

ART. XXI.—*Furness Fiscal Formalities 150 Years Ago.*
By R. O'NEILL PEARSON.

Read at Carlisle, April 9th, 1908.

FURNESS folk were always aware that the inhabitants of the parish of Dalton (which included Barrow and Walney until the year 1867) were constrained at one time to have all their corn and grain ground at one of the four prerogative mills known as Orgrave, Little, Roose, and New Mills; but that the prerogative rights were so far reaching and onerous, and that they extended into comparatively recent times has not been hitherto appreciated. This can be understood by the fact that the mills, originally belonging the abbot of Furness as lord of the manor, at the dissolution lapsed into private hands, and therefore the manorial records would not bear witness of their custom and user. Recently an indenture of enfranchisement, dated the 14th day of June, 1763, was given to me by Mr. James Denny, late of Dalton, ironmaster, and this deed is curiously interesting as showing the fiscal policy of our forefathers in restraint of trade at comparatively so recent a date. For the purposes of the paper I shall give the salient portions of the deed, and epitomise those of less interest. It runs as follows:—

THIS INDENTURE made the fourteenth day of June in the year of our Lord One thousand seven hundred sixty and three BETWEEN William Matson of Tyteup in the parish of Dalton in the County of Lancaster Esquire Sarah Gibson of Lancaster in the said County Spinster and James Postlethwaite of Maryport in the County of Cumberland Gentleman and Mary his wife of the one part and Ather Cook and William Cook his son of the town of Dalton Husbandmen of the other part WHEREAS the said William Matson is seised in fee under a grant from the Crown of two certain prerogative water corn Mills called Little Mill and Roose Mill

situate in the parish of Dalton aforesaid and the said William Matson is also seised in fee of a certain Wind Mill upon the Isle of Walney within the same parish and the said William Matson Sarah Gibson and James Postlethwaite and Mary his wife are jointly seized in fee under a like grant of a certain other prerogative water corn mill within the parish of Dalton aforesaid called Orgrave Mill that is to say the said William Matson to two fifth parts thereof (the whole into five equal parts to be divided) the said James Postlethwaite and Mary his wife or one of them unto two other such fifth parts thereof and the said Sarah Gibson unto the remaining fifth part thereof AND WHEREAS by prescription and immemorial custom confirmed and established by several decrees of His Majesty's Court of Exchequer and the Dutchy Court of Lancaster ALL and every the householders tenants occupiers and owners of all and every the messuages tenements or houses within the parish of Dalton aforesaid (the proprietors and occupiers of the demesne lands late belonging to Sir William Lowther Baronet deceased excepted) are obliged of right ought and immemorially have used to grind at some or one of the aforesaid Mills and at no others all their malt corn and grain of what sort soever either growing on their respective farms and lands within the said parish or bought of others which they used consumed or spent ground in upon or about their said messuages tenements or farms or sold in Meal Flower Grotes or Malt and paid certain Muletire or Tolls in the said Decrees particularly mentioned for grinding the same AND WHEREAS the said Ather Cook and William Cook his son the one being in possession of a dwellinghouse situate laying and being in the Town of Dalton and also William Cook his son has and is possess of a Malt Kiln situate lying and being near Broadstone in Dalton aforesaid and the said Ather Cook and William Cook his son being both in respect of their said dwelling house and Malt Kiln and also the premises belonging are bound to grind all the Corn Grain and Malt spent ground therein in such manner as in the sd Decrees is particularly specified They the said William Matson Sarah Gibson James Postlethwaite and Mary his wife have lately agreed that they the said Ather Cook and William Cook his son and all others the present and future owners and occupiers of the said dwellinghouse Malt Kiln Outhousing Land and Appurtenances shall in all times to come be enfranchised and exempted from grinding their Corn Grain and Malt spent ground thereon in manner as hithertofore hath been accustomed and may grind the same where they please and may set up and use Steel or Hand Mills upon their said dwellinghouse or in their Malt Kiln and premises or any part thereof for the grinding such Corn Grain or Malt provided that the said Ather

Cook and William Cook his son or any others the present or future owners or occupiers of the said Dwellinghouse Malt Kiln and premises or any part thereof shall not make use of or suffer the said Steel or Hand Mills to be made use of for the purpose of grinding Corn Grain or Malt which shall at any time hereafter be spent ground upon any other of the tenements within the said parish save such only whereof the owners shall then be Enfranchized and exempted as aforesaid from grinding at the said prerogative Mills by the owners thereof and that the said Ather Cook and William Cook his son or any others the present or future owners or Occupiers of their said Dwellinghouse and Malt Kiln or other their premises they or either of them shall not at any time hereafter sell any Flower Meal or Malt ground (except ground at the said prerogative Mills) to any of the inhabitants within the said parish of Dalton save such only as shall then be enfranchised and exempted as aforesaid and provided also that they the said Ather Cook and William Cook his son or either of them the present or future owners or Occupiers of their said Dwellinghouse and Malt Kiln or any part of their premises shall not erect or cause or be concerned in erecting at any time hereafter any Wind Mill or Water Mill for grinding Corn Grain or Malt within the same parish AND that in consideration of such Enfranchisements and exemptions they the said Ather Cook and William his son shall pay to the said William Matson Sarah Gibson James Postlethwaite and Mary his wife the sum two pounds ten shillings in the whole and no more.

The deed then witnesses that for the consideration the grantors remised, released, and relinquished Ather Cook and William Cook, his son, their heirs and assigns and all others, the then present and future owners and occupiers, of their several messuage and malt kiln and other premises belonging of and from the custom and token aforesaid, and from all manner of actions and prosecutions whatsoever for withdrawing themselves from the said mills, or for grinding their corn, grain, or malt at any other mills or for the muletire or tolls thereof, with liberty and authority to grind their corn, grain, or malt to be used for their necessary household consumption, or for sale to any other persons other than and excepting the inhabitants in the said parish not enfranchised or exempted at any mill or mills they should think proper, and to erect and use

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hand or steel mills for grinding for themselves and others except such inhabitants only as should not be exempted, and the grantees and other occupiers of their messuage and malt kiln were empowered at all times thereafter to grind whatever they pleased and to make use of steel or hand mills for themselves or any others except the persons before excepted, PROVIDED and it was thereby mutually agreed and the deed was made upon the express condition that the grantees, their heirs, and assigns should not erect or be concerned in erecting any water or windmill or mills within the said parish of Dalton, and if the said grantees or other the occupiers of their premises should at any time thereafter grind or wittingly or willingly suffer to be ground any corn, grain, or malt ground (except ground at the said prerogative mills) to any person within the parish of Dalton who was not enfranchised and exempted, then the enfranchisement was to be utterly void unless the party should pay to the then proprietors of the prerogative mills the sum of 5s. for every peck (containing twenty-four standard quarts) of grain or malt ground contrary to the proviso, and so in proportion for a lesser quantity.

The deed, in short, proves that 150 years ago no inhabitant of the parish of Dalton could lawfully consume any flour or grain, wherever produced, not ground in one of the four prerogative mills, and exacting precautions were taken to prevent any infringements of these rights. I understand that another similar deed of enfranchisement of about the same date is now in the possession of Mr. Gaythorpe of Barrow. We may perhaps be permitted to draw the inference that the conditions about this time were beginning to be found so onerous and unwieldy that they were gradually being ameliorated by enfranchisement. What period of time it took for these enfranchisements to become so numerous as to make the prerogative rights unworthy of exaction is difficult to say, and in this respect we cannot expect the manorial records to help us; but I shall give a few extracts from the manorial rolls of the

neighbouring manor of Broughton, where milling rights were claimed by the lord. I am indebted for them to my colleague, Mr. Wilson Butler, steward of the manor, and in themselves they are somewhat quaint :—

1650. 3rd Octr, re Presentments at Court Baron.

Also we present Willm. Penny for taking unlawfull moulter (Toll) of James Denny's Malt and putting seeds into it by the oath of John Addison and Thomas Addison.

Also we present the said Willm. Penny for taking unlawful moulter of Bartholemew Barker by the Oath of Kathren Brockbank.

Also we present Willm. Penny for being both Miller and moulter grave (Inspector of Tolls) contrary to the custom by the Oath of Edward Stanley.

Also that the Miller of Broughton Mills shall not lette any moulter stay in swilles above half a peck of any sorte of graine but put it into the moulter-ark so soon as he taketh it out of the hopper upon pain of 6s. 8d. for every default.

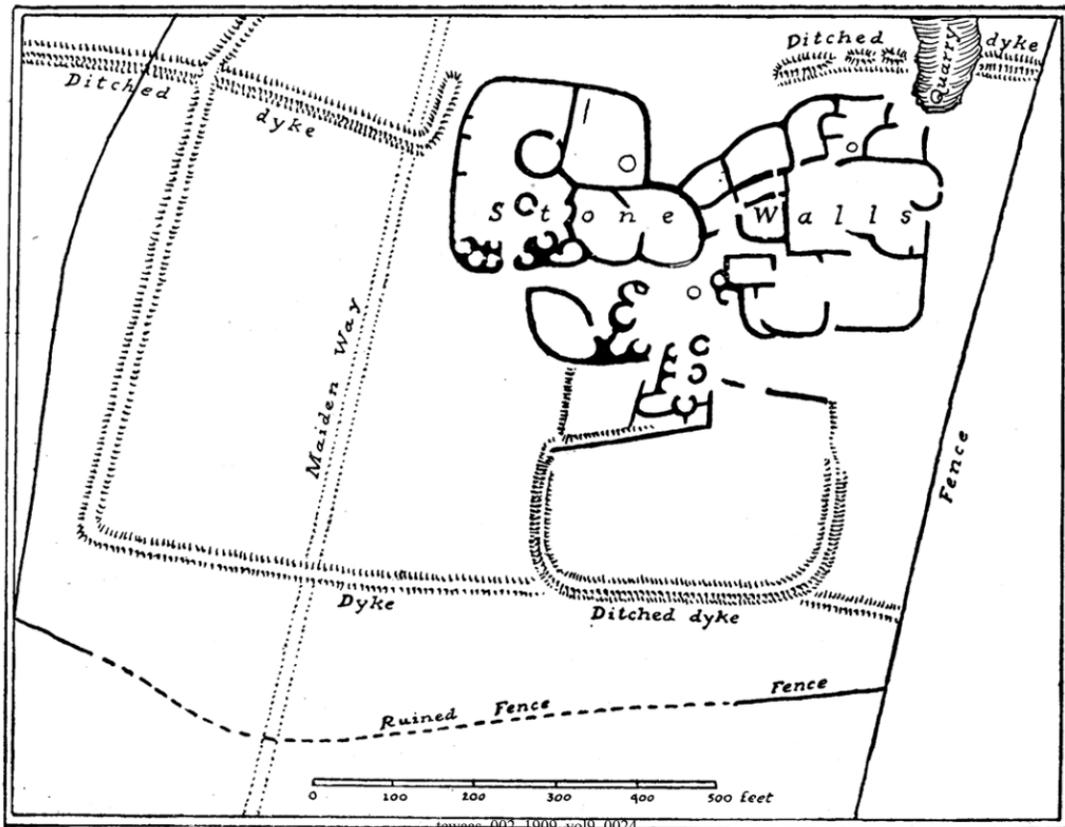
From the presentment of William Penny it would appear that even in those days it was unlawful to act in the double capacity of judge and beneficiary.

13th May 1746 Court Baron.

A complaint being made to us by the Miller of Broughton Mills that several of the customary tenants and their farmers residing within the said Manor of Broughton do not grind at the Lord's Mill all the corn they consume in their said several messuages within the said Manor but fraudulently sell their corn growing upon their respective tenements and either buy or bring from other Lordships which they grind at other Mills or clandestinely and privately go with their corn in the Manor to Mills out of the same and bring back and eat the same within the said Manor to the prejudice of the Lord thereof in the soke which belongs to his Mills within the said Manor at which Mills all the corn grain spent and eat in the several customary message houses within the said Manor ought to be ground according to Decree and custom of the said Manor We therefore amerce each person who shall for the future offend against the said Decree and custom in the sum of 39s. upon each default.

3rd. May 1721. We present Bartholemew Barker for going from the Lord's Mill with corn to grind. Pain 6s. 8d.

In accordance with a bill brought by the lord before the Master of the Rolls against his tenants in the seventh year of the reign of William III., the order was made that the customary tenants within the division called Broughton be bound to the lord's mills, and should pay a sixteenth part of that which is ground corn, grain, or malt grown on their respective tenements, but that they pay not any meal for toll or muletire for such grain as shall be ground into groates or skeelings being for the use of their respective families.



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SKETCH-PLAN OF EWE CLOSE, CROSBY RAVENSWORTH.