

1 Jan 1690    unknown

[Note: This appears to be an undated legal opinion, but be between 1687 and 1736, when the two successive Sir Christopher Musgraves of Edenhall, Cumberland were the relevant landowners, and probably prior to 1716 as Lord Darwentwater is mentioned in the present tense. Alston Moor steward John Stephenson referred to a boundary riding of 1606 in a letter to Walton in 1751. If '4 score years' is an accurate reference back to that riding, ie. 80 years, then this dates from no earlier than 1686. Sir Francis Radclyffe was raised to the peerage as the first earl Derwentwater in 1688. A date of 1 January 1690 is used here.]

Gilderdaile is all granted to the Tenants between Howgill ridge & Gillhouse & every Tenant payes a certaine rent for it

The Tenants of Gamblesby Glassonby Kirkeswald Unthank Busk Haskugh & other Towns thereabout has had their Cattle impounded in Blackhouse Pinfold many times, and time out of memory & always came. & loosed them paid damage for them or Companded some way or other, & their Cattle was taken Damage <Yealdart> in any part of Gilderdale, & p[ar]ticularly from of[f] that very ground w[hi]ch S[i]r Christopher now pretends to Clayme, for all the Ground to the Height or Topp of the Fells, is within the Bounds of Gilderdaile as L[or]d Darwentwaters Boundery books, recited in our Grant Leases does mention expresse & Sett forth

Soe that if S[i]r Christo[phe]r Musgrave have any Clayme or Title to any part of the Ground or Pasture called Gilderdaile then I'm sure the Lord Darwentwater has Granted Lands to the Tenants in Alstonmoore, which he cannot Justifie to them which if Soe then what will be the Consequence thereof

Bernard Tallentires Sheep was taken lately & (as I remember he paid about 40s for looseing of them, but the Tenants of Alstone was farr too Civill to the West Country Men, for they used to Impound every 3 or 4 p[er]haps oute in 7 Years, & Suffered them to trespasse all the other Years without Satisfaction, & now (as I presume) they would endeavour to prove Usage & possession, for you may believe they have noe other Clayme to Gilderdaile

But when Lords will not ride Bounderys in fower Score years time how Should Tenants preserve their Rights & Priveledges for the Adverse Party took care to Ride oft enough

Willy Whitfield will be a Speciall Witnessse, for he helped to drive Gilderdaile lately, & impounded Sheep from of[f] the very ground in dispute

9 Apr 1736 Nicholas Walton

[annotated in pencil:] C Grey Kipper Linn

9 April 1736

We whose Names are hereunto Subscribed Met together at Newlands and Whittingstall in Order to Meet and Observe John Fenwick Esqr of Bywell and other Freeholders (Joyning upon the said Whittingstall Common) Riding their Boundery pursuant to an Appointment made by the said John Fenwick Esqr. We proceeded from Whittingstall to Apparly Burn where we Expected to have Met the said John Fenwick Esqr and others but they not being come to that place We Supposed the Company to be at Mr Bowtfloer at Apperly and there upon dispatched two Messengers one after the other to acquaint them that We were ready to Ride the Boundery of Newlands and Whittingstall, and that We desired they might be present, and in Answer thereto Mr Bowtfloer one of the s[ai]d Freeholders said they would not Come from his House till ab[ou]t one or two of the Clock (it being then ab[ou]t ten a Clock in the Morning) and that they intended riding their East Boundery first. So that We supposed they could not be at the Place where We joyned upon them till late in the Afternoon.

Upon which We begun at Apperly Burn where it Comes out of New Park and Rid along the said Burn Edge, to the Hasaks or the Kipperlin hedge, where we Cutt up two peices of Earth or Turf, and from thence proceeded along the said Hedge to a Thorn in a Hedge of an Intack at Kipperlin House, where we pulled down the said Hedge and rid through it close by the Doors of the said House from thence thro[ough] the Stack Garth & another Intack West thereof and so to the Common From thence along the Hedges of Kepperlin to Cary burn head, and so down an Old Lane Extending Northw[ar]ds to the No[rth] West Corner of Kipper Linn Hedges where we also Cut up another Turf on the Edge of a Letch called Shorty Croft Syke. From thence along the said Letch to an old Dyke Cast, and along the said Dyke Cast to a High Road, and so on Cross the High Road NorthWest to Teut Thorne where is a heap of Stones & where We also Cut up a Turf. From thence So[uth]West up a High Road or old Lane to Coaleburn and up the S[ai]d Burn South to Syker <Hill> where We Cut up a Turf and proceeded no farther that part of the Common being Bounded on the South by Fairle May Inclosed Lands belonging John Fenwick Esqr After We had ended at the above Place we went thro[ugh] Some Common Inclosed belonging to the Sd Mr Fenwick and begun at the Corner of a Stone Wall called Fairlmay Garth where we Cutt up a Turf and proceeded So[uth] West along a Road Side to Backwort Letch and up the said Letch South to Unthank Hedges From thence East a Long the said Hedges to Mountryall & thence South to a Gate called Minnikins Gate and so along Unthank Hedge to Shottly Church Lane Gate. Thence down a Green Way SouthEast to the Black Dyke and so down the said Dyke to Walkershank head & so on a Little Way down a Runner to a Stone Wall within the Manor of Newlands on Walkershank off which Stone Wall We pulled off a Stone and from thence proceeded down the said Letch called Mereburn hill it falls into Derwent: In riding of which Boundery we met with no Opposition or

Discharge from any Body Save two Tenants of Mr Stevensons of Byreside who discharged us from riding within Walkershank: Witness our hands the Ninth day of April 1736

Nicho[las] Walton    Hugh Boag    Receivers  
Robt Johnson        Abraham Bunting    Bailiffs

Tenants [Those without a mark indicator signed their names]

John Ellison his mark X            Josiah Jewitt        Will. Leighton  
William Brown his mark X        Robt Seurtees his mark X    William Green  
Thos Phillipson                  John Hedley    Henry Oxley  
Luke Hall his mark O    John Oxley his mark O        Thos Sureties  
John Reneson                      Henry Oxley his mark O  
George Renoldson his mark [a zig zag]    Thos Humele  
George Wilkinson his mark O    William Taylor his mark V  
Thos Wilkinson his mark +    George Willis  
John Willie his mark: [a reversed E]

### **12 Mar 1740 Thomas Whelpdale to John Stephenson**

By vertue of a Power to Me [struck out: 'Granted'] Given by his Grace ye Duke of Portland Do intend to Ride & walk the Bounder of his Graces Manor of Gamblesby in The County of Cumberland on Thursday ye 19th day of this Instant March & will begin the Riding at a Place called Ruddinfoot between The Hours of Eight & Nine of The Clock in ye morning where you and all other Persons Having any intrest in the adjoining Mannors may be present w[i]th your Bounder Rolls or Such other Evidance as you may have to See that The Said Bounder is Ridd According to the Antient Moores and Bounder Marks

Given under my hand this 12th Day of March 1740  
Tho: Whelpdale

To Jno Stephenson Stew[ar]d & agent for ye Trustees of the late Lord Darwentwaters Estate w[i]thin the Manner of Aldston

### **20 Mar 1740 John Stephenson**

[Note: Date not given, but mention of 'Mr Whelpdale' suggests this memo was written, in John Stephenson's handwriting following the prior notice from Whelpdale of 12th March announcing the riding to take place on March 19th. 20th March is used here.]

Mem[oran]d[um]

That Lord Portland rided his Boundrey Adjoyning to Lord Darwentwaters from Black gutter head to Roegill Clugh head or Roegill Currock & <Flance> to Parkinstone Currock & So Down Mere Burn But They Rid from Parkin Stone Currick Muta Currick & So down Mere Burn

Mem[oran]d[um] The Bunder Was Rid The Day as on The other Side & <Was> what Names under Met Mr Whelpdale & Company at a Place Called Black Gutter head to Roegill Currock to Parkin Stones to Muta Currick So Down Mere Burn

M[essrs] Pantoune & Manton / Jos Emerson / Tho: Stephenson / Dan Wrenn / Jno Stephenson

**6 Jul 1751 John Stephenson to Nicholas Walton**

[Note: The inclosure mentioned describing the boundary has not survived]

Jully ye 6/1751

Inclosed I have Sent you the Boundrey I met with for Aldston Moor I <tuke> It to be Mr Elliss Drawing to be <there> It was from Mr Darw[entwa]t[ers] famely Ive had It Ive keep a Coppey Alsoe has sent you a Coppey.

the Boundrey Rid It Sir Philips People Thursday & Friday the first day very Right the Latter you will see mark[e]d a good maney of the People a Long w[i]th them own[e]d they never claim[e]d further than Mear Burn and had No Clame any further. Mr Dobson show[e]d us a Boundrey w[hi]ch look in a good Pease of Ground Said It was the way was allways Rid by them he Call It an over Lap

Aldston Moore Boundrey has Not been Rid in the memory of any one Living for the Satisfaction of His Tennants It would be very Proper It should be Rid I dare Say if you propose It to ye Hospital It would be Done Let the Expenche be what It will I hope It may be done next Spring, The Boundrey Mr Dobson show[e]d us was in 1606 as I Remem[ber] I here and Wallis of Whitloe is for Riding his Boundrey in and that he is Claming a Part in Gilderdale w[hi]ch Said ground is believ[e]d belong to Aldston Moore If Every Night [sic] & Lord takes of a Nooke Its Cliping the wings of the Hospitals Limits. I hope you Rec[eive]d my Letter per Mr Croser we thought It Proper to take some Company to meet Sir Philips People Mr Will[ia]m Lee will have a Bill to Draw upon you Will[ia]m Hewetson knew all the Boundrey marks. Friends at Crossgill and Aldston house all well. I Ask[e]d Corfe Evan but he Could Not Leave his <Nedd> My best Resp[ects] attend you and good Famely and Am

D[ea]r Sir Y[ou]r Most ob[edi]ent servt  
Jno Stephenson

PS. I here Rutter is for Putting more Incroachment Down

[verso:] Mr Nich Walton at Farnacres

[annotated by Walton:] July 6th 1751. Mr Jno Stephenson wth the boundary of Alstonmoore & the Boundary of Sir Philip Musgrave as rode by him the 4th & 5th July 1751.

**25 Oct 1777 Nicholas Walton**

[Note: The phrase marked with an asterix does not correspond to any marginal notes or footnote]

Farnacres 25th October 1777

Sir

The Boundary between the Manor of Alston Moor and the Regality of Hexham, being in general under no other description than that of the Division of Heavens water, it therefore happens in the extent of it, to be mostly upon the top of very high Ground, and the Summit is in many places of a considerable breadth, and nearly flatt; and being chiefly a Black Peat earth, the fall of the Heavens Waters has cut it into many meandering burns.

It happens that Rampgill, which has for many years been one of the Principal Lead Ore Veins of Alston Moor, runs thro[ugh] the above Boundary, and the part where it runs thro[ugh] has in former times been fixed by a Cast or Ditch upon the Surface, the Vein perpendicularly under the said Cast, being also marked underground, yet notwithstanding this precision, in the Course of last Summer as the Works of Rampgill were advancing in the lower sills, or Strata, it was discovered that the Vein, in those Sills, had deviated from the course or direction, that had before been expected, and pointed towards apart of the Boundary beyond that which had been ascertained by the Cast or Ditch before mentioned, which is commonly known by the name of Rampgill Ditch and as at the end of this Ditch, the Boundary by Heavens Water, also makes a considerable turn; we thought it of great consequence to the Hospitals affairs, to have this part of the Boundary settled, and the Ditch extended; and as the Regality of Hexham had lately come to Sir Thomas Blakett, a very distant Relation of the late Sir Walter Blakett who had only a life Estate therein, we thought it of consequence, that no time should be lost, in feeling how Sir Thomas stood affected towards an amicable Settlement of this busyness, and finding him well inclined thereto, and we being wishfull that no contrary impression might take place, it was thought proper to propose a Meeting of Agents on both sides, to try to set out the Bounder line, conformable to the description allowed on both sides: Vis the Division of Heavens Water. Accordingly the Agents met upon the Ground the 6th 7th & 8th inst. Vis Messrs Walton & Smeaton, assisted by Mr Hilton the Moor Master, on the part of Greenwich Hospitals, and Messrs Bell and Dickinson, assisted by Mr Westgarth Forster, on the part of Sir Thomas: and we have the pleasure to acquaint the Board, that after 3 days

hard labour and rainy weather, upon the Heights of the Country (which last was of considerable use in determining our operations, by shewing the actual Division of Heavens Water)\* we happily got the Boundary set out, between the Manor of Alston Moor and the Regality of Hexham, from the Bounder Currock at Kilhope Head, to the Currock at the North End of the Hardrigg; being in extent upwards of five Miles; taking in the whole of the Boundary, between those two Manors, that is likely to be intersected by any of the Principal Mines of the Hospital. This was done to the entire satisfaction of all Parties present and that there might be no after dispute among the Agents, how the particular parts of the Boundary were set out, it was unanimously agreed, that a Cast, or Ditch, should be made in our progress, and having engaged a sufficient number of Men to follow us, the whole was compleatly marked out, as we proceeded; and we have since directed a Survey and Plan to be made made of the Boundary as now set out which by way of distinction we have called the long Ditch. The Plan, as soon as finished, shall be sent to you, and we trust that our operations on this occasion will meet with the approbation of the Board. We are

Sir Your most Obed[ien]t Servants

Nich Walton Jun J. Smeaton