliging Favor of the 28th October on the 29th at Newcastle. I had a long Conversation with Mr. Williamson on the Weardale Business. Some days before he had seen Mr Tweddell of Threepwood who is a Landowner in Weardale and who seemed highly offended in not having been more consulted (as he seemed it) as to the division; he also declared that he would in every shape and Stage of the Business oppose it \_ He has in many Instances given much Trouble in similar Cases.\_ In Consequence Mr Williamson advised that a Meeting by advertisement should be held at some convenient place in Weardale, and that the principal Nonresident proprietors should be wrote to, when Mr. Scruton should hint that he had only thrown a few Heads together for a Bill and after sounding those whom attend endeavour to obtain their permission to have another Meeting to read the Bill when Mr. Williamson will attend to explain and giveOrd[er]> in the proceeding; and when we hope the Rector will comply with what Mr. Williamson may Devise. At present he is very unsteady, by a letter Mr. Williamson shewed me, that he had lately rec'd from him. He seems quite wavering. Mr. Williamson has heard he is guided by his Wife, and we are now endeavouring to find out who furnished Mrs Harding with Ideas, and endeavour to check the Current. I wrote Scruton fully from Newcastle, and desired him to give it every dispatch \_ your Lordship may rest assured Nothing on my part shall be wanting.\_

I feel truly sensible in your Lordships Goodness as to the Education of my Child. I shall be extremely happy in sending her to any School Mrs. Barrington or your Lordship may please to recommend. It fully meets the Wish of Mrs. Mowbray, the Child and myself. She was nine years old last June healthy and active; as a Child has got pretty well forward in Music and dancing acquired some Knowledge of the English and writes a tolerable Hand. I take the Liberty of troubling your Lordship with this Acct. and to ask whether your Lordship supposes she is forward enough to enter one of these Schools. Should it be thought she is, I'll send her up any Time your Lordship may please to appoint, if not, I will endeavour to get her forward and send her at any time your Lordship may think proper.

I am highly obliged by your Lordships Nomination as deputy Lieutenant. For these and numerous Marks of your Lordships Kindness I hope none is more truly sensible than

My Lord Your Lordships very much obld. & most obdt. hble. Servt.

Arthur Mowbray

The Honble. and Right Revd. The Lord Bishop of durham.

**19 Nov 1798 Arthur Mowbray to Shute Barrington**

<Copy>

We think the Bishop of durham is not entitled to any Allotment as Lord of the Manor upon a division of the Stinted Pastures by Act of Parliament in Respect of any Interest in the Soil of those pastures, except as he appears to be entitled to the Mines of Lead under the stints of pastures as well as under the Copy hold and Customary freehold Lands and Commons. If it shall be proposed to extinguish his Rights to the Lead mines under the Stinted pastures the Bishop will be entitled to a Compensation for the same.

John Mitford

J Mansfield

Lincs Inn: 9 Nov 1798

Sherburn, 19th Novr. 1798

My, Lord,

Above I send your Lordship a Copy of the opinion. I wish it had been more favourable. I have by the same post sent Mr. Bernard a Copy and informed him that Mr Scruton is <....ant> of the Draught of the Bill as he proposed to advertise a Meeting for the Reading to be held in a Fortnight, when Mr. Williamson will attend. I hope the Rector will listen to his Advice, and that the whole will be drawn to a fair point & fixed.

The Landowners in this Country & in Scotland, where I have lately been are very backward in purchasing the Land Tax, partly on acct. of the price, and partly under an Idea that a new Bill will be formed on the Meeting of Parliament. The Tax on the Franklin demesne, and the Bishops Meadow is per Ann £1.7.3 Mr Castle had not on Saturday got an Acct. of the Tax on the Stockton Demesne. I presume Mr. Emm will have procured the Amount of the Tax on the Park &c &c at Bp. Auckland, and as I dare say Mr. Castle will soon be ready \_ shall be glad to have your Lordships direction as to the purchasing.

I saw Mr Buddle for the first Time since your Lordship left this Country on Wednesday last when he informed me that his Men had gone thro' another Seam of Coal at Bedlington, which he was afraid would <...vert> the <Main Seam>, if so, he



doubted it would not be so valuable as he expected \_ he promised a Report in two or three days, which I will forward to your Lordship.

I saw Mr. Taylor of Beamish the other Day, Sir Jno. Eden's Agent, and he was pressing that I should attend with Buddle and decide upon the Boundary between Blackburn fell and Sir Jno's Estate at Beamish; which your Lordship will recollect was spoke of. But lately it has occurred to me, that your Lordships, Sir Thos. Liddell's and Sir Jno. Eden's Interest are all intermixed, and not well known, and that it would be better for the Agents of the parties to meet and with the assistance of a Gentleman in the Law, to fix the Boundary or in Case of dispute to agree on an Order for an Opinion. I imagine my Lord at such a Meeting something probably may be brought forward and agreed upon as to your Lordships working the Coalmines which without some such attempt to conciliate are likely to lay dormant. Buddle thinks well of the plan. I shall be glad to have your Lordships Sentiments.

I am, My Lord Your Lordships very much obld. & most obdt. hble. Servt.

Arthur Mowbray

The Honble. and Right Revd. The Lord Bishop of Durham

**25 Nov 1798 Arthur Mowbray to Shute Barrington**

Sherburn, 25th Novr. 1798

My Lord,

I was a little surprised to find by Mr. Bernards Letter which I received yesterday, that he had <delivered> the Draught of the Bill for the Weardale Inclosure on the first Instant; I informed Scruton who immediately went in Search, and found it at Mr. Castles office. This has protracted the Business and how such a parcel has so long <laid> unnoticed seems surprising. I find Mr Castle did not see the Case before it went up, however, I have no Doubt of its being a true Copy of what Mr. Bernard settled, but in a thing so momentous I thought it better to procure it and with a Copy of the Opinion, send it to Mr. Bernard, which I have done today that he may look both over.

A day is fixed the next Week for Scruton to come to Sherburn, we we are to go over the whole of the Weardale Bill before <it meets> the Reading, if any thing <.....> I should be glad to be informed. Would your Lordship wish me to call upon Coln. Beaumonts Agents as to the Enfranchisement of what they hold in Weardale, and to find how they are disposed?

Sir Thos. Liddell seems pleased with the Idea of an Inclosure on Blackburn Fell, and wishes to see me shortly on the Business.

I observe what your Lordship says as to Mr. Castle and Mr. Williamson.

Daily I hope to have the Bedlington Report which shall be sent with the Borings to your Lordship.

I'll be sure to attend to the Hay Barns having soon to be at Doncaster. I hope then to be fully informed.

I have not heard <a Word> of any thing being done in Howdenshire as to the Land Tax, We must I think my Lord defer doing any Thing. \_ indeed we cannot do much until after the 25 Decr. \_ then I really should see <.....> the best way will be for each Lessee to give an Acct. of their Land Tax. I never saw any Thing more difficult to <procure>. The Tax of the Demesne Lands may be redeemed when your Lordship pleases, but Castle has not yet got an Acct. of the Stockton Tax.

As soon as the School begins at Kensington I am ready to come to Town with my Child. I presume it may be some time in January. I am sorry to give your Lordship and Mrs. Barrington so much Trouble. for such Marks of Kindness Mrs. Mowbray and myself are truly sensible and believe me

My Lord Your Lordships very faithful and obliged hble Servt.

Arthur Mowbray

The Honble. & Right Revd. The Lord Bishop of Durham

**25 Nov 1798 Arthur Mowbray to Thomas Bernard**

[Note: Addressee unclear but from a reference in letter from Mowbray to the Bishop of Durham sent the same day it is assumed that this letter was intended for Thomas Bernard.]

Sherburn 25th November 1798

Dear Sir

On the receipt of your favor yesterday, a search was made by Scruton and to my surprise the draught of the Weardale Inclosure Bill was found in Mr. Castle's Office where it had laid since the beginning of this Month. My Lord Bishop in his last Letter says he hopes the Case was the same as the draught you settled. I haven't the least doubt but it is, yet on finding Mr Castle had not compar'd it; I procured the Case from Scruton which I herewith send, it <will> be more pleasant to my Lord that you <just> look it over, & return it to me, should any thing occur I'll be oblig'd by being informed as I have fixed a Day the next Week to go over the whole the d[raugh]t of the Bill with Scruton before it meets the Reading.

I am Dr. Sir Your very much obld. Servt.

Arthur Mowbray

**28 Nov 1798 Thomas Bernard to Shute Barrington**

[Note: Date obscured but refers to documents sent to Bernard for perusal with Arthur Mowbray's letter dated 25 November 1798, and so is dated here 3 days later]

My Lord,

I have just rec'd the inclosed from Mr Mowbray with the Copy of the case that was <laid> before Mr Mansfield. It is to the best of my Recollection agreeable to the Dra[ugh]t we settled in the Country. I presume the decision <will> conclude the question against yr. Lp; <upon> a point, which I conceive you co[ul]d not give up without such an Authority.

I am with sincerest respect Yr Lps obliged & Faithful Servt.

Tho Bernard

**5 Dec 1798    Arthur Mowbray to Shute Barrington**

Sherburn 5th decr. 1798

My Lord,

Scruton has (as I presume your Lordship will have observed in the Newcastle Paper) advertised the Weardale Meeting to hold on the 17th Instant. It is further to consider the Bill, to read the Case and Opinion, and to resolve as to the propriety of another opinion whether your Lordships Lessees or the Owner of the Soil is to pay the damage done by working of the Mine. I have with Scruton looked over the Bill. At present the Clause as to the Expense of Building the Chapel, the Curates Salary &c is blank. I wish it had been filled up. Would it not be better to have it done by Mr. Williamson?

To the Bill on a General Reading I can see no objection. It does not get so rapidly forward as I could wish.

Mr Tweddell and Others are I think rather officious altho friendly to the Cause and I doubt the Rector will prove tedious.

I was last Friday at Ravensworth, and I have the pleasure to inform your Lordship that I found Sir Thomas Liddell friendly to the Blackburn fell Concern - he has allowed me to go at any time to any of his papers, and I hope by a little pains we may do some good. No attention having been paid to the Riding of the Boundary either by the Bishop of durham or by the Ravensworth Family for many years, makes it appear difficult, and the more so, as Sir John Eden has been riding constantly and taken in what appears pretty clear part of Blackburn Fell.

I have rec'd. an Answer to my Letter from Mr Spofforth saying he cannot get the Leaseholding Land Tax in Howdenshire separated from the Freehold. - As of yet I have not got Mr. Buddle's Report, nor have I got the Stockton Land Tax from Mr Castle. I am, My Lord

Your Lordships very much obt. & most obd. hble. Servt.

Arthur Mowbray

The Hble. & Rt. Revd. The Ld Bishop of durham

**9 Dec 1798    Arthur Mowbray to Shute Barrington**

Sherburn 9th December 1798

My Lord,

Yesterday at Newcastle in my way home from Stamfordham where I have been viewing your Lordship's Tithes I saw Buddle, and Rawling the viewer, the former has not yet made out his report but his Opinion is that the Borer do proceed to prove the lower Seam, which lays as he supposes about 25 or 30 Fathoms, below where they are now boring. the Seam they have bored thro' is I learn 9 inches thinner than they expected, Buddle will very soon he says send me his long promised Report but his opinion is that the Borer proceed and prove the Main Coal Seam, the expense from the first beginning, the boring &c, the completion was yesterday estimated by Buddle and Rawling, at something, but very little more than £200.

I thought it best to give your Lordship this information.

I am My Lord Your Lordships most obdt. & very humble Servant.

Arthur Mowbray

The Right Revd. The Lord Bishop of Durham

**12 Dec 1798    Arthur Mowbray to Bishop of Durham**

Sherburn, 12th decr. 1798

My Lord,

I believe I informed your Lordship of the Weardale Meeting next Monday. Scruton produced a Letter he had received from Weardale yesterday, which shews that two young Men in the Law at Wolsingham have been canvassing several of the proprietors as to their being appointed Solicitors, under a promise from Mr Castle that in Case they produced a Request from a competent Number of Land Owners, he will join them in opposition to Scruton. I called upon Castle last Night, and he pretty much informed what I had heard. He seems hurt at your Lordships not making a point of his being Solicitor on that Acct. he considers himself at Liberty to oppose Scruton, which in Course must, and I told him would, in all probability effect the Measure and thwart your Lordships Views.

It appears by the Letter Scruton received, that Castle has wrote to some of the Land Owners with an Intent to Check the proceedings, and he is there accused of saying your Lordship considered them a Set of wild Beings, and that it is your Lordships Wish to have them humanized and christianized, which has irritated them. Castle, on the other Hand says that Scruton said so among the proprietors at a Meeting. I am sorry for the proceeding. On this Acct. I will attend the Meeting, and endeavour to cool the Minds of the Parties. Castle seems resolved that he is doing what is right.

I shall go to Mrs. Pearsons on Sunday, and from thence on Monday to the Meeting, after which I hope to write to your Lordship a more favourable Acct. or to furnish the

real State of the Case. I write this to London, if it meet your Lordship there I may by Sundays post receive directions in my Way to Weardale.

I am, My Lord Your Lordships very mch. obld. & most obdt. hble. Serve.

Arthur Mowbray

The Honble. & Right Revd. The Lord Bishop of Durham

**18 Dec 1798 Arthur Mowbray to Shute Barrington**

Sherburn, 18 decr. 1798.

My Lord,

I have the pleasure to inform your Lordship that the Weardale Meeting yesterday was fully attended. It fell to my Lott to be called to the Chair. The Business was opened by Mr Scruton, charging the Wolsingham Attorneys with having acted unhandsomely towards him, in endeavouring to bias the Minds of the Land Owners, and without as he supposed a Cause, to prevail on them to discontinue him as Solicitor without assigning a reason and of endeavouring to influence them against your Lordship, by informing Numbers that your Lordship said that the people in Weardale were in want of being humanized and christianized and other Expressions with an Intent to work up the people against the Measure. To this, I desired Messrs. Dixon and Rymer to answer and I admitted the Words humanize and christianize were used by your Lordship for the best of purposes and with the best of Meanings. It was that your Lordship wished to have a Chapel in the remote part of the Dale and to have dispersed two or three Schools that the Labouring poor might have their Children educated gratis if the Fund would allow, and have an opportunity of taking them to Church at an easy distance. To provide for the Comforts of the Poor was humane and to give an Opportunity of their Children being in their tender years educated was I thought a high Proof of Christianity.

This had the desired Effect & put the Meeting into perfect good humour. Dixon admitted that they had used the Words, and that he had also said that Scruton had told your Lordship the people of Weardale were a Lott of ignorant people that no one could manage them but himself, and that he had them all at his Call and could make them do what he pleased. I observed that I was present I believe at all the Meetings that Scruton had with your Lordship and that I never heard him use such an Expression, and I believed he never did. In Course I thought it certainly right to call on Dixon for his Author, which he declared to be Mr Castle. I have told Castle today that if he did not clear the Matter up, I tho't. his Character would be injured in Weardale. He says he will seek to Dixon and cause him to produce the Letters he wrote him on the Subject which were three. The Business of the day then begun which was to go generally into the Heads of the Bill and to devise the most likely Mode to conduct the Business. Dixon produced I think from four different Fells or Hopes Names to the amount of about seven each as objectors to a Division but those appeared to be chiefly from people that

he had prevailed on, and which by a little Explanation seemed to think themselves wrong and some withdrew their Names. The whole were neither numerous nor Men of much Weight. I requested if any had their doubts as to the Advantage of dividing, they would have the Goodness to name them and I would endeavour to explain. This had the desired Effect. what doubt arose I did explain away, and I think left a very fair Impression on their Minds, so as to have little doubt but every Thing will go on pleasantly and end well.

Previous to the day that is to be fixed for Reading the Bill Scruton attends two days with the draught at two of the most convenient places in Weardale where any of the Proprietors may meet and obtain a competent Knowledge before the Meeting for a public Reading. And it was also agreed that at those Meetings Scruton Collect on Oath Matter from the Land Owners and from your Lordships Lessees Agents or who they may produce as to the damage in working the Lead Mines, on which to found a Case for Mr Williamsons Opinion (which was agreed to by Coln. Beaumont Agents and all present) so as to fix by whom and in what Manner the damage is hereafter to be paid.

These are the chief Heads of what passed and the day closed with the Greatest Harmony and good Humour.

The Rector of Stanhope was with us, and I had a good deal of Conversation with him as to a Compensation for Tithe, he seems obstinate and declines deferring to Mr Williamson. However, I think the Conversation had some Effect. whether I may be able to bring him too, or not, I cannot tell. The Proprietors I think seem to have no Objection for him to take the Tithe on Kind. The Rectory I learn is worth near 1500£ p. Ann.

I have received Information that the produce of the Lead Mines your Lordship lets to Coln. Beaumont runs thus. Their has been raised on an Average of Years past 20,000 Bins, which at four Guineas p. Bin (the Median price) is £84,000 from which deduct 20,000 Guineas, the average price for Working (vizt. one Guinea a Bin) leaves £63,000 net profit p. Ann.

Mrs. Mowbray is particularly obliged to Mrs. Barrington for the Kind offer to my Child. I think it not probable that I may reach Town before the Middle of January. Should it be sooner it will give me great pleasure to have the Honor of calling upon your Lordship at Mongewell.

I am, My Lord Your Lordships very much obd. & most obdt. hble Servt.

Arthur Mowbray

The Honble. & Right Revd. The Lord Bishop of Durham

**22 Dec 1798 Shute Barrington to Arthur Mowbray**

[Note: The final part of this letter is missing. In his reply of 26th Dec Mowbray refers to a question asked by the Bishop regarding 'lead monies', which is not included in the part of the letter which survives. There is also no signature.]



Mongewell Dec: 22nd 1798

Mowbray,

You have relieved my mind from some degree of uncertainty with respect to the impression made on the minds of the Weardale proprietors by Castle's conduct, which as far as I can see, has been unjustifiable. Till he can clear his character from the imputations to which it seems exposed, it will suffer very materially in the opinion of others besides that of those whom he has endeavoured to mislead. He seems to me to have been betrayed into this complicated scheme of something worse than folly, (if he had succeeded in defeating a measure in it's consequences of the utmost benefit to that extensive tract of Country) by heat of temper and inveterate enmity of Scruton. It is justice due from me to the latter to declare that in the various interviews I had with him on the subject of the Weardale division, not a word of the language attributed to, was spoken by him.

I feel a peculiar satisfaction that the opportunity presented itself, and that you so well availed yourself of it, to explain to the Meeting in what sense I used the terms which had been so grossly misinterpreted. You who know my motives from the beginning know that they were founded in the most disinterested wish to promote the spiritual and temporal good of the Inhabitants. These motives they will themselves discover when they have settled the bill as far as they are concerned; and should the Rector consent to an Allotment when he and I come to consider what proportion we both should agree to give for the endowment of the Chapel and of the Schools. I am at a loss to guess who can have acquired such an influence over his mind, as to make him think unfavourably of Mr. Hopper Williamson, to whom he assured me that he meant to intrust all his concerns; and to persuade him that a Compensation in Land, under the existing circumstances, will not to him be preferable to receiving the tythes. If however he is determined on the reservation, and the Proprietors do not object, I shall certainly give way. But I wish you previously to have some further conversation with him in which you may try to convince him of the superior advantages arising from his coming immediately into the receipt of a larger income in one mode than he can expect to derive during a long life from the other. Talk the matter over also with Mr. H. Williamson who may possibly from a wish to serve this poor man, attempt to recover his former weight. Should anything be started at the Reading of the Bill respecting the endowment of the Chapel, and the Schools, you will signify to the Meeting that they will be considerations in which the Rector and I shall be principally concerned, and which therefore cannot be entered upon till they have agreed upon those parts of the bill which affect them.

**26 Dec 1798 Thomas Bernard to Shute Barrington**

Foundling, 26 Dec. 1798

My Lord,

I am very glad that the Weardale Negotiation carries a better appearance; when there is so much magnitude of Object, so much Intricacy, & so many little Prejudices & Interests at work, it is too much to expect even now that it will proceed without further Impediment.

I am sorry that the Rector does not accede to what is both for his Interest & the general benefit. Perhaps he would not object to a Clause enabling him to agree with the Majority of the Common[er]s & Propr[ietor]s to an Allotm[en]t in lieu of his Tythes, if he shall think proper. The first of Febry. is not only our Election Day, but the day for the Meeting of the Society at large, to receive the Report & a Statem[en]t of the Account: so that if it is not inconvenient to your Lp & Mrs Barrington, the Presence of our President would be very desirable. I am with sincere respect & Esteem,

Yr Lps obliged & faithful Servt.

Tho. Bernard

<Count> R is gone to Lord Palmerstons, & is going from thence to Bath.

**26 Dec 1798 Arthur Mowbray to Shute Barrington**

Sherburn, 26 decr. 1798.

My Lord,

It gives me pleasure that my proceedings in Weardale met your Lordships Approbation. As I hope we may meet soon, it seems better to defer any detail as to Soliciting the Bill; Castle is I believe a very Honest Man, I am afraid he cannot quite clear himself of the Charge, yet I presume Dixon received what passed from him in private, at least so Castle says and I apprehend the young Men have handled the Conversation they had with him to its fullest Extent: I have talked a good deal to Castle since the Meeting and told him if he cannot clear himself the Matter had better drop.

I am afraid it is hardly probable to get such Information as really to be depended upon as to the Lead Monies. I was talking to Mr Emm and telling him what I heard rather surprised me, but he tells me that Mr Hall of Newcastle gave him an Acct. some Time since pretty much to the same Effect which rather strengthens the Acct. I had received. Your Lordship may depend on what Information I can procure shall be forwarded and that every attention will be paid. \_ I think I had better go to Newcastle and converse with Mr. Williamson before the Meeting for Reading the Bill, if the Rector is not quite fixed (and I have some Reason to suppose he is \_ Mr. W has heard Mrs. Harding is his adviser) I hope with Mr Williamsons assistance to bring him round.

Dixon and Ryman is by public advertisement calling Meetings and proposing to divide certain parts without an Act.

I find Mr. Castle has not got any Thing done as to the Chester <Corner> and Lanchester Collection. I told him your Lordship was desirous; he will sett about it, he tells me. The Copyhold Audit has been pretty well attended, and I have told the Collectors the propriety of keeping up the Collection and have desired The Depty.

Auditor to make out an Acct. of the Arrears and if they so not come in at the Leasehold Audits I will send the Exchequer Bailiff into the different districts with directions to act coolly and civilly, finding Nothing less will do.

I think your Lordships Directions were that I should remit 500£ to drummonds after the Audits.

I have given the directions to Buddle as to the Bedlington Colly. agreeable to your Lordships time.

I am obliged to your Lordships further Attention to my Child and am My Lord

Your Lordships very much obd. & most obdt. hble Servt.

Arthur Mowbray

The Honble. & Right Revd. The Lord Bishop of Durham

**30 Dec 1798 Arthur Mowbray to Shute Barrington**

Sherburn, 30th Decr. 1798.

My Lord,

On my return from Weardale I told Mr. Castle that it would certainly be better that he, thro' any Channel he pleased, should inform the Weardale people that he would not support the Wolsingham Attorneys in opposing the Bill; and, he then desired Muschamp, your Lordships Keeper, who was at durham, to inform the Rector of Stanhope and others, that he would not support them; leads me to hope he has Nothing to do in this advertising Business - Muschamp had been prevailed on to join in a Petition against Scruton and the Bill by those Attorneys Application, under an Idea that Castle was to be the Solicitor. I go tomorrow with Scruton to have a Consultation with Mr. Williamson at Newcastle and also to converse with Coln. Beaumont Agents that we may be ready and perfectly understand each other at the Reading of the Bill. \_ I will attend to your Lordships Letter as to the Rector, and give every Assistance in my power to the Cause. \_ In the course of this next Week your Lordship will have further Information on the Subject.

I am, My Lord Your Lordships very much obd. & most obdt. hble Servt.

Arthur Mowbray

The Honble & Right Revd The Lord Bishop of Durham

**3 Jan 1799 Arthur Mowbray to Shute Barrington**

Sherburn, 3rd Jany. 1799

My Lord,

I was on Monday last at Newcastle with Scruton, and we called on Mr. Williamson and fixed the Meeting in Weardale for Reading the Bill on Monday the 14th Inst. Mr W

will be with the Rector of Stanhope on the Sunday Evening and endeavour to bring him round. I take the Liberty of inclosing some Minutes I have made as to Tithe for your Lordships Correction, and I will be obliged by your advice whether I ought to shew them to the Rector in this or in any other shape your Lordship may please to point out. We also called on Mr. Blackett (Coln. Beaumonts Chief Manager) and shewed him the Bill, when I told him the great advantages that must follow from the Liberties your Lordship had consented to, as to planting and Enfranchising - he seemed to think highly of both. The latter I told him certainly loosened the Hands of all who hold Leases of every description under your Lordship as it gave a fair opportunity for any that wished to have their Interest in any of the Leases made a freehold on fair Terms.

We also saw Mr. Heron who I was informed by a Friend had expected we would shew him the Bill and had expressed his surprise that he had not seen it before, however we were I think perfectly in Time as he seemed much pleased with the Call, and is to have the Bill to look over on Saturday next, so that the whole I think now is in Train.

I am, My Lord Your Lordships very much obld. & most obdt. hble Servt  
Arthur Mowbray

The Honble. & Right Revd The Lord Bishop of Durham

**3 Jan 1799     Arthur Mowbray to Shute Barrington**

[Note: This document is the Minutes on Tithe referred to in, and enclosed with, Mowbray's letter to the Bishop of Durham dated 3rd January 1799.]

From a <cursory> View taken of Lands within the Forest of Weardale in the County of durham it appears that the Tract of Country so called contains by Estimation 70,400 Acres and from the most careful Enquiry and Strictest Examination, in it's present State does not return annually to the Owners more than £3760. These Observations have been weighed and minutely attended to, so as on them to found fair Calculations from which it seems clear, that were those Lands divided and improved, The Return to the Owners would not be less than £42,861.1.8.

It having been proposed to give the Rector a Compensation for his Tithe in Lands out of the commonable parts and stinted pastures and to charge the Old Inclosures with a Money payment.

#### Considerations

The Tithe payable to the Rector from the open Tracts, is chiefly Wool and Lamb; and it is probable that if those Lands are divided, Cultivation will immediately follow and that for some Years after the Division, the Animals that may pasture thereon and the Crops will not be of those Kinds to yield a Return to the Tithe Owner, equal to the

present Tithe, But was the Rector to accede to a Compensation in Lands, the great Advantages to the Living are truly obvious; because, The Commissioners in founding the Ground of Claim for a Compensation must include Lands that are likely to be planted, and yield no Tithe, consider the improved Value of the whole and give such an Allotment as appears to them a full Equivalent. Thus the Rector would immediately (without Expenses) have his Allotment set out and Ring fenced; and as it is meant that a part should be sold to defray the Expense of Buildings, Subdivision Fences &c it would at the outset lett for its full improved Value which on the Ground of Calculation before mentioned, may fairly be said to stand thus. The annual Value in the present State £3760 and in the Inclosed & improved State 42,861.1.8 which is an Increase of Income of nearly twelve Times the present Value; but admit that one sixth of such Increase be the proportion to be sold for Subdivision Fences, Buildings &c and that one sixth more be considered for Exigencies (Chapels, Schools &c) which is certainly allowing in the fullest Manner, The Rector would receive without Risque, without Loss of Time, and without Trouble a Compensation at least Eight Times more valuable than the Tithe and in every Respect more likely to <increase>.

3rd January 1799

**6 Jan 1799     Arthur Mowbray to Shute Barrington**

Sherburn, 6th Jany. 1799

My Lord,

I saw Mr. Scruton yesterday after his attending in Weardale with the Bill. He tells me the Meetings were numerous and from the Appearance of Things in General he has every Reason to suppose at the Reading on the 14th the Majority of the Owners of the Fells and Stinted pastures will be for a Division, but he doubts the Commons on Acct. of a Number of small Land owners, Claimants, having almost lived by Surcharge. I presume your Lordship will consent to a General Inclosure, and after a Tryal as to the Majority consenting your Lordship may consent or withhold as the Case may appear, to the Inclosing a part. The Rector, Mr Scruton says, objects at present to consent to any compensation in Lieu of Tithes, but he thinks he would have no Objection to a Clause giving power to Commissioners to sell without his Consent Tithes after the Inclosure, and to invest the Money in Lands.

I enclose your Lordship a Letter I have just received from Mr. Scruton.

I have wrote Mr. Bramwell to prepare the Bedlington Deeds against I come to London \_ and I wrote Buddle last Friday very fully as to his loosing no Time in receiving your Lordships Collieries.

I am, My Lord, your Lordships very much obld. & most obdt hble Servt.

Arthur Mowbray

The Hble. & Rt. Revd. The Lord Bishop of durham

**10 Jan 1799 Shute Barrington to Arthur Mowbray**

Mongewell Jan: 10th 1799

Mowbray,

You must certainly press a general Inclosure as far as your Majority on the 14th will enable you to go. But if it should fail you must in my name consent to a partial inclosure rather than none, for even that will be attended with it's benefits. If success attends the first experiment I have no doubt of the plan's being adopted afterwards. But in my opinion it will be advisable to propose to the Commoners, if they object to the general Inclosure, that by a Clause they should be <empowered>, on application to the Commissioners to inclose without a subsequent Act of Parliament which would be expensive and troublesome. As to the Rector Mr. W & you must do whatever you can with him.

I have no objection to the power of enfranchising the present Inclosed Lands, on the terms proposed by Mr. Scruton; as that power may be exercised or not by me and my successors; or to the same power with respect to the sale of the quit rents. But I would have you consider whether you may not make a good use of these concessions at the Meeting. In that case do not previously communicate them to Scruton. Remember that I go to London on the 15th Inst. and shall be impatient to receive the earliest information relative to the proceedings at Stanhope the 14th.

I am &c

S.D.

I return Mr. Scruton's letter.

Things may possibly be stated on Monday which may render it proper for you to urge in reply that if the present opportunity is lost another may not soon present itself of obtaining for the Proprietors the same advantageous offer which is now held out to them.

**15 Jan 1799 Arthur Mowbray**

[Note: Undated memorandum stating the decision taken by gentlemen deputed at the meeting held in Stanhope on 14th January 1799 (reading of the Weardale Enclosure Bill) to consider the compensation to be made to the Rector of Stanhope in lieu of tithes. On assumption it was drawn up immediately afterwards it is dated here to 15th January. It is in Mowbray's hand, and therefore ascribed to him.]

We whose Names are hereunto subscribed having in consequence of being deputed by the Proprietors of Lands within the Parish of Stanhope, at a meeting held at Stanhope in the County of Durham on the 14th January 1799 to consider of a compensation to be made to the Rector of Stanhope in lieu of the Tithe of the Lands



that are about to be divided, and of certain other Lands called the old Inclosures within the said Parish. Having maturely considered the same are of Opinion, that a clause should be inserted in the Bill to the following effect, viz.

That the Commissioners do estimate the annual value of the Tithe of such Lands, and allot a fair equivalent in Lands out of each stinted pasture or Commons proposed to be divided free of expense and ring fenced, and charge the said old Inclosures with a Money Payment, and that all parcels of Land within the said Parish that are charged with Moduses, are to be declared exempt under such Modus \_ and that a further clause be inserted in the Bill to prevent any Land owner or his Tenant moving Cattle from Lands that are Titheable to Lands that are Tithe Free with an intent to defraud the Rector. \_ And that in case any dispute do arise between the Land Owners and the Rector as to what Lands are Tithe free which are titheable or charged with certain [word obscured] of Tithe or that are exempt by the Payment of a Modus such disputes or any other thing touching the Contents of this Memorandum be referred by all concerned to R.H. Williamson Esqre.

A Mowbray

Robt. Curry

John Wallis

John Harrison

Joseph Harrison

Joseph Walton

Mr Sowerby would not attend the Meeting.

#### **15 Jan 1799 Dean and Chapter of Durham to Arthur Mowbray**

[Note: Annotated 'A Copy of a Letter without a Signature']

You are desired to state to the Dean and Chapter of Durham, the Amount of the Land Tax charged annually on the premises, comprehended in your Lease from them, and also to inform them, whether you contracted for the redemption of the said Land Tax, previously to the twenty fifth of December 1798.

January 15th 1799.

#### **16 Jan 1799 Arthur Mowbray to Shute Barrington**

Sherburn, 16th Jany 1799

My Lord,

On the 14th. at Stanhope the Meeting was well attended, Mr Tweddell in the Chair, and he took a very active part. Mr Williamson also attended, and gave the measure the fullest Support. Not any Thing on that day was done with the Rector as to the Tithe, save fixing a Committee on Behalf of the proprietors to propose Terms (a Copy of their

proposal I send herewith). The Rector came to durham today in hopes to have met Mr. W: at the quarter Sessions, but he has been disappointed, In Consequence I have made a Copy of the proposal, which he has sent to Mr W. for his Advice. He continues stubborn and I think advised by every One he meets. The Number of proprietors I believe are about 212. Mr. Scruton has just returned and obtained the Signatures to the Petition of about Forty, and expects many more before Saturday. He thinks all will do well, and the division will go on in whole or in part. Nothing was done on the part of Coln Beaumont, Mr Heron having sent a Message to desire that the Agents wd. not say one Word on Behalf of the Coln. wch. caused them to say nothing either on the Coln. Behalf or their own & which in Course damped the Meeting. I have wrote Mr. Blackett. I send your Lordship a Copy. Before the Meeting I consulted with two experienced Commissioners, and we proposed to survey, divide, allot, plan etc all the Lands that are proposed to be allotted at the Rate of 2s. p Acre, and all the Lands that are to be stinted at 1s. p Acre; This had a very good Effect, and Scruton proposed that the Law Expences should not cost more than 1s. p Acre, but he believed it would be considerably less, and he would lay his Bill before Mr. Williamson or any other Gentleman to be taxed. All this gave new Life to the Cause & by one Thing or other, I think we will struggle thro'. It is the Opinion of Mr. Williamson that your Lordship cannot extend the Clause to enfranchise more Lands than those that are about to be divided, without almost a Certainty of double fees & he submits to your Lordships Consideration that of having another Bill which may be Short & little, if any more Expenche, for the Purpose. He presumes in it more districts may be included, & probably other Matter.

I have not recd. the Income Act, nor the New Land Tax Act. Has your Lordship come to any Resolution as to purchasing the Land Tax charged on the Estates that belong to the See? The Petition to Parliament for the dividing <Charelaw & findon hill>Commons will be sent to Town by tomorrow's post.

I propose setting out for London on the 28 Inst.

I am, My Lord, Your Lordships very much obld. & mt obd hble Servt.

Arthur Mowbray

The honble. & Right Revd - The Lord Bishop of durham

**16 Jan 1799 Arthur Mowbray to John Erasmus Blackett**

[Note: A copy; not in Mowbray's hand. The original is to be found amongst JEB's papers in NRO ZBL 213, and a transcript is available in DD]

Sherburn 16th Jany 1799

Sir

I dare say Mr Bell will have informed you what passed at the meeting in Weardale on the 14th. Instant. I was in hopes you would have been pleased to have directed Mr

Emmerson or some other one of Coll. Beaumonts Agents to have given the Bill support indeed I felt a little on the occasion when I was informed that Mr Bell had been desired to acquaint them that they were not at liberty to say one word on behalf of the Coll. The effect was, they in consequence said nothing at all, and which no doubt had an effect and caused several to believe the Coll. is not friendly to the Division. Will you have the goodness to write to some one of the Agents and put the matter into a proper Channel as after the Coll. promising the Bishop of Durham that he would give the Bill every support provided it was on fair Grounds and it having been with you on his behalf, and also before his Law Agent, & met as I conceived the fullest approbation. I cannot for a moment suppose it to be on any other Ground but that of a mistake, which you will have the goodness to set right. I am Sir

Yours &c &c

(signed) Arthr. Mowbray

To Eras: Blackett Esqr/ NCastle.

**18 Jan 1799 John Erasmus Blackett to Arthur Mowbray**

[Note: The office copy of this letter is in NRO 672/E/1E/5]

Copy of a letter from John E. Blackett Esq

Newcastle 18th. Jany 1799

Sir

Since my annexed Letter to you I have been favord with your Letter of the 16th Instant, I have been so much indisposed as to confine me to the House ever since I had the pleasure of seeing you until this Morning, when I saw Mr Williamson and Mr Bell called on me; had I been in Health I would certainly have attended the Meeting, but in that case I could not have acquiesced in the question of a division without there being an express clause in the Bill that Coll. Beaumont, as Lessee under the Lord Bishop of Durham, should not be subject to any damages for working &c in the stinted Pastures. On that being consented to Coll. Beaumont will not object to the division and I shall acquaint his Agent at New House Mr Emmerson with the same. I am sorry to hear Mr Shaftoe should address the Meeting in such indecent and very improper Terms. As to Mr Wallis, he is very troublesome but of very little consequence. I am Sir

Your most obed Servt.

John E Blackett.

To Mr. Mowbray

**21 Jan 1799 Arthur Mowbray to Shute Barrington**

Sherburn 21. Jany. 1799.

My Lord

Herewith I send a Copy of Mr. Blacketts Answer to my Letter of which I sent your Lordship a Copy - & also a Copy of a printed Letter I yesterday received from The Dean & Chapter as one of their Lessees. I have by the Post Remitted Five Hundred pounds to Messrs Drummonds, to be passed to the Credit of your Lordship's Accompt.

I am My Lord Your Lordship's very much obd. ob. Hble Servant

Arthur Mowbray

The Honbl. & Right Revd. – The Lord Bishop of Durham

**25 Jan 1799 Francis Tweddell to Shute Barrington**

[Note: John Erasmus Blackett mentions, in a letter of 8 March 1799 to Thomas Richard Beaumont, that he has received a 'long letter' from Mr Tweddell on the subject of the Division of Commons. Mr Tweddell's letters do tend to be long and rambling. He was one of the joint owners of the Unthank Estate near Stanhope Weardale, hence one of the proprietors interested in the proposed Division.]

Threepwood 25th January 1799

My Lord,

I trust your Lordship will have the goodness to excuse my addressing you on the subject of the proposed Division of the Commons and Stinted Pastures in the Parish of Stanhope in Weardale, in which Division being a considerable Proprietor, I crave leave to express a due sense of the various advantages the Proprietors generally are likely to experience from Your Lordships indulgence and liberality of Sentiment, not only towards Enfranchising the Leaseholders within the Parish on reasonable terms, but also of encouraging the Growth of Timber, as well in the In Grounds, as on the Improved Wastes now wholly barren and unproductive, and which latter in a Country where mines abound and Timber exceeding scarce, must not only prove extremely beneficial to the Landed Interest, but also in future, of most singular advantage to the Lessee of the Mines, from the great scarcity of Wood in the Neighbourhood of the Mines, and heavy expence at which that necessary article is now obtained.

But that I may not unnecessarily detain Your Lordship on the subject I wish now to communicate, with Your Lordships permission I crave leave to observe, that at a meeting of the Proprietors on the 14th Inst, for the purpose of hearing the Bill read, signing the Petition, appointing Commissioners, Arbitrator etc and at which meeting, Mr Hopper Williamson, the Rector of Stanhope, Mr Mowbray on behalf of Your Lordship, and Most of the Proprietors attended to carry the proposed measures into effect, much unexpected difficulty occurred, towards reconciling many of the

Proprietors to a Measure, in all Respects so visibly calculated to the general advantage: notwithstanding that such was clearly demonstrated by Mr Williamson and others, a conduct this the more surprising, as at a former meeting at which I was present, the measure for a Division on the terms now proposed was then almost generally approved, but to the ill advice of some busy minded persons having lately alarmed the Proprietors with an erroneous statement of the heavy expence necessarily attendant on such a Business, must the whole be imputed. But as Mr Mowbray most probably may to Your Lordship have signified what I have there noted, and other matters with his observations thereon, I shall only further remark, that notwithstanding the obstacles that at first occurred, the Petition, towards the conclusion of the day had received the Signature of very many considerable Proprietors, and by the Assiduity and uncommon exertions of Mr Scruton the Solicitor to the Bill, on that and the ensuing day, it most probably should be in such state, as to enable its being in due time presented to the Houses, But as from the prejudices imbibed by several of the Proprietors, various Clauses of much consequence in the Division yet remain unadjusted, and without the assent to which, the Bill will be so narrowed as to be very incomplete, to affect a matter thus material, powerful Friends to the measure seem essential, or I much suspect we may ultimately fail to accomplish the Object We so evidently have hoped to obtain. It is a difficulty thus momentous, Your Lordship, in addition to the many singular instances of Good Will expressed to the Proprietors in the course of this Division, would permit my suggesting a means, by which the Obstacle thus apprehended might apparently be removed, it would be this, that as Your Lordships wish for success to the Bill has already been made known to the Proprietors generally by your Lordships Agent Mr Mowbray and by Mr Scruton the Solicitor to the Bill, if in Addition, Your Lordships Lessee Col Beaumont, could be induced to entertain a similar friendly disposition to the Measure (and from whose property in the Mines many of the opposing Proprietors depend and actually derive great advantages therefrom) and that such His disposition to promote the Bill was speedily signified to Col Beaumonts Mine Agents, and that the benefits resulting to them in common with others were to them clearly explained; the prejudices imbibed by those Proprietors in all human probability would thus effectually be removed, and the Bill on our next meeting (at most I should suppose in two or three weeks hence) for a Division on the large scale as originally proposed, be thus carried to its full effect. But should the Bill proved defective in this latter way, or through want of sufficient value which would prove fatal, experience an Opposition, much would it hereafter be lamented, not only by its present chief promoters, but also by those very misguided persons who have proved the cause, however ignorantly, of its failure, and this at a time when redress is unattainable, and more especially it would be regretted, when considered, that by Your Lordships liberality of Sentiment, the present Bill is fraught with many real advantages, such as Proprietors of Estates have not in any similar instance, hitherto experienced. But much as I sincerely wish the Bill to prove successful, to say more on the subject to Your Lordship is a liberty in which I do not presume to indulge myself, but which I trust, the importance of the matter at this critical period

may, with Your Lordship, plead my excuse for having noted; and indeed, nothing less than the Idea of Your Lordship condescending to do the Proprietors every the most essential service by the liberal concessions in this Bill proposed for their Emolument, could have induced my flattering myself with the hopes of Your Lordships further aid in this matter.

Mr Mowbray will I presume have informed Your Lordship of a proposal originating with Mr Williamson for Mr Harding the Rector of Stanhope commuting the whole of his Tythes for Land, by referring to a Committee, then named, and of which number is Mr Mowbray to devise a mode, that in no respect shall diminish Mr Harding's present Income (and to guard which essential purpose it was agreed that the 3rd Commissioner should be of His naming) nor in future do prejudice to his Successor, and as in similar matter of exchange I understood Mr Mowbray had been employed, and which terminated to the mutual satisfaction of the interested parties, this I much hope may alike prove successful, the Proprietors on their part being as I am assured perfectly well disposed to do ever thing in their power to make the Exchange agreeable to the Rector, we therefore flatter ourselves the Compromise will be effected as Independent of the general Regret of Tyths in kind being drawn, the Grounds for litigation between the Lessee of the Tyths and the Proprietors would thus be totally done away and in Justice to Mr Harding it must be said, that on the proposal being made, a disposition to oblige his parishioners on Suitable Terms has clearly manifest and were it known to Mr Harding, that a compromise on such Terms met Your Lordships Approbation, much reason there is conclude, that a successful Issue to the general Wish of the Proprietors of Estates would prove the result. Your Lordship will I trust permit my further observing, that Your Lordships Idea of constructing an additional Chapel in the extreme parts of the Parish in case of the Proposed Division go forward, was universally approved, and to the promoting so good a Work, the Inhabitants will most readily lend their best assistance.

In an affair of the present consequence I have indeed unavoidably occasioned Your Lordship very much trouble, but which a Business of such importance in its Consequences, to the Proprietors of Estates within the extensive Parish of Stanhope, I presume to flatter myself will induce Your Lordship the more readily to excuse,

With all due Respect I have the Honor to be, My Lord, Your Lordships Most Obedient Servant  
Fra Tweddell

[In a different hand, sideways at the bottom of the sheet:]  
Mr Tweddell/ Jan.25.1799

**25 Jan 1799 Robert Hopper Williamson to Arthur Mowbray**

Dear Sir,



I had an opportunity of seeing Mr Blackett soon after my return from Stanhope and stated to him that it was intended to secure to Col. Beaumont his right as Lessee of the Bishop of Durham to work the lead mines in the stinted pastures & stinted moors without paying any damages for spoil of ground, and I also suggested to him that, as it appeared to me that a very considerable number of the persons interested in the division at present kept aloof merely from want of knowing the final determination of Col. Beaumont upon the subject, it w[oul]d forward the measure much to have the Col's acquiescence explicitly signified to his agents, which he very readily undertook to do upon the assurance of Col. Beaumonts right being secured. I have no doubt therefore but that much apparent obstruction is now completely removed & that many who did not appear friendly at the meeting will now concur in the intended division. The Rector of Stanhope sent me a copy of the committee's proposal to him as to the compensation for tithe, with two Questions subjoined to the following effect,

1st Whether it w[oul]d be illegally fraudulent for occupiers of land part of which is subject to the payment of tithe in kind and other part tithe free or covered by compensation in money, to contrive by timely removal that all their Cows Ewes etc sh[oul]d drop their young on that part of the land which is exempt from payment of tithes in kind

2nd Whether it w[oul]d be allowable for such occupiers to clip their sheep on the tithe free land and be thereby exempt from the payment of wool although the sheep may have been kept a great part or the greatest part of the year before on that part of the land which is subject to the payment of tithes in kind.

To these questions I c[oul]d not have much doubt in giving him my opinion 1st that occupiers of lands so circumstanced might legally contrive so as that all their cows ewes etc might drop their young on the tithe free land, and by that measure deprive the Rector of all tithes in respect of such young; and 2nd that the occupiers might also by clipping their sheep upon the tithe free land deprive the Rector altogether of the tithe of wool. In this latter answer however I do not wish to be understood as saying that an occupier so circumstanced might legally carry his sheep to the tithe free land merely for the purpose of clipping and remove them again immediately to the other part of his land; such an occasional removal w[oul]d certainly be fraudulent, but yet it w[oul]d be no very difficult thing to arrange matters so as to have the sheep upon the tithe free land at clipping time in a way that c[oul]d not be deemed fraudulent tho in fact it totally deprived the Rector of the benefit arising from the tithe of wool within his parish. This answer to the proposed questions will probably induce the Rector to decline the compensation offered by the Committee; and indeed I am very doubtful how far it w[oul]d be practicable to give the Rector any compensation which w[oul]d be advantageous except upon the footing first suggested, that is, a compensation in land in lieu of all the tithes throughout the parish: anything short of this w[ou]ld by its partial operation leave an opening to much contrivance and arrangement operating greatly to the disadvantage of the Rector and his successors.

As to the matter of enfranchisement; my doubt is whether the introduction of this measure as to the antient lands may not subject the Bill to be considered in the light of a

double Bill & consequently liable to double fees in its progress thro' parliament, and also whether investing the Bishop of Durham with such an extensive power of alienating the possessions of the See might not be deemed a matter to which the special consent of the Crown was requisite, & if so I am afraid that the necessary steps to be taken on that occasion w[oul]d cause so much delay as might probably be the means of losing this session, it therefore seemed to me more advisable to confine that power to the allotments only, and in case his Lordship sh[oul]d afterwards wish to have such a power of enfranchisement a separate Act might be obtained for that purpose only, and such power might then be of a more general tendency & not restricted to the limits of the parish of Stanhope merely, in case upon consideration his Lordship sh[oul]d be of opinion such extended power w[oul]d be desirable. Whether the inconveniencies which have occurred to me upon this point will in fact arise you will be better able to inform yourself by consulting those persons whose business it is to forward Bills thro' parliament, but if the result of the business sh[oul]d be that the Clause of enfranchisement sh[oul]d be inserted in the present bill and be made applicable as well to the old Estate as to the new inclosures, I w[oul]d wish to submit it to the consideration of the Bishop of Durham whether that power of enfranchisement sh[oul]d not be given to him so as to enable him to treat either for a payment in money or a perpetual fee-farm rent issuing out of the lands so to be enfranchised, because in many cases especially of Copyhold lands the considerations will be so trifling as to make it exceedingly inconvenient to invest the purchase money in Land for the benefit of the See, and 'till such investment take place these small sums remaining as it were in trust for the Bishop & his Successors w[hi]ch I sh[oul]d apprehend to be an awkward modification of property belonging to the See of Durham. In all events however there seems no possible inconvenience in leaving it to the option of the Bishop to treat for enfranchisement either for money or a fee-farm rent, and in case the consideration sh[oul]d be in money I think it sh[oul]d be paid to the Receiver General of the Bishop & his acc[ount]s declared a sufficient discharge to the Party, as such payments w[oul]d then appear in the public accounts of the See and prevent much inconvenience which might perhaps otherwise arise personally to the Bishop or his personal Representative.

Since I wrote the former part of my letter Mr Blackett has called upon me and shewed me a letter from one of his agents expressing much alarm at a Report that it was intended by the Bill to restrain the Bishop & his Lessee of the Lead Mines from proceeding in their work by the means of hushing & which he apprehends will in many instances have nearly the effect of preventing their working at all or at least to any advantage. I have however assured Mr Blackett that no such restriction was intended, but that it w[oul]d be declared by the Bill that the Bishop or his Lessee sh[oul]d have a right to search for[,] win work & enjoy & carry away the lead without paying damage & with the most ample powers for those purposes: Indeed any attempt at specifying what is or what is not to be done in matters of this nature must necessarily lay the foundation for endless controversy and therefore such specific enumerations have universally be[en] rejected in practice. I am however concerned that

more idle reports of this sort sh[oul]d get abroad as they tend to unhinge the minds of men and impede the general concurrence to the proposed measures.

I shall hope to hear from You or Mr Scruton as soon as the final arrangements are fixed, and, wishing you a safe & pleasant journey, I am Dear Sir, y[ou]r ob[edien]t serv[an]t

R[ober]t Hopper Williamson

N[ew]Castle 25th Jan[ua]ry 1799

[annotated:]

Mr H Williamson to A Mowbray Jan 25 1799

**25 Jan 1799 Henry Hardinge to Richard Scruton**

[Note: Henry Hardinge was the Rector of Stanhope. Mr Scruton was the Solicitor for the Bill. These copies were enclosed with the letter of 12/Feb/1799 from Mr Scruton to the Bishop of Durham.]

(Copy)

Stanhope Feby 4th 1799

Dear Sir,

I take the liberty of forwarding to you a Copy of two Questions that I sent to Mr Williamson together with a Copy of his Answer from which it will clearly appear, I trust, that I could not consistently with prudence, or as an honest Trustee for my Successors, consent to partial Allotments, or to a partial Sale of Tithes even for an equivalent in Land

I am, Dear Sir, your most obedient humble servant,  
H. Hardinge

To Mr Scruton, Durham

(Copy)

Jany 16th 1799

Supposing that the Rector of Stanhope should be persuaded to consent to have himself & his successors bound to take fix'd Money payments for the Tithes of some of the Lands at present inclosed & allotments in lieu of the Tithes of some of the Commons or stinted Pastures, would it be illegally fraudulent for occupiers of Land, part of which may become Tithe free and part remain subject to the payment of Tithes to contrive by a timely removal that all their Cows, Ewes etc should drop their Young on the Tithe free land? And would it be allowable for such Occupiers to clip all their sheep on the tithe free land without making any satisfaction for the tithe of wool,

although the sheep may have been kept a great part or the greatest part of the year before on the Land that may be still subject to the payment of Tithes?

(Copy of the Answer)

Newcastle 23 Jan 1799

To the first of your Questions I answer that I am of the opinion that occupiers so circumstanced as mention'd in that question may legally contrive so as that their Cows, Ewes etc may drop their Young on the tithe free land & by that Measure deprive the Rector of all Tithes in respect of such Young. Upon the second Question my opinion is that occupiers may by clipping their sheep upon the tithe free land deprive the Rector altogether of the Tithe of Wool. In this latter answer however I do not wish to be understood to say that the occupier may legally carry his sheep to the Tithe free land merely for the purpose of clipping & remove them again immediately to the other part of his land, such occasional removal would certainly be fraudulent but yet it will I apprehend be no very difficult thing to arrange matters so as to have the Sheep upon the Tithe free Land at clipping time in a way that could not be deem'd fraudulent tho' in fact it totally deprived the Rector of the Benefit arising from the Tithe of Wool within the Parish.

Signed, R[ober]t Hopper Williamson.

**1 Feb 1799 Shute Barrington to Richard Scruton**

[Note: The draft letter, referred to in the Bishops letter to Col and Mrs Beaumont of 16 Feb 1799.]

Cav[endish Square] 1 Feb

Sir,

In giving my assent to the Weardale Inclosure I flattered myself that it w[oul]d not only benefit the County Palatine & the Parties concerned, but that it w[oul]d essentially promote the cause of Religion & Virtue & the welfare of the poor in that extensive district. The first object has in my opinion been very properly attended to in the proposed inclosure; as the interests of the Parties (as far as my information extends) have been fairly impartially consulted, & with great prospect of advantage to them; & the prosperity of the County will be improved by the inclosing & cultivating so large a proportion of waste land, & by the consequent increase of Population, of the means of subsistence, of the industry, & of the resources of the county.

The second object though it has been in part considered by the Proprietors, & is probably still under contemplation, yet has not hitherto been framed into any specific proposition. A very extensive tract of country brought into cultivation, & rendered populous, must necessarily require additional chapels, & additional schools for the education of the young, & for the religious improvement of all: and I much fear that, unless at a moment like the present, some effectual arrangement is made for that purpose, very little expectation can be formed that proper and competent measures

will hereafter be adopted in that district for the important concerns of religion, moral, & civilised habits of life. As it is not too late to consider a matter w[hic]h in my view of it is of first importance to the prosperity of Weardale, I write this letter, w[hic]h I desire may be communicated to the Rector of Stanhope, & then to the Proprietors. The object first is to propose a provision for the establishment & support of Chapels & Schools in Weardale in the following manner; by the appropriation (in case the Legislation shall approve it) of --- of my allotment or other benefit out of the new inclosed lands; of -- of the Rector's, & of --- of the Proprietors allotments or other benefits out of the same, -- to be vested in the Bishop, Rector, & Archdeacon for the time being, in Trust to erect & support a competent number of chapels & schools in the Parish of Stanhope; & in case there shall be any surplus to apply the same in the aid & encouragement of Industry, prudence & good habits among the poor; so as to make them more virtuous, more industrious, & more happy in their cottages; & consequently to diminish the call upon the Poor Rates of the Parish. I conceive also that it will be advisable that a committee consisting of 5 Proprietors be appointed to have the general care of the Trust buildings, to superintend the conduct of the schoolmasters & the behaviour of the scholars, & to make an annual report to the Trustees.

In the arrangement of these trusts, it is my anxious desire that they should be so settled, as permanently & effectually to promote the welfare & Christian virtue of my friends in Weardale. In the execution of these trusts & in the nomination of The Trustees, I have no wish but that the care & management of them may be there placed where the character & situation of the Parties are likely to afford the best pledge for due attention being paid to them; & I know no Persons more peculiarly fitted for these trusts by their official character & situation; than The Minister of the Parish, The Archdeacon of Durham, & The Bishop of the Diocese.

I am etc

PS.

The importance of erecting & endowing chapels & schools in Weardale is so deeply imposed upon my mind from every consideration – civil, moral, or religion; that if the Proprietors are not perfectly satisfied with my offer of one third of my allotment to be appropriated to these purposes, & Parliament will permit me to indulge my personal feelings, I will give a half.

[on the reverse, horizontally]

Draft of a letter [in] relation to Chapels & Schools in Weardale

[on the reverse, vertically] Draft of a letter to Mr Scruton Feb 1 1799

**7 Feb 1799    Arthur Mowbray**

[Note: A description of the parish of Stanhope and its need for more churches and schools, presumably prepared for Arthur Mowbray's employer, the Bishop of Durham.]



The Parish of Stanhope is situated in the western part of the Co. of Durham, and contains by Estimation 70,400 acres at present it is presumed nearly 70,000 are in Grass, which never has been ploughed, being chiefly Commonable. The Bill now pending in Parliament if carried into a Law will loosen the ties of Bondage, give liberty to Industry, Encourage, and Comfort the poor. Of late years the Mines of Lead, chiefly in the western part, have been worked considerably which has caused Numbers of labouring poor to settle, several of whom are Lodgers who cannot procure Habitations, and those that have Dwellings are mean & small, the proposed Division if effected will undoubtably cause a great Increase of such settlers, the <.. Interest>, the Lands being <shared>, each will know his own spot to Build upon, & his own Soil to Cultivate, and Improve, so that those Industrious Members of Society, it is hoped may look forward with a fair prospect of having comfortable Dwellings, Gardens, and pastures for Cows, besides many Husbandmen will no doubt be employed in Cultivating the Soil, it being chiefly improveable.

But there are other things that deserve serious considerations: how those settlers are in the western part, to have the benefit of Churches, and of Schools, the parish being supposed, to be in length about 25 Miles, and the Mother Church within about 4 of the East end, with one Dependant Chapel, about 7 further West, so that the Inhabitants of the Western part are about 14 Miles from any place of Public Worship, and more than 20 from the Mother Church, where the Marriages etc are performed. Nor in this district is there any Schools in cause the labouring poor are deprived of education for their Children, and whilst young on account of the distance are almost precluded the Comforts & Benefits of the Gospel, neither is the Church and Chapel of sufficient size for the Inhabitants that may to a certainty be expected on the Division of these Commons.

Such Considerations deserve the most serious thought of those Instructed in the Care of the Parish, particularly that of Religion and Morality, and I Humbly conceive it is absolutely necessary in the case of a Division that a Chapel and one or two School be provided for, and placed in the Western District.

Arthur Mowbray

1799 – Feb 7

**12 Feb 1799 Richard Scruton to Shute Barrington**

[Note: The enclosed letter was that of 25/Jan/1799 Henry Hardinge, the Rector of Stanhope, to Mr Scruton, the Solicitor for the Bill]

My Lord



The inclosed is a Copy of a letter I have received from Mr Hardinge requesting that I would cause a Copy to be transmitted to your Lordship which I take the earliest opportunity of doing, I am

My Lord, Your Lordships highly obliged and devoted Servant

R. Scruton

Durham

12th February 1799

**16 Feb 1799 Shute Barrington to Thomas Richard Beaumont**

Cav[endish] Square Feb 16

Dear Sir,

I inclose herewith a draft of my intended letter to Mr Scruton as Solicitor of the Weardale Inclosure Bill. Should any parts of it appear to Mrs Beaumont & you to require explanation I shall be very in waiting upon you to give it. If the outline which I have sketched meets your joint approbation you will have the goodness to signify it to your agents, & to express a wish that they would convey to your dependents in Weardale your concurrence in the general plan of the Bill.

Mrs B's very sensible suggestion respecting the schools will certainly be attended to when they come to be established

I do not mean to forward my letter to Mr Scruton till I know your sentiments.

If I can be of further service to Mrs B. & you in relation to The Hexham Clerk <concerning> this subject <which persuasion> has lead me to consider you will command me

I am etc

S[hute] D[unelm]

[annotated at foot:]

Copy of letter to Mr Beaumont Feb 16 1799

**21 Feb 1799 Shute Barrington to Francis Tweddell**

Cav[endish Square]: Square Feb 21st 1799

Dear Sir,

I should much earlier have returned my thanks for the very handsome manner in which you expressed your approbation of my conduct [in] relation to the Weardale Inclosure, both at Stanhope and in your letter to me, had I not waited the arrival of the Petition. It has been presented to The House of Commons; and I have to acquaint you that it is now my intention to address a letter to Mr Scruton as Solicitor of the bill, to be communicated to the Rector of Stanhope and the proprietors at their next meeting. My object is to submit to their consideration the outline of a plan for erecting and

endowing Chapels and Schools, which must be so essential to forming moral habits, and conveying Religious instruction. I flatter myself that it will have your concurrence and support. I have much satisfaction in informing you that Colonel Beaumont appears to be very cordial in the whole of this business, and assured me that he has signified his cordiality to His Agents.

Allow me to present through you, my best compliments to Mrs & Miss Tweddell. I beg that you will believe, and assure them that I have not forgot[ten] the very pleasant day which I passed at Threepwood, and the very marked attention which I experienced under your hospitable roof.

I am etc

S[hute] D[unelm]

Francis Tweddell Esq

**16 Mar 1799 Arthur Mowbray to Shute Barrington**

Durham 16th March 1799

My Lord

Under two Covers your Lordship will receive an Account of the Income from this See. I believe it may be depended on, but having made it from Materials collected since Friday. I wish your Lordship to look it over, and if there are any Items wrong, by your Lordship informing me, they shall be altered. The annual value of the Castle at Durham is taken from Mr Castle at the assessed rate, Stockton from Castle's Books, Auckland from Mr Emm. The Secretary, Receivers and Timber are the Net Balances of the respective Accompts.

The Tyne Justices dinners at Quarter Sessions	£40. 0.0
Entertainment of the Judges &	
Chancellor & Pay[men]t to the Judges	£224. 0.0
Expen[se] of receiving Rents at the Audit	£10.11.8
	£274.11.8

I go to Stanhope on Monday: Scruton doubts success; I will do all I can, your Lordship shall have the Earliest Information.

The Want of the Clause from Bramwell and White has caused the Durham Business to stand still, I have wrote to Bramwell today.

I waited upon Mr Barrington today. I did not meet with him at Home. I left word that I would go again when he was at Liberty.

The opinion your Lordship alludes to I find does not affect in the Way your Lordship supposed; however when I get any solid Information I will inform your Lordship.

Yesterday Mr Shaftoe had not got the Arrears made out, when he does, without Loss of Time your Lordship shall have a full accompt from

My Lord, Your Lordships very much obl[ige]d & most ob[e]d[ien]t h[um]ble ser[van]t

Arthur Mowbray

The Hon[ora]ble & Right Revd The Lord Bishop of Durham

**19 Mar 1799 Arthur Mowbray to Shute Barrington**

Durham 19th March 1799

My Lord

I have just returned from the Weardale meeting, which was fully attended – The Wolsingham Attorney, Wallis, and a young attorney, of the name of Bainbridge, a Weardale Lad, have as I was informed been very active in working up the minds of the people, so as to make them believe we were going to take them in, & that all your Lordships liberal proposals were only to betray, by the Information I received last Sunday Evening, at Wolsingham there was reason to Dread a Tumult at Chapel. The meeting commenced about Ten. Your Lordships Letter to Scruton, as to Chapels and Schools, was first Read and I am truly sorry to say, save Mr Tweddell and Mr Currey, had no support. Mr Scruton proposed to Build a schoolhouse at his own expence, after the Question being put, and discussed with perfect good Temper, it was compleatly Negatived, the chief reasons given were that the Chapel & Schools would have to be Built on Col. Beaumonts Leasehold and that he and his Tenants w[oul]d be the only people benefitted, and they thought the Col. ought to do the whole himself. Mr Williamson had advised that Bollihope and Stanhope Commons had better be struck out of the Bill, & Scruton had done so, I own I felt surprised that he never had informed me, altho several times we conversed fully on the Bill since my return from London, this act gave great offence to Mr Tweddell and he declared that he would oppose the Bill, in every shape, as he believed he would have been able to have carried the Division, of those two Commons, in this situation I felt very awkward, with Mr Tweddell angry, and in so large a meeting of people whose minds I could easily perceive were agitated, so find[ing] I thought it best to take my chance by explaining the various circumstances, and by endeavouring to bring all parties into good Humour, in which I was fortunate enough to succeed. I then put the Question whether they whether they wished the Bill to go to parliament this [year] in the next Session, a great majority was for this, Mr Wallis was so very troublesome in opposing everything, that I could not help telling him what I thought of his conduct throughout this Business which produced the best possible effect, in consequence his Friends left him and we got thro the Business of the Day extremely well. I left Scruton at Chapel in I think perfect safety of a Compleat majority for the Bill as then offered. I have the further pleasure in informing your Lordship that I got Mr Tweddell into very good Humour, which with

other circumstances gives me reason to hope, by another Bill the next Session the whole will be effected. The conduct and behaviour of the Weardale people were truly pleasing, after we got quit of Wallis, several thanked me for giving him that public jobation. I have my Lord done all I could, I wish I could have done more, however having <got hold>, and so much as it appears to the satisfaction of the Inhabitants, I hope to being all <secured> in time. I made the offer of one Thousand Pounds for one Thousand <acres> and another gentleman offered the like sum for another thousand, <..> was at the meeting quite obstinate, but I have hopes in time to get him to land.

I am my lord your lords obedient s[ervan]t

Arthur Mowbray.

**27 Mar 1799 Arthur Mowbray to Shute Barrington**

Durham 27 March 1799

My Lord

By this post I send your Lordship an account of what was passed, as to the <lines> of Boundary on Findon Hill Common, the Clause sent from London containing little if anything more than what is general and already in the Bill, caused me to write the Case etc which seems to meet the Ideas of all the parties I have had an opportunity of showing it to.

Calculated £1016 8s 6d

In haste to save post

I am my Lord your Lordships very much humble & obedient Servant

Arthur Mowbray

The Hon[ora]ble & Rt Reverend The Lord Bishop of Durham

**28 Mar 1799 Arthur Mowbray to Shute Barrington**

My Lord

I yesterday wrote your Lordship that Mr Emm had given me a Rental made out from the Notices of your Lordships Estates that belong this see <viz> Lands on Lease for Years £13,880 1s 10d and on Lease for Lives £17,866 19s 8d per an[num], together £31,747 1s 6d.

Mines for Years £153 16s, for Lives £8362 11s 0d, together £8,516 7s 0d per an[num].  
Quarries for Years £394 10s 0d, on Lives – Collected

Estates                      £31,747   1   6

Mines & Quarries       £8,910 17   0

£40,657 18   6

Add 1/4	£10,164	9	7	1/2
	£50,822	8	1	1/2

One seventh of which will be £7260 6s 10½d which on a fair computation ought ann[ua]lly to raise from the renewals, presuming the Lives and Years, the same in point of chance. The avrage in three years of Mr Emms Account is £5,560 7s 2½d. which is less than the above Computation by £1699 19s 8d and must I conclude be owing to the difference between Lives & Years, if so its a strong reason for selling the Reversion in the Lives, however it may not at some opportunity be an Improper thing to <trace> to the source. At 6% in the pound on the Lands, the <Land tax> will be about £793 13s 6d  
on the Mines ditto £222 15s 0d  
£1,016 8s 6d

My reason for going over this ground again is in consequence of my writing yesterday in a hurry, I was afraid of Mistakes, however the whole is only Conjectural, but it is something, and the best matter I have been able to collect, to ground any system upon observation, or Calculation upon. Again suppose your Lordship should be left a chance of purchasing, one half of the Land Tax, and the Estates to be sold (the Reversion) fetch six years purchase, and the Land Tax be purchased to pay 5 per c[en]t, rather more than <Ten> thousand pounds will have to be raised, and will take the Reversion of Estate to the ann[ua]l value of about seventeen hundred pounds. I shall be glad to see the new act, to know how they have provided for the sale of the Reversion of the Leasehold for Lives. I conclude it must turn this way, that the Lives be valued, thus suppose three Lives are valued at Twelve years purchase, that such a Lease by the Lessee be considered of the same value as a Lease for Years, that has only Twelve years to go, and that the Lessor should take for his own use the same of one as of the other, for what is called filling up the Term, by which I think Justice may be done to all, but of the Leasehold for Lives, were to be offered to the Lessee, without this mode or some one similar, such Lessee w[oul]d never <agree to give> a Freehold price or rate for the Nine years, to bring him to a level with the Lessee for Years, whilst the Lessee for Years is getting his Terms filled up, on the Terms usually taken on renewing the Lease, and the Lessee would also <lease> the Benefit of the Term <for the Nine> Years, which by selling the Reversion in the Lease for Years he would receive. It would be Tedious to your Lordship for me to offer any observations, as to the advantages that w[oul]d accrue to the see by such sales & purchases, the Term being filled up, on the sale w[oul]d bring to the Lessor a certain, & not small sum, & w[oul]d not lessen the renewals for seven years, while 5 perc[en]t for the Reversion Sold, would be ann[ua]lly received and that it will be an advantage to the see forever is also pretty clear, as will appear by the paper I gave your Lordship in answer to Mr Youngs.

I am of Opinion that Scarth & the Clerks have laid their Heads together, for the very purpose your Lordship suspects, and that they have been too active for the Commissioners but all this I know will not pass further than your Lordship.

It did not seem at Weardale that Col Beaumonts Agents were backward, nor were they very Active, they had I learn no particular directions; they signed the Bill. In the <..> I took upon myself to say that I knew the Col. was Friendly to the measure, & to the Chapels & Schools, which had ill effect. I do not think the Inhabitants rejected the Chapels & Schools, from any cause, save the money, I am heartily sorry, the point could not be gained, but I am not Desponding. I like the Weardale people, and will offer something for your Lordships consideration, in another shape, in the course of the next summer.

I am my Lord your Lordships very much o[blige]d & h[umble] ser[van]t  
Arthur Mowbray

The Hon[ora]ble & Rt Rev[eren]d the Lord B[isho]p of Durham

**1 Apr 1799 Robert Hopper Williamson**

[Note: Undated but in sequence with other letters and notes from early April 1799, and given here as 1st April]

Copy of Mr Williamson's Note on the Clause for infranchising in the Weardale Bill

'It appears to me that the whole of these provisions respecting infranchising the leaseholds had better be omitted in this Bill, & if thought expedient upon further consideration these objects may be afterwards be brought forward distinctly & carried into Effect by an Act for that purpose.' R.H.W.

**2 Apr 1799 Arthur Mowbray to Shute Barrington**

Durham 2 April 1799

My Lord

I am truly sorry that I sho[ul]d have neglected to send the Bedlington return, how it had escaped my notice I cannot account.

Mr Castle told me yesterday that their is one, or two, very great mistakes in the drawing of the last Landtax Act, in one Instance, they have mistaken on Set of Commissioners for the other and that a new Act will be necessary.

Our Landtax Letters have comed slowly in of late. I have some thoughts of advertising to desire than [those] that have not, will without further loss of time give their answers.

I am my Lord your lordships ob[edient] & obl[iged] very h[um]ble servant  
Arthur Mowbray

TheHon[ora]ble & Rt Revd the Lord Bishop of Durham



**3 Apr 1799 Robert Richardson to Rowland Burdon**

[Note: Rowland Burdon was at this time an MP for Durham]

Paradise Buildings 3rd April 1799

Sir,

You will perhaps not see more on the two last pages of Mr Harvey's letter, than you already know, respecting the Enclosure Bill. I have to lament, as an individual, that the great and good wishes and intentions of the Bishop of Durham, seem to be thrown on the back ground, convinced as I fully am, from my perfect knowledge of the manners and pursuits of the people of the western parts of the parish of Stanhope, (amongst whom I spent the first thirty years of my life), that, though they seem to turn a deaf ear to His Lordship's benevolent and christian proposal, under the pretence of it's having been made too late, yet, should increased population, or, the substance or shadow of any pretext, whatever, give room, they will not fail to cram Methodist and Presbyterian Meeting-houses in every corner where the passive mildness of the Episcopal eye may suffer their innovations to pass without censure.

Rookhope seems to be more in need of a Chapel than any other part of Stanhope Parish, both on account of its distance from Stanhope and St John's Chapel, and the badness of the roads which lead to it.

Should there appear to His Lordship, any prospect for a Chapel being erected and endowed in that district, I am ready and anxious to make my offering of eight or ten acres of Land, (or a less portion, with equivalent in way-leaves), in an elevated situation, in my Customary Freehold Estates at Hangingwells, (being the central part of Rookhope, on the western side of Rookhope Burn), for the purpose of a Chapel being erected thereon. You will be one of the first to know His Lordship's intention, should He, in His wisdom, perceive such a scheme practicable and will, when you think it right, mention to His Lordship, my wish to make this humble offering, for the benefit of Rookhope.

I am, with great respect, Sir, Your very obed[ien]t Serv[an]t  
Robert Richardson

**4 Apr 1799 Henry Hildyard to Rowland Burdon**

<Wil...h> 4th April 1799

Dear Sir,

I am just returned from Newcastle where I signed the Consent Bill for the Division of part of Stanhope stinted Pastures and Moors. I was sorry to find Bollihope omitted in the s[ai]d Bill, & I was informed that Mr Harvey, & some others, had now declared that had they known that the Bishop of Landaff had made an offer to purchase 1000 a[cre]s

of the worst Land they would never have opposed it. I was also concerned to find another clause omitted in the Bill, which was inscribed in the Draft at first, & I also understood very handsomely originated with the Bishop of Durham himself, the enfranchising of the Copyhold & Leasehold Estates, & the accepting a compensation for the small out-rents. In answer to this last omission I was informed that Mr H Williamson had given it as his opinion that it cou'd not be inserted in this Bill without making it a double one, & that it wou'd be better for his Lordship to bring in a short Bill next year himself for that purpose, & that his Lordship generously intended doing it. We therefore in that Particular cast upon his Lordship's honour, & as the Proposal first of all originated with his Lordship there can be no doubt of his carrying it into effect.

I told Mr Scruton they were very late in getting the Bill before the House, & had they not had such a very active Man as yourself to assist them I much feared the Session would be closing before the 3rd reading, & consequently all the expences incurred thrown away.

From the severity of the weather we had a dismal journey home via Sunderland, Hartlepool etc & I am sorry to say that we found the Road almost impassible between Newcastle & Sunderland, from there very good.

I hope Mrs Burdon is perfectly recovered from her late Indisposition, & remain,  
Dear Sir, Yours very sincerely,

H Hildyard

I was also informed that the B[isho]p of Landaff had made the same Proposal for Whesterhope, as He had for Bollihope, which would be a great relief to the Proprietors in the expence of the Bill & also a great advantage in future from the shelter his Plantations woul'd afford, as his Intention was to plant all he bought.

[addressed on the reverse:]

Rowland Burdon Esq MP

Harley Street

London

**6 Apr 1799    Arthur Mowbray to Shute Barrington**

Durham 6 April 1799

My Lord

It probably may be the most proper to sell part of the Reversion of the Leasehold for Years and part for Lives, to Redeem the Land Tax, but where or to what account I cannot yet advise your Lordship, my reason for offering those Comparative modes of Calculation was to have something fixed to form an Equitable Value on both that the matter might undergo a Consideration so as to act upon the most approved principle. The Landtax Letters come slowly in, I propose to Insert an advertisement to hasten the

Lessees, that something decisive may be fixed on from the several applications, and Conversations with your Lordships lessees, I conclude I can sell at a full market price the Reversion of a Competent part of your Lordships Estate to Redeem the Landtax, without trouble, and in a short time.

I observe what your Lordship says as to Mr Scarth, and am very much obliged by the Shape your Lordship is pleased to place the application in. I am at a loss to conceive on what ground Mr Burdon wishes Scarth to act, whether to be employed in the valuing, and selling, the Reversion or to see that the Lessees do what is right. I sho[ul]d think any Interference in the appointment by the Lords of the Treasury would Indicate a suspicion that the Lessees were not Just or People of Integrity, for who are so much Interested, or such proper Guardians so they must be, and who from their Local Situation must know the best in whom to place the execution of the Trust. Its a matter for your Lordships serious consideration how far Mr Scarth is a proper person if one is wanted, to act in any of the situations.

Mr Wailes has been with me today and shewn me the D[ra]ft of the Bill for dividing <Brayton> Common, wherein the parties appear to have agreed by a Compensation, or the line of Boundary heretofore in Dispute, and wherein they propose to give your Lordship one sixteenth of the Improved Value per An[num]. Your Lordship will be further interested in the Corn Tithes in Lease to Warcup Consett Esq. those seem the outline of that part of the Bill that concern your Lordship. I really should suppose it may be well for the See to acceded to the line of Boundary so chalked out, to the 16[th] and to the Reservation of the Tithes but Mr Wailes tells me that Mr Consett has proposed a Mr <Calarley> Richmond as the Sole Commissioner, and that without the acquiescence of the Proprietors. I have told Mr Waltes that I presumed your Lordship w[oul]d not consent to a Division when the property was so Intermixed, & when as far as the extent goes, the See is so much Interested, without knowing the person proposed or Naming a Commissioner. Your Lordship will be pleased to write me in answer at your first convenience, as they are anxious to go to parliament.

Scruton has returned from Weardale and tells me he has obtained signatures plenty. Mr Castle has asked me for & I have paid him £200 on your Lordships account.

I am My Lords humble servant

Arthur Mowbray

**9 Apr 1799    Richard Scruton to Shute Barrington**

[Note: Mr Scruton was Solicitor for the Bill]

Durham 9th April 1799

My Lord,

Mr Mowbray has this moment inquired of me whether some material Alterations are not made in the Weardale Bill; in Answer to which I have barely time to save the Post to say that the only Changes of any Importance are the omission of Bollihope & Stanhope Commons, & the Insertion of Clauses allowing your Lordship's Lessee to

work the Lead mines without paying damages, & in Consequence of the omission of Bollihope & Stanhope it became absolutely necessary to strike out also the Clause for the enfranchising, which was done on the particular suggestion of Mr Williamson on the Part of your Lordship (as will appear by his Notes on the Draft of the Bill) for these Commons being struck out there remained Nothing upon which the Clause could operate, the only Leaseholds being those which had a Right on such Commons:- In every other Respect, my Lord, the Bill stands as it was originally settled with infinite care by Mr Williamson.

I hope to set out for Town tomorrow morning, I will hope for Permission to lay the original Draft before your Lordship.

As the Bill now stands it has received the Approbation of almost every Proprietor; I ought indeed to except a Mr Wallis of Westgate, who, it is probable, may not be wholly unknown to your Lordship, & who being disappointed in not being appointed a Commissioner under the Bill, I am led to guess may have been troubling your Lordship with Mine presentations, of which I cannot avoid saying he is very capable, as Mr Mowbray well knows.

I am, my Lord, Your Lordships most Obligated and devoted Serv[an]t

R: Scruton

#### **11 Apr 1799 Robert Hopper Williamson to Rowland Burdon**

[at head of letter in a different hand, possibly of a later archivist:] To Mr Burdon

Dear Sir,

Before this reaches you Mr Scruton who I understand is on his way to town will probably have explained to you the real situation of the Weardale business. The Consent Bill which he carries with him includes the stinted moors & pastures only, and the infranchising clauses have consequently been withdrawn from it, not indeed from the motive suggested in Mr Hildyards letter, but because in the present state of the Bill there is nothing left upon which such clauses can operate You will I am sure have it perfectly in your recollection that the original proposal for a Division embraced two species of property totally distinct from each other, namely, the stinted moors and pastures and the two Commons generally called Stanhope Common & Bollihope Common. The former of these (namely the stinted moors & pastures) do not partake anything of the nature of Wastes or what are usually called Commons, as the Proprietors claim the Soil as well as the herbage which they hold by a freehold tenure subject to certain small rents to the Bishop of Durham as Lord of the Manor and Who is also intitled to the Lead Mines under such stinted moors and pastures; so that in fact they are in the nature of Common Pastures or parcels of land held by the Proprietors in undivided shares, and not claimed in right of or as in any manner belonging to any antient enclosed Estates. The latter description (viz: the Commons of Stanhope & Bollihope) are merely the Wastes of the Lord in whom the soil remains vested and

upon these commons various persons claim a right of depasturing their cattle in respect of their antient Estates, which are of several tenures, freehold, copyhold, & leasehold.

In order to forward the plan of division upon this extensive scale the Bishop made a liberal offer that a clause sh[oul]d be inserted in the Bill enabling him to infranchise not only such of the allotments as sh[oul]d be set out in respect of antient Copyhold and Leasehold Estates but also the antient estates themselves in respect of which such allotment sh[oul]d be made. Upon Mr Mowbrays going to London in the Winter I suggested to him the propriety of enquiring how far such clauses of enfranchisement w[oul]d tend to increase the expence of the act, as it had been suggested to me from a Gentleman of considerable experience in matters of this nature that in consequence of such Clauses the Bill w[oul]d be considered as a Double Bill, and this enquiry seemed to me the more necessary as much opposition was raised against the division and the probable expence attending the enclosure seemed at that time to be one of the principal and most popular grounds of objection to the measure. Whether any such enquiries were made or what was the result of such enquiries if they were made I really do not know, as the further consideration of that part of the subject became afterwards immaterial by the resolution of a considerable majority of the Proprietors interested in Stanhope and Bollihope Commons to refuse their consent to the division of either of these Commons. This refusal of course put an end to the plan of enfranchisement for the present, as the stinted moors & pastures are wholly of a freehold tenure, and no part of the Copyhold or Leasehold property in Weardale is comprehended in the enclosure provided for by the Bill as it is now settled.

I am extremely concerned that the enclosed letter sh[oul]d have given you or the Bishop a moments uneasiness – as far as it relates to acts within my knowledge it is evidently written under a total misapprehension of the subject, as appears by the statement I have above submitted to you; and I am enabled by Mr Harvey himself to correct Mr Hildyard in that part of his letter which refers to Mr Harveys conduct, as he says that the proposal of the bishop of Landaff was laid by him before the Proprietors interested in Bollihope but they continue firm in their resolution to object to the division of any part of that Common.

I have the honour to be, Dear Sir, your very ob[edien]t h[um]ble servant

Rt Hopper Williamson

Newcastle,  
11 April 1799

**12 Apr 1799 George Bramwell to Shute Barrington**

No 3 Paper Buildings  
Temple 12th April 1799

My Lord

I take the Liberty of sending your Lordship an Extract of a letter Rec'd this morning from Mr Fenwick, the Solicitor for the Findon Hill Inclosure Bill, by which it appears that the application to Parliament is dropt for this session.

I have the Honor to be My Lord Your Lordship's obliged & very obedient servant  
Geo. Bramwell

Findon Hill Division

There seems to be so much difficulty in this division Mr Hopper Williamson is so clearly of opinion that we cannot with any prospect of advantage proceed with it without some previous agreement with the opposing parties that we have for this year or session given up all thought of pushing the bill forward. I hope however by next year we shall be able to come to some compromise with the parties.

### **12 Apr 1799 Francis Tweddell to Shute Barrington**

[Note: John Westgarth of Unthank Hall (Stanhope) had three daughters, his co-heirs. Of these daughters, The Rev. Henry Hildyard married Phyllis-Ann, and Francis Tweddell married Jane. Thus Tweddell, Hildyard and the remaining unmarried daughter were the three co-owners of the Unthank estate. John Erasmus Blackett mentions, in a letter of 8 March 1799 to Thomas Richard Beaumont, that he has received a 'long letter' from Mr Tweddell on the subject of the Division of Commons; Mr Tweddell was clearly a serial offender for sending rambling letters, although his letter of 25 Jan 1799 to the Bishop was somewhat shorter than this mammoth effort.]

Threepwood 12th April 1799

My Lord,

I trust your Lordship will please to accept my Acknowledgements for his late very obliging favour in reply to my 25 January and permit me to observe that from Your Lordships decided approbation of the Stanhope Inclosure Bill on the Plan at large as originally proposed, and by the Subsequent Order from Col Beaumont to his Agents to Support the same, I had in consequence flattered myself, that the Measure at large would be affected to general satisfaction but which, on the last meeting at Chapel, as Your Lordship probably may have been informed has proved the rewards in justification therefore of my disapprobation of the Mode in which the Inclosure bill was then offered to the Proprietors there assembled, I am necessitated to Request Your Lordships Indulgence, in order to explain the Motives of my dissent for my not then acceding to the Measure in the manner as then proposed, and this with as much brevity as the subject will admit. The first Idea of such Division had I understand originated with the Proprietors of Stinted Pastures and Stinted Moors near to Chapel, but without the Proprietors of the Unthank Estate (the Revd Mr Hildyard, Miss Westgarth and myself), who are largely Interested in the most valuable Stinted Pastures and in both



the Commons near to Stanhope being consulted or receiving any Authentic Intelligence of the Measure in Agitation, till after the proper notices required by the House had been published, and considerable progress made in the Draft of the Bill.

Mr Scruton was then pleased to communicate the intelligence of what had previously passed, requesting to know our Sentiments thereon. Altho' by such remissness the Unthank Proprietors conceived themselves as improperly treated, yet, as Mr Scruton in his said letter observed 'that the wish for the Division appeared almost general, that he had the Honor of several meetings with you Lordship on the Subject the Result of which proved as favorable as could be wished, that he could not do justice to the liberality Your Lordship displayed on the Occasion, by Your Lordships Suggesting the Idea of Enfranchising the Leaseholds within the Parish on Reasonable terms, and of encouraging the Growth of Timber etc, and upon the whole your Lordships promise to favor the proceedings by every means in your Lordships power' Considerations thus important, totally removed from the Unthank Proprietors the dissatisfaction created in the first instance, especially, as <....> property, and well also convinced, of the Advantage of the liberty to plant and cut wood <fo..> own Emolument, in a Country abounding with Mines, confiding in your Lordships Honor; that all such several matters would in their proper place be realised. Motives thus <..> instantly operated, as in reason might be expected, of a perfect acquiescence to a Division on such principles have been noted, and their concurrence and subsequent endeavours to promote the same will be readily allowed. Having to Your Lordship in my said letter 25 January observed that in the meeting of 11 January at Stanhope (and at which meeting Mr Hopper Williamson attended) that the Draft of the Inclosure Bill, containing all the aforesaid matters, had been read to the Proprietors and said Draft approved and sanctioned by Mr Williamson, it was then understood, the next meeting of Proprietors should conceive the Business <..ssively> it may therefore occur to Your Lordship that no deviation in the main purpose of said approved Draft of Bill could with any propriety be afterwards adopted, unless with consent of said Proprietors, at a subsequent meeting by Public Notice.

From promises thus <obtained>, unwillingly am I now led to notice to Your Lordship Proceedings, that greatly militate against the measure before attended to, in the first instance by observing, Mr Scruton having acquainted me, that finding a difficulty in procuring a majority for Bollihope Common, by Mr Williamsons Advice, He had struck all the Commons out of the Bill, but as the Unthank Proprietors were much interested in affecting a Division of Bollihope Common in particular, on account of its contiguity to the Unthank Estate, and had made strong interest to support it, they consequently became as much dissatisfied at the Commons being so struck out without their consent, as to determine then to have no further concern in the Inclosure Bill than depending and, but for the opportunity of publicly requesting Mr Mowbray to make acknowledgements to Your Lordship on the part of the Unthank Proprietors for the Good Will expressed towards affecting a Division on the Plan at large as proposed; and at some time to Intimate on their part to Col Beaumonts Agents the sense they entertained of the Col[onel]s interference to support such measure, otherwise I should

not have attended the last meeting at Chapel, and these reasons were declared to the Proprietors then assembled, why I objected to signing the Bill in its then altered state, but previous to such declaration to the Proprietors, and that by refusal might not prove the means of preventing others agreeing to have a partial Division in the Stinted Pastures and Stinted Moor, before the Business of the meeting commenced I had a private conversation with Mr Scruton, and then gave him my reasons for not acceding thereto. To Your Lordship I now beg leave to submit whether, at this interview I ought not to have been candidly informed, that in addition to striking all the Commons out of the Bill, the Important Clause for Enfranchising the leaseholders was also withdrawn, but on such head not a Syllable transpired. Reflecting nevertheless afterwards on my return to Stanhope, that in Mr Scrutons marginal Notes of Various clauses in the Bill by Him Read to the Prop[rieto]rs at the meeting I did not recall of the Clause of Enfranchisement, I from thence wrote to Him at Chapel by special messenger to know if that Clause continued to make part of the Bill, and that He would please to send his reply and the Bill to my House, where I expected Mr Hildyard on my return Home, and that we should then give the Bill a serious perusal, and that if we could reconcile signing the Bill without the Commons being included it would be done. Mr Scrutons reply arriving during Mr Hildyards stay, to our extreme surprise announced my suspicions as to the Enfranchising Clause being too well founded, and the following paragraph in his said letter on such subject I beg Your lordships permission to transcribe literally 'the clause to enable his Lordship to Enfranchise struck out by the advice of Mr Williamson, and with the concurrence of the bishop, the former having suggested that it would not only require the previous consent of the Crown but would also make it a Double Bill, and at this time the Bishop has a power under the Land Tax redemption Act to sell his reversionary interest in whatever he pleases, and besides it is his intention to bring forward a General Bill to enable Him to sell the whole of the Leasehold within the County, a measure which will not only reflect the higher Honour on his Lordship, but will be the particular circumstance wanting to make this little County the envy of the World' On the first perusal of this letter of Mr Scruton, Mr Hildyard and I were instantly agreed that as without our privity or consent all the Commons in the first instance had been struck out of the Bill, and now in addition the Enfranchising Clause expunged, and which latter Clause in particular had been one of the main Inducements in our Assenting to the Division, for such reasons it seemed expedient, we ought at this time to decline signing the Bill. But afterwards on more mature consideration reflecting on Mr Scrutons assertion (and which I must suppose founded on proper Authority) that it was Your Lordships decided intention, in the present sessions we inferred to bring forward the Bill before alluded to, our conceiving such Bill would to the Proprietors generally answer every purpose of the expunged Enfranchising Clause, we determined for such reason to rely implicitly on Your Lordships Honor that said Bill would be obtained, and to that cause solely must be attributed the signing of the Bill by the Unthank Proprietors. But before dismissing the subject as to said Enfranchising Clause, it may be proper I note to Your Lordship that if the subsequent matter relative thereto, is not in some suitable way remedied in its

consequences it possibly may prove unpleasant, the Clauses for liberty to plant and cut wood and for Enfranchising the Leaseholders being the voluntary liberal offer of Your lordship to the Proprietors, with the Unthank and other Proprietors generally, as has been observed, proved the principal means of obtaining Assent to the Division, on the Idea therefore, that both said Clauses, at the time of said Bill being presented for signature, continued to make part of the Bill, was the Signatures of the Several Proprietors obtained, and had it been declared, as it certainly ought to have been, that the Enfranchising Clause was withdrawn, in my own private opinion, not a single Proprietor would have signed the Bill. But as since the last meeting it has been suggested to the Proprietors that the Enfranchising Clause is expunged, this has created so much alarm, that I have lately received a letter from that quarter desiring to know the real fact. No difficulty rests with me in giving the only proper reply the question admits, and to which the Proprietors are fairly entitled, but to Your Lordship it may occur, as it certainly does to me, that as the matter being divulged to these Proprietors, in their hasty precipitant manner of indulging their passions and possibly incited by the two Wolsingham Attorneys, it is in such case not altogether improbable, a real opposition to the Bill from those very Proprietors who signed it, under the Idea of its continuing to include the Enfranchising Clause, may prove the consequence, and should such opposition arise, founded on the established equitable Principle that any person signing an Instrument the direct reverse of what has been read and agreed by partys; every such Instrument becomes nugatory and invalid, if an opposition therefore created and on such grounds maintained, it is possible the Bill might thus be lost, but as such consequence may nevertheless not arise I have only noted it as precautionary matter should it prove worthy of Your Lordships Attention. For the present I shall delay my reply to said letter that should Your Lordship deem the matter deserving regard, and that it is intended to bring forward a general Bill, by Mr Scruton intimated, and which might act as an Equivalent to the expunged clause, if such made known to the Proprietors it might probably remove their dissatisfaction, but this as to Your Lordships most agreeable.

I now beg leave to observe to Your Lordship that there is a matter which if adopted might in the present Division be productive of much future benefits. It was intimated to me at the last meeting at Chapel by one of the Proprietors on Bollihope Common that a letter to him from Mr Burdon, this member imparted, that the Bishop of Landaff had offered to give £1000 for 1000 of the worst acres on that Common for the purpose of Planting, and which proposal has since met the approbation of the principal opponents to a Division of Bollihope, but the Commons having without our consent been struck out of the Bill, and the Proprietors being incompetent to now ratify any such cession of their property without an Act, the benefit that might have resulted to the proprietors and the Public has thus become defeated. Unwilling nevertheless that a measure thus beneficial should be wholly lost to the Community, the Unthank Proprietors have signified to Mr Scruton that it is their wish and other of the Proprietors on Whesterhope Stinted Pasture (consisting of several thousand acres) that a Clause be inserted enabling the sale of any Quantity not exceeding 1000 acres of the

extreme limits or outskirts of said Pasture (at the discretion of Commissioners) and the proceed of said sale be applied for the exclusive benefit of the Proprietors owning the Sale Right on said Pasture (as by a Clause in the present Bill is done on similar terms for sale of Chapel Green for the exclusive benefit of those Proprietors), by such clause for sale of part of Whesterhope Pasture those Prop[rietors] will be enabled to accommodate the Bishop of Landaff, if he continues disposed to purchase on such terms . The Advantages of such a measure are in part briefly these – the Land thus sold will to the Prop[rietors] much reduce the expence of the Division, the inner wall of said Plantation will apply as an Out-boundary of the Allotments, and the Plantation within will in due time, not only afford strong shelter to the adjoining Allotments, but also must to the Mines prove highly advantageous. A Clause to such purpose I therefore trust may have Your lordships approbation and aid, and the same as to the following clause, that in any settled Estate (and such is Unthank) power be granted in the present Bill, as in the Land Tax Redemption Act, to sell or charge at option towards defraying the Expences of the Division, instead of being limited to charge solely, which latter mode, by subject at all times to change of mortgage and the attendant expence these independent of other disadvantages might be obviated by sale of any detached property with approbation of Commissioners, and the Estate at large thus exonerated of a most troublesome and hurtful incumbrance.

Were I permitted by Your lordship to hazard a sentiment on the subject of a Division on the large scale as originally proposed and on the present partial circumscribed Division it would be this – that the former infallibly must have been productive of advantages inconceivable by having enriched and beautified an immense tract of the County at present barren and uncultivated, but that the latter (however in part beneficial) is too narrowed to place it in any degree of fair Comparison with the former. Should the remainder of the Plan at some future period be accomplished, independent of the advantage to the Community and Individuals, great honor would it reflect on its promoter. Much sincere pleasure would it have afforded me had I been enabled to announce to Your Lordship that altho' at the first Stanhope meeting the proposal of erecting Chapels and Schools was then well received and attended to, that a similar disposition had continued to exist at the last meeting at Chapel, but the result proved unfortunately the reverse. Much credit is nevertheless due to Your Lordship for the generous offer of contributing to promote so excellent a Concern, the failure of which every good man must greatly regret.

Much ought I to apologise for this very long Epistle which [I] should have been happy [if it] could have been comprised in less compass, but my wish to convey to Your lordship a clear candid information of the late most tedious unpleasing transaction I ever engaged in, has unavoidably occasioned the intrusion and [I] flatter myself, however ineffectual from certain circumstances my endeavours have proved to promote the measure on the large scale, that my Conduct throughout the whole of the business may nevertheless merit his Lordships Approbations. & with all respect I have the Honor to be, My Lord,

Your lordships most obedient servant

Fr Tweddell

The Noble & Rt Red Lord Bishop of Durham

**1 May 1799 Rowland Burdon to Shute Barrington**

[Note: undated but presumably written at some point shortly after Tweddell's letter of 12th April. Allowing for the Bishop to have passed it on it is dated here to 1st May]

My Lord

I have read F Tweddells letter with attention, & return it with Mr H Williamsons to me, which certainly don't correspond with the extracts from Mr Scrutons. I wish all may be fairly done; but I cannot help thinking that if active steps were taken, the Bollihope & Stanhope Commons Proprietors might yet be got to sign their assents to the original measure, against the bill here <would be fitt> for the Committee, to which point it might be conducted in its most extended shape, & after all the clauses respecting enfranchisement, & the Bollihope & Stanhope commons might be dropped, if it were found against the sense of the Proprietors, or the majority of them. I enclose a letter from Atcheson, which your lordship may be so good as send to me or to Mr <Bernard> as may best suit.

I have the honor to be, My Lord, Your Lordships faithful servant

R Burdon

**22 Jan 1800 Francis Tweddell to Arthur Mowbray**

[Note: The last third of the letter is almost unreadable due to ink blotting through from the reverse. The meeting that Mr Tweddell discusses in this letter is that held in Stanhope on 27 Jan 1800. A partial version of the minutes of the meeting is available elsewhere.]

Copy letter Mr Tweddell to Mr Mowbray

Threepwood 22nd Jan 1800

Dear Sir,

I have just received your Favor of the 18 Inst desiring my Sentiments as to a division of Bollihope and Stanhope Commons.

Having about three months ago observed to Mr Scruton at Stanhope that as he had taken the liberty without consulting the Unthank proprietors or any other principally entitled to rights on Bollihope Common out of the Stanhope Inclosure Bill and which Common being therein included was the only means (by a large) saving of expences to make the measure palatable to the proprietors as on no account would it otherwise pay to the proprietors the expence of a separate Bill. And as from my own knowledge and by conversing with several of the principal proprietors and by Mr Scrutons various



letters to me on the subject and which letters are founded on the answers of each individual proprietor as to their assent or otherwise of the then proposed divisions of Bollihope Common. Mr Scruton thereon positively asserts a decided majority against that division. Under such circumstances I then told Mr Scruton the Unthank proprietors and all others I know or had conversed with were totally averse to and would most certainly oppose any attempt for a Division of Bollihope and Stanhope Commons and that the proprietors on Bollihope were determined to make it a Stinted Common or pasture and such continues to be the Assessment of myself and most others of the principal proprietors as in that the advantages to be derived by each Individual proprietor would be fairly and fully obtained and at a very trifling Expence.

Mr Scruton knowing these several matters was certainly taking a liberty very unbecoming to advertise a Meeting of proprietors of those commons and without their consent or application to any of them, as you are pleased to say the advertisem[en]t was of Mr Scrutons doing and to attempt a Division of those Commons under such circumstances and at the same time wholly inattentive to the rules of the House (which in all divisions must be attended to) of course I naturally conceived that proceeding (as by <acct>) was the production of some person wholly unacquainted with business – and impressed with such Ideas I wrote [to] our Steward Mr Geo: Dixon (in case any meeting did take place) to protest against all the proceedings and to attend to my further Instructions on the <division>. The violent Storm now raging here and what has preceded must probably have rendered the roads unpassable and <removing> any attempt of mine to attend the Meeting and which otherwise prevented I certainly should, and to have then had the pleasure of personally delivering you my sentiments thereon <considerably more> at large,

Believe me, Dear Sir, Your truly faithful Servant  
(signed) F Tweddell

**27 Jan 1800    to Arthur Mowbray**

[Note: Undated and unaddressed, but appears to have been prepared to support the resolutions adopted at a meeting on 27th Jan regarding Bollihope Common, and submitted to Mowbray]

The Rentals of Newlandside, Frosterley & Bishopley Townships in the Parish of Stanhope, having a right upon Bollihope.

	£ s d		£ s d
Lord Burford	120 0 0	Messr Lowes	32 0 0
Gilbert Starforth Esq	87 0 0	Revd. Mr Bland	20 0 0
Geo Mowbray Esq	88 0 0	Messrs Flemming & Moses	13 0 0
John Wooler	10 0 0	Messrs Johnson & Witton	45 0 0
Joseph Chapman	30 0 0	Geo: Bainbridge	40 0 0



Joshua Robinson	45 0 0	Revd Mr Wilkinson	19 0 0
Emerson Curry	16 0 0	Will. Skinner Esq	78 0 0
G.H.Vanhethineson's Heir	100 0 0	Mrs Wright	90 0 0
Thomas Mowbray	41 0 0	Mr Thos. Todd	134 0 0
Charles Shaftoe Esq	162 0 0	James Wall	4 0 0
Lord Lauderdale	97 10 0	Geo: Richardson	10 0 0
John Chapman	28 18 0	Wm. Bell	10 0 0
Mr Robt. Richardson	49 10 0	Mrs Brown	10 0 0
Sheldon Craddock Esq	66 0 0	John Morgan	10 0 0
Thos. Harvey Esq	295 10 0	John Harris	14 0 0
Tweddell & Hillyard Esqs	363 0 0	John Wall	3 0 0
John Walton	110 0 0	Mr Johnson, Schoolmaster	7 10 0
Henry Pickering	13 0 0	Geo: Chapman	18 0 0
Mr John Whitfield	110 0 0	Nicholas Dixon	5 0 0
John Greenwell Esq	60 0 0	Gilbert Garthorne	11 1 0
Richd. Wyatt Esq	45 0 0	Jacob Vickers	44 0 0
Robt. Hopper	13 0 0	Messrs Bonner & Jackson	100 0 0
Revd Mr Leeke	14 0 0	Anthy. Hopper Esq	14 0 0

We whose names are hereunto subscribed being respectively owners of Lands having a right upon Bollihope Common do hereby give our decided negative to any division or other alteration of the said common, and do hereby testify our disapprobation of any proceedings that may be taken for that purpose

	£ s d
Geo: Bainbridge )	126 0 0
Charles Shaftoe Esq )	13 0 0
Hen. Pickering )	13 0 0
Revd. B. Leeke ) Rent	14 0 0
Revd. H Johnson )	49 0 0
Revd. J. Wilkinson )	19 0 0
Revd J Fleming )	13 0 0

Jacob Vickers -for )  
Robert Richardson ) 49 10 0

Joseph Chapman 30 0 0  
Thos. Mowbray 41 0 0

Mr Wren -for )  
Lord Lauderdale ) 97 10 0

Thos. Harvey 295 10 0

John Greenwell                      60 0 0

John Lowes -for himsf)  
& brother                      )      32 0 0

Geo: Bainbridge                      40 0 0

Jacob Vickers                      42 0 0

958 10 0

## **27 Jan 1800**

[Note: This is a list of the Proprietors of land having grazing rights on Bollihope and Stanhope Commons. It is filed with the Minutes of a meeting held in Stanhope on 27 Jan 1800 at which the Proprietors discussed the proposed division of these Commons, so although undated, was presumably a list correct at that time.]

Rental of Lands in the parish of Stanhope and County of Durham possessing Right of Pasturage upon Stanhope Common

Nicholas Hopper Esq.	56- -	Amount Brought up	2708- -
Colonel Beaumont	47- -	John Elliot	2- -
Thomas Smith	34- -	Thos. Toward	3- -
Geo. Collingwood	39- -	Anth. Toward	3- -
William Parker	58-10-	Joseph Rutter	3-10-
Widow Forster	18-10-	Cath: Westgarth	1-10-
Widow Pringle	8-10-	Mattw. Vickers	9- -
Hopper Ward	40- -	Ra: Natrass	5- -
Geo: Harrison	112-10-	James Vickers	7- -
John Atkinson	42- -	John Emerson	9- -
Joseph Jopling	45- -	John Pearson	10-10-
John Greenwell Esq.	50- -	Geo: Thompson	6- -
Robert Curry Esq.	30- -	Francis Tweddell Esq.	43- -
John Emerson	40- -	William Fenwick	6-10-
Heirs of Wm. Graham	27- -	T. C. S. Barnfather	9- -
John Rain	23- -	Ambrose Maddison	3-10-
R. V. J. Graham	22- -	Thos. Ward	7-10-
John Bell	27- -	Geo: Bainbridge	9- -
George Thompson	101-10-	Thos. Lambert	5-10-
Rd. Scruton Esq	85- -	Jno. Lambert	8- -
John Coulthard	10-10-	Jno. Maddison	2- -
Lumley Saville Esq	40- -	Mattw. Renwick	8- -
Mrs Grey	130- -	Revd. Mr. Farrer	8- -
Richard Bell	28- -	John Johnson	7-10-
Francis Tweddell Esq	22- -	Revd. Mr. Deighton	7- -

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Mrs Stephenson	42- -	Charles Shaftoe Esq.	63- -
William Evans	10-10-	Byerley Hall	25- -
Mrs. Lee	21-10-	H. Williamson	135- -
Robt. Dixon	25- -	Mrs. Walton	33- -
Robt. Moses	42- -	----- Dickenson	60- -
--Baker's Heirs	28- -	Thos. Colpitts	16- -
Messrs. Rain	15- -	Thos. Dowson	14- -
Mr. Brand	34- -	Thos. Parker	28- -
Messrs. Bainbridge	14- -	Lowinger Maddison	3- -
Revd. Mr. Hall	39- -	Sequels of late R. Wright Esq.	18- -
Anth. Humble	28- -	Robert Moses	25- -
Mattw. Renwick	5- -		
Revd. Mr. Clark	17- -	Amount	£3315- -
Cuthbert Rippon Esq.	750-10-		
Benjamin Dunn Esq.	109- -		
Ann Graham	40-10-		
Thos. Greensword	4- -		
Jonathan Rodham	6-10-		
William Emerson	2- -		
Christopher Walton	4- -		
Mrs. Chapman	130- -		
Joseph Chapman	25-10-		
Robert Hopper	9- -		
Ralph Westgarth	5-10-		
Mrs. Bainbridge	12-10-		
Revd. Mr. Hardinge	148-10-		
	£2708- -		

Rental of Lands in the parish of Stanhope and County of Durham possessing Right of Pasturage upon Bollihope Common

Lord Burford	120- -	Amount Brought up	2081-10-
Gilbert Starforth Esq.	87- -	Geo: Bainbridge	40- -
Geo: Mowbray Esq.	88- -	Rev. Mr. Wilkinson	19- -
John Wooler	10- -	Sequels of late R Wright Esq.	78- -
Joseph Chapman	30- -	Mrs. Wright	90- -
Joshua Robinson	45- -	Cuthbert Todd	134- -
Emerson Curry	16- -	James Wall	4- -
--Vanheythuysen's Heirs	100- -	Geo: Richardson	10- -
Thomas Mowbray	41- -	William Bell	10- -
Charles Shaftoe Esq	162- -	Elizabeth Brown	10- -
Sequels of Ant: Todd Esq.	105- -	John Morgan	10- -
John Chapman	28-10-	John Harrison	14- -
Robt. Richardson	49-10-	John Wall	3- -
Sheldon Cradock Esq.	66- -	Trustees of Frosterley School	7-10-

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Thomas Harvey Esq.	295-10-	Geo: Chapman	18- -
Tweddell, Hildyard etc	363- -	Nicholas Dixon	5- -
John Walton	110- -	Gilbert Garthorne	11-10
Henry Pickering	13- -	Jacob Vickers	42- -
John Whitfield	110- -	Bonner & Jackson	100- -
John Greenwell Esq.	60- -	Anthony Hopper Esq.	14- -
Richard Wyatt Esq	45- -		
Robt. Hopper	13- -		£2701-10-.
Revd. Mr. Leake	14- -		
Messrs. Lowes	32- -		
Revd. Mr. Bland	20- -		
Messrs Fleming & Moses	13- -		
Messrs. Johnson & Witton	45- -		
	£2081-10-		

**27 Jan 1800 to Arthur Mowbray**

[Note: The minutes of a meeting in Stanhope regarding the proposed the proposed Act to divide Bollihope and Stanhope Commons. The document has been trimmed, with the last part lost. Assumed to have been presented to Arthur Mowbray]

Stanhope 27th January 1800

At a meeting of the proprietors of Lands intituled to Right of Common upon Bollihope & Stanhope Commons held in pursuance of public advertisements to take into consideration the propriety of dividing or otherwise improving such Commons,

Mr. Mowbray who attended the Meeting on Behalf of the Lord Bishop of Durham, having stated that his Lordship (with his accustomed Liberality) would consent that the proprietors shall have the Benefit of the Timber to be grown upon their Allotments, & also to enfranchise the Leaseholds within the Parish upon Terms to be agreed upon.

Resolved

That it is the opinion of this meeting that it will be advantageous to the Proprietors that certain specific Parts of the said Commons (to be ascertained by the Bill) shall be subdivided & allotted according to the <real> value of the respective Estates of the Prop[rieto]rs & that the Remainder shall be set out in Stints according to the same value, but that the Commissioners shall not have any Discretion to allot or subdivide a greater portion than shall at a future meeting be agreed upon.

That it is expedient a Clause should be introduced into the Bill that the Majority in value of the Proprietors at any future period, by agreement amongst themselves, &

without any further application to Parliament, subdivide the whole or any part of the Commons to be set out in Stints as aforesaid.

That from Michaelmas to Mayday in every year only one half of the stints usually kept during the other part of the year, shall be kept upon the Lands to be set out in Stints.

That certain parts of the same Moors (hereafter to be agreed upon) shall be divided to be sold (for the purpose of Planting) in order to defray the Expences of the Application to Parliament etc.

That Mr Scruton do immediately call another meeting by public advertisement at the same place in order to ascertain the precise Quantities of the Commons to be subdivided & stinted respectively & on other matters related thereto, and also to give the Proprietors of the other stinted pastures in Weardale an opportunity of considering at the Time of the Application for the above Division any

[the rest of the document has been destroyed by trimming]

**30 Jan 1800    Arthur Mowbray to Shute Barrington**

Durham 30th Jany 1800

My Lord,

I herewith enclose your Lordship a copy of the resolutions entered into at Stanhope on the 27th Instant, and a Copy of Mr Tweddells Letter to me, which I did not receive until late last night, on my return Home. The Letter Mr Tweddell Mentions (wrote by him to Dixon) was produced and read at the Meeting, very much against a division and levelled, in a great degree at Scruton. I waved it as much as I could and brought Dixon his agent to think a division would be of real Use. He wrote Mr Tweddell the next morning and sent him a copy of the resolutions. Altho' my Letter is rather to the point I have full Hopes of getting Mr Tweddell round. It is presumed if your lordship think proper to write him, it will have a great effect, as the Stand he is making is entirely by being out of Temper with Scruton. I ought to observe that the rules of the House as to notice has been complied with. The next meeting is to be held at Stanhope on Monday the 10 Feby to consider as to the dividing of Bollihope and Stanhope Commons, and on Tuesday the 11th at Chapel as to amending the Act passed last year for dividing the Stinted Pasture etc.

Bollihope is said to contain about 5000 acres, Stanhope about 6000. These are Commons out of which your Lordship will receive an allotment; and by the resolutions entered into the last meeting it is probable about 4000 acres may be divided and 10,000 stinted. Out of the first I conceive your Lordship should have 1/16 and I think out of the latter (or stinted part) 1/24 as it will not at present be brought into cultivation; which 1/16 and 1/24th it is supposed may be worth about £200 per ann[um]. Scruton with his usual Flipperry had left out Middle Hope a stinted pasture not included in the last Bill about 4000 acres which will be included in the advertisem[en]t for the next meeting, so

that if we succeed the new Bill will divide about 16,000 acres. I was, and am hurt in the Way the last Bill was closed. The amendments I propose are, that a clause for selling the Waste on the Chapel Green for Building, and other small Wastes should be sold, which it is thought may amount to £500, and why it was struck out of the last Bill no-one knows. Scruton says Lord Walsingham struck it out. This £500 with the apportionment your Lordship may please to allow out of the allotment it would be of real service to endow a school in the West end of Weardale for the labouring poor, as talked at Durham. The Inhabitants would I think agree to it: I do not think they would to the Building of Chapels and to have the Clause for the Enfranchisement which I think would benefit the See and please the Inhabitants much and that the different Hopes (as they are called) or districts be divided in the same Way as is proposed for Stanhope viz That certain part be sold for planting to defray the Expence. That the Improveable part of the remainder be allotted and the residue stinted with a power for the majority of the proprietors to divide such stinted part, when they think proper, after the first allotments have been improved.

This would materially lessen the first expence. Allot as much as they can within a reasonable Time improve, and prevent (by the Sale of a part) the poor creatures who have their Estates mortgaged to the Height, selling them for what they can get, as probably no one will lend them more money, in their present state and it is truly dreadful to hear the complaints of several of those people. Scruton whipped in some of the districts where I believe no one consented and seems not to consider themselves included in the Bill. I at the last meeting stated all the points I have here named to your Lordship, and I have met with full countenance. You Lordship will please to write me your Sentiments. I hope by a little Spirit, and perseverance, to bring all right which I will attend to from the first to the last. A letter from Col Beaumont to the agent in Weardale, or to me, would be of great use, altho' he has little Interest in Bollihope or Stanhope. His agent was here last Saturday. I allowed him to purchase his Land Tax. I write this hastily. I am going to Newcastle this morning to contract with Atkinson. I found a letter last night from Mr. Williamson saying he will be here tonight to attend the Meeting as to the Commons tomorrow and desiring the Solicitors and I will meet him this Evening which we will do. I have wrote to Sir Thomas Liddell.

I am, My Lord, Your Lordships very much obliged & most obedient hble s[ervan]t  
Arthur Mowbray

The Hon[ora]ble & Right Revd The Lord Bishop of Durham

**30 Jan 1800    Arthur Mowbray to John Atkinson**

[Note: Copy of agreement between Arthur Mowbray and John Atkinson regarding a property at East Slickburn (probably the settlement now known as East Sleekburn, near Blyth). Although now in Northumberland, in 1800 it was in Bedlingtonshire, part of County Durham. Mowbray mentions in a letter to the Bishop of Durham on 30 Jan 1800



that he was going that morning to Newcastle 'to contract with Atkinson'. Parts are almost illegible due to Print-through of ink from reverse.]

Memorandum of Agreement

made concluded and fully agreed upon the Thirtieth day of January in the Year of our Lord one thousand eight hundred Between John Atkinson of the town and County of Newcastle upon Tyne Esquire of the one part and Arthur Mowbray of the City and County Durham Esquire of the other part as follows:

First the said John Atkinson for and in Consideration of the Sum of <Two> thousand pounds of <...> Money of Great Britain to be paid to him his Heirs Executors Administrators or Assigns pursuant to the Agreement of the said Arthur Mowbray herein after in that behalf contained doth hereby for himself his Heirs Executors and <Considerations and declare said ...> agree to and with said Arthur Mowbray his Heirs and Assigns and every <..> by the <...> following (that is to say) That he the said John Atkinson and his Heirs and every other person or persons having or lawfully claiming <.....> or lawfully Claim any Estate Right Title Trust or Interest at Law or in Equity of in to or out of the Hereditaments and Premises hereinafter mentioned shall <...> free of Costs and Charges of the said Arthur Mowbray his Heirs Executors or Administrators (save and except the Costs and Charges of a Fair or Common recovery the expence of which if necessary shall be born and paid by the said John Atkinson his Heirs or Assigns) on or before the twelfth day of May here next insuing by such good and sufficient Conveyances and Assurances in the Law with such reasonable covenants as Counsel shall advise will and sufficiently Grant Release convey and Assure free from all <...> and demands <..> Except <...> and Rent of eighteen shillings and fourpence) The fee simple and Inheritance of All that Messuage Tenement Dwelling House Gardens and Farmhold and the several Closes Land and parcels of Ground thereunto belonging situate lying and being at East Slickburn in the County of Durham formerly belonging to John Hair deceased and now to the said John Atkinson and at resent in the tenure and Occupation of the said John Atkinson and Edward Fenwick and Thomas Fenwick as his undertenant and containing by estimation two hundred and fifty acres or thereabouts Together with all and singular Houses Outhouses Edifices Buildings Barns Byers Stables Orchards Gardens Yards Backsides Lands Meadows Pastures <Feldings> Moors Commons and Common of Pasture Woods Underwoods and <..> the soil and grazing of such Woods Underwoods and Trees Mines Minerals and Quarries Ways Waters Watercourses Paths Passages Entries Lights Liberties Privileges Easements Profits Commodities Advantages Emoluments Hereditaments and Appurtenances whatsoever to the same belonging or in anywise appurtaining unto the said Arthur Mowbray and his Heirs or to such other Person or Persons who they shall nominate and appoint To the use following (that is to say) To the use and behoof of the said John Atkinson his Executors Administrators and Assigns for the Term of one thousand years by way of Mortgage for securing the payment by the said Arthur Mowbray his Heirs Executors or Administrators unto the said John Atkinson his Executors Administrators or Assigns of the Sum of five thousand pounds on the

twelfth day of May which will be in the year of our Lord one thousand eight hundred and three together with Interest for the same at and after the Rate of five <pounds> per centum per annum from the twelfth day of May now next insuing payable half yearly and from and after the determination of the said Term of one Thousand Years and in the mean time subject thereto To the only Proper use and behoof of the said Arthur Mowbray his Heirs and Assigns <.....> Intent or Purpose whatsoever And also that he the said Arthur Mowbray his Heirs and Assigns shall and may enter into the Actual Possession and receipt of the Rents and Profits of the said Premises on the twelfth day of May next to and for his and their own proper Use and benefit And that the said John Atkinson shall not will in the meantime nor before such Purchase <...> shall be completed and fully carried into <..> cut down any Woods Underwoods or Trees or commit or suffer to be committed and Waste Spoil or Dammage whatsoever in or upon the Premises or any part thereof

And the said Arthur Mowbray in consideration of the Determination and Agreements herebefore contained on the Part of the said John Atkinson his Executors and Administrators to be observed and performed doth hereby for himself his Heirs Executors Administrators promise declare and agree to an with the said John Atkinson and his Heirs that he the same Arthur Mowbray his Heirs Executors Administrators or Assigns shall and will upon making and <..ing> such Conveyance and Assurances as aforesaid will and truly pay or cause to be paid unto the said John Atkinson his Heirs Executors or Administrators the Sum of two thousand pounds And lastly it is hereby declared and agreed that the said John Atkinson or his Heir shall and will at their own proper Costs and Charges on or before the first day of April next insuing deliver unto the said Arthur Mowbray or his Heirs a full true and complete Abstract of all and every the Title Deeds and Writings relating to or in any wise concerning the said hereditaments and Premises or any part thereof.

In Witness whereof the said parties to these presents have hereunto set their Hands the day and year first above written

	signed
Witness to the signing	John Atkinson
Chas. Dalston Purvis	Arthur Mowbray

xd.

#### **4 Feb 1800    Shute Barrington to Francis Tweddell**

[Note: Arthur Mowbray advised the Bishop (in a letter of 30 Jan 1800) to write this letter to Mr Tweddell to try and gain his support for the Enclosure.]

[at head in differnet hand, probably a later archivist's:]To Mr Tweddle

Cav[endish] Sq. Feb 4th 1800

D[ea]r Sir,

Persuaded from what I have heard that you have just cause to be dissatisfied with Mr Scruton's conduct in the Weardale inclosure bill of last year, yet I think you will not permit that consideration to render you hostile to that which is in agitation this: I am myself far from being pleased with Mr Scruton on the same ground. My own complaints however, <are> and permit me to hope that your's also will be forgot in support of the public benefits which will result to the Country if the proposed plan takes place in all it's parts. To give it real efficacy schools and a chapel must be erected and endowed. Without them the lower classes of the people in that district will never be what they should be Christians on principle: contented with their lot and useful in their humble sphere. I beg that you will present my comp[liments]: to Mrs & Miss Tweddell, and believe me etc

S[hute] D[unelm]

**5 Feb 1800 Shute Barrington to Arthur Mowbray**

[Note: Sir Thomas Liddell of Ravensworth Castle, became Baron Ravensworth in 1821. He was the great-uncle of Alice Liddell (Alice in Wonderland).]

Cav[endish] Square Feb: 5th 1800

Mowbray,

The first thought which occurred to myself on the intimation which you gave of much indisposition to a Chapel in Weardale, I confess excited a disposition to proceed no further. But on cooler reflection it appears to me from the magnitude and importance of the inclosure: Both to the country and the See of Durham, that it's objects should be attained at any rate. On this ground I conceive it better to get what is proposed by the Proprietors, even for a Chapel, if that cannot be made part of the Bill, it may of a future one. Make every exertion therefore at the next meeting to carry this point; and I hope that Col. Beaumont and Mr Tweddel will give their assistance. But should you fail, leave the Proprietors to make their own arrangements and when all other matters are settled, I will offer a certain proportion of my allotment as part of a fund for one or more Chapels, if they will add an equal allotment. If accepted, the point is carried: if not it will remain with me to decide whether I will do anything else, and what.

I have seen Mr Bramwell, who thinks the clause of the 2/3rds in the Division of the Durham Commons requires attention, as he apprehends the thing to be new. There would be no occasion for its being introduced earlier than the sitting of the Committee. You will therefore proceed with it. Petitions will be received till the middle of next month. You have probably heard from him on the subject of the Bedlington Leaseholders.

I am, etc,

S[hute] D[unelm]

P.S. You will decline with the greatest civility to Sir Thomas Liddell, through his agent, my agreeing to the terms on which he proposed to take a Lease of Blackburn Colliery.

**19 Feb 1800 Francis Tweddell to Shute Barrington**

Threepwood 19 Feby 1800

My Lord,

Your Lordships late favor with which I was Honoured should have received a more early reply had I not deemed it proper to wait the result of a meeting then advertised, for the express purpose of considering the propriety of a Division of the very Bollihope and Stanhope Commons by Your Lordship adverted to, when by a great Majority in Number and Value, for forcible reasons then adduced, the Measure was concluded to be inexpedient.

Had your Lordship been truly apprised, that Stanhope Common in particular, and containing 8000 acres, on account of its real barrenness is almost literally of no value, and that Bollihope Common is fit only for a Sheep Pasture which is its present state, and will not admit from its want of Soils of any such agricultural improvement as to repay the expenditure. Your Lordship of course would not then have expressed a Wish, however desirous to promote the benefit of the Community and of the Proprietors, that two such Commons, should come forward to Division in times of the present complexion. More especially as the heavy expenses of a separate Bill, Solicitors, Commissioners and Fencing, must collectively have been productive of much real disadvantage to the Proprietors, and instead of proving beneficial, have occasioned them very considerable detriments. When the Stanhope Inclosure Act was last Year in agitation (and which to those Proprietors is now unavoidably incurring large expence) the Unthank Proprietors, and several others, were then desirous, to have had Bollihope Common included in that Act, in order to have had a part divided, and the remainder apportioned in Stints, but the Solicitor, without consulting and of the Proprietors, struck that Common out of the Bill, and which circumstance most probably is known to your Lordship. Other reasons the Unthank Proprietors then had for urging the Measures, and which, with your lordships persuasion I thus wrote 'the including the Bollihope Common in the Stanhope Act, would have been effected at a reduced apportioned expence to each, but which the Solicitor by striking out Bollihope rendered ineffectual the hopes of procuring a Clause to Sell any detached property from the Unthank Settled Estate, in order to liquidate all the Division Expences from the Main Estate (and which by Petition to the Lords under proper restrictions, I continue to presume might and ought to have been effected) but which, Lord Walsingham positively refused to admit.'

Notwithstanding, that several men of Business to whom I have related the circumstances with Me clearly concur in sentiment, that admitting such Clause, when,

in its nature proper, would promote the Division of much valuable property, that otherwise may forever lie dormant, and finally 'the obtaining the Enfranchising Clause so liberally offered by your Lordship to the proprietors of Leasehold etc property, but which was withdrawn from the Stanhope Act (without cause assigned) to the very great dissatisfaction of the proprietors to whom it was offered' and this on the unfounded conception 'that in the Stinted Pastures to be divided under the Stanhope Bill there is no property to which it would apply it being all of a Customary tenure' but this I beg leave to assure your Lordship is the reverse, as the Estate of Horsely head in particular, is a Leasehold on Lives belonging the Unthank Proprietors, and several others are of similar Terms, and which Circumstances at the late Meeting at Stanhope I mentioned to Mr Mowbray And as tho' a mere mistake this desirable Clause was struck out, and which Clause was the main inducement to the Unthank Proprietors and others consenting to the Stanhope Divisions. We therefore do flatter ourselves, your Lordship will by a distinct Bill, realise a Measure so liberally offered by your Lordship, and which cannot fail to afford much general satisfaction to the whole of the proprietors within the Parish of Stanhope whose property may be affected thereby.

Had the proposed Division been approved, every Assistance in my power would assuredly have been exerted towards promoting any additional Chapels or Schools as by your Lordship suggested, notwithstanding that the income Act and other unavoidable War Taxes, may specially militate against matters, however laudable and well calculated for general benefit.

With all due respect I have the Honor to be, My Lord, Your Lordship's most Obedient Servant,

Fr Tweddell

## **22 Jan 1805 Henry Hardinge to William Emm**

[Note: Henry Hardinge was Rector of Stanhope. William Emm worked for the Bishop of Durham at Auckland Castle.]

Stanhope 22nd Jany 1805

Dear Sir,

I think it proper to acquaint you that several of the principal Proprietors & Occupiers within Stanhope Parish have been persuaded (by a Person who is not in any degree interested in the Lead Mines) that the Bishop of Durham & Rector of Stanhope are respectively liable to be rated for the Lot & Tithe Ore, & that a demand may be effectively made for the last seven years, as Adventurers of Lead mines are exempted by Law from any charge to the Poor, it appears indeed, from the case of Rowls & Gells, cited in Burn's Justice, that Proprietors of any Rents or Dues from Lead Mines are liable to be rated for such property; & therefore, it will probably be an important Question, whether or not the payment of the Rate can be recover'd of Col. Beaumont (although He accounts for the Land Tax on the Lot & Tithe ore) if the Parish should actually



charge the Bishop of Durham & the Rector of Stanhope to the Poor for the Lot & Tithe Ore.

I have discover'd a curious letter, I had in 1799, from Mr B---, a part of which may perhaps be of some service to his Lordship, viz: 'Was the Bishop of Durham's Lot ore to be advanced in the like proportion to what you expect for your tithe ore, I do declare that I should not hesitate in recommending it to C. B. that the Lot & Tithe Ore should be drawn, and that great part of the mines which are at present very poor be laid in, working only a small part that might yield some little profit, & to push forward his other Mines in Allendale which have lately a very promising appearance.'

If Breconsike Mine was then very poor, it has since been exceedingly rich. This Mine was last year of immense value, according to general report in Weardale, & is at this time particularly productive.

I am, Dear Sir, your most obedient Servant,  
H. Hardinge

Wm. Emm Esq

### **13 Mar 1805 Vicary Gibbs**

[Note: A legal opinion by the Solicitor General, Sir Vicary Gibbs, as to who was liable for taxes payable on the Lot Ore from Blackett mines, since the Bishop had agreed to take an annual sum of money, rather than the Lot Ore itself.]

By Indenture of Lease dated the 28th October 1790 Thomas then Lord Bishop of Durham gave and granted unto Sir Thomas Blackett of Bretton Park in the County of York Baronet the Office of Moorman otherwise Moormaster and all & singular the Lead Mines Lead & Lead Ore as well opened as not opened gotten and to be gotten within the parishes of Stanhope and Wolsingham within the County Palatinate of Durham that appertained to the said Lord Bishop of Durham To Hold the same during the Lives of certain Persons therein mentioned Yielding and Paying to the Bishop and his Successors the Lot Ore or ninth Part of all the Lead Ore gotten in the said mines from time to time as the same should accrue and be gotten clean and well washed and without deduction of any manner of Charges for the cleaning getting & washing the same or any other Charges whatsoever at the times therein mentioned and also paying the Yearly Rent of one hundred and fifty Pounds without any deduction or abatement for or on account of any Taxes or Assessments that then were or should thereafter be imposed upon the said demised Premise by Act of Parliament or otherwise howsoever.

By another Lease of the same date and made between the said Parties the said Lord Bishop demised unto the said Sir Thos. Blackett All those lead Mines Lead and Lead Ore or Ore gotten and to be gotten lying being and remaining and which could be had or obtained within forth or under the several Parks of Stanhope & Wolsingham in the County of Durham and within forth and under all and every the Lands Closes etc of all



and singular the Copyholders Leasers Tenants for Years & Customary Tenants of the said Bishop in Weardale in the County of Durham with Liberty to work etc. To hold the same during the Lives of the Persons therein mentioned Yielding and Paying unto the said Bishop and his successors one full ninth Part of Ore such lead ore or ore as should be gotten within forth & out of the said parks Lands and Grounds.

By an agreement dated the 1st Sept. 1791 made between the Hon[ourable] & Right Revd Shute Lord Bishop of Durham of the one part & the said Sir Thomas Blackett of the other part The Bishop agreed to let the said Sir Thos. Blackett the Lot Ore on the ninth part of all the Lead Ore reserved by the said recited Leases under the Yearly Rent of £925 payable quarterly by even & equal portions clear of all manner of Deductions whatsoever And the said Sir Thos. Blackett thereby obliged himself to pay the said Rent or Composition of £925 a year in manner aforementioned And the Parties thereby agreed that a lease should be drawn & executed pursuant to the Covenants therein contained (No lease has yet been drawn or executed)

No Assessment to the Poor rate has ever yet been made on these Mines or the Lessee or Lessor in respect thereof but it is understood to be the intention of some if not all of the Townships in which these Lead Mines are situated to make such Rate conceiving them to be rateable Property. Your opinion therefore is requested on the following points.

In case the Lessee is rated and pays for the whole of the mines demised by the said recited leases can he deduct and Part from the Annual Rent of £925 being the Composition agreed to be paid for the bishops Lot Ore or 1/9th part reserved by the said leases on account of any Parochial Rate or Assessment?

Can any separate Rate or Assessment be made by the bishop of Durham as the Lessor of the said Mines for the said 1/9th part or Lot Ore reserved to him, and if it can has the Bishop any and what remedy against the Lessee to recover any Money paid by him for Parochial Rates or Assessments?

Under the Authority of the Case of Rowls & Gells Cowp. 451 Lot Ore is rateable in the hands of the Lord to whom it is reserved. The Law of this case was questioned & again brought under discussion in Lord Kenyon's time & was confirmed by him & the other Judges of the King's Bench. If therefore this Lot Ore had remained in the hands of the Bishop he would have been rateable for it, but as he lets it to Sir Thos. Blackett the Tenant, it seems to me that the rate must be imposed upon Sir Thomas Blackett who has the thing which is to be rated, & that no portion of the rate can be thrown upon the Bishop who has parted with it. The only ground upon which, in my view of the case, it can be contended that the Bishop remains chargeable is that he stands in the same situation with respect to an Occupier of land to whom he lets the Tithes thereof & as in this latter case the rector is chargeable with the Poor rate on the Tithes, & not the Lessee, so in the case before me, the Bishop & not his Lessee is chargeable, but I am not aware that this doctrine has been carried beyond the Case of a personal letting, which is not strictly a Lease of Tithes, but only an agreement to sell them, & therefore it does not apply to the present Question.

V. Gibbs

Lin[cols] Inn Fields March 13th 1805

[On reverse]

Copy case with the Solicitor General's Opinion thereon in respect of the liability of the Lead Mines in Weardale to pay Poor Rates etc.