

**Sir John Lowther and Whitehaven, 1642-1706.**

**The Relations of a Landlord with his Estate.**

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**A Thesis submitted in fulfillment of the requirements for the Degree  
of Doctor of Philosophy in the Department of History at the  
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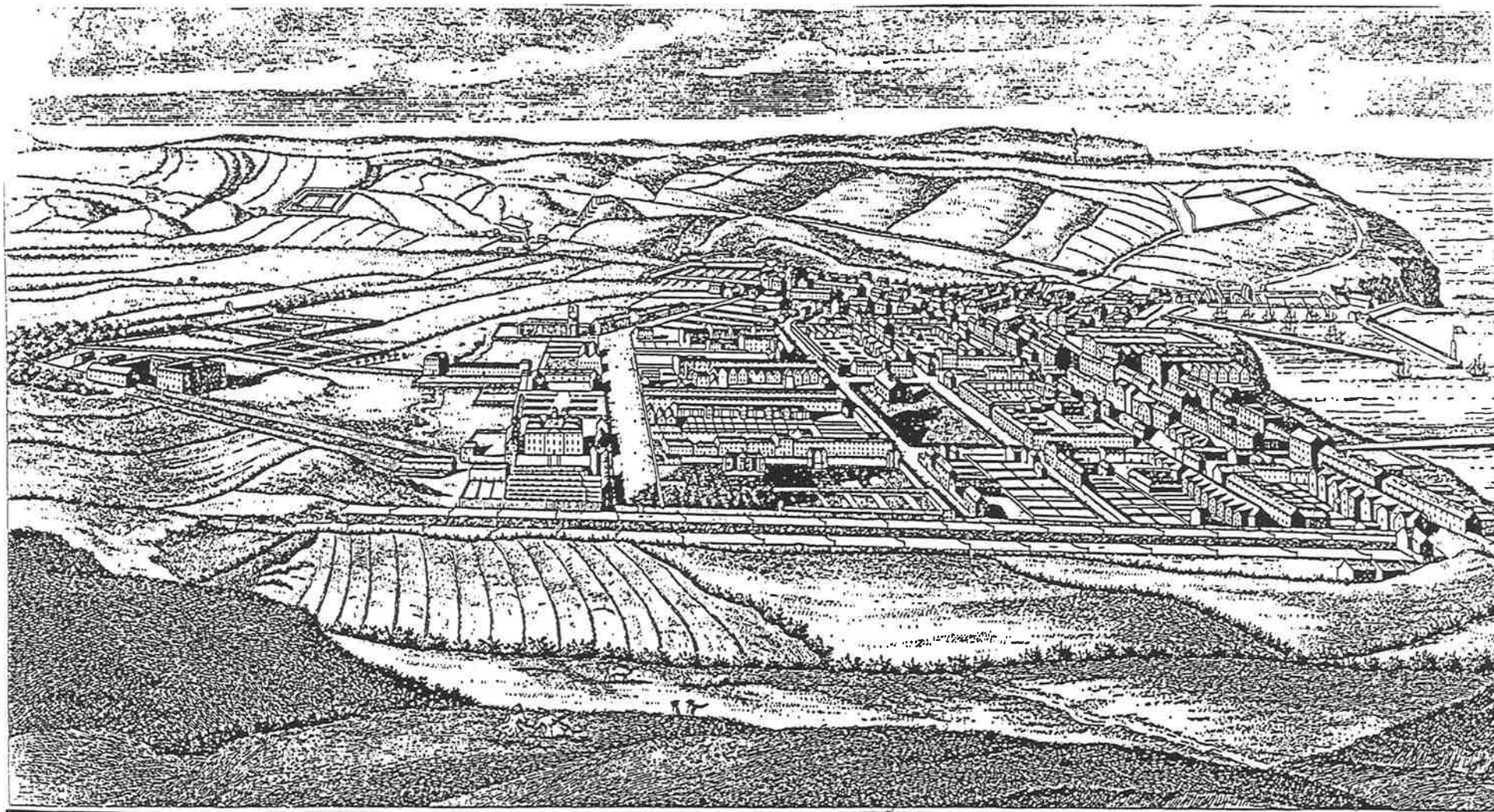
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## Abbreviations

- Coal and Tobacco.* J.V.Beckett, *The Lowthers and the Economic Development of West Cumberland, 1660-1760*, Cambridge, 1981.
- C.R.O. Cumbria Record Office, Carlisle.
- C.W.A.A.S. Transactions of the Cumberland and Westmorland Antiquarian and Archaeological Society.
- D/Lons/L, D/Lons/W Earl of Lonsdale's Mss, Lowther and Whitehaven offices, in the Cumbria County Record Office, Carlisle.
- D.N.B. Dictionary of National Biography.
- H.M.C. Historical Manuscripts Commission.
- Hutchinson Hutchinson, W., *The History of the County of Cumberland*, 2 vols., Carlisle, 1793-6, republished 1974.
- L.R.O. Lancashire Record Office, Preston.
- Lowther Correspondence* *The Correspondence of Sir John Lowther of Whitehaven 1693-1698*, ed. D.R. Hainsworth, 1983.
- Nicolson and Burn Nicolson, J. and Burn, R., *Antiquities and History of the Counties of Cumberland and Westmorland*, 2 vols., 1777.
- P.R.O. Public Record Office, London.
- Surtees 189* D.R.Hainsworth ed. *Commercial Papers of Sir Christopher Lowther 1611-44*, Surtees Society publication, vol. 189, 1977.
- Surtees 191* C.B. Phillips, ed. *Lowther Family Estate Books 1617-1675*, Surtees Society Publication, vol. 191, 1979.
- V.C.H. Victoria County History.

This thesis contains no material which has been accepted for the award of any other degree or diploma in any University, and to the best of my knowledge and belief, the thesis contains no material previously published or written by another person, except where due reference is made in the text of the thesis. I consent to the thesis being made available for photocopying and loan if accepted for the award of the degree.



R. Parr del.

*To the Hon<sup>ble</sup> S.<sup>r</sup> JAMES LOWTHER BAR.<sup>t</sup> F.R.S. & Knight of the Shire for the County of CUMBERLAND  
this East Prospect of the Town and Harbour of WHITEHAVEN. is humbly Inscribed.*

*From an engraving by Richard Parr, in the Whitehaven Museum, based on Matthias Read's "Bird's Eye View of Whitehaven, 1738."*

Reprint commissioned by The Friends of Whitehaven Museum. Printed by Bethwaites Printers, 1977.

## Foreword



Sir John Lowther was Lord of the manor of St Bees on the Cumberland coast and proprietor of the township of Whitehaven, which from small beginnings grew under his direction into a town of over 2,500 inhabitants with the status of a port, laid out on a grid plan with regulated standards for building, the first new town of this kind in England. Institutionally, however, Whitehaven remained simply a group of customary tenements governed through the manor court, and newcomers had no better security than a customary admittance for the capital they invested in building. Sir John enjoyed sole rights to the large deposits of coal within the manor, close to the harbour which he owned and maintained, and in Dublin after 1660 this coal found an expanding market. He expected to make his own profit by selling coal to ships from his collieries, and that his tenants would make theirs from shipping coal and other goods, and from service industries supplying the town and coal-mines.

Himself resident in London, Sir John conducted his affairs at Whitehaven through a weekly correspondence with stewards, which is almost continuous for the thirty-two years 1666-1698. Both sides are preserved largely intact, and form the central documentation of this thesis, furnishing a continuous narrative against which to interpret more formal documents drawn from the vast collection of estate records in the Lonsdale archives, records of Chancery, Exchequer, assizes and quarter sessions, wills and inventories. This material, much of which emanates not from Lowther or his agents but from his tenants or independent opponents, shows how he attempted to maintain control over town and harbour and how they assailed his entrenched legal position with their own initiatives, counter-proposals, suits and petitions; how a large and prosperous commercial enterprise was built up, to the

advantage of both parties, in what had been an isolated pastoral and agricultural manor; and how it continued to grow despite religious dissension and the dislocation of war, revealing the extent and limit of a manorial lord's authority; and how that authority could both generate and inhibit development in an England on the verge of the Industrial Revolution.

The Prologue offers a conspectus of Sir John Lowther's situation in the year 1678, at a critical moment for his own fortunes and the development of Whitehaven. Chapter One describes the evolution of the two distinct forms of customary tenure in the manor, and controversy over the manorial incidents of fines, heriots, suit of mill and market tolls. Chapter Two considers technical aspects of coal-mining and the economics of the markets in coal and collieries. Chapters Three and Four narrate the complex and crucial developments of the years 1674-1684, in which Sir John lost his principal colliery, discovered another, deeper but still more profitable; fended off assaults on his entrenched privileges in town and harbour from a combination of tenants, ship masters and Customs officers; <sup>P</sup>suppressed (for the moment) a project for a new harbour at Parton to compete with his at Whitehaven; but was constrained to extend the pier and deepen the harbour at Whitehaven itself with the assistance of the merchants and ship masters with whom this project brought about an uneasy and temporary reconciliation. Chapter Five depicts the expansion of the town and its industries in the prosperous years which preceded, and the leaner ones which followed the Revolution of 1688. The local administration of the ecclesiastical settlement of 1662, the system of preferment to benefices and the separation of congregations into opposing camps of Anglicans and Dissenters are the subjects of Chapter Six. Chapter Seven focuses on the stewards who managed Sir John's estate in his absence, their duties, their expectations and their relations with him and with the townspeople. In Chapter Eight an attempt is made to reconstruct the last years of Sir John's life when he left London and the guiding light of the correspondence is lost: years in which his ambitious



colliery enterprises had to be restructured in the face of new difficulties, and the rival harbour project at Parton was resurrected.

English society is often characterised as 'deferential' even after the revolutionary upheavals of the 1640's and 1650's, yet an examination of Lowther's relations with his tenants soon shows that there was no such automatic acceptance of his authority whatever superficial outward show of deference they may have paid their landlord on those rare occasions when they had the opportunity to encounter him. They regarded with deep suspicion all his attempts to enlist their cooperation when he found he could not compel their obedience, and in general they pursued what they perceived as their own interests in defiance of his which they regarded as rarely coinciding with their own. Moreover, while Lowther believed and frequently asserted that Whitehaven, both town and harbour, were the creations of his father and himself, his tenants believed the community in which they lived and worked was at least as much their creation and that their achievements equally deserved recognition. In the light of Lowther's experience it may be questioned whether the concept of a 'deferential' society is not more likely to cloud our understanding of the realities of seventeenth century life than to illuminate it.

Since Lowther's estate included a port and a major coalfield the study of his relationship with that estate helps us to understand the role a landowner could play in the commercial and industrial development of his region in this period, and the severe limitations and difficulties he could encounter when he sought to foster them. The Industrial Revolution, it has often been asserted, was much more evolutionary than revolutionary. The frustrations of Sir John Lowther as he struggled to push forward the exploitation of the West Cumberland coal field and to broaden the industrial and commercial base of Whitehaven help us to understand why that evolution was so slow and fitful. It was not a lack of resources or of skill and ingenuity on either side which tended to hamper the development of Whitehaven desired and promoted by both

landowner and inhabitants, but rather an inability to allay old anxieties and inhibit reflexes derived from ancient forms of government. In the scope and vision of their engineering projects in coal mines and harbour, the sophisticated ease with which they handle capital investment and the calculation of returns or estimates of the present worth of mineral leases and of life interests in them, Lowther and his stewards, and, hardly less, their collaborators and opponents in Whitehaven, seem to look forward to an eighteenth century in which England's apprenticeship had been fully served even if the execution did not always quite match the planning. But as soon as any question of government or the power to decide and control the course of these developments obtrudes, all parties tend to revert to the forms and attitudes of a previous era and become embroiled again in problems and conflicts surviving from the sixteenth century and earlier.

#### **Notes on Editing**

In quoting from the documents I have silently expanded contractions, replaced archaic with modern spellings, reduced the incidence of initial capital letters, translated all dates into new style, cautiously repunctuated to improve intelligibility and arbitrarily chosen a standard orthography for each personal name. Whatever I have interpolated into quotations from documents I have placed in square brackets.

#### **Notes on Nomenclature**

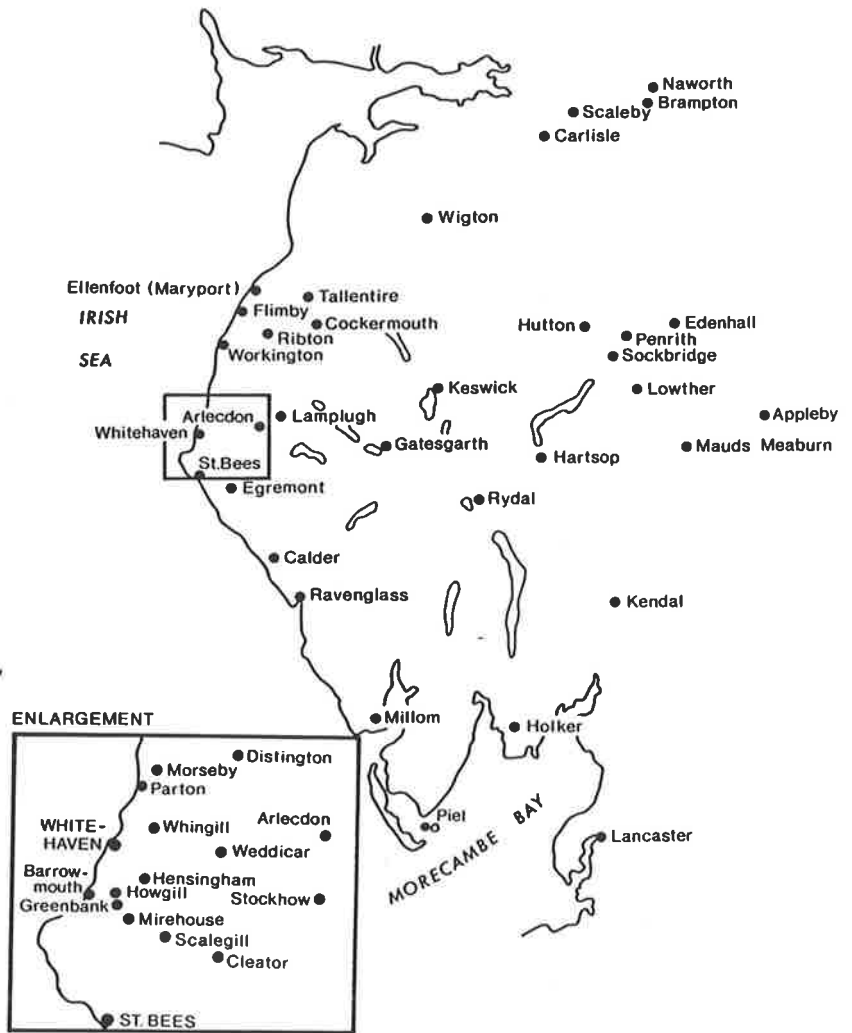
"This is only to direct you to take out of the register at St Bees what concerns Wybergh's family who has begun a suit against my namesake who desires to know when this Wybergh was born and what else you can find there of the birth or burial of his father, grandfather and great grandfather. They were all Thomas' which makes the confusion." Thus Sir John Lowther (the one of that name with whom this thesis is principally concerned) wrote to his steward on the 5th of May 1688. The registers of St Bees will not in fact have helped him very much to demarcate the lives of those four successive eldest

sons, whom we may precisely distinguish as Thomas Wybergh I (ob.1624), Thomas II (1585-1647), Thomas III (1628-1671) and Thomas IV (b.1661); but Sir John at least had better information than fourteen years earlier, when he did not even know how many generations of Thomas Wyberghs had shared St Bees with his own family. The Lowthers themselves were no more helpful in the matter of nomenclature. Sir John shared his name and style with three others of the family who make occasional appearances in these pages. Where ambiguity cannot be less ponderously resolved, they are distinguished from one another as follows. Sir John Lowther I of Lowther (1582-1637) succeeded to his father's estates in 1617 as John Lowther of Lowther Esq., was knighted in 1626, and left three sons, John, Christopher and William. The eldest, known in his father's lifetime as John Lowther of Hackthorpe Esq., became on purchase of a baronetcy in 1639 Sir John Lowther II of Lowther (1605-75), and, outliving his own eldest son Col. John Lowther of Hackthorpe, was followed by his grandson, Sir John Lowther III of Lowther (1655-1700), who in 1696 was enobled as Viscount Lonsdale. Sir John Lowther of Whitehaven (1642-1706) was son and heir of Christopher, who in 1642 likewise purchased a baronetcy. He was thus grandson of Sir John I, nephew (and by his marriage also stepson) of Sir John II, nephew also of William, who was knighted at the Restoration, and cousin once removed of Sir John III. Before Whitehaven came to prominence he was known as Sir John Lowther of Sockbridge, his mother's inheritance. This is all the genealogical detail the reader will need to know, but an extended family tree may be found in Hainsworth, the *Lowther Correspondence*.

Rather more simply, the elder John Gale (ob. 1681) is where necessary so distinguished from his son John Gale (c. 1647-1716), the steward of the Whitehaven collieries, and from his grandson the younger John Gale (obit 1729).

### **Acknowledgements**

I must gratefully acknowledge in particular the seventh Earl of Lonsdale for loaning the Lowther papers to the Cumbria Record Office, Carlisle, and allowing access to them; the staff of the Cumbria Record Office, especially David Bowcock for his patient assistance both in person and by correspondence; and lastly my supervisor, Dr D.Roger Hainsworth for his unstinting encouragement and advice.



## Prologue

"Preserve your estate if you will preserve your gentry and nobility of blood which is nothing else but a descent of riches."

Sir John Lowther I of Lowther.<sup>1</sup>

In 1678 Sir John Lowther wrote a description of his town of Whitehaven in Cumberland, recounting its growth from three or four cottages by a small creek to a thriving port of thirty ships and eighty or ninety well-built houses.<sup>2</sup> His town: for it lay within his manor of St Bees, the houses belonged to his customary tenants and town and harbour were governed through his customary court. During his life-time Lowther was to write a number of versions of the town's transformation, always claiming that its growth as a port and the development of its coal-fields sprang directly from his own and his ancestors' initiative and industry.<sup>3</sup> Nor were such assertions meant as idle conceits, because he wrote for a specific purpose and in the face of tenants' threats, demands and encroachments or claims of communal use. He draughted this particular description while preparing to answer a bill in Chancery brought by some forty tenants striving to change the nature of their tenure to their advantage. He wrote against a background of demands made by the ship owners and masters of the town for further improvements of Whitehaven harbour on their own terms but, they hoped, to be largely at his expense. A committee of seven of these people dubbed the *septem viri* or "the seven wise masters" by Lowther's steward, were negotiating with a neighbouring land-owner William Fletcher, to create a rival harbour at Parton in his

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1 The grandfather of Sir John Lowther of Whitehaven, in his autobiography, reprinted in *Surtees* 191 p. 201.

2 D/Lons/W Whitehaven, Various papers relating to harbour, trade and town, item 20, See Appendix A.

3 See D/Lons/W Letter books, Memoranda and letter book (drafts) 1675-1689; D/Lons/W Whitehaven, Various papers ... items 7, 10, 11 and 85; D/Lons/W Legal papers, papers in *Lowther v Fletcher*, *Hudspeth and Jordan*; and *Lowther v Mary Addison*; D/Lons/W Registers, "Commonplace book" fo 162ff.

manor of Moresby a mile and a half to the north. Every aspect of the town which Sir John noted in his description: a small stone pier, a market, a chapel and the grant of building sites for the town, provided focal points for disputes; these resulted in petitions, counter-petitions and law-suits, and it was in such documents that Lowther included his descriptions of the town, claiming ownership and control of Whitehaven as his right through inheritance, purchase and grant, and through his own and his ancestor's endeavours.

The document was not composed at Whitehaven with town and harbour in view but in London, where Sir John had taken-up residence and settled his household in 1663.<sup>4</sup> He was elected member of parliament for Cumberland in 1665 and served in all succeeding parliaments until 1700, remaining resident in London until 1698; a period broken by just ten visits to the north, of which only two lasted more than two months. He engaged stewards to manage his lands and his collieries and directed his affairs by a constant stream of correspondence with them, usually at the rate of one exchange a week. It is this large archive of letters which especially illuminates the running of this particular estate, for Sir John demanded detail and yet more detail to afford him better understanding. Through the letters we can see plans conceived as well as plans successfully executed; the indecision that precedes and often survives decision; and the real situations behind the procrustean terminology of law and equity. The reader dreads no less than the steward welcomes one of Sir John's personal visits, in the knowledge that when the letters resume new directions will not be plainly stated but must be inferred from cryptic allusions. The principal correspondents were the estate steward Thomas Tickell from his appointment in 1666 until his death in 1692, his successor William Gilpin and John Gale who was coal steward after 1682.<sup>5</sup>

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4 Sir John and his wife were to have three children: Christopher (1666-1731), James (1672-1755) and Jane (1667-1731).

5 The Tickell Correspondence is in D/Lons, Correspondence file, agents' letters received and sent, 6 boxes, 1666-1692, consisting of Sir John Lowther's letters to Thomas Tickell and the latter's draft replies (1,835 items). The Gilpin Correspondence in D/Lons, "Bound vol. of original letters 1692-7", Whitehaven correspondence box 9; and the Gale correspondence in D/Lons, Whitehaven correspondence, box 8, are printed in *Lowther Correspondence*.

Sir John had inherited his estate from his father Sir Christopher in 1644 at the age of eighteen months. Sir Christopher was the second son of the remarkable Sir John Lowther 1 of Lowther who by careful husbandry of diminished resources, assiduous practice of the law at Kendal and later at York, astute investments in land, energetic exploitation of new sources of revenue in trade and industry and, it should be said, a certain ruthlessness, had resurrected the drooping fortunes of a family which had already for three centuries held a prominent position in the affairs of the north-west border counties. In his own words written in July 1627,

"...by providence and sparing of littles and putting all to the advantage, and with care and pains and good bargains I maintained our fashion with the best of our neighbours, and our children, and saved yearly a good part and bargained with it, with the best discretion I could, yet in all, studied still to do it, with love and good reports of those with whom I dealt, and these littles multiplied..."<sup>6</sup>

It was this Sir John who redirected the course of history at Whitehaven in the last seven years of his life, after acquiring his share of the manor in 1630. From the start he intended to improve the rudimentary harbour, make it a trading port and attract merchants and artisans to settle there. Although he himself in his declining years proposed simply to live off his rents and although he intended his eldest son John to succeed him in the greatest part of his estates, and for that purpose entered him in the Temple, yet his two younger sons William and Christopher were not to be mere pensioners on the estate. Both served apprenticeship as merchants and thereafter in partnership with their father, and with capital supplied from his surplus, traded through Whitehaven and other ports to Ireland, France, the Canary Islands, Scandinavia and Germany in coal, hemp, salt, iron, beef, hides, tallow, wool, cloth, wine and timber. So far from resenting the

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<sup>6</sup> D/Lons/La 1/4. "Accounts and purchases 1604-1655". The last littles is rendered titles in *Surtees* 191, p.27.



occupation thrust upon them or regarding it as demeaning to gentility, the two entered into it with zest, enthusiasm and youthful optimism. But their father's plans extended to providing them both with landed estates as well, partly out of his own accumulations and partly from the advantageous marriages he expected to negotiate for them. For Christopher, Sir John Lowther arranged a marriage with Frances Lancaster of Sockbridge Hall a few miles from Lowther while she was still a child: the Lancasters were to settle the reversion of the entire lands and lordship of Sockbridge on Frances and Christopher, for which they were to compensate her two sisters. The marriage did not take place until after Sir John's death but as early as 1636 Christopher, though still only occasionally resident, had built himself a large house near to the harbour of Whitehaven.<sup>7</sup>

The Lowthers' purpose and industry stood in marked contrast with the previous history of seigneurial control in the lordship; at least a half a century of dereliction, followed by thirty years of divided energies. The manor and rectory had belonged to the Priory of St Bees, a cell of the Abbey of St Mary of York, and in 1535 was reckoned for purposes of taxation to enjoy a clear annual income of £143-16-2<sup>1</sup>/<sub>2</sub>.<sup>8</sup> In 1553 this figure became the reserved rent charged upon it when, stripped of a few outlying portions, the Crown granted it in perpetual fee farm to the professional diplomat Thomas Challoner. In 1558 £80 of the rent was granted away to augment the revenues of the Bishop of Chester, in whose diocese the lordship lay. In 1560 and 1561 Challoner, then between embassies, made some long term arrangements for St Bees. Ease of management was desirable where ultimate direction might lie in Brussels or Valladolid, and the idea of negotiating at that distance terms of leases and tenures was unappealing, in particular the fines and admittances of the ninety customary tenants. To them he granted fifty-year leases at the ancient fixed rents of their tenements for fines totaling £188-10-0

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<sup>7</sup> For Sir John Lowther I of Lowther, see *Surtees* 191, for Christopher's career see *Surtees*, 189 and D.R.Hainsworth, "The Lowther Younger Sons: A Seventeenth Century Case Study", *C.W.A.A.S. LXXXVIII*, 1988.

<sup>8</sup> D/Lons/W Registers, "Commonplace Book", fo. 155.

(probably set at the very modest rate of six times the annual rent) with a covenant to safe-guard their customary estate when the leases expired; and thereby undermined his successors' position, as will later appear. He let the demesnes and tithes (all paid in kind) for long terms at rates which became progressively easier as the value of crops increased and money declined.<sup>9</sup> The tithes of Ennerdale he let to Anthony Patrickson for twenty-one years, later extended for another thirty-one years, so that the Patricksons proved very difficult to remove at the end of their term.<sup>10</sup> This rentier's approach was perpetuated by his son, who in 1594 relet the demesnes for another twenty-one years at the same rent of £27. In 1678 the same lands were let for about ten times as much. Their royalties in the coal which outcropped in the northern part of the estate the Challoners likewise turned to little profit, allowing use of the coal groves to the tenants, in whose ground they lay, for an extra rent set at £2-13-4 in 1561 and unchanged in 1616, and to the successive lessees of their salt-pans in part of their rent of £35. The export trade in coal, later to be the foundations of Whitehaven's prosperity and the Lowthers' fortune, had to await the growth of Dublin and its domestic consumption in the next century. Nor was there yet a harbour at Whitehaven through which to export. A small quay may have existed there in the early 16th century, as the monks charged small fees on ships trading along the coast and from the Isle of Man, though the revenue gathered was less than 1% of the abbey's income.<sup>11</sup> A survey of ports and creeks along the Cumbrian coast in 1562 reveals a small-scale coasting trade in herrings and salt carried in vessels of 7-10 tons burden described as "pickards" sailed by fisherman rather than "mariners". Workington is described as a town of thirty houses and three pickards, Parton as not a town but "houses much dispersed" and seven pickards and Whitehaven itself with six houses and only one pickard.<sup>12</sup>

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9 D/Lons/W St Bees. miscellaneous papers relating to the school 1610-1823; Great Britain, House of Commons, Sessional Papers, 1820 (28), Report of the Commissioner of Charities, vol. VI (Cumberland), The Free Grammar School of Kirkby Beacock alias St Bees, p 5 ff. The report reproduces many of the original documents in full.

10 Littledale, R, "Some Notes on the Patricksons of Ennerdale", *C.W.A.A.S.* XXV 1925, p145-146.

11 J.M. Todd, "Origins of the Port of Whitehaven: Some New Evidence", *C.W.A.A.S.* LXXXI, 1981.

12 D/Lons/W Whitehaven, various papers... item 13.

In July 1561 Challoner drew up a valuation of his revenues at St Bees and in August regranted to the Crown as payment of a debt forty-eight tenements in St Bees itself, sixteen in neighbouring Sandwith and some other small rents.<sup>13</sup> (These lands in the next reign were to be added to the endowment of St Bees grammar school.)<sup>14</sup> He probably already knew that he was about to be sent on a new embassy to Spain and at the point of departure in October he was negotiating to exchange the rest of St Bees for an abatement of the fee farm rent of his other former monastic property at Guisborough in Yorkshire, but the scheme fell through. He could not at this stage make his income from St Bees appear to be more than £80 a year. Challoner's fines and two letters enable us to see that the estate was indeed hard to manage in his absence.<sup>15</sup> In 1565, shortly after his return from Spain, he died. After a long minority and some years travelling abroad, his son, the second Thomas Challoner turned to the serious exploitation of the Guisborough estate, where alum had been discovered. Perhaps to finance his project of an alum industry, he sold the neglected St Bees on 30 November 1599 to Thomas Wybergh Esq. of Clifton in Westmorland, close neighbour and nephew of old Sir Richard Lowther, of Lowther, for £2,000 payable over four years.<sup>16</sup>

Wybergh, who evidently lacked the funds to pay even the first instalment, turned to his cousins for finance and the next day three of them, Gerard and Lancelot Lowther and Thomas Carleton, all lawyers of the Inner Temple, joined with him in his bonds for payment. Three months later he had persuaded Gerard Lowther to put up the first two instalments of £500 each, and as security resold St Bees at half price to yet another cousin, to be immediately reconveyed to Gerard and Thomas as joint purchasers: a transaction which was to cast shadows of doubt over the proprietorship of the manor for the next eighty-four years. Somehow,

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13 D/Lons/W St. Bees, miscellaneous papers relating to the manor 1617-1815. The Value of St. Bees 1561.

14 See *C. Kupper v v*

15 C.S.P.D. 1547-80 p. 617, 26 January 1579, James Grindall to Francis Challoner; C.S.P. Foreign, Elizabeth I, vol. VI, no. 1500, Francis Challoner to Thomas Challoner, 18 Dec. 1563.

16 For a full description and documentation of the Wybergh familys' involvement with St Bees, see Appendix B.

probably by mortgaging other lands, Wybergh raised the other £1,000 over the next four years, and by March 1604 the purchase was complete.<sup>17</sup> Lowther and Wybergh then divided most of the demesnes, the tithes and pensions of the rectory and the priory buildings (which were the capital messuage of the lordship) into two equal shares, and cast lots for them. They granted one another their respective allotments, thus severing the joint title in them, but not in the undivided residue consisting of the tenants' lands and the manorial waste, the mineral royalties in them, and the salt pans. They also drew up an instrument of unfathomable complexity (ineffective, as it proved) to secure one another against default in payment of the fee farm rent, for which they remained jointly responsible. This was necessary because if either of them did so default the officers of the Crown and the Bishop were entitled to seize the goods and livestock of either, or of the lessees of either of them, indiscriminately, even if found on the undivided lands of the manor.<sup>18</sup> The next week Gerard Lowther recovered half his capital by mortgaging part of his share to a greater predator, the rising Cockermouth merchant Richard Fletcher, and thereafter withdrew to his legal practice, having perhaps never intended originally to be more than a financier.<sup>19</sup> In 1610 appointment to the Irish judiciary removed him still further from the scene.

Thomas Wybergh was thus left to his own devices, and for twelve years he made the most of his opportunity. Besides his moiety of the lordship, he had through his wife Anne, heiress of Robert Grindal, a long lease of tithes which, as it happened, had fallen to Lowther's share, and he and his brother had acquired a half share in the last, highly beneficial, twenty-one year lease of the demesnes which Thomas Challoner had granted in 1594. He withheld the rent of the tithes, was but an intermittent payer of his fee farm rent, and added largely to these savings by appropriating for several years running the whole profit of the coal

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17 D/Lons/W Miscellaneous estate papers, bundle 21.

18 D/Lons/W St Bees, miscellaneous papers relating to the manor, an indenture between Gerard Lowther and Thomas Wybergh.

19 Copy of the mortgage in D/Lons/W 4/2.

mines, the salt pans, all the tenants' rents, and both halves of the rent reserved on the lease of the demesnes: so at least it was deposed by local men when in 1616 Gerard Lowther finally sued him simultaneously in Chancery and Exchequer.<sup>20</sup> The previous year Lowther had entered at last on his share of the demesnes, only to have his new lessee immediately distrained on for Wybergh's default of the fee farm rent. Wybergh seems to have counter-claimed that Lowther was impeding his management by refusing him his necessary joint authority to proceed against their debtors in the lordship. During the progress of the suit he incurred a new, substantial debt of £400 on a statute to Henry Oulton, a London dyer.

The case was dismissed to the arbitration of three Westmorland lawyers, by whose award in 1618 Wybergh was to acquit Lowther of any liability for past rent, but neither party got any satisfaction for other demands of money, and the pair were instructed to obtain an Exchequer decree apportioning the fee farm rent between their respective shares and to observe a partial redefinition of their demesne lands, particularly in Benhow where Wybergh had strayed out of his bounds in search of coal.<sup>21</sup> It does not seem that the award was implemented. Lowther returned to Ireland, there to enjoy, besides his judicial office, a knighthood and an estate of 3,000 acres in the counties of Fermanagh and Tyrone, centred on his new castle and settlement of Lowtherstown. In August 1620 he sealed a conveyance of his moiety of St Bees to his brother William and nephew Richard, whom he had previously installed in his other manor of Ingleton in Yorkshire. In 1625 Richard's marriage to Isabel, daughter of Richard Fletcher, brought back as her portion the tithes which Sir Gerard had mortgaged in 1604 and never redeemed. Meanwhile Wybergh moved to recover the tithes of Ennerdale from the Patricksons, whose long lease from Sir Thomas Challoner he claimed had expired, and incurred six years of Chancery litigation with them, though he died in 1624 before it ended. In October that year Sir Gerard followed him.

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20 P.R.O. E134 14 Jas 1 Mich 26 Gerard Lowther v Thomas Wybergh; C2 14 Jas I, Gerard Lowther v Thomas Wybergh.

21 D/Lons/W Collieries, list 2, no 15, s.v. Benhow.

Five years later, Sir John Lowther 1 of Lowther, who was Sir Gerard's heir general, wrote down this concise view of the sequel.

"16 April 1630 I purchased Saint Bees that part that my uncle William and my cousin Richard had by an imperfect conveyance from my uncle Sir Gerard whose heir I was and released to them for £200 and now I gave £2,450 for it. Now in truth I as heir had right but to part, but especially to that part not divided my uncle Sir Gerard surviving and no perfect estate made by neither him nor my cousin Wybergh to sever the jointures of that undivided. The which part I have thus leased the same week I bought it..."<sup>22</sup>

He had evidently not felt confident enough of his ground to sue for the inheritance rather than pay for it, but his pressure on his relations seems to have inhibited the leasing of the estate, for after his purchase he was immediately able to grant new leases of every part of it. For the moment, too, he must have accepted that the jointure of the undivided part had been severed and that he and the Wybergh heir, Thomas II, held it in common, with equal rights, but by several titles, for in his rental he claims only half the tenants' rent and half the salt pan profits. On that presupposition the two of them in May 1630 articulated with tenants for the sale of a freehold title, in January 1631 exhibited a joint Chancery bill against the tenants, in May 1631 articulated to divide equally the tenants' rents and the coals in their tenements and to regulate their common rights in the waste, and in October 1631 executed those articles. "And then," records Christopher Lowther in a later legal query, "Sir John having not had full view of the former deeds of partition at first suffered Mr Wybergh to enjoy the one half of the tenants and other things that were not divided supposing they had been divided but, when he found it otherwise he sued for them as heir to Sir Gerard to whom they fell by survivorship and Mr Wybergh yielded to give him a composition for them." It seems likely that this was what forced Wybergh to mortgage to the Lowthers his own share of the

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<sup>22</sup> D/Lons/L. A1.4. Great Book, *Surtees* 191 p.35.

divided lands in St Bees for £800 for a term of 14 years in March 1632. "And afterwards," continued Christopher, "Sir John bought them again of him." That is, Thomas Wybergh gave up to the struggle: by indenture of January 1635, for a consideration of £472 cash and the surrender of the mortgage, Wybergh released to Sir John and Christopher Lowther all his tenants and their houses in Whitehaven, the coals in their grounds, his salt pans, reserving a rent charge on them for the rest of the twenty-one year lease, and other coals in Henry Davy's freehold in Corkickle which he had acquired in 1630, probably to serve the pans.<sup>23</sup>

The Wyberghs were thus excluded from the new developments at Whitehaven and the main colliery area on which its economy rested. St Bees, where they continued to live in the decaying Abbey House, was itself fast becoming peripheral. Their future was to be a bitter one of indebtedness, clientage and ultimately dispossession. Already by 1628 their manor of Clifton was heavily mortgaged to Sir John Lowther I, by 1635 they owed him £500 on it, and in 1640 their debts on that account were consolidated by Sir John II, his heir to Lowther, into a new mortgage for £700. In 1637 Thomas Wybergh II had also mortgaged his tithes of Sandwith and Coutherton at St Bees for another £400, repayable in four years, to Richard Lowther, younger brother of Sir John I, who assigned it to his nephew Christopher at Whitehaven. In 1635 he had had to assign a rent charge of £20 a year on St Bees to Mrs Susanna Powers, the deceased Henry Oulton's daughter, for her and her husband's lives: he was not paying it, but this was more trouble stored up for the future.<sup>24</sup> Meanwhile when he had lessened his share in St Bees in 1635 he had not lessened his liability for half the fee farm rent. In July 1640 Christopher Lowther tried to get him relieved of the responsibility for furnishing half a light-armed horseman for the King's service, asserting that "his engagements and charge of children" (ten of them lived to adulthood) "are much

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23 D/Lons/W Sir Christopher Lowther, Letter book 1632-1642, containing legal queries and answers on Christopher Lowther's title to St Bees, pp 113-127; *Surtees* 189, p 64, and 191, p 38.

24 Calendar of Committee for Compounding, part 4, 2435, 12 July 1650. The orders continue until 5 January 1654.

more, I think, than any thing he has in this country can defray."<sup>25</sup> It was another twenty years before serious attempts were made to foreclose on the Wybergh's mortgage at St Bees and recover the debt which by then was much increased. When Sir Christopher Lowther died in 1644 he held the king's commission as colonel and as governor of Cockermouth castle, and his estates were eminently liable to sequestration. He avoided the sequestration of St Bees by conveying it shortly before his death to feoffees in trust for his infant son. But of the three trustees, his younger brother William was abroad in Holland for two years and on return lived in Yorkshire; his "nephew" by marriage, Colonel John Lamplugh, was himself sequestrated and in the end forbidden to live in Cumberland and in any case shortly acquired a discordant interest by marrying Christopher's widow Frances. This left only Dame Eleanor Lowther, Christopher's mother. Frances died shortly after her remarriage. Under these circumstances the pursuit of debtors, and indeed the entire management of the estate, lacked vigour and direction until the young Sir John reached adulthood. When he took up the management of his estate, attempts to recover the accumulated Wybergh debt and to fend off distraints for arrears of the Bishop's rents occupied a lot of his time and energy for a decade, causing much local ill-feeling against him. By 1671 he was in actual possession of the Wybergh's lands but the title still eluded him when the third Thomas Wybergh suddenly died while hiding from Lowther's bailiffs in London. In 1678 the problem was in abeyance until the Wybergh heir came of age.

Gaining possession was but one aspect of the Lowther and Wybergh conflict which spread out from the law courts into the local community. The periodic distraints or distresses carried out proved equally disruptive, with goods such as corn, hay and livestock being seized to pay for Wybergh's arrears in the

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<sup>25</sup> *Surtees* 189, p.78. In Wybergh's stead he thoughtfully nominated two rising gentlemen of the neighbourhood, Anthony Benn of Starmire and Thomas Benson of Scalgill. The former having bought a part of the manor of Hensingham was trying to exact suit and service of the Lowthers' at its court; the latter Christopher was to sue the next year for concealment and retention of eleven years of tithes due to him. P.R.O. C3 427/45, C5 380/20.



fee-farm rent with no discrimination between animals belonging to Wybergh or to farmers unlucky enough to be leasing his land, or between Lowther's or his farmers' stock. If Wybergh did not pay his share of the rent, then Lowther was liable for the full amount. Tickell described the upheaval which happened, and begged Lowther, "I beseech you to undertake that trouble no more, we ruin others whose goods are upon his ground as well as himself and have many curses besides the danger of taking them". He described the violence of the enraged family, with the brothers pursuing the bailiffs to St Bees to recover their goods..."they are bold careless wicked men, their poverties being nurses to their cruelties."<sup>26</sup>

Not surprisingly, Tickell found it very difficult to find tenant farmers for land once Wybergh's. The would-be farmers feared the disruption caused by the distrains and the threat of retaliation. There was in addition much sympathy by some of the local people for the family, with Tickell reporting that the poor of the district were "awfully inclined to Wybergh."<sup>27</sup> Richard Stainton of St Bees, who became Lowther's principal farmer, was probably regarded as a turn-coat and this undoubtedly is the origin of the vendetta against him in the next decade. With Wybergh being such a threat and a nuisance to the neighbourhood, the local people can have only supported him because he was resisting Lowther. Nor was it only villagers of St Bees who took Wybergh's part. Of the local gentry in Copeland, John Ponsonby of Haile, Sir Wilfred Lawson of Isel, Patrickson of Calder, Francis Radcliffe and Richard Aglionby were at various times recorded as sympathizing. Patrickson of Calder was a relative of Mary Wybergh and Lawson had been the broker for her marriage. Ponsonby, Aglionby and Radcliffe were frustrating Lowther elsewhere: in particular his attempts to gain an interest in the lands and colliery of Bransty tenement.<sup>28</sup> And, while in London on other business, the elderly recusant Eldred Curwen of Rottington, whose relations with

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26 12 Nov 1666.

27 7 June 1669.

28 See chapter Two below.

Lowther were usually cordial if distant, gave profound offence by stepping into the Chancery office to give an affidavit in Wybergh's favour.<sup>29</sup>

When Tickell did persuade farmers to take the land they demanded bonds for security, and were promised them in spite of Lowther's shocked reaction: "since none have ever had reason to suppose my word less binding than my bond".<sup>30</sup> While Wybergh remained in the district, his boasting that he would soon be given complete possession of his estate and his threats to any man who dared to farm his land deterred most would-be farmers: threats to "pistol the first man that ploughs his ground and make the sun shine through those that encourageth them".<sup>31</sup> Tickell grew increasingly anxious about his own position and sought reassurance from Lowther that Wybergh would not regain possession, because if he actually did, "I shall neither have reason nor countenance to excuse my present actions nor will any credit me hereafter".<sup>32</sup>

From the time when Sir John Lowther I began to investigate his possible hereditary interests in St Bees, the family had developed a practice of diligently searching out, copying, indexing and carefully preserving any document bearing upon legal title to their various properties and privileges. It was by consulting enrolled copies of deeds in the Chancery that Sir John I had become aware that the undivided part of St Bees was more extensive than he had been led to suppose. In 1637 Christopher instructed his brother William, about to journey to London on business, to "Go over to the Rolls which is over against the six clerks office in Chancery Lane and there search for the patent made to the Abbot of St Mary's by York by King Henry the Eighth of privilege and get it exemplified under seal."<sup>33</sup> Sir John of Whitehaven made an inventory of his legal documents in about 1678, the latter amounting to twenty-six box-fulls, besides the copies of sales and purchases recorded in the commonplace books and registers he meticulously

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29 J.L. to T.T. 20 Aug 1667.

30 5 Dec 1670.

31 T.T. 30 Oct 1670.

32 8 Oct 1670.

33 3 March 1637, *Surtees* 189 p. 198.

kept.<sup>34</sup> Thus when after the Restoration, Parson Antrobus of Egremont, and others of the incumbents of half a dozen West Cumberland rectories, questioned their liability to pay an annual pension to the inappropriate Rector of St Bees, the Lowthers could produce a file of documents in proof going back to an inspeximus of Boniface the 8<sup>th</sup>: worth the effort to obtain it even if the pensions of £4-15-0 a year were no longer so significant a constituent of income as in Boniface's day. In tough bargaining with tenants and neighbours over access rights and spoil of ground in the colliery area it was useful to be able to turn to the copy of the medieval "book of Egremont" made to order in London in 1638, in which records of the ancient rights of way were subsequently marked by pointing hands in the margins.<sup>35</sup> In the long contest with the Wyberghs Sir John, unlike his opponents, never lacked full documentation of his case. Even so, it took twenty-nine years from the first institution of proceedings for debt in 1655 until a final settlement in Chancery in 1684 before the Wyberghs could be finally ushered off the scene. Maintaining lordship and manorial right was no passive affair. It demanded diligence and watchfulness, building up an archive of documents and legal opinion generation by generation.

Sir John Lowther 1's new plans for Whitehaven appear most vividly in his articles with Thomas Wybergh in 1631, in which the parties bind themselves each to accept any new tenants the other finds for houses to be built upon the waste. The first such new house we know of was granted to Christopher Grayson, a merchant, very shortly afterwards. Whitehaven was not at that time a port, but a creek of the port of Carlisle not superior in status to its near neighbour Parton and to Workington and Ellenfoot. In 1632 Sir John and Christopher drew up articles to construct a new pier with Alexander Osborne who had a lease of the nearby saltpans, but who seems to have resided in Dublin, having other business interests in Ireland. Work continued until 1636-7 resulting in a structure 300' long, 30'

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34 D/Lons/W Commonplace Books, Commonplace Book 1671-1689, beginning "An abstract...", fo. 88-94.

35 Copy in D/Lons/W 4/1

high and 30' broad.<sup>36</sup> Who paid for it is slightly mysterious. Ship masters in the 1680s, during an argument on how or if pierage rates to maintain the pier were to be collected, believed that Sir John of Lowther had built the pier "with his majesties considerable assistance and contribution." Sir John of Whitehaven insisted that his father and grandfather erected it at their own charge.<sup>37</sup> The question of paying for the pier by an imposition on coal was certainly discussed in 1633. King Charles I wrote to Lord Deputy Wentworth in Dublin that a pier in Whitehaven "would cost £600, and as Dublin will profit by it, Dublin must pay for it by paying a small impost on coal, in addition to that already paid, the duty to stop when the sum is raised."<sup>38</sup> Work on the pier had begun before this source of funding was assured. Christopher Lowther invested £300 and a further sum of probably £600 was initially contributed privately by members of the Irish government - the Lord Deputy's secretary Sir George Radcliffe for himself and Wentworth's steward Richard Marris probably on his master's account.<sup>39</sup> There is no further accounting between the Lowthers and Radcliffe and Marris after 1635 but we must presume that at some date the Lowthers bought out the other share. The building of this pier made Whitehaven the principal haven for shipping on the Cumbrian coast. By 1639 in the Bishops' War Christopher considered Whitehaven to be clearly the place at which a seaborne invading force from Scotland would land.<sup>40</sup>

Coal was the primary resource which gave St Bees economic potential, but the more profitable staple export through the improved harbour was at first expected to be salt, evaporated from sea water in pans heated by coal combustion. In 1628 Thomas Wybergh had exercised his precarious right to the manorial waste by building two new pans on the fore-shore, which he leased for twenty-one years

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36 D/Lons/W Whitehaven, Various papers.... item 5; Miscellaneous estate papers, 1643-1738, bundle 28.

37 D/Lons/W Whitehaven, various papers...items 7-10.

38 Calender State Papers Irish, 1633-47, CCLIV 17 May 1633, p. 12.

39 *Surtees* 189, pp 61,64,153 and 162.

40 "this port of Whitehaven being the best landing place for the enemy, if they should come with any force by sea." Christopher Lowther to Lord Wentworth, 8 April 1639, *Surtees* 189, p66.

at £50 a year to Alexander Osborne, and by the end of 1632 Christopher Lowther was buying materials for more new pans, which two years later stood him and his partner Marris in £200 each. The export market was in Ireland, principally Dublin, but as the decade advanced Whitehaven salt suffered in competition with French salt and the price declined from 2s 6d a bushel to less than 1s 6d in 1636, at which level the business was barely viable. The lease of the Wybergh pans changed hands several times at cost price and ended with the Irish peer Lord Baltinglass who had to be dunned for arrears of rent. Christopher Lowther would gladly have leased his own pans but could not get a reasonable rent. After so much investment he could hardly abandon salt and he turned to attempts to improve the efficiency of his production by new forms of agreement with the salters including more careful control over the amount of coal supplied.<sup>41</sup> Production of coal for this purpose was now on a substantial scale. In the year up to August 1636 the Lowthers supplied 2,732 tons to their own pans besides what was sold direct to Dublin and what was mined by lessees.<sup>42</sup>

The prospects for selling coal for domestic use in Dublin were improving as the city grew in the 1630s and heavy duties on its export from England were reduced. It was clear to the Lowthers that profit in this trade would be improved by employing larger ships which would not require proportionately larger crews and would pay only the same fees at Dublin as smaller vessels. Christopher himself invested in such a ship though it was at first diverted to adventure to the Canaries. The subsequent history of the coal trade between Whitehaven and Dublin is obscure until 1666 when the Tickell-Lowther correspondence begins. By then the trade had become the main support of the town, and with the resurgence and very fast expansion of Dublin after the Restoration there was opportunity for greater sales and profits provided Sir John could maintain his share. By the 1670s he had mined all coal close to the surface of his lands around

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41 *Surtees* 189, p 215.

42 *ibid*, *passim*.

the town and needed to invest in expensive drainage operations to mine deeper and maintain or expand his share in an export trade to which neighbouring collieries in other hands to the north were now contributing. This meant he must assure himself of a continuing supply from collieries in his ownership and second, he must not let himself be undercut in price by rival collieries. Sir John pursued a double policy of boring deeper to test reserves in the collieries he already owned near to the harbour in which seams close to the surface were now worked out; and of buying land, royalties or leases of royalties of undepleted collieries beyond the bounds of the manor to which he could turn if the deep prospecting failed and which meanwhile he could at least prevent his rivals from exploiting at a competitive advantage. The shipowners of Whitehaven were skeptical about the first branch of this policy, and apprehensive about the second, particularly after an impressive round of colliery purchases whilst Sir John was at Whitehaven in 1676, fearing it would shortly leave them in the hands of a monopolist. By 1678 his prospectors had confidence that there were ample reserves at deeper levels and that it was technically feasible to extract them, but this would require expenditure on an unexampled scale in initial capital investment and in the fixed cost of continual pumping to keep down water levels. This would make him much more vulnerable to the vagaries of the Dublin market and to undercutting by fair-weather suppliers to whom the ship-owners would give preference to encourage them to break the monopoly. It was also clear that to avoid losing trade and to substantiate his case for the suppression of the proposed rival harbour at Parton, he must quickly accept and implement some scheme for improving his own pier and harbour, whose deteriorating condition and inadequacy for the larger ships and greater numbers of ships now using it had been the subject of increasingly vocal criticism, reported and underscored by his steward, for the past ten years. Either therefore he must pay for the work himself, retain his full proprietorship and hope to recoup something by additional charges to users, which could be challenged, or he must relinquish at least some degree of control. It was this issue which gave the most

leverage to his opponents in 1678. At the same time he was obliged to fight on another, wearisomely familiar front.

The town of Whitehaven itself began to expand in the time of Sir John I of Lowther and Sir Christopher mainly through the arrival of new-comers directly employed or contracted to the Lowthers. By the 1650s new houses were being built at a greater rate, partly by subdivision of tenancies in the older part of the town on the east side of the Pow beck, and partly also by the granting of new large plots of ground on the waste next to the harbour and on the sandhills to the East of the Pow. Sixty five hearths were registered in Whitehaven in the returns of 1664.<sup>43</sup> The grantees were now mostly independent merchants, mariners or artisans. A number of them were to become intractable opponents and fathers of a second generation of opponents to Sir John. They included Robert Biglands, a merchant and seaman who arrived in 1653, whose son Robert was to be the most irreconcilable of the *septem viri* and a very prosperous thorn in the flesh for the rest of the century; and David Hamilton and Thomas Addison, Customs officers whose employment and status gave them an unusual degree of independence. Not all of the old servants of the family remained conspicuously loyal: William Atkinson who had risen by degrees to be steward of the manor during Sir John's minority lost his position (though with no suggestion of malfeasance) in 1665; and his son, another William, who likewise lost his job as colliery steward, became the usual spokesman for town and ship-owners against Sir John's interest. The elder John Gale was not at first a customary tenant but took a long lease of the Hall which Sir Christopher had built but his son never occupied. He spent two decades extending his frontiers by purchase, lease and purpresture in and around the market place.<sup>44</sup> Even though the eldest of his three sons subsequently took employment under Lowther, the family and its properties remained a second nexus of power

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<sup>43</sup> Typescript copy in Carlisle Record Office.

<sup>44</sup> See below, chapter Two.

and influence within the town always liable to be at the centre of trouble and resistance - "the Gales of sedition," as Thomas Tickell called them.<sup>45</sup>

In 1678 Sir John succinctly delineated the problem to which these developments had given rise, noting that the Lowthers, in order to encourage building at Whitehaven, granted "small parcels of the said waste and shore" to those who wished to build, conveying the land only by a copy or admittance "to hold to them and their heirs according to the custom of the manor." Then in 1674, "three of the most busy of the town" complained to Lowther that they had no proper legal title, "and desired new estates, promising it should be kept secret from the rest of the town."<sup>46</sup> The sincerity of their promise was not put to the test, for Sir John would not at that time give them what they wanted, and they turned to public agitation which culminated in the Chancery bill exhibited by Thomas Addison in April 1677. This sought equitable remedy for the deficiency of their customary estate, but Sir John a year later had still not put in his answer. His innocent phrasing does not reveal that the present confrontation was only the latest twist in a long history of wrangling over customary estate in St Bees in the course of which the Lowthers had maintained alternatively that there was no custom, or that they had created it.

Before draughting his description of Whitehaven in 1678, Sir John had assembled together a file of legal opinions and precedents concerning different aspects of the manor now under threat from the tenants: the tenure of the townsmen's property, the control and ownership of the harbour, his own rights to various bits of property within the town. Had he any remedy against Mr Gale's encroaching on the market place and even usurping his own pew in the chapel? Could he prevent other colliery owners from storing their sacks of coal along the sea-shore and in the streets of the town? As he deliberated he had before him a legal opinion concerning authority over the market place and the right of the

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<sup>45</sup> T.T. 16 Feb. 1680.

<sup>46</sup> See Appendix A.



manorial lord to charge tolls propounded in 1658; and to leave no opportunity unregarded, a copy of the patent of St Mary's of York, no doubt the one obtained by William Lowther in 1637. From these queries and the correspondence we can see him investigating possible compromises should he be forced to yield some ground. He was prepared to sponsor a parliamentary bill for the regulation of the harbour on the lines of others he had in his file, with suitably strict provision for raising money for its subsequent maintenance, a point on which negotiations stuck. He was prepared also for a second bill to establish a corporation for the government of the town, but here he himself contemplated unacceptable impediments such as that the lord of the manor be made "a perpetual head officer" or at least to have power of veto over proposals made by the "commonalty" (a proposal for which his distinguished counsel, Sir Creswell Levinz, could offer no encouragement); and, in a summary concluding sentence, "in all to reserve what power I can to myself."<sup>47</sup>

As Sir John pondered his history of Whitehaven in his house in St Martin's lane and drew up his answer to Mr Addison's bill, a few streets away in the Poultry the bookseller Nat. Ponder was preparing to launch the outstanding publishing success of the century, Bunyan's *Pilgrim's Progress*; and in this apocalyptic panorama of the mental life of Restoration England, Bunyan had found place for a similitude drawn from the situation of the customary tenant. After Christian had entered through the Gate in the Wall of Salvation, been clad in his new coat given him by the Lord, marked on his forehead and equipped with his sealed roll (which he later calls his "evidence") and resumed his journey, "he espied two men come tumbling over the wall and the name of the one was Formalist, and the name of the other, Hypocrisy," who explained that to enter by the gate "was by all their countrymen counted too far about, and that therefore their usual way was to make a short cut of it, and to climb over the wall". Nor did they fear the outcome of a trial at law for trespassing, because "that custom, it being of

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47 D/Lons/W Whitehaven, Various papers...items 20 (AppendixA) and 85.

so long standing as above a thousand years, would doubtless now be admitted as a thing legal, by an impartial judge. And besides, say they, if we get into the way, what's matter which way we get in ? If we are in, we are in: thou art but in the way, who as we perceive, came in at the gate; and we are also in the way that came tumbling over the wall; wherein now is thy condition better than ours ?" 48

There is no evidence that Sir John himself ever contributed to Ponder's enormous sales. But perhaps a copy may have permeated to the neighbours in Cumberland: to the relics of the Independent congregation once licensed to meet at the house of Isabella Dixon in the new town on the Sandhills, or to the network of crypto-Presbyterians who moderated the effects of conformity in the church of St Bees and the chapel of Whitehaven. If so, the passage will have provoked some thoughtful reflections.

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48 John Bunyan, *The Pilgrim's Progress*, ed J.B. Wharey, Oxford 1928, pp 42-44 and 49.

## Chapter One

### Tumbling Over The Wall

In the later seventeenth century, a Westmorland lawyer called Isaac Gilpin wrote a manuscript treatise which appears to be the only extant general description of the characteristic north country tenure.<sup>1</sup> Tenant-right as described by Gilpin gave the tenant a customary estate of inheritance, though the heir to a tenement was determined by custom in a manorial court, not by common law rules in a court of Common law. The tenant might also demise his land by will, gift, or sale by his deed and a surrender and admittance in the manor court, or by the licence of the lord: in some places by his deed alone. The estate carried with it some or all of the following tenurial obligations: an annual "lord's" or ancient rent so-called to distinguish it from the economic rent usually called "the value" which it would command if let to farm or leased; casual payments called fines or "gressoms" of two kinds, viz, a particular fine at the admission of each tenant and a general fine at the change of the lord; suit of court, some minor payments in kind, some menial services on the demesne; and finally an ill-defined military obligation obscured from our inspection by its high political profile, which had been abolished by Gilpin's day, and which he says he has "only by relation". From whatever period it really dates, by 1550 the ancient rent was a fixed, non-negotiable payment. To maintain his real income in the face of inflation, a landlord must either break down the hereditary principle or else raise the level of fining. In Cumbria the latter option seems to have been usual. The fine for a tenement was usually expressed as a multiple of the ancient rent. A "twenty penny fine" meant twenty times the ancient rent. An arbitrary fine was set by negotiation between lord and tenant and

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<sup>1</sup> The treatise is reproduced in Annette Bagot, "Mr Gilpin and Manorial Customs", *C.W.A.A.S.* LXII 1963, p 224-30.

sometimes simply imposed by the lord, and though it might be expressed as a multiple of ancient rent the lord was likely to estimate it on the basis of the value. We typically find tenants claiming that their fines were ascertained by their custom, and lords denying it. Francis Challoner, writing to his uncle Thomas in Spain in 1563, implies that the fines Sir Thomas had demanded at his entry into St Bees ten years before had not yet been paid. Francis recommended distraining goods from the tenants' land to the value of the fines, but expected to meet stiff opposition: "They will howl and yell like Devils."<sup>2</sup>

Because their estates were customary there was at first no way tenants could bring their case before a court of common law, though tenants could, and in some cases did, obtain protection in the Equity courts of Chancery and Requests against excessive fines. Some landlords then developed the sharp practice of conveying their estates every few years amongst members of their families and demanding a general fine on each conveyance. In 1597 a conference of all the judges upheld Lord Keeper Egerton's opinion in a suit brought by the tenants of Gilcrux in Cumberland that this extension of a custom of general fines was unreasonable and unlawful, but even this did not always thereafter inhibit demands for a general fine (or a "composition", which came to the same thing) upon a *bona fide* purchase.<sup>3</sup>

When James I succeeded to the throne in 1603, tenant-right had begun to be integrated into the general system of property law. In the first years of the new reign two noted judgements in cases concerning other customary tenures established the precedent that an entry fine of one and a half years value was reasonable, while a fine of two and a half years value was excessive; precedents accepted later in the century as authoritative in tenant-right cases also. But the new king's obsessive determination to extinguish all institutions reminiscent of past hostilities between his two kingdoms interrupted this smooth transition for another

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<sup>2</sup> C.S.P. Foreign. Elizabeth, vol.VI, no. 1500, 18 Dec.1563.

<sup>3</sup> R.W.Hoyle, "An Ancient and Laudable Custom: the Definition and Development of Tenant Right in Northwestern England in the Sixteenth Century, *Past and Present*, 116, Aug. 1987, pp.35-36; Nicolson and Burn, vol II, p116. Nicolson notes that "This is the same case with that quoted in the margin of Coke's I Institue p 59b though the name of the manor and county are there mistaken or misprinted."

generation. James abominated the notion of border tenure, the obligation of tenants near the borders to maintain an ably weaponed man to repel Scottish incursions; and with border tenure he resolved to extinguish tenant-right. A legal offensive began in 1609, when the Attorney General, taking over the complaint of the crown lessee of Plumpton Park against his tenants, persuaded the Exchequer Court not to recognize any tenant right estate but to regard the tenants as Common Law leaseholders.<sup>4</sup> Equivalent judgements were delivered the same year in Chancery. At about this time an anonymous projector, evidently well acquainted with conditions in the border counties, propounded to Robert Cecil a general scheme for dealing with tenants on royal estates which he hoped would also be followed by other northern landlords, and indeed by lords of customary tenants throughout England: the tenant was to pay double his ancient rent, and fines certain of double the new rent, and an initial composition if his estate was found to be defective or if he was liable to arbitrary fines, and in return to be discharged of all obligation to military service and to be confirmed in his rights by act of parliament. The benefits were "to his Majesty his yearly revenue increased, some moneys by composition raised into the coffers without loss or charge" while the tenant, rid of the former hazard that his military service might be called upon in some treasonable enterprise, and already enjoying a new prosperity since the end of border warfare, "shall have his tottering customary estate confirmed to him and his by the strongest bond that law can make him...secure and his heart at rest, and forever quitted of being made a leaser which he accompteth the greatest oppression and bondage that may be." In case this enticing offer should not be enough, there should be a Commission to enquire strictly into all customary tenants of the Crown and to treat and compound with them for confirmation, and to cast those who repudiated the scheme into the outer darkness of leasehold.<sup>5</sup>

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4 A.G. ex rel. *Murray v Musgrave* E 112/112/133, apparently the first instance of an information ex relatione, see W.H.Bryson, *The Equity Side of the Exchequer*, 1975, p 94 fn. 6.

5 P.R.O. S.P. 14/40/38.

Some ten years later John Lowther of Lowther Esq., as he then was, "scribbled...in haste upon the back of a letter" the terms of just such a Commission to enquire on behalf of the Prince of Wales into his barony of Kendal and the tenants holding directly of him therein, "every word of mine own drawing" except that the Commissioners insisted upon "a line in the conclusion which had in it more fear than worth, and such a fear as not prevailing [the tenants] will rather insult upon", by which he meant the final instruction "...if they refuse to pay such fines as is directed ... then not to admit them our tenants nor to suffer them to enjoy any of our lands." On his own estate Lowther had triumphantly levied an arbitrary general fine on the death of his father in 1617, "wherein I used but one word, what I would have, and they submitted", and he was now fishing energetically waters further stirred up by the Prince's claims and the concurrent Chancery suits brought by the Earl of Cumberland against the tenants of his disputed inheritance.<sup>6</sup> If he thought the threat to evict the Prince's tenants vain, he regarded the settlement finally agreed by the Commissioners as craven: it confirmed the custom claimed by the tenants of an inheritable estate at fines certain of 2d on death of lord and 3d on change of tenant, with freedom to alienate by deed alone without licence sought, for a composition of £2,700, which in this large seign<sup>o</sup>ry appears to have amounted to no more than seven years rent, and was itself further confirmed by a collusive suit and decree in Chancery and by act of parliament.<sup>7</sup>

In July of the following year, however, with the money from these tenants still being received, James issued a proclamation against the term "tenant-right", declaring that as a reminder of former hostilities it ought to be "damned to a perpetual oblivion." He expressed alarm that the growing number of tenants prepared to oppose their landlords in the courts might lead to widespread unrest and

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<sup>6</sup> *Surtees*, 191, pp. 226-9,13.

<sup>7</sup> The total rents in 1661 of the lands in question in the Richmond and Marquis fees of the barony are given as £237-16-10 and £152-18-3 respectively in C.T.B. VII 3 p.1563 (from Ld Treasurer Southampton's Crown Leases Book) That the suit was really collusive appears by the preamble to the act.

weaken the influence of the land-owning class.<sup>8</sup> To Northern landlords contemplating possible conflict with their tenants, this proclamation was an unbelievable stroke of luck and copies of it were acquired and put into their archives by the Flemings of Rydal and the Penningtons of Muncaster. The tenants of mesne lords in the Kendal barony took it seriously. They met at Stavely early in 1621 and resolved to join together in opposing their landlords' demands; landlords who intended, in their words, "to pull the skins over their ears, and bray their bones in a mortar." They complained that having enjoyed their tenements peaceably for so long, "it would be hard that some greedy eagle or devouring vulture should violently pull them out to miseries."<sup>9</sup> They promoted a parliamentary bill which was introduced into parliament, but was lost on a technicality urged against it by the solicitor general. The disgruntled tenants then performed a play at Kendal Castle, in which one of the characters looked down into a gaping Hell-mouth, and declared what he could see on the wrong side of it ... "it's false landlords makes all that croaking there, and those sheep we poor men, whose right these by their skill would take away, and make us tenants at will, and then our ancient liberties are gone, they'll puke and pool and peel us to the bare bone." These croaking landlords had for company "Puritans, sherrifs and bailiffs".<sup>10</sup> The lords thus depicted in Hell entered a complaint in Star Chamber where the king's attorney took up the prosecution as a matter of public importance. The judges in Star chamber, however, were in no hurry to enforce the Proclamation or to suppress this particular instance of public disorder. In November 1623, the King, suspecting that the judges would find the tenants' title sound, wrote urging them not to let that consideration obstruct his declared royal will. To no avail. James did not live to

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8 Why did he do it ? James issued the proclamation at Charlton, the house of Lord Thomas Howard, where he was staying on progress, only a few days after Thomas, his brother Lord Howard de Walden and his father the Earl of Suffolk had been restored to royal favour after a six month disgrace. Howard de Walden and his cousins held extensive estates in the tenant-right areas, and as recently as 1617 had urged James to more strenuous action against the border tenants. Perhaps no further explanation is necessary. The proclamation is reproduced in Nicolson and Burn, vol. I, p.54ff.

9 quoted in Nicolson and Burn, vol I, p 54 ff.

10 P.R.O. STAC/8/34/34 reprinted in A.W.Douglas and P.Greenfield (eds.), *Records of Early English Drama: Cumberland, Westmorland, Gloucestershire*, 1986.

hear the final judgement but in June 1625, the judges decreed that the tenants held "estates of inheritance at the will of the lord, descendable from ancestor to heir, according to the several customs of the several manors whereof they are holden." They decided that although the tenants had performed border service in former times, it was not the sole basis for their tenure and indeed had not been mentioned in their admittances. Neither should the term be used in the future: they bowed to the King's desire on that matter but the tenants had all their other customs confirmed.<sup>11</sup> The Star chamber decision of 1625 did not settle the issues as Robert Cecil's scheme would have done, because the judges refused to decide themselves whether fines were arbitrary or certain. Although they expressed their intention of making an agreement with landlords and tenants about the level of fines, they do not seem to have ever done so.

Over the next few decades numerous cases appear in the Decree Rolls of Chancery recording settlements on individual manors. Standard procedure seemed now to have evolved. If lords and tenants were agreed, one party entered a formal bill of complaint and the court ordered the agreed settlement. If there was a genuine dispute, Chancery would direct an issue of fact to be decided by a jury at common law concerning the custom of the manor;<sup>12</sup> The question was thus left to whatever written records of custom could be produced and to the testimony of those with long memories. The written records were of three kinds. The manor court rolls rarely recorded evidence of the rate of fining and in any case both sides often claimed them to be lost or destroyed. Fines were recorded, if at all, in private accounts kept by the lords, but their evidential value would obviously have been challenged by the tenants. From the sixteenth century onwards, some landlords entered into private agreements with the body of their tenants, but the parties often failed to anticipate possible sources of dispute, so that such agreements, although acceptable as evidence, could not in themselves resolve the issue. Much clearly

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11 Nicolson and Burn, vol I, p 54-59.

12 Nicolson and Burn, passim; *The Decree rolls of Chancery 1547-1700*, typescript list in P.R.O (and elsewhere) compiled by Jennifer Booth and Richard Conquest; Phillips, *thesis*, pp 128-139.



rested on the testimony of the "ancient men" of the manor.<sup>13</sup> Summoned to manorial courts, assize courts and country commissions, they came with memories as arbitrary as the fines they disputed. "There is no question of the custom," wrote Sir John Lowther of Whitehaven, "but the difficulty is to get proof since they that can prove it are parties on the other side."<sup>14</sup> Roger North, a southern observer travelling with the assize judges described one of the ways in which the gentry counter-attacked.

"In Cumberland the people had joined in a sort of confederacy to undermine the estates of the gentry by pretending a tenant-right; which there is a customary estate not unlike our copyholds: and the verdict was sure for the tenants' rights whatever the case was. The gentlemen, finding that all was going resolved to put a stop to it by serving on common juries. I could not but wonder to see pantaloons and shoulder knots crowding among the common clowns; but this account was a satisfaction."<sup>15</sup>

Sir John Lowther's approach to the tenants of St Bees after his purchase in 1630 followed the line of his dealings with tenants elsewhere: as in Sleddale he questioned their customary estate, and as with certain tenants in Crosby Ravensworth in 1621, he offered to sell the freehold; or for a money composition to reduce the arbitrary fine of the tenant-right to a certain one of a fixed multiple of the rent, as he did with other tenants in Crosby shortly before his death in 1637.<sup>16</sup> At St Bees the fifty year leases granted by Challoner had long since expired. The tenants of the lands granted by Challoner to the Crown and by the Crown to the grammar school had successfully resisted a challenge to extinguish customary tenure by the governors of the school, who tried to force new leases upon them,

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13 Their memories could be very long indeed. At a case in Appleby in 1735, the ages of eleven witnesses totalled over a thousand years. Nicolson and Burn, vol.I, p.307.

14 J.L. to T.T. 4 June 1667.

15 *Lives of the Norths*, vol. 1 pp.180-181. A note in Daniel Fleming's account book for 13 August 1675, identifies two of the pantalooned jurors of the previous year. "That Sir George Fletcher was the foreman of two of the Earl Marshal's juries, and I was foreman of other two juries, when he sued his tenants of Greystoke and Brugh[sc. Burgh by Sands barony] at Carlisle assizes for a fine...All were found for my Lord. He afterwards presented Sir George with an horse and saddle, and me with a pendulum watch." *H.M.C. Le Fleming*, p.387. See also J.R. Magrath, *The Flemings in Oxford*, 1904, vol. I, p.477.

16 The Chancery decree is dated 1639, but is in the name of Sir John and his son.

ignoring Challoner's covenant safeguarding their customary estate. Archbishop Bancroft as arbitrator ordered in 1607 that the tenants should have their estates confirmed, but in 1608, possibly because he feared that in the new mood of King and Chancery, a tenant right had little security, he directed that each of the tenants be granted a lease of 1,000 years, pay an aggregate fine towards building a schoolmaster's house and increase their annual rent between £2 and £3.<sup>17</sup> Similarly overlooking the covenant, Sir John argued that his tenants could no longer claim a customary tenure because no court where they could have been admitted as customary tenants had been held within the manor for the last forty years. Accordingly they were purely tenants at will and he might deal with them in any way which Equity did not prohibit. In May 1630 he and Thomas Wybergh first made an offer to sell tenements in fee farm reserving royalties of the minerals and right of access to extract them, at the rate of about seventy years old rent. A handful initially agreed but later withdrew. They were perhaps not satisfied with the nebulous terms of the covenant to recompense them for damage done to their land by coal mining. Lowther and Wybergh also offered the alternatives of leases for years or tenancies for joint lives of lords and tenants, that is in effect tenant-right without the guarantee of inheritance, or any acknowledgement of customary right. Unable to sue for the tenements at common law because they did not have the counterparts of Challoner's leases to show that they were expired, Lowther and Wybergh in January 1631 exhibited a bill in Chancery to compel tenants to produce their evidence of title and to accept one or other of the offers.<sup>18</sup> In May of that year the two agreed on a division of the manor, including the tenants. A decision to accept the tenants' claims of customary tenure may have been agreed on at the same time or shortly after, for in October the tenants of Preston wrote a respectful but uncompromising letter to Sir John requesting him to fulfill his side of the bargain by holding a court and admitting them tenants. They style

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17 Great Britain, House of Commons, Sessional Papers, 1820 (28), Report of the Commissioner of Charities, vol.VI, (Cumberland), The Free grammar school of Kirkby Beacock alias St Bees, p.5 ff.

18 P.R.O. C3 408/174.

themselves "poor simple men" and "your loving poor tenants", and acknowledge him as "a man of wisdom and discretion knowing what is right and the poor mens' custom", but threaten to seek relief through Equity if he will not comply.<sup>19</sup> Sir John's response was so swift that it must have already been intended: on the 22nd of October he held a customary court where he admitted tenants and compounded for at least some fines.

At his father's death in 1617, Sir John had taken advantage of the general upheaval over tenure in the borders to secure a general fine at the level he initially demanded and played a thoroughly opportunist part on the Commission for negotiation with the Prince of Wales' tenants in Kendal barony, using it as a "fear babes" to extract a composition from other tenants in Crosby Ravensworth which he had just bought,<sup>20</sup> but he remained dissatisfied with this system of tenancy, "which tenant-right fines I dislike as an occasion of much trouble, and uncertainty, for if they will not pay a reasonable fine, if we go to suit for it we lose more than we get. Therefore I advise that it be studied how to sell a legal certainty of that revenue..."<sup>21</sup> With the new tenants who came to take up land in Whitehaven granted out of the manorial waste Sir John and his son began to experiment with new ways of reducing that revenue to a certainty. At the manor court held on 27 April 1636 three such new tenancies were inaugurated. Nicholas Burton's admittance obliged him to pay two years value of his tenement upon alienation or death of lord or tenant, William Bardy's and William Woodcock's required them to pay two years value upon alienation and also every twenty one years in lieu of fines after the death of lord or tenant.<sup>22</sup> The explicit laying down of fines in terms of economic value rather than the ancient rent ran counter to the instincts of all those who claimed to hold land by tenant right and may be the reason why at this same

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19 D/Lons/W St Bees, letter from the tenants of Preston to Sir John Lowther of Lowther, 15 Oct 1631.

20 *Surtees* 191 p 226-227 for his own blunt admission of tactics, and p.13 for the general fines.

21 Oct 1634, *Surtees* 191 p 38.

22 D/Lons/W Register of admittances 1631-1691.

court one of the old tenants, Lancelot Aery, was fined 13s 4d for an "indecent word" and another, Robert Millam, 6s 8d, for departing the court without leave.<sup>23</sup>

The largest single tenement in the manor was the Flatt, two hundred customary acres overlooking Whitehaven and overlying the coal seams nearest to its harbour. Its occupant, William Fletcher, was a gentleman of the same clan as the Fletcher's of Moresby, Tallentire and Hutton and a lessee of collieries, and Flatt Hall was fit to be a gentleman's residence. Fletcher would not be party to the agreement with the tenants and for six years stood his ground against attempts to forfeit him. In September 1636 he and Sir John and Christopher Lowther finally accepted terms proposed by arbitrators and signed indentures by which the Lowthers for a composition of £100 granted Flatt as a customary estate of inheritance at the ancient rent of £2-3-4 with a fine certain of £20 upon death of the lord or death or alienation of the tenant, and a heriot certain of 30s. They were to admit Fletcher's son Lancelot as tenant with life interest to his father and mother, thus dropping the next heriot. It was laid down that the lords of the manor had the right to mine and quarry anywhere on the tenement, but for this privilege they must pay the tenant 6s 8d for each pit sunk, 10s for each disused pit they did not themselves fill in, 8s per acre for ground spoilt by carriage of the minerals and 20s a year for way leave if they wished to carry coal mined elsewhere across the tenement.

The Fletchers had already paid the £100 under a conditional bond entered into when the suit was dismissed to arbitrators but disagreement over implementing the terms of the indenture persisted and Lancelot had still not been admitted in February 1638 when Christopher Lowther, returning from Hamburg to take up his inheritance after the death of his father, wrote down details of the long contest with the Fletchers in the extensive set of queries he propounded to the distinguished northern lawyer Thomas Widdrington. Christopher demanded first whether the confirmation had given the Fletchers any better estate than they had before, or than

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<sup>23</sup> Copied by Tickell at the end of D/Lons/W Court Book, vol 1, 1666-1689.

the other tenants had; for example, any entitlement to build mills, quarry stones or dig for other minerals. Widdrington was able to reassure him on this point but on little else. He did not see how any fine could be demanded after the death of Sir John since Christopher had been party to the indenture and acted in all other formal respects as lord of the manor, "and if Lancelot be not admitted you ought to admit him according to the covenant, which speaks not of any fine." He further advised that Christopher must certainly pay the 6s 8d for sinking a pit and the 10s in lieu of filling it up again, whether or not he found any coal, that he must pay it straight away upon sinking even if it were only a little trial boring in a hillside; that if he led coals from elsewhere across Flatt for only one day in a year he must pay the full 20s way leave, and that if he ever acquired Lady Curwen's or Lord Baltinglass' coals he would have to negotiate an additional way leave agreement for them, and that the indenture obliged him to pay for spoil of ground even in Parsons Closes, of which Fletcher had previously given him a lease. The enquiries further disclose that William Fletcher had paid no rent at all during the lawsuit, and was still withholding 20s a year in lieu of the way leave payments that he claimed, and that he was obstructing the carriage of Christopher's Rectorial tithes across his ground. The dispute simmered on and in January 1641 Christopher sought and obtained confirmation from the two original arbitrators of his late father's interpretation of their award that the Fletchers "may not sell without licence, let for years, cut down no wood, dig no quarries, remove no houses, make no waste, nor do anything that another customary tenant may not"; though still in 1648 it appears that the Fletchers were attempting to mine on their own account. The terms of compensation for spoil of ground do seem to have been effectual. In 1663 Fletcher's heir at Flatt presented an account based on the rates in the indenture and was paid in full, receiving altogether £18-2-8.<sup>24</sup>

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<sup>24</sup> Christopher's queries and Widdrington's replies in D/Lons/W Sir Christopher's Letter Book 1632-1642 fo 123-127; Flatt indenture, D/Lons/W 4/2 fo 33 ff; compensation for spoil of ground, D/Lons/W Miscellaneous estate papers, bundle 22.

The unresolved dispute with the Fletchers was only one of the problems Christopher faced upon his father's death. As he penned his queries to Thomas Widdrington he was himself being sued for the very ground upon which his large new house in Whitehaven stood. The land had been an ancient tenement held originally under one of Challoner's leases by Nicholas Moore who had died not long before Sir John Lowther's purchase of the manor leaving a daughter Agnes, who while still under age was married to Henry Osborne, probably the son of Alexander, the salt panner and builder of the pier. Sir John took a fine from Henry Osborne and admitted him tenant but in November 1633 bought the tenement from him for a price expressed in the bargain and sale as £77-6-8. By the time of the formal surrender in court the next May this had crept up to £81-3-4 and Nicholas Moore's widow later extracted a further £13-6-8 for herself bringing the total cost up to £95. These transactions took place while Agnes was still a minor. After coming of age and losing her husband she claimed he and the Lowthers had compelled her to surrender her rights when an infant for less than their real value. Widdrington took a gloomy view of this: "all the help can be thought on for Mr Lowther in this case is to seek relief in a court of Equity" he concluded. It was not until April 1640 that Commissioners examined witnesses in the case and in December that year a settlement was reached and Agnes subscribed a very carefully and precisely worded release of her interest, which brought the final purchase price up to £103-6-8.<sup>25</sup> It must have been a relief to get this embarrassing case out of the way because Christopher had by then embarked upon a general campaign against his tenants. His problems with them stemmed partly from the previous history of the manor, partly from his own uncertain standing as its lord. His father had covenanted to settle St Bees on him as part of a marriage contract with the Lancasters of Sockbridge in exchange for a settlement of Sockbridge on Christopher's intended bride, Frances Lancaster, and the issue of their marriage.

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<sup>25</sup> Widdrington's advice in D/Lons/W Sir Christopher Lowther's Letter Book 1632-1646; C.L. to Henry Pearson, 24 Jan 1640 in *Surtees* 189 p 74; D/Lons/W 4/2, book containing legal agreements and indentures, fo 136; and Manor of St Bees, parcel 1.

Since the marriage had not taken place before Sir John's death, his covenant had not been formally executed, yet Christopher in his father's lifetime was styled lord of the manor in the court books, formally receiving rents and fines and giving admittances to tenants, although he remitted the entire profit of the manor to Lowther Hall. Sir John's intentions had been evident and were confirmed in his will but the ambiguity was doubly injurious to Christopher. On the one hand he could have no claim to fines the tenants had paid him or the £100 composition from the Fletchers because they were part of his father's personal estate, accruing to his elder brother; while on the other, by formally receiving the fines and admitting tenants himself he had impaired his claim to take any further fines from them upon his father's death, so Thomas Widdrington advised him in March 1638.<sup>26</sup> The previous month Christopher had granted an admittance to a house in Whitehaven which it is worth while to reproduce verbatim for the full and careful detail in which it spelt out the terms of tenure on which Christopher, to be followed in this by his son, hoped to insist:

The 13th day of February 1638. John Beeby of Whitehaven came before me Christopher Lowther lord of the manor of St Bees the day and year above written, and took of me again the messuage and house of which his wife's brother John Bowman was last tenant and he in right of his wife next to it. Of which said house, the said John Beeby having submitted himself to my curtesy, I the said Christopher Lowther do admit him my tenant, it being of the yearly rent of eight pence sterling. Provided always and upon condition that he pay unto me, first for a fine after the death of his brother in law, John Bowman, twenty four shillings, and other twenty four shillings for a fine after the death of my father Sir John Lowther last lord of this manor, and twelve shillings for a fine of licence to set the said house to Mr John Fletcher for seven years from henceforth.

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<sup>26</sup> Widdrington's advice was sought and delivered hurriedly. The queries are dated the last day of February 1638, and he signed his answer on the 20th of March, covering himself against any error in "these scribbled notes" compiled without a full perusal of all the documents. D/Lons/W Sir Christopher's Letter Book 1632-1646 fo 113ff.

And also that he do his suit of court and perform all such orders as either have been or hereafter shall be at my courts, and to set no part of his said farmhold longer than for a year and a day to any one person, neither for any time at all in prejudice of me his lord, as to lay another's iron mine, coals or other goods [known locally as steathing] on his said house and tenement without my licence in writing, neither that he do use any trade, to me or my servants' prejudice, without my licence, nor to grind or suffer to be ground, while he dwelleth in my manor any grain that shall be used by him or any dwelling on the premises [save] from my mill without my licence. And further to help in any friendly office about the same, and lastly to pay his rent, fines, tithes and all other dues, duties and services which are or shall grow due at their due times, and in all things to behave himself as a dutiful tenant.

Four days later, Beeby duly received licence to let the house for seven years "if the said John Beeby shall so long live" to John Fletcher of Moresby who was himself explicitly bound by the same terms; more courteously expressed because Fletcher was a gentleman. Christopher took a particular fine and a general fine each of thirty six times the ancient rent and half as much again for the licence, imposed a severe restraint upon trade, nowhere committed himself to an *habendum* including heirs or to any form of custom and ensured that his tenant could not contract for longer than his own life.<sup>27</sup> Beeby, who came from Moresby and was a stranger to disputes in St Bees, presumably found the rent he was to receive from Fletcher an adequate return for his investment in the fines. The arrangements illustrate Christopher's intentions towards those tenements in the town in which, although he was not admitting the presence of any custom, he was aware that tenant right might be claimed. In October he had an opportunity to deal in the same fashion with a rural tenement. James Benn of Woodhouse wished to pass on his land to his son, another James. At the October court Christopher by one transaction took

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<sup>27</sup> D/Lons/W, Register of admittances 1631-1691.



a fine of £10 from the father after the death of Sir John whose tenant he had been, and a further £2 to compensate him for the loss of the heriot which would have been due if Benn the elder had died a tenant, and accepted his surrender; and by a second transaction admitted the son for a fine of £6 "in regard of his father's fine so lately taken, provided that he perform all the services and conditions as other the tenants formerly admitted."<sup>28</sup>

The steward of the court on this occasion was Giles Moore of Middleton, a lawyer formerly retained by Sir John Lowther for such business. Christopher Hare, who had been deputy steward at a previous court held for Sir John, and was on this occasion foreman of the jury, arriving late found that Moore had called six or seven tenants "tenants according to the custom of the manor" and the remainder, "the ancient tenants .....tenants at will." This seemed to mean that the Lowthers were now according customary status to those tenants they had recently admitted upon terms of their own dictation while denying it to those, if any, who had a genuine customary right. When Hare remonstrated with him Moore replied: "It would neither hurt the tenants nor mend Mr Lowther." William Fletcher had already taken more direct action. When he heard himself called "tenant at will", "he refused to answer thereto and went his way."<sup>29</sup> Perhaps others went with him: the ordinary government of the manor seems to have broken down after this court for it does not appear that another was held until April 1646, two years after Sir Christopher Lowther's death.<sup>30</sup>

By January 1640 Christopher Lowther had submitted his case to higher authority and subpoenas were served on four principal tenants, William Towerson and Robert Millam of Arrathwaite and Anthony Gosforth and William Hodgson of Whitehaven and Corkickle, to appear and answer his complaint in the court of the

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<sup>28</sup> *op.cit.*

<sup>29</sup> P.R.O. E134 17 Chas 1 Mich 27 and 17/18 Chas 1 Hil 5.

<sup>30</sup> Reasons for thinking so are first that at the court of April 1646, heirs were found and admitted to a large number of tenants, some of whom had died in 1639 or 1640, and second that Sir John Lowther later referred Thomas Tickell to his grandfather's court rolls, but not to his father's, and Tickell cites records of these earlier court rolls but none later than October 1638.

Exchequer.<sup>31</sup> The bill is not extant but its outlines can plausibly be reconstructed from the previous history and the depositions of witnesses that do survive. To establish Exchequer jurisdiction, Christopher must have alleged that he was impaired in his ability to meet his obligations as a crown tenant by the defendants' occupancy of the premises under a pretended but insupportable custom. He will then have set forth that the defendants had been admitted tenants at will by Sir John Lowther, but Sir John being dead and he himself lord of the lands in question they refused to compound with him for a general fine. It was not until Michaelmas term 1641 that the first depositions were taken on which our knowledge of this case depends, and well before this Christopher had started on a round of piecemeal negotiations with various tenants including Gosforth and Millam, two of the defendants in the case, for the outright purchase of their lands or of their whole tenements. The lands he bought were in two groups and were evidently related to the operation of his collieries or of intended new collieries. The coal works at Flatt were to be extended into Brackenthwaite tenement, bought from Anthony Rothery in May 1640, and a level was later driven to this colliery from Plumblands, part of Gosforth's Whitehaven tenement.<sup>32</sup> The parcel in Whitehaven Banks which William Benn sold in February 1639 was on the coal-leading route from Woodagreen where Christopher had resolved to open up a new colliery, and the tenements of Thomas Milburne and Robert Millam, bought up bit by bit between 1639 and 1643, lay interspersed with others around the same colliery between Arrathwaite and Woodhouse.<sup>33</sup>

In a batch of depositions taken in the vacation before Michaelmas term 1641, Francis Dacre, gentleman, descendant of a medieval baronage, who had been tenant of a messuage in Whitehaven until he had sold it a few years before to one of the Lowther's salters, gave the lead to a procession of the more elderly tenants and

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31 C.L. to Christopher Pearson, 24 Jan 1640, *Surtees* 189, p 74.

32 I infer that Plumblands and Sandcloses belonged to Gosforth's tenement by elimination. Gosforth's sale was indexed with the rest by Sir John but not transcribed into D/Lons/W 4/2, and I have not found the original.

33 *Surtees*, 189, p 192,162; D/Lons/W 4/2.

former tenants of the manor in testifying that no fines at the death of the lord had been taken within his memory of forty to fifty years, that the tenants held by title of tenant-right estates, that they had never been counted tenants at will but had held those said estates according to ancient custom. A cohort of even better drilled witnesses recruited from the manor of Stainburn near Workington which had belonged to the priory of St Bees, but had since come into the hands of the Curwens, uniformly deposed that they held according to the ancient custom of St Bees and they paid no fine at the death of the lord. Thomas Wybergh further inconvenienced his cousin and creditor by testifying that he and William Lowther had demanded fines after the deaths of his father and Sir Gerard but had received none, "neither did he ever know of any fines paid at the death of the lord or lords." He too averred that the tenants held tenant-right estates and he acknowledged having admitted the defendants Towerson and Millam, which was damaging to the prospects of levying a fine at the death of the lord from these two, since Wybergh was still alive. Christopher Hare, not yet himself a tenant of long enough standing to prove ancient custom but literate and well-versed in the recorded proceedings of the manor courts gave in his account cited above of the call of court in 1638 and his protest against it and recalled that Sir John Lowther at his first court had "assured the tenants that in case they should find their custom, they should rather have it bettered than in any way impaired", and that the clerk had accordingly called them *tenentes ad voluntatem domini secundum veteram consuetudinem manerii*.<sup>34</sup> It seems likely that these witnesses had been called by the defendants to answer the interrogatories. The following vacation, some of them returned and were joined by others to answer further interrogatories concerning the same matters but probably posed by the complainant since they seem designed to elicit details favourable to his case. Giles Moore rehearsed his employer's version of his entitlement, that the tenants had been readmitted after compounding with his father as heir to Sir Gerard after the latter's death, that old court rolls dating from the time of the Priory called

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34 P.R.O. E134 17 Chas 1 Mich 27.

them tenants at will, that James Benn had paid a fine after the death of Sir John and the tenants had answered the call of tenants at will at the court of October 1638. Against him, Hare claimed that he had seen court rolls from the time of Elizabeth (that is, during the fifty year leases) calling them simply *tenentes manerii* and repeated his account of the proceedings of the courts of 1631 and 1638. He reintroduced the point that Christopher Lowther was lord of half of the tenants (including both himself and three of the defendants) by purchase from Thomas Wybergh "by the title of tenant-right estates." The collaborators of 1638 contributed only a shuffling testimony: Beeby said that he had paid a fine for his admittance "and holds the same, having not been tenant before", suggesting the inference that he had paid nothing for a general fine and that none could have been due from him; James Benn the younger amalgamated the whole £16 paid by his father and himself into his own single admittance fine, but Christopher could call on his partner Rowland Jackson, who had witnessed the two transactions, to set the record straight; and his servant Thomas Wilkinson added that two other tenants, Thomas Milburne and the defendant Robert Millam, had paid £12 fines after the death of Sir John, Millam as a discount to the price of lands which Christopher had bought from him while the present case was pending.<sup>35</sup>

Wilkinson's deposition raises the question whether Christopher Lowther was using his impending proceedings to coerce tenants into selling the lands he wanted and perhaps to force down the price. With only partial indications of acreage and no exact correlation between the parcels purchased and the reshuffled blocks of land later let out to farm the answer is hard to assess. Taken overall, the cases where such a correlation can be made with a fair degree of certainty, the cost of purchase was about 15 times the letting value in 1666, but there are considerable variations. Moreover the value of some of the meadow ground may have risen in the interim with the increased demand for fodder for the coal leaders' horses, and we do not know what were the terms of the leases concerning the spoil of ground.

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<sup>35</sup> P.R.O. E 134 17/18 Chas 1 Hil 5.

The £40 paid to William Benn for five acres of his tenement looks rather like a 20 year purchase of the 8s an acre which by the bench mark of the Flatt award Benn might have claimed every year for spoil of ground by the passage of horses. At the conclusion of the bargain he had evidently overlooked a point more vital to his self-esteem than to his finances for the day after Christopher penned a memorandum, "that I consent to abate 5d of W. Benn's rent of 4s 5d yearly so long and no longer than I see his obediency and respects ... And that I find no cause to the contrary, this being my own voluntary act but not any part of my bargain."<sup>36</sup> Benn was a tailor, not dependant on agriculture, and evidently not pressed for money since he soon afterwards bought more tenant-right lands at Woodhouse alongside other members of his numerous clan to which he later retired, making over the Whitehaven tenement to his son. The 5d a year can have meant little to him yet this matter of his Whitehaven rent was not quickly settled. In the 1646 rental Benn was set down to pay the full 4s 5d. In his copy William Lowther noted that 5d was to be "abated for his land" but managed to make the residue 3s 10d.<sup>37</sup> By 1667 Benn's son was paying 4s 3d. Whether this indicates good or bad behaviour on average is hard to say. Robert Millam did less well in his first sale in November 1640 of twelve acres and half a barn for £73: this was the sale in which £12 was alleged to have been discounted for his general fine. Millam remained a defendant in the suit however and it was not until after all the proceedings had ended and the danger was surely passed that he sold first another eight acres in October 1642 and then the residue of his tenement for £200 in November 1643, reserving only two houses and a small strip of ground for his lifetime. Coerced or not initially, it seems that Millam had little will to continue tenant.<sup>38</sup> There is no evidence of further proceedings in the Exchequer suit after the taking of the depositions. Evidently there was no decree for the Lowthers' preserved none and none is ever referred to in the course of later conflicts. The

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<sup>36</sup> D/Lons Manor of St Bees, parcel 1, endorsement to bargain, sale and surrender of William Benn.

<sup>37</sup> D/LonsW Ledger of Estate and Trade Accounts 1640's-1662.

<sup>38</sup> No sons of Millam or Milburne appear in the St Bees baptismal register, but its imperfections do not permit any conclusive inference.

outbreak of Civil War may have prematurely terminated the process or Christopher may have allowed his suit to lapse for doubt of a favourable outcome.

His next manoeuvre seems to indicate that he no longer expected conclusive vindication in the Exchequer. In May 1642 he turned instead to Chancery to try to obtain a general fine on his father's death and the entry fine and the heriot which he claimed was due from Isabell, widow of his tenant Christopher Grayson who had built one of the first new houses on the sandhills at Whitehaven ten years before. He claimed to have been reasonable in his demands, keeping in mind the charge of building the house. The case was referred to local arbitrators, upon whose award in August 1642 Christopher signed an agreement to re-admit Isabella's son Henry and his heirs on new terms, viz to treble the ancient rent of 1s a year and to pay double this new rent every seven years in lieu of all fines and heriots. By the mention of heirs Christopher thus explicitly acknowledged for the first time that the estate was heritable and restricted himself and his successors to taking fixed and hardly valuable fines.<sup>39</sup> A few months earlier it appears he had granted another admittance similar in spirit to a son of his trading partner Rowland Jackson, for a house to be built on a new plot of ground, to pay rent of 6s 8d a year and triple the rent every twenty one years in lieu of all fines and heriots. The two admittances, the one compelled, the other perhaps a favour, look like a retreat from the terms on which new ground had previously been offered. Whether or not Christopher himself so intended, in the years after his death his feoffees were to use them as patterns for all admittances to new ground. Tenures of these two kinds were not distinguished from others in the extant rental of 1646, but by 1652 they were being collectively referred to in admittances as the "new tenants"; in 1658 another admittance likewise refers to the rest of the tenants collectively as the "old tenants" and by 1667 the two groups had been separated from one another in the rental. Some of the new tenures were granted on the seaward fringe of the old town but most were in two parallel rows in the area called the Sandhills on the east side of

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<sup>39</sup> P.R.O. C3 427/47 Christopher Lowther v Isabell Grayson.

the Pow beck: the houses built upon them fronted on the streets later called King street and Chapel street.

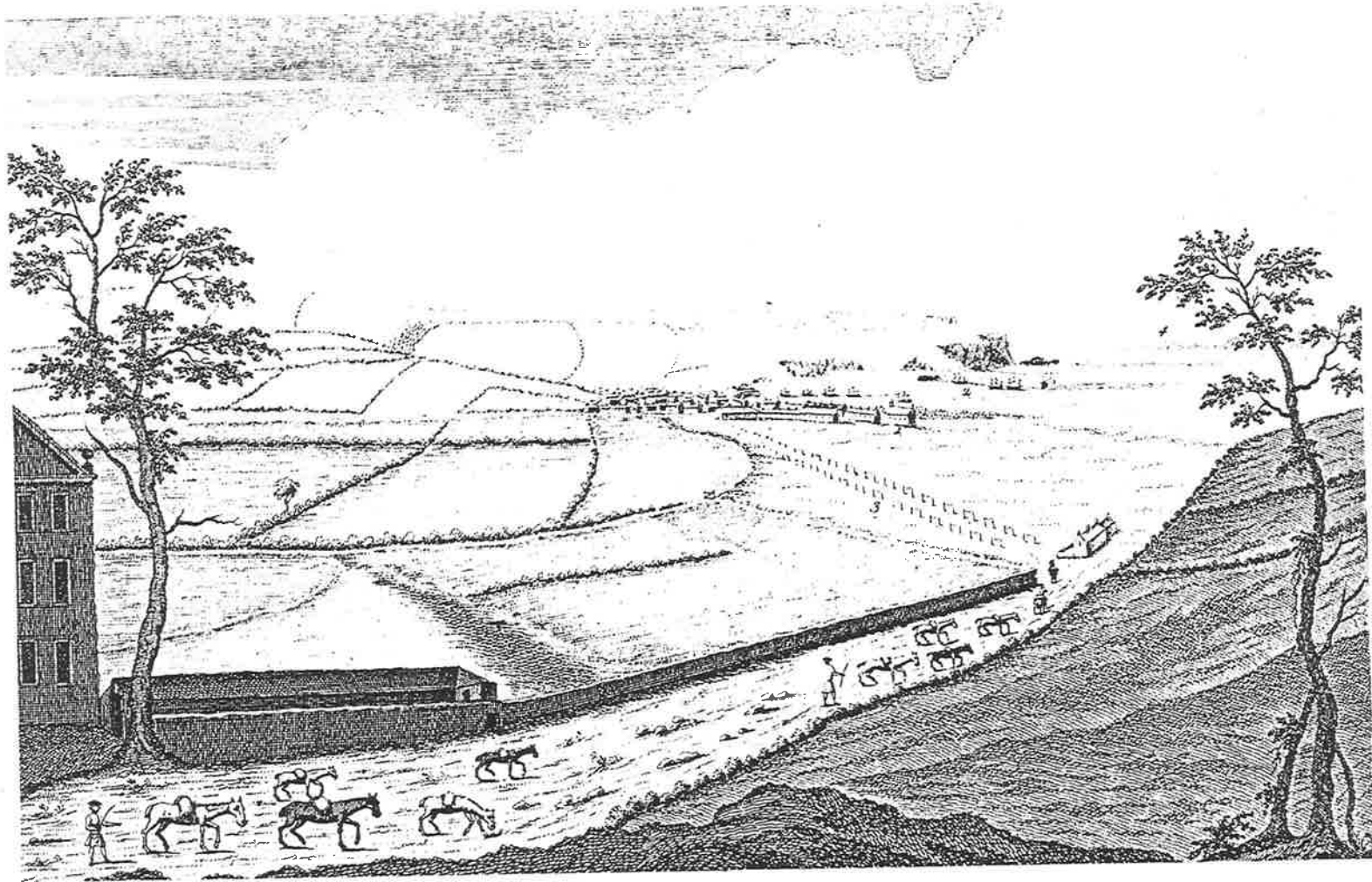
In the Public Library at Whitehaven is preserved an engraved print bearing the title "The South East Prospect of Whitehaven 1642". The inscription of the date must be a later error for the print shows houses already built all the way from the Pow to the chapel. In particular, besides the chapel itself which Sir John thought had been built in 1646, Henry Bigrigg's house, the later number 3 Chapel street, is visible, which was "newly erected" at the time of his admittance on 1 September 1656. On the other hand, there are no buildings to the north of the chapel where part of the Addison establishment had been built by the end of 1665.<sup>40</sup> The engraving must have been commissioned, and the occasion seems most likely to be either the marriage of the young Sir John Lowther in 1659 or his coming of age in November 1663. Sir John, who had been brought up and attended school at Ilkley in the West Riding of Yorkshire, came down from Balliol college Oxford in the autumn of 1658.<sup>41</sup> The first admittance in his hand is dated 12 February 1659, but may have been copied by him later. He himself later dated his management of the estate to 1660.<sup>42</sup> In 1661 came the first admittances explicitly said to be granted in his presence. He straightway standardized the form of admittance to new tenure. He granted no more of the Double Tenures, nor any more plots so extensive and at so low a rent as those were, but instead made the Triple Tenure standard, with rather higher rents per foot of footage, except in a few cases of special favour. In June 1661 Thomas Craister was admitted, "paying the said rent...and trebling the rent every one and twenty years according to the custom of Robert Jackson whose admittance was now read unto him in that and all

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40 D/Lons/W Whitehaven, Various papers... 20. Blake Tyson in "Two Post-mills at Whitehaven in the Seventeenth Century", *C.W.A.A.S.* vol. LXXXVIII, 1987, also queries the date of the print.

41 Lowther's infancy is obscure. He himself tells us that "I was boarded at Ilkley when a boy with Dr Watkinson's uncle."- J.L. to T.T. 24 Aug. 1686. The Dr. Watkinson mentioned is the later chancellor of the archdiocese of York, who was the son of a Leeds merchant but born at Ilkley where he too attended school under a certain Mr Coates. His uncle will have been Joseph Watkinson, gentleman, of Ilkley, whose son also attended school there. J. and J.A. Venn, *Alumni Cantabrigienses*, Cambridge, 1922-54, s.v.

42 J.L. to Lady Lowther, 19 April 1701. D/Lons/W Correspondence, Draft letters Oct. 1700-April 1701.





other particulars", and thereafter the wording of all new admittances followed that of Jackson's without significant variation, and over the next few years there was a steady influx of newcomers to the Sandhills. With this supposed custom, new-modelled by his father and guardians, Sir John was apparently well satisfied.

At the end of 1662 fifty of the Old Tenants led by Robert Wilkinson of Preston-howes brought a suit in Chancery against Sir John on the grounds that he was prosecuting various suits at Common law against some tenants both for the ordinary entry fines to their tenements and for a general fine of all tenants. They claimed that to wear down their opposition, Richard Lamplugh, Lowther's brother-in-law and steward of the manorial court, had called them "tenants at will" and then fined them in the court when they refused to answer such a call; and that the bailiff, David Hamilton, had seized £30 worth of their goods to pay for the fines, with Lowther threatening to "cause them to spend all their estates in law or make them fly their country if they will not pay him an arbitrary fine".<sup>43</sup> The bill was the first the tenants had brought and was not well drawn. Sir John protested that they had not shown any manner of equity; they had remedy against Richard Lamplugh and Hamilton at common law, they had not alleged lack of court rolls, nor witnesses, nor had prayed to examine witnesses *in perpetuam rei memoriam* or shown any other reason why Chancery should have cognizance of the case. Nothing further appears in the Chancery record concerning this case, but Lowther must have felt sufficiently pressed to agree to an interview in London in July 1663 with William Williamson, a Cumbrian attorney representing the tenants, which as it turned out was a serious blunder on Lowther's part. He agreed to stay all lawsuits and the tenants alleged that he promised to accept a fixed twenty penny fine at the change of every tenant; though Lowther for his part later insisted that he had not intended the agreement to extend to more than this particular batch of fines, and always carefully maintained that the entry fines were set at differing rates according to the value, and

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<sup>43</sup> D/Lons/W St Bees. "Book of proceedings between Thomas Wybergh and Sir John Lowther". Copy of the case dated 28 November 1662.

not the ancient rent, of the several tenements: some paid eighteen years rent, some twenty and others twenty one. However, because he did not have the court rolls with him in London to ascertain the particular proportions assessed upon the tenants, he decided to accept a uniform twenty penny fine on this occasion only.

Three years later, in 1666, the description of the tenants in the call to court and the level and incidence of fining had still not been settled. At the manor court held in July, Robert Wilkinson and William Atkinson, a former steward of the manor, refused to answer a call which included the term "tenants at will", and were fined 6s 8d for their denial by the newly appointed steward, Thomas Tickell, who ordered the bailiff to distrain for the fines the day before Lowther wrote advising him to stay proceedings until the next court, hoping his leniency would attract compliance.<sup>44</sup> With the immediate hope of compromise removed, Lowther then checked that most tenants answered the call without demur and that Tickell had called them as "tenants at will according to the custom of the manor." If Wilkinson and Atkinson replevied their goods, the issue could be tried at the next assizes, and if any tenants denied the call in future, Tickell was to fine them "the highest the custom will bear." At the Michaelmas court eleven tenants refused the call and Tickell fined them 39s 11d each, but made no move to distrain against them.<sup>45</sup> Early in 1667, Lowther instructed Tickell to assess the particular entry fines now falling due upon several tenants' deaths at a year and a half's value of the land, "or as much as you can get above a twenty penny fine".<sup>46</sup> If faced with opposition, Tickell might take less than a year and a half's value in order to avoid the expence of court action, but he must not accept payment of uniform twenty penny fines, which could later be used as evidence that fines were fixed by custom, and not arbitrarily. Accordingly at the Easter court Tickell assessed the fines due at the deaths of Thomas Aery and William Benn at £15 and £9 respectively. When both widows refused to pay on behalf of their sons still under age, Tickell reduced the

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44 J.L. 19 Aug, T.T. 18 Aug 1666.

45 The size of the fine had the desired effect, as no tenant thereafter denied the call until 1684 when William Atkinson again began to raise the objection. See Chapter Seven, below.

46 J.L. Jan, undated 1667, arch. no.16.

sums to £12 and £8. At reports of their continuing refusal, Lowther again instructed Tickell to demand not much more than would amount to a twenty penny fine, "a year or two will do well"; and then with still no response and indeed a report of "a combination of the tenants to oppose the fines demanded", Tickell was to emphasize the reasonable level of the fines and to prove from earlier court rolls that the tenants had paid at a higher level in the past, and to accompany persuasion with threat of greater harshness "...and let them know that this obstinancy will force me upon demands of a general fine if they submit not."<sup>47</sup> Frances Aery disregarded his threat and tendered a twenty penny fine to the steward, evidently claiming the "agreement" with Williamson as a precedent. Based on the 10s 9d annual rent for this tenement, a twenty penny fine amounted to £10-15s. Tickell refused to accept it. The matter went to trial at the assizes of August 1668 but resolved nothing. Tickell reported shamefacedly that he had to withdraw the suit because he had neglected to observe some niceties of the law in assessing the fine and had been caught out by the tenants' counsel.

Meanwhile to stay these proceedings in May 1669 the tenants as a body had again entered a bill of complaint in Chancery; led by Robert Wilkinson's heir, also a Robert. As in 1662, they claimed to be tenants according to the custom of the manor and liable to pay a fine only at the change of tenant; although the twopenny fine they claimed to pay in 1662 is now described as a fourpenny fine. The bill is much better drawn than its predecessor. They enlarged their case by referring backwards to Sir Christopher's previous suits intended to enforce them to the payment of such fines as he pleased and totally to destroy the ancient customs of the said manor. They improved it by drawing attention to the agreement of July 1663 which they claimed Lowther was infringing in his present suits. They had learnt some lessons about proceedings in Equity: they claimed that they could not prove their custom at law because their witnesses were too infirm to travel and explicitly prayed for a subpoena for the discovery of the relevant facts, and to confirm the

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<sup>47</sup> J.L. 4 June, 17 Sept, 24 Dec 1667.

agreement of the twenty penny fine and to have the tenants who had paid it admitted, and to have the prohibition against steathing on their premises disallowed. In August 1669 the case of widow Aery came up for the second time at the assizes. Tickell outlined his careful preparations - consultations with the lawyers at Penrith, the drawing of briefs which he then took to Lowther Hall for perusal and then the journey to Carlisle, where he "feed" good counsel, "6 in number", though on reflection he crossed out the phrase "6 in number", presumably because he had nothing to show for such an expense. The judge, Sergeant Waller, opposed their case "as unconscionable and illegal that an infant's land should be forfeited upon such an account" and though it was repeatedly asked of him what remedy Lowther had in the case, "yet he affirmed nothing but left it dubious."<sup>48</sup> This encounter alone (with travel expences for witnesses and court fees) must have accounted for much more than the difference between the £10-15s widow Aery proffered and the £12 Tickell demanded. By November, Lowther realized it too and wondered whether to accept a standard twenty penny fine rather than keep paying legal fees. Tickell's answer reveals a masterly balancing act between concern for Lowther's prestige and status and simple business realism.

"the tenants will glory that you condescend to a twenty penny fine which, though it seems to me sufficient, yet, considering your charge, is neither honourable or profitable. I know that by an arbitration if you will be at fine certain they will give more, perhaps a twenty four, and t'were better and more plausible to compose the difference that way."<sup>49</sup>

On the 17th of December, the Lord Keeper permitted Lowther to demur on a number of points in the tenants' bill, but not on the question of steathing on which his further answer was required. It is unfortunately not clear whether the court regarded it as an issue of tenants' rights or restraint of trade. In his further answer

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48 T.T. 23 Aug 1669. Sergeant Waller was nicknamed "Index" by the profession, and "people went for his opinion only to bring away a list of quotations to assist other counsel that understood better." - *Lives of the Norths*, vol. 1, p.24. Sir John Lowther called him an "unexperienced judge" but he had been a sergeant since 1659.

49 13 Dec 1669.

Sir John made no new point but simply denied knowledge of any custom that tenants at Whitehaven might steal coals for export. In June 1670 the tenants, as the next assizes approached, pressed for a rejoinder so that a commission could hear evidence and for an injunction to prevent the assize cases being heard. A month later Lowther went north and met the tenants at Carlisle, where he agreed to a fine certain, and the tenants to the level of twenty five times the annual rent; but at the end of the year when Lowther came to seal the deed brought to London by Robert Wilkinson, he discovered that "they would cut me off all claim to a general fine, which was no part of the bargain."<sup>50</sup> He told Tickell to summon the tenants and tell them that he would settle the general fine on reasonable terms but not gratis, because of his legal expences. Tickell reported his lack of success in any kind of negotiation. "The tenants persist in wilful disobedience...nothing will prevail with such stubborn, irrational humours as 6 or 7 of them who govern the rest: or else I understand not the mystery."<sup>51</sup> The tenants refused to pay £50 to have the general fine quashed and planned to have the agreed twenty five penny fine certain reduced. Sir John, anxious to avoid further court costs and further erosion of his manorial rights, hoped to convince the tenants that they need not come to a written agreement about the general fine at all but simply rely on his sense of fair play: "t'would be time enough when I make demand of a general fine, which I shall probably never do, if they were but respectful as they ought to be."<sup>52</sup> In May 1671, with Robert Wilkinson too sick to travel, Christopher Skelton and Christopher Hare travelled to London, and in June Sir John signed a deed releasing his claim to the general fine and setting the particular fines at twenty five times the ancient rent. The tenants paid him a lump sum of £50. Lowther expressed the vain hope that the tenants would recognize "this kind usage, for had I not been more than ordinarily inclinable to comply with them, they would have run themselves into a great and fruitless expence."<sup>53</sup> The tenants, with two skirmishes at the assizes in their favour and

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50 29 Nov 1670.

51 6 March 1671.

52 7 March 1671.

53 6 June 1671.

knowledge that Lowther had no taste for Chancery costs, may have viewed the matter differently. "Give me your opinion whether we had not better take a twenty penny fine than be at this charge in law," wrote Lowther to Tickell in November 1669, and it proved to be a turning point in the negotiations, with Lowther increasingly anxious to make a settlement, "for I love not disputes, much less with the tenants or neighbours."<sup>54</sup> At St Bees the tenants could show that for a long period they had paid no general fine, but it could be argued that the reason lay in the complicated devolution of the manor and a period of experimental leases, rather than a positive custom. Whether a lack of practice over a long period constituted a custom that the tenants paid no general fine, or whether, as Christopher intended, the lack of any uniform practice over such a long period simply indicated not that there was a custom which prohibited the taking of general fines, but that the tenants had no custom at all and were merely tenants at will, provided a legal point of some nicety.

The letters which passed between Lowther and his steward show how much negotiation and compromise accompanied the litigation, and chart the changing attitude on Sir John's part as he realized the limits to his power as a manorial landlord, providing a salutary counter-part to the formal legal records. For Lowther's rent roll, the difference between ascertaining a twenty penny fine and a twenty-five penny fine with no general fine was roughly £70 in a lifetime, so clearly this would not stand much legal costs in fighting the issue on either side if money was really all they were fighting over. The tenants ended up paying their own costs and Lowther's in the £50 consideration. In return they were assured there would never be a general fine again, of which perhaps the hope was forlorn anyway. Sir John, reckoning that a year's value of a tenement was between 15 and 20 years rent, was in fact getting just about what the law would have given him - one and a half year's value; and the signs were plain to see by 1671 that the great inflation of agricultural prices which had eroded the ancient values of rents and

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54 19 July 1670.

finances ascertained upon them between 1500 and 1640 was a thing of the past. Tickell may have received the Aery and Benn fines with some satisfaction: by the agreement both widows paid fines greater than Tickell's adjusted assessment of 1667, but they and the other tenants gained a deed which gave them some standing in law for the first time, and unequivocally assured heirs by custom the right to inherit, as previous admittances to old tenure had not stated "to him and his heirs". Although his lawyer had carefully drawn up the deed to say it granted away nothing but the right to succeed on payment of a fine certain, Sir John remained apprehensive that he had given away more than that, and put further queries to lawyers on the issue.<sup>55</sup> The tenants were satisfied with that deed, unlike the royal Kendal barony tenants who had wanted letters patent, a Chancery decree and an act of parliament as well. Alongside the compromise and negotiation went a good deal of cooperation and reasonable working arrangements. Immediately after the 1662 bill Sir John leased various parcels of land to nine tenants who had appeared against him. In 1670 and 1671 he signed new leases with William Nicholson, William Benn and Christopher Skelton, all men who had opposed him in the 1669 bill. The reason is probably not far to seek: all three enhanced the income from their farms by leading coal from the collieries to the harbour, and as his coal trade increased, Lowther had a perpetual need to encourage the leaders. In general, he needed a workable and realistic settlement, one which settled on a level of fining which would leave the tenants solvent and able to play their part in the exploitation of his estate.

The real gainers of the 1671 agreement were the Old Tenants with houses in the town. They paid trifling rents and correspondingly trifling fines now for ever ascertained, and their return from their property did not depend on agricultural produce, but rather upon the value of the houses and shops they built on their tenements, either for their own use, or to be let. When Robert Biglands the elder

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<sup>55</sup> "Whether has this deed made any alteration in the nature of their estates, other than the settlement of their fines, before arbitrary, and whether are they not as absolutely customary tenants to all other intents as before the making of the said deed."-Paper headed "The scope and design of all these papers..", D/Lons/W Whitehaven, Various papers...20.

died in 1672, his son paid 8s 4d to succeed to a house worth probably £100 and thereafter lived in it at an annual rent of 4d. Henry Addison paid 2s rent for a house valued in 1686 at £300. Admittances, whether in old or new tenure, continued to forbid tenants to let any part of the premises for more than one year without licence. The provision must have been impossible to enforce since the lord or steward could bring no proof that an unlicensed occupant had lease for longer than a year unless either tenant or occupant voluntarily produced it. The court books record no licences to let except where the lease is evidently a mortgage, yet it is clear that there was an abundance of letting. Thomas Tickell, after leaving Bransty in early 1667 settled in the house of Henry Fox, just across the Pow from the market place, and remained there until 1676. He paid Fox £6-5s rent and also paid the hearth tax which indicates he was the householder, and not simply occupying a couple of rooms. Fox himself meanwhile paid Lowther 4d a year rent. In 1693 when one Thomas Stanwix, a Quaker, applied for a tenement to build a weaver's shop, William Gilpin recommended accepting him even though it was suspected that his purpose in settling was to gain proselytes: "if he have such a design he cannot be hindered from farming a house which will be attended with the same ill consequences and so perhaps you may lose a tenant to no purpose."<sup>56</sup> Richard Cavell, Hugh Ap-Richard, Andrew Herbert, George Troughton, Anthony Aery, Thomas Bowes and Matthias Miller all paid hearth tax in 1673 as persons responsible for the respective houses, yet were not tenants of Lowther.<sup>57</sup> In an admittance of October 1670, the house in question is identified as "now in the occupation of George Holdcroft". Holdcroft was still in Whitehaven in 1696 when he signed the association for the defence of King William, but still had no tenure. He finally bought a freehold in 1704, two years before he died.<sup>58</sup> It is hard to believe that some of these well-established people did not have surreptitious agreements guaranteeing them more than a year's occupation of the houses they

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<sup>56</sup> W G. to J.L. 17 March 1693, *Lowther Correspondence* 4.

<sup>57</sup> Hearth Tax returns in P.R.O. E 179/90/76 fo.71.

<sup>58</sup> His burial is recorded in the St.Beas register, and he is the only Holdcroft in its pages. The association in P.R.O. C 213 no 65



resided in, and Tickell himself, who was probably one of them, recognized the practice in 1674, contenting himself with the mere assurance that in law "no lessee of such an estate, without such licence, can hold it longer than the life of the lessor."<sup>59</sup> In the 1710 survey of the town not only is it visible how tenements were divided up sometimes into several houses and shops occupied by different people, but more curiously it becomes clear that the owner of a house or several houses on a tenement might choose not to live on it himself at all but to rent a house from another tenant.<sup>60</sup>

The dispute over fines coincided with a series of skirmishes over a wide range of manorial rights: the collection of market tolls, the monopoly of steathing iron or coal, the taking of heriots and the insistence that tenants grind their corn at the lord's mill. Lowther viewed these rights sometimes as symbols of his manorial power, at other times for their monetary value. The 1671 agreement with the tenants resolved in unequivocal terms the matter of the general fine and the fixed level of entry fines, but the other customs of the manor which it did not mention, let alone define, were left at large for the tenants to manoeuvre in to their advantage. Indeed, the ink was scarcely dry on the 1671 agreement with the tenants when they began to nibble away at the lord's right to collect heriots, which would have been the next largest outgoing after the fines. One of Lowther's early orders to Tickell instructed him to call the tenants at court "for the several parcels of their tenements...that no heriots be drowned", for several tenants, such as Francis Radcliffe and Christopher Skelton were liable to pay three or four heriots: such a situation naturally arose whenever a tenant had acquired the whole or a part of another tenement by purchase or inheritance.<sup>61</sup> Lowther did not specify when a heriot could properly be taken, neither are the admittances to old tenures recorded in the court books more specific. An indefinite form of phrasing obliges the tenant to pay "all other fines and heriots as they grow due according to the custom of the old

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<sup>59</sup> 9 March 1674.

<sup>60</sup> D/Lons/W Whitehaven, Survey and estimate made of houses to assess a paving and sewerage rate, 1710.

<sup>61</sup> 4 June 1667.

tenants in this manor."<sup>62</sup> The widows Benn and Aery, who contested the entry fines for their sons, paid heriots forthwith on the deaths of their husbands and no sign of objection appears in the correspondence.<sup>63</sup> After 1671 the situation changes at once and tenants adopted various methods to avoid the heriot. When Tickell seized and compounded a heriot worth 25s due at the death in October 1672 of John Grayson of Corkickle, his widow "conceives none due alleging the land hers and that her husband was never tenant," though Tickell averred she could produce no evidence and that the court book listed him as tenant.<sup>64</sup> Presumably she claimed that she had brought the tenement to her late husband as heiress of the previous tenants, the Gosforths. Without an admittance in her name, however, this would have been insufficient to establish her as tenant, and in fact a year later she gave up the contest and compounded for the heriot.<sup>65</sup> On the other hand, the three heriots due from Francis Radcliffe's land, noted by Lowther in 1667, slipped through the net when he died in 1679. Tickell warned Lowther in advance how the family would plead, and sure enough the widow claimed that she had been joint tenant, and though Radcliffe alone had signed as the tenant in the 1671 deed, she had in fact inherited the land from her father, William Towerson. Lowther nonetheless still hoped to catch three separate heriots in a future generation by instructing Tickell to keep the son-in-law's admittances as three separate admittances in the court book.

Even when no such grounds existed to deny the heriot, it became increasingly possible for tenants who held houses in the town of Whitehaven by old tenure to claim that they owned no live beasts at all. When William Burton, tenant of three houses in the town, died, the son claimed that the only live beast on their land, a cow which Tickell claimed as a heriot, was his own property, not his father's. "Such excuses as these will always be found to avoid those payments, yet makes me forbear fetching it until I receive your further order", grumbled Tickell.

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62 D/Lons/W Court Book 1662-1689, admittance of Nicholas Moore, 15 Oct 1669.

63 D/Lons/W Estate accounts 1666-1685, fo 62.

64 28 Oct 1672.

65 D/Lons/W Estate accounts 1666-1685, fo.62.

Lowther replied philosophically that Tickell must do what he could; "none will keep any goods in their own name", but he might try for a composition.<sup>66</sup> Not surprisingly, Tickell's one attempt to take a heriot where a tenant died leaving no widow was even less successful. When James Benn died, Tickell took a heriot valued at £3-10s. The heir, George Benn, following the advice of the other tenants in the manor, replevied the beast and challenged Tickell to appear at the county court to prove Lowther's title to it. Tickell tried to bargain with the family, offering to reduce the payment to 20s, but they refused, preferring to have a trial "rather than pay anything contrary to their wills."<sup>67</sup> Lowther did not want the matter to go to trial without being certain of his claim because a judgement against him would provide an uncomfortable precedent. He urged Tickell to find examples of taking such a heriot both at St Bees and on neighbouring manors, but Tickell could unearth no such precedent at St Bees. He offered instead two examples from Stainburn, whose custom, if it could support St Bees' tenants in the matter of general fines, could surely be adduced to support the lord's over heriots. Whether or not the ancient men of Stainburn were again called to testify does not appear in the correspondence; probably not, because George Benn was not required to pay and four years later when Tickell sought a writ against him for illegally cutting down oak trees, the steward vengefully reminded Lowther, "t'was he that replevied the heriot and cost you a great sum of moneys."<sup>68</sup>

The tenants for their part could insist that a heriot was due only if a widow survived; and then if a widow did survive, find some other way of evading it. The landlord on the other hand could attempt to take a heriot on the death of every tenant, hoping that an occasional success would eventually nullify the tenants' version of their custom. When the tenants as a body complained to Lowther of his steward's over-officiousness in attempting to take a heriot at the death of every tenant, Tickell resorted to a plea of reasonableness, transcending both law and

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66 T.T. 30 April 1683, J.L. 12 May 1683.

67 31 March 1673.

68 27 Jan 1677.

equity.<sup>69</sup> In the same spirit he entertained momentary hopes that judicial construction might extend the heriot to re-encompass the wealthy townsmen. He had heard of a coach being seized in London as a heriot due on a Westmorland tenant-right and so pointed out that "one of your old tenants viz Robert Biglands left no quick goods yet was full owner of a ship which perhaps may (at that rate) prove an heriot."<sup>70</sup> This particular scheme would not have worked, if only because the appraisors of his inventory found Biglands the owner of shares in several ships but full owner of none: whether this represented a last minute or even post-mortem adjustment we cannot tell, but clearly the heriot could in some circumstances be avoided. Biglands had no livestock, not, at least, within the jurisdiction of St Bees. No doubt he kept a house cow and other necessary domestic animals on the tiny freehold which he and William Atkinson had jointly bought, perhaps for no other purpose, in Corkickle, just over the boundary. The best the landlord could do was to make sure that he too avoided it. This is doubtless why when he contemplated buying a neighbouring tenant-right at Bransty held of the Cockermouth estate in 1691, Lowther instructed the steward, "that in case of purchase of any customary estate heriotable it be done in some other person's name...and such person to be some very ordinary tenant or servant who may make a declaration of trust."<sup>71</sup> Had the purchase succeeded Lowther would probably have erected a coal gin or some other kind of machinery on the tenement which would have been worth many times the value of an ox or a horse.

Lowther tried hard to maintain one element which he considered vital to his own interests of the economic regulation of tenants by the terms of their admittances which his father had inaugurated: the prohibition against laying up accumulated supplies of coal or iron ore in steathes on their tenements. He could not prevent the owners of other neighbouring collieries from sending pack horses down to Whitehaven with their coal to load any ships in the harbour that would take it, but in

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69 9 March 1674.

70 18 March 1673.

71 27 Jan 1691.

the winter season some of these suppliers were prevented from working by flood water and all had difficulty getting their coal to Whitehaven along the long, miry paths and roads. Sir John's own Drift colliery lay only a short distance from the harbour, affording a quick turn-around for the pack-horse gangs, and his engineering works enabled them to be drained and kept working in any season. He was determined to reap the advantage of his pioneer drainage schemes by monopolizing the winter trade but to do so he had to prevent rivals from building up stock piles of coal close to the harbour in summer and autumn. More distant colliery owners could not lead coal to the harbour, unload into the ships, and return with a second load all in one tide. To further constrain them Lowther commanded Tickell to cut open any sacks of coal found heaped up along the foreshore, or sue the owners for trespass.<sup>72</sup> Tickell as new steward in 1666 made the mistake of presuming that private coal steathing would "prejudice us little" and had been willing to give permission. Lowther replied adamantly: Tickell must prevent all steathing by explicit prohibition in the admittances and leases he made and he was to police the prohibition diligently. Moreover he was to negotiate on Lowther's behalf for a lease of the possible alternative, Francis Radcliffe's steathes at Bransty, in terms which underline a determination to maintain his stranglehold over the winter sale: "I would willingly pay any reasonable rate for them in hopes to get the whole winter sale."<sup>73</sup> When Tickell did secure the steathes, although paying highly for them, Lowther expressed approval.<sup>74</sup>

Specific prohibitions against steathing had appeared in Sir Christopher's admittances, though those granted by the feoffees had not always explicitly insisted on it. Although admittances to new tenure made by Tickell always unequivocally forbade steathing, the admittances he made to old tenure are far less explicit, despite Lowther's reminder on several occasions to include the prohibition, especially in all

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<sup>72</sup> J L 19 June 1666, see Appendix C.

<sup>73</sup> J.L. 20 Nov 1666.

<sup>74</sup> The rent was £5 a year. T.T. 3 Dec., J.L. Dec undated 1666, arch. no.13. Tickell was to include a condition in the lease to protect the investment, for "should my Lord Northumberland erect any upon the sand on his side as he may, then this agreement will be ineffectual to me and so must be void." J.L. 1 Jan 1667.

admittances concerning "town houses" or "townsmen."<sup>75</sup> However, for old tenure, the whole area of letting without licence, and in particular letting without licence for steathing, had become ill-defined and an area in which there was no clear legal precedent. Lowther was anxious to avoid a direct conflict in the assizes, presumably because he thought it a distinct possibility that he might lose, or that he could not present a case which was sufficiently clear cut to win by proving beyond doubt that the tenants had let for periods longer than one year, if the parties concerned did not admit to the terms of their lease. Tickell found it difficult to both police and prohibit: "I cut sacks set down in your liberties and attend all opportunities to prevent steathing, both by fair and foul means yet all is ineffectual, which makes my life wearisome and my person troublesome, increasing my foes and decreasing my friends."<sup>76</sup> In 1667 Henry Fox leased land for a coal steath from George Johnson, then customary tenant of the Flatt. The particular agreement made by Sir Christopher concerning Flatt did not specifically prohibit steathing, so it is strange that Lowther initially expressed confidence that he could forbid Johnson: "it would have better become him not to have let what is not in his power, so expect he should put that exception in his lease", though in the next breath he admits his powerlessness and explores a fresh possibility : "he may do what he will upon it, but time may come I may possibly reckon with the most obstinate of the place." Rather than sue Johnson for letting without licence, Lowther instructed Tickell to tell Fox that "the place of his steath is that I have proposed to sink a pit in", and that unless Fox removed it, Tickell "must immediately fall to sink in the very place."<sup>77</sup> He backed the threat with one which encompassed any ship master who dared to purchase coal from Fox: Tickell was to refuse the use of the quay to them. Johnson agreed to withdraw his licence from Fox only if Lowther reduced his rent and Lowther's response expresses his uncertainty over the issue. "I cannot

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75 "according to the custom used within the manor of St Bees...doing and performing all other provisions and conditions as other the tenants do in the said manor." -see the admittances of Christopher Singleton, John Hodgson and William Hinde, St Bees Court Book, 5 Sept 1666.

76 1 June 1668.

77 12 Feb 1667.

at this distance prescribe you so good a way of making him, or others, lay aside these designs, as you yourself may find out by considering the circumstances of the thing, and your interest in the parties concerned" and merely repeated his threat to forbid the quay to the masters who purchased from them, or to George Johnson himself and his salt trade..."they will in the end find they ought to have been content with the summer sale, and not think to go away with all the profit of our charge and industry."<sup>78</sup>

In 1668 Johnson's widow let further leases of land for steathes to several people, Fox included, despite Tickell's counter offer to let them have space at Bransty on cheaper terms. The Bransty steathes, which had been acquired to prevent such people using them, were now being offered in desperation to prevent the precedent of steathing in Whitehaven from being established, but it seems with little success. In 1669, when Francis Radcliffe demanded a higher rent, Lowther cast in the lease, "since they make more clamour than profit."<sup>79</sup> In the same letter which reported the signing of the 1671 agreement with the Old Tenants, Lowther instructed Tickell in procedures for the next court: he was to write the admittances in Latin, and insert a clause against steathing, an instruction he repeated in a subsequent letter.<sup>80</sup> Tickell complied when he next admitted to old tenure in the October court of 1672, with much crossing-out as he tried to express the stricture in Latin, and included the prohibition in all subsequent admittances to old tenure. In 1674 a number of the Old Tenants complained to Lowther against this restriction, claiming he had agreed to allow them the right to steath at the signing of the agreement, though no such assent is expressed in the deed itself. Tickell assured him that for most of these tenants the right to steathe had little real significance, and none at all to those who lived out of town, well away from the harbour. They concerned themselves with the issue "to verify the proverb that one scabbed sheep will infect the whole flock. They bandy together like birds of a feather, without

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<sup>78</sup> 7 May 1667.

<sup>79</sup> T.T. 24 Aug 1668; J.L. 14 Dec 1669.

<sup>80</sup> 6 and 20 June 1671.

sense or reason very often."<sup>81</sup> The disputes over rights to steath fades from the correspondence at this point. No successful proceedings against steathes are recorded, but the practice does not seem to have become widespread.<sup>82</sup> It may well be that Lowther's attrition against steathing had been successful, rather than that of the tenants, and that with his eventual purchase of Hodgson's Croft and the Flatt, there was no longer any suitable ground close to the harbour for them to rent. That he maintained his opposition to steathing which might prejudice his sale to the ships appears in the standard freehold deed he issued in the 1680's which incorporates a very stiff penalty clause against steathing.<sup>83</sup>

While one group of ancient tenements demanded his family's urgent attention because they overlay the principal coal deposits, another group assumed an increasing importance in Sir John's own eyes because they lay in and around the township of Whitehaven and its harbour, which he hoped to develop as a planned town with houses of a very superior quality. Most of the expansion was on waste ground called the Sandhills, but Sir John also had his eye on an area at the town-head, held under the old tenure by William Hodgson. Hodgson refused to sell and at the same time aroused the ire of Lowther by letting without licence some land for a coal steath. Lowther believed he could sue for a forfeiture, but his proviso to his steward illuminates the problems of legal proceedings against a customary tenant: "take care that you get sufficient proof that the custom of the manor does not allow any to let without licence, there is no question of the custom but the difficulty is to get proof, since they that can prove it are parties on the other side." In addition, Lowther queried if Hodgson was one of his own workmen and suggested to Tickell..."you may endeavour to recall him that way."<sup>84</sup> But Hodgson is described in the court rolls as "yeoman" and it nowhere appears that he held employment under Lowther, nor was he sued for a forfeiture. In November 1671, perhaps

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81 9 March 1674.

82 Henry Fox began renting a steath from Lowther in 1673, but this was for iron ore.

83 They were to pay 6d for every ton of iron-ore and for every chaldron of coal sold to the ships. D/Lons/W Registers, three volumes containing deeds, agreements, etc, 1686.

84 J.L. 4 June 1667.



emboldened by the recent deed to the Old Tenants, Hodgson, without seeking to purchase a licence, sold the Croft and the rest of his tenement (which still had the steath on it, according to the conveyance) for £110. The purchaser was Christopher Skelton, one of Lowther's most substantial tenants, who was also a lessee of some other lands and farmer of tithe corn, and who at this very moment proposed a vertical integration of his business by getting Lowther to build him a malt-drying kiln on his land at the Town Head. "What expectations they can have from me I cannot see, if they continue so averse to oblige me," complained Lowther.<sup>85</sup>

During November, December and January Lowther repeatedly admonished Tickell to secure him the much-desired property: "...for no means would I fail of the Croft" and "Fail me not in Hodgson's Croft", making it plain that he expected to be gratified "in such small things."<sup>86</sup> Skelton half agreed to sell, then refused to set a price, so Tickell kept reminding him of this opportunity to gratify Lowther, which he warned, "if wilfully lost would never be regained to the perpetual annoyance of himself and his posterity...." Tickell admitted that the more he courted him, the more intractable he proved, adding in yearning tones, "If we should have a press for seamen as was last Dutch war here, he should be sure to march if he did not yield to your demands, if I were concerned in the press as I was that time."<sup>87</sup> Deprived of this recourse, Tickell had to try other methods. He delayed holding the manorial court so as not to have to record the surrender of Hodgson and the admittance of Skelton. He discoursed with a local lawyer the possibility of evicting Skelton. He raised the threat of forfeiture by directing the bailiff to demand the rent for the Croft, and then to refuse it if tendered. (His purpose, he wrote, was to "terrify", but he emended this, crossing out the word "terrify" and inserting "do good".) Nevertheless Lowther remained reluctant to

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85 J.L. 21 Nov. 1671.

86 J.L. 21 Nov.12 Dec 1671, 30 Jan 1672

87 9 Feb 1672.

press a lawsuit: "...for Skelton I wish any other way would prevail without suit, which I have no mind to if possible."<sup>88</sup>

"The pitiful yet refractory opposers" as Tickell called them, resisted until June 1672, when Skelton finally agreed to surrender his interest for the purchase price plus his costs. Lowther responded at once with a promise to "preserve to him and his a claim to any good offices that I can do them" and instructed Tickell: "I would willingly be grateful to those who deserve it, if he desires any lease etc you may give him preference before others."<sup>89</sup> William Hodgson retained occupancy of the remainder of his tenement until his death in 1682 and Skelton got his malt-kiln. Tickell actually began building it with Lowther's consent after Skelton had agreed to negotiate, but before the deal was concluded.<sup>90</sup> In 1688 when Skelton was at loggerheads with Tickell over another of his interlocking enterprises, supplying horses to lead Lowther's coal to the harbour, Lowther rebuked his steward, "I know the difficulties you have to deal with people, but because we had Hodgson's Croft by his means I would have you order him to lead coals again." Finally the Town Book also records the admittance of Hodgson's daughter, Jane Osmotherly, to a house in Queen Street, which Lowther granted because her father had accommodated him with the sale of Hodgson's Croft.<sup>91</sup> The rules under which Lowther, Tickell, Hodgson and Skelton conducted the negotiation are not clear-cut, but it is evident that while the lord of the manor could still hope to get his way by offer of favour or threat of displeasure, his right to refuse his tenant a licence to sell to a third party, or even to demand that licence be sought beforehand, had become problematical and very difficult to enforce.

The other tenant-right in which Sir John became interested was Flatt tenement and Hall, and here too he faced a rival purchaser, but this time not a local yeoman but his parliamentary colleague, fellow landowner and baronet Sir George Fletcher. William and Lancelot Fletcher, to whom Sir George was distantly related,

88 T.T. 2 June 1672; J.L. 7 May 1672.

89 J.L. 25 June, 9 July 1672.

90 T.T. 30 Dec. 1671. It was built near to the windmill and cost Lowther £10.

91 J.L. 10 April 1688. D/Lons/W Whitehaven 59a, Whitehaven Street Book.

were both dead and the tenement had devolved through one of William's daughters upon her son George Johnson. In March 1667, Johnson, without seeking licence, sold Flatt to Sir George for a price expressed in the deed of sale as £1000, reserving a life interest to his wife Katherine. At the same time he made his will, "by which it appears" as Sir John later commented after putting himself to the trouble of searching out the probate copy, "that Sir George Fletcher owed him £600." The enquiry and the brief but otherwise unnecessary remark upon its outcome probably indicates his suspicion that £600 was the real selling price, and the £1000 in the deed of sale a fabrication intended to raise the market for a subsequent re-sale to himself. Certainly £600 would have been a much more appropriate price for the reversion of an estate less than freehold, whose annual value, even with the payment for spoil of ground, came to no more than £40 a year in 1674, according to Thomas Tickell who later himself farmed it for £30. By the custom of the manor Johnson's heir, since he had no children, would have been his sister Ann, who was married to the Corkickle freeholder Thomas Davy. She was partly compensated, but not contented, by legacies of £50 to herself and £240 to her six children. There is no hint as to why Sir George chose to interest himself in Flatt, but whatever his intentions, Lowther did not want so large a fish swimming in his pool. It was he who had first news of the clandestine sale and on September 24th 1667 ordered Tickell, "if any such thing be tendered at a court decline the confirmation but be private therein." While Johnson lived the matter could remain *sub rosa* but when he died in early 1668 and Tickell required new instructions for the next court at which the jury would expect to enquire after heirs, Lowther urged some difficulty in the settlement which would make it best for the jury to find no heir.<sup>92</sup> By now though he had begun to envisage buying Flatt for himself from the widow who he affected to believe still had full powers of disposition. However, Tickell informed him: "she is altogether for Sir George Fletcher and hath made some clandestine contract with Thomas Davy and his wife to better their title and

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92 T.T. 9 March 1668; J.L. 17 and 31 March, 31 May 1668.

likewise hath lately given liberty for others to steath coals upon that tenement very much to my trouble."<sup>93</sup> At the April court, 1669, she sent a servant to name Fletcher as her late husband's heir. By now she merited inclusion in Tickell's private pandemonium; and his wrath encompassed not just her arrangements with Sir George over Flatt, but a concurrent dispute over a clash of rights to mine coal in Bransty between Lowther and the widow, in which Sir George was also supporting her: "...tis this vain-glorious woman's pride to have his ear open to her malicious insinuations and his encouragement adds fuel to her fire which if you could possibly take off by purchase or otherwise, she would burst with her own venom."<sup>94</sup> Tickell resisted this attempt to name an heir, and in the list of customary tenants at the head of each court roll, the tenant of Flatt is styled "heredes Georgii Johnson".

Under the indenture which settled the tenure of Flatt in 1636, Sir John was also entitled to claim a heriot on the death of the tenant, but it was not until August 1673 that he made any demand for a heriot after Johnson's death. No doubt he held off for so long to avoid increasing the difficulties he was having with the other tenants, and because he could only expect the response which he then received: Sir George Fletcher claimed no heriot was due because Johnson had sold him the premises before his death and therefore did not die tenant.<sup>95</sup> The heriot had been ascertained at a mere 30s in 1636 so Sir John's decision to demand it must indicate that he had decided to make the first formal move to settle the uncertain situation. The next step, the following February, was to take up the question of Fletcher's admittance and the consequent £20 entry fine, but by this time he had decided that he wanted Flatt in his own hands. During the next eighteen months he solicited the aid of his most influential relative, the aged Sir John Lowther II of Lowther, to negotiate the purchase of Fletcher's interest, and expressed a willingness to pay up to £100 over the true value of the property. On the 29th of September 1675,

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93 T.T. 1 June 1668.

94 21 June 1669. For the dispute over mining in Bransty, see below, chapter Two.

95 reported by Tickell, 9 Aug.1673.

shortly after the death of Mrs Johnson, Ann Davy was admitted tenant and next day surrendered to the use of Sir George, who the day after that conveyed Flatt to Sir John for the £1000 he claimed to have originally paid for it.<sup>96</sup>

The settlement had taken eight years to achieve and had been handled throughout with great delicacy. There was never the least suggestion of proceedings for a forfeiture for unlicensed conveyance or non-payment of the fine. The yeomen Hodgson and Skelton might be cajoled and browbeaten, though even in their case the legal outcome was evidently uncertain if they resisted. With Sir George Fletcher an altogether different kind of approach was required. The conclusion presumably left him satisfied but others were not. Thomas and Ann Davy became inveterate enemies entrenched in the Davy freehold just beyond the boundary of Flatt, which they refused all offers to purchase. Lowther began specific overtures in 1681, but in 1694 Gilpin advised, "There is little expectation of success so long as an angry old woman lives."<sup>97</sup> Robert Biglands the younger, married to a daughter of Katherine Johnson, had been in occupation of Flatt when she died and was evicted to make way for Tickell, which did nothing to mend his already strained relations with this family. Biglands was to become one of the most wealthy and influential of Whitehaven's merchant community and took the lead in opposition to Lowther many times in the next three decades.

Lowther's purchase was a dear one but it must have seemed absolutely necessary: negotiating way-leaves and spoil of ground and suppressing steathes had been difficult enough with mere gentlemen tenants and would have become impossible with a man of Sir George's rank and influence. Lowther decided to turn his outlay to further account by re-building Flatt Hall as a residence for himself. The idea of acquiring a house for himself at Whitehaven was not entirely new. He had previously indicated some interest in building at Brackenthwaite on the north side of the town and in acquiring Mirehouse farther afield to the south; but Flatt was

96 "An extract of writings about Flatt Tenement" D/Lons/W unlisted Whitehaven harbour papers J.L. to Lady Lowther, 9th May, 14th April 1674; J.L. to Sir John Lowther of Lowther, 19th May 1674 D/Lons/W Acc. 5 letters 1562-1685; T.T. 9 March 1674, J.L. to T.T. July 18th 1674.

97 W.G. 31 Oct 1694, *Lowther Correspondence* 165.

already a gentleman's residence, had 200 acres of land attached and stood in a slightly elevated position over-looking the developing new town on the sandhills.<sup>98</sup> Even so, the house which Sir John partially rebuilt was by no means the equal of Sir George Fletcher's establishment at Hutton Hall and hardly even as grand in superficial appearance as neighbouring Moresby Hall, refurbished with an Italianate front by the peniless William Fletcher in the next decade, and Sir John himself was equivocal about its function. He had every intention of continuing to reside mainly in London and the permanent occupants of Flatt until 1698 were to be his stewards. When the Duke of Somerset was about to visit Whitehaven in 1688, Tickell was instructed to offer him hospitality at Flatt; though Lowther added, perhaps as an excuse for the appearance and contents of the house, "...he may understand that I never lived there."<sup>99</sup> In any event Sir John was not an ostentatious man.

With the Old Tenants of the manor it had been a question of whether an ancient right of lordship could still be enforced or at least used as a bargaining counter. Over Whitehaven's market and fair on the other hand, Sir John faced the problem that they had been granted not in the distant past to his family or their predecessors, but in his own lifetime, and to others. In 1654, during Sir John's minority, some inhabitants obtained the grant of a weekly market and annual fair from the Protector, on their own initiative and in their own name: a legal anomaly from the start because the site of the market was on the lord's soil. Though we are not told, we may guess that the lead was taken by Thomas Craister and Cuthbert Studholme, Carlisle merchants with houses in Whitehaven who were members of parliament during the Protectorate. In 1658, Sir John addressed a series of questions to an eminent northern lawyer Mark Shaftoe, Recorder of Newcastle, trying to ascertain the exact nature of his rights in the market and what rights the

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<sup>98</sup> Rebuilding and extending began almost immediately and is described in detail by Blake Tyson in "The Work of William Thackeray and James Swingler at Flatt Hall (Whitehaven Castle) and other Cumbrian buildings, 1676-1684". *Ancient Monuments Society Transactions*, 28, 1984.

<sup>99</sup> J.L. 19 May 1688. He explained to William Gilpin that he had enlarged Flatt only to make better accommodation for occasional visits, and accordingly avoided all "ornament" or needless expence. As he rebuilt again in 1698, he remarked, "it can never be made a seat." J.L. to W.G. 6 April 1697, 1 March 1698, *Lowther Correspondence* 354 and 473.

inhabitants might have, by virtue of being named in the grant. The lawyer's answers do not specify just exactly who had the right to exact tolls, landlord or inhabitants, but deemed that the inhabitants could not choose a site for the market without permission from the landlord.<sup>100</sup>

In 1660, Sir John petitioned the King and paid to have the grant of the market confirmed, but once again in the name of the inhabitants.<sup>101</sup> Some years later, when seeking legal advice on how to rectify this omission, he excused it as necessary to get the confirmation passed quickly and without fuss, lest the Earl of Northumberland who owned the two adjoining markets obstruct it, as he had done the first grant.<sup>102</sup> Meanwhile he seems to have tried to remedy the defect by bluff. There is preserved a specimen proclamation of the fair dating from not long after the Confirmation, which declares it to have been "granted unto the Right Worshipful Sir John Lowther Baronet (sole lord of this town and port of Whitehaven) and to his heirs and successors for ever." A second specimen proclamation, this one written after the death of Charles II, originally contained the same false pretence, which was afterwards crossed out.<sup>103</sup> Lowther maintained that the original grant had been paid for by the Committee of Sequestrations, as some of the Committee men and Sequestrators had then been Customs officials, living in the town, adding as a diagnosis for all his troubles, "whence the inhabitants had ever since very ill born the authority of a land-lord."<sup>104</sup> But by 1666 the Customs officers had been replaced, Craister had sold his house and his land outside the town and lived in York, and Studholme (a marked man, under arrest in 1663) was shortly to lose his life at sea: the market may well have become toll-free by default.

Lowther's rights in the market were to be tested severely by the arrival of one particular family, encouraged to settle by Lowther himself, and exactly the sort of prosperous and enterprising new-comer he hoped to attract to Whitehaven. In

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100 D/Lons/Whitehaven, Various papers... item 85.

101 C.S.P.D. 22 Aug. 1660, Chap II vol. XI no.22.

102 William Lowther to Hugh Potter, D/Lec/79, Egremont Correspondence.

103 D/Lons/Whitehaven, Various papers... item 85.

104 D/Lons/W, Whitehaven, "Various papers .... item 20. See Appendix A.

1661, Lowther leased for seven years his father's house, the Old Hall and its grounds adjacent to the market-place, to John Gale the elder, a ship-owning merchant. In 1664 he granted a new lease of sixty-one years and Gale, by agreement, immediately began to enlarge the house, pulled down a wall and erected several open shops fronting onto the market place. In 1666 on the strength of these improvements, Lowther agreed to extend the lease to one of ninety-nine years, but he was not cautious enough in drawing up the terms of this lease. Gale extended his buildings over the boundaries of his land and let parts of the frontage to tradesmen who claimed exemption from tolls as not being within the confines of the market. When Lowther refused to demolish a couple of derelict cottages which blocked further access to the market, Gale vented his anger by renting out some of his ground for coal steathes and gave Thomas Patrickson space to put down sacks of coal brought down from Scalegill colliery. Lowther, who "did little expect this usage", nevertheless could do nothing: Gale did not hold by customary tenure and steathing had not been excepted in the lease. Tickell was to relay displeasure, which Gale "will not probably regard, so may spare my pains."<sup>105</sup> When Gale let out more ground to steath coal coming down from Whingill colliery, Tickell could only suggest that Lowther buy the colliery to cut off supply for Gale's steathes, and the steathes which had been re-let by Francis Radcliffe at Bransty, "and deprive the ill-humoured owners thereof to their no small disquiet."<sup>106</sup>

In 1668 Gale snapped up a freehold property called Mirehouse outside the town which Lowther himself wanted to buy, and used it remorselessly as a bargaining counter for further concessions in the town centre. He wanted the tenant of an old house opposite his frontage accomodated elsewhere and the house granted to him for a shop. He wanted his 99 year lease extended to three one thousand year leases of the sub-divided property, intending them for his three sons. He wanted guarantees that Lowther would never wall off the market from his frontage nor

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<sup>105</sup> J.L. 15 Sept 1668, 19 Jan 1669; T.T. 20 and 30 Nov 1668.

<sup>106</sup> 4 July 1678.



move it to another site, and an acknowledgement that the occupants of his shops and penthouses were not subject to market tolls. Lowther stood out against these demands and in the end Gale sold him Mirehouse for a money profit instead, in spite of Lowther's initial hope that Gale "may possibly gratify me if he consider former courtesies."<sup>107</sup> Gale forthwith resumed an earlier negotiation to buy the tenant-right of another house with large frontage on the market, the house which had belonged to Thomas Craister, and which Tickell had previously tried to purchase for Lowther but without success. By this time, Mr Gale's incumbancy must have been as disagreeable as any sequestrator's. Lowther, though he disapproved had commented on the earlier negotiations, "as to Mr Gale, I like not his engrossing of so many shops about the market but however would not have you refuse a surrender," and once again made no attempt to frustrate Gale's purchase.<sup>108</sup> Since his right in the market was weak and insecure, Lowther's strategy, as with the Old Tenants, was to maintain a claim by intermittent attempts to gather tolls; building up a right by prescription, while neither himself bringing on a contest at law nor doing anything which would expose himself to proceedings.

But the public example of Mr Gale and his shop-keepers did not facilitate these occasional collections. As Tickell reported their refusals and the claims of many other stall-holders also to be toll-free, he admitted, "the gathering will signify more trouble than profit and our receipt partial: the first day I received 4d, the second, 9d..."<sup>109</sup> To plug the gap which Gale was opening in this rudimentary dyke, Tickell suggested with intent that the posts supporting his open shops were not actually set on ground within Gale's lease, but Lowther simply replied, "For the tolls preserve a right by a collection now and then, its not material to be very exact", and on another occasion, "For the market I value not the profits, but the right, which too gentle usage will call in question, so what you receive let it be the full of

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107 J.L. to T.T.17 Nov. 1668, 12 Nov 1672. Gale purchased Mirehouse for £292 and sold it in 1675 for £320. D/Lons/W Registers: Deeds and Conveyances 1611-1705. His initial fifteen conditions for selling Mirehouse are in D/Lons/W Correspondence, bundle 40.

108 J.L. 12 Nov. 1672. Gale was admitted tenant to Craister's shop at the Easter court of 1675.

109 28 Nov. 1670.

what other markets take, I care not whether it be taken every day, or but now and then, if but seldom the more encouragement".<sup>110</sup>

Gale eventually wrote a trenchant letter to Lowther, demanding that he stop his steward disturbing his shopkeepers for tolls. He claimed to have a legal opinion that they were toll-free, by the terms of his lease. Tickell reported that any kind of negotiation or threats over the issue had failed completely. "I modestly argued the case with him supposing the advantage not above ten groats....inconsiderable for dispute with a person he had reason to oblige and that this might excite you to change the market etc. upon which he fell into passion and told me that he would not abate one mite of his right and that he knew the condition of your title to the market better than I etc." Tickell even suggested to Gale that he might like to lease the right to collect tolls at a moderate rent, "but that would not take neither". He had accordingly decided not to demand tolls from anyone at all for the time being, "to avoid disturbance, distinction and partiality."<sup>111</sup>

Lowther admitted his relative powerlessness, acknowledging that he had granted a lease without considering the full implications. "I have not his lease here so cannot conceive what he may have hooked in beyond my intentions." All he could do was to remind Gale of his past favours, rebuke him for "fishing for advantages" that were never considered or discussed at the signing of the lease and threaten to retaliate by marking the bounds of the market more strictly.<sup>112</sup> Check-mate was reached at Martinmas, with the market place, so long the ground of the manoeuvring, both a tourney ground and a weapon. Gale sent his daughter in law to pay his rent for the Old Hall, tagged with the proviso that Tickell must sign the acquittance free of charge, or go to the market place and there receive "live rent at the Market Cross", £11 of bellowing, bleating, squawking, grunting beasts. Tickell signed the acquittance, *gratis*, and never raised the question of Gale's encroaching market stalls again.<sup>113</sup>

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110 J.L. 17 Jan. 1671, 5 Dec. 1670; T.T. 26 Dec. 1670.

111 John.Gale to J.L. 3 June 1673 (enclosure to Tickell); T.T. to J.L. 7 July 1673.

112 J.L.to T.T. 14 July 1673; J.L. to John Gale 22 July 1673 (enclosure to Tickell).

113 T.T. to J.L. 12 November 1673.

In 1677 and 1678, as Lowther faced a growing amount of opposition over his authority and control within the town and harbour, the issue of who owned or controlled the market featured regularly in his queries to lawyers, but the answers were never reassuring enough for Lowther to try the issue at law.<sup>114</sup> The townspeople for their part kept alive the idea that the market was theirs, drawing attention from time to time to the dubious nature of Lowther's claim, as Tickell reported, " they delight themselves in all their discourses to slight you and yours: and are now busy to set abroad their interest in the market place here as theirs not yours intending to oppose your next proclamation of the fair."<sup>115</sup> When Tickell, on Lowther's behalf, proffered the lord's tolls to help pay for paving the market place, Robert Biglands said they were not Lowther's to give, and that until Lowther had accounted for all the money he had so received and handed it back for the use of the market, then he would pay nothing.<sup>116</sup> However, neither the inhabitants, nor the Gale family nor Lowther himself ever brought the matter to a trial, relying rather on stratagems to keep their feet in the door. In 1696 the then steward, William Gilpin, reported that the Gales erected a market-cross in the market place and still reaped whatever profit was to be made through their stalls, "which I think is not convenient because it derogates from your right to the market, and gives countenance to a foolish conceit which your tenants are willing to entertain, that the market is theirs."<sup>117</sup> For their part, the Gales were quick to seize on a new rumour that Lowther might move the market elsewhere. Ebenezer Gale denounced the scheme as "of most pernicious consequence, and would assuredly destroy their titles to their houses, (for saith he) "Our deeds abut our houses on the market place and if that be removed, really, Sir, it is no less than removing our landmarks!"<sup>118</sup> Gilpin reported their alarm as a "merry story", glad to see the family which had given him good reason to dislike and mistrust it so discomfited, but Lowther had

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114 D/Lons/W Whitehaven, Various papers...85.

115 9 Oct.1684.

116 28 Oct. 1680.

117 30 May, 10 June 1696, *Lowther Correspondence* 285 and 289.

118 W.G. 12 June 1697, *Lowther Correspondence* 374.

probably written his last thoughts on the matter much earlier, when he instructed Tickell one year to take no toll at all at the fair, "for though it look like suffering the town to grow upon my privileges I matter not."<sup>119</sup>

Over the market, Lowther had been concerned to uphold a doubtful right but unconcerned whether there was profit or not. Over his monopoly of corn-milling in the manor, he finally relinquished a better-attested right, apparently because it could not be made to turn to profit. The duty to grind all corn at the lord's mill was always expressed in all admittances to new tenure, where a custom might not have been found to support it and though it is not explicit in all admittances to old tenure it was safeguarded in the general words binding the tenant to all duties performed by other customary tenants. One of Tickell's first jobs as steward had been to oversee the building of a new windmill on the site of an old one at Arrathwaite, and a new horse mill close by the market place. Lowther agreed to charge 1/16th of the corn as moulter, the amount charged at the other manorial mills at St Bees, and another owned by the Curwen family at Roddington, three miles away. From the start, the Whitehaven mills proved problematical. Tenants complained that the windmill ground their grain unevenly. It was malt, not flour, which was spoilt by this unevenness and elsewhere too it appears that the tenants' main concern was with grinding for malt.<sup>120</sup> Both mills proved difficult to lease and on occasions were left in hand. A lease agreement signed in 1672 gives the annual rent for both mills as £20 but contained the proviso, "if the 2 mills are profitable", and from the end of 1673, the annual rent was reduced to £16. The millers at St Bees provided an attractive alternative because they employed carriers to fetch and carry other peoples' grain. Some tenants (among them the inevitable Biglands) tried to claim that either they were not bound to bring their grain to the lord's mill or asserted that they took their grain to the other manorial mills at St Bees. Tickell threatened them with writs: "I am persuaded they will all submit upon attachment and it will terrify

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119 19 July 1687.

120 J.L. Feb. undated 1667. T.T. 26 March, 25 Nov. 1667, 14 Feb. 1668.

others."<sup>121</sup> But Lowther always adopted a conciliatory attitude and suggested after the 1671 agreement with the Old Tenants, when once again they insisted that they were not bound, that Tickell "invite them to a compliance about the mill."<sup>122</sup> Not only did the tenants not use the manorial mill but merchants began to sell ground malt in the town, "nigh twenty loads brought hither in a week." Unable to prosecute them for actually selling the malt, Tickell spent much time and made several journeys to neighbouring justices to lay complaints against the merchants for using wrong measures, but without success. Though Lowther commended Tickell for his willingness to defend the manorial rights, he advised him to let the matter pass, suggesting instead that he compete with other mills by following their example of providing horses to fetch and deliver the grain.<sup>123</sup> He was evidently happy to let the matter ride and it was only the commercial rivalry of two of the principal townsmen which again made the issue controversial.

Thomas Addison had owned a malt making business since at least 1666, when the court book records Addison and his father-in-law, David Hamilton, frequently suing tenants at the court for arrears of payment for malt. Addison was also the local agent of the excise farmers and was able to coerce local innkeepers into buying his product "...and the great motive to oblige them is that he clears their excise for this rate, otherwise they are hourly troubled by their tormenting guagers and terrified with great fines."<sup>124</sup> John Gale had set up in the same business in 1678, building a brewhouse, a malthouse and a handmill to grind his own malt, once again something not specifically excluded in his lease. Addison attempted to gain the advantage. First he introduced his servant into a partnership with one of the lessees of the horse mill, admitting later that it was done with the specific intention of preventing Gale from doing the same thing.<sup>125</sup> Then in February 1679, Addison signed a forward contract for a twenty-one year lease of

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121 6 June, 1 Sept 1667.

122 29 Aug 1671.

123 T.T. 11 Dec 1671; J.L. 19 Dec 1671.

124 T.T. 26 March 1667.

125 T.T. 30 Aug 1680.

both of Lowther's mills, to take effect in 1682, as soon as the present lease expired. Immediately Gale retaliated and in the very shadow of Lowther's horse mill near the market offered his customers free use of his handmill, "by which means he has invented a new trick to make dissention between you and your tenants." The lessees of Lowther's mills gave Tickell a list of thirteen tenants who had stopped using the manorial mills, and Tickell once again expressed the hope that Lowther would sue them.<sup>126</sup> Addison naturally complained that Gale was ruining his business and demanded permission to build his own mill. While opposing and attacking Lowther's manorial privileges in almost every other respect, Addison nevertheless expected and demanded that Lowther sue his tenants for not coming to the manorial mill. When Lowther refused, Addison threatened not to keep the mills any longer than May 1683, unless Lowther would abolish the use of handmills. Lowther agreed to release Addison from his contract, and in response to yet another complaining letter from him again admitted his powerlessness to prevent Gale from using his property exactly as he pleased. "What course to take I do not well know, having out of my zeal for bringing merchants or such as I thought might be useful to the town overlooked the making those conditions which no doubt Mr Gale would have agreed to at his first coming thither."<sup>127</sup> Addison solved the problem to his own content by casting up his lease of Lowther's mills and purchasing the freehold of his house. This gave him liberty to build a horsemill on his own premises, which he promptly did. His business thrived. By the end of 1682, Tickell reported that he had undercut Lowther's prices by 3d a bushell, and had gained most of the custom and was busy enlarging his malt cistern and his own house.<sup>128</sup> From 1682, Tickell leased out the two manorial mills separately and at a much reduced rent; the horse mill for £3 a year and the windmill for £4. In spite of leasing the windmill to one of the town's carpenters, Thomas Gilliat, perhaps with the hope that it would be kept in

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126 T.T. 26 June 1679. John Gale the elder died in 1680, but his widow continued the enterprise.

127 J.L.to Addison 27 Dec 1681, 6 June and 4 April 1682, enclosures to Tickell; T.T. 27 March 1682; D/Lons/W Horsemill and Windmill account 1671-1685.

128 9 Nov 1682.

good repair, it had fallen into decay by 1686, and John Satterthwait, another carpenter, had the first two years of his lease rent free, "in consideration of his good repairs".<sup>129</sup> Lowther's fines and heriots produced little enough income for Sir John, but the returns from the mill, as from the market, were truly paltry. In this instance he never even put a query to a lawyer on his right to suit of mill: enforcing it would certainly have cost money and with Lowther's mills making so little profit would probably have absorbed the whole profit of a new one, so that although the expanding town needed more milling capacity it was better to let rival interests supply the demand. Milling did not integrate well with the rest of Lowther's business, as it did with Mr Addison's or Mr Gale's.

The struggle to maintain the rights of lordship may seem to have been futile, yet curiously it retained some economic value even after the fossilized customary tenures had themselves been formally converted into freeholds by the Landed Property Act of 1922. In 1987 Sir John Lowther's present day representative, the seventh Lord Lonsdale auctioned thirty of the hoarded Lowther manorial lordships. "He gets no pleasure or enjoyment from owning such titles" said his agent "so he thought he might as well sell them now that it is in fashion, and plough the money back into his various business interests." The sale netted the Earl a quarter of a million pounds.<sup>130</sup>

In 1683, Lord Wharton's counsel for his case against his tenants noted:

"The complexion, humour and condition of the witnesses cannot be left unobserved. They are witty and of strong natural parts and greatly given to contests in law (especially with their landlords) as generally most of their neighbours are in these mountainous wild parts and though perhaps some of them are not concerned in the cause (in interest strictly taken) yet

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129 For lease agreements, accounts and steward's notes concerning the mills, D/Lons/W Horsemill and windmill accounts 1671-1685, Leases of mills 1673-1692; Estate accounts 1666-1706; Whitehaven rentals 1666-1705; and Blake Tyson, "Two Post Mills at Whitehaven in the Seventeenth Century" *C.W.A.A.S.* vol.LXXXVIII, 1988.

130 *The Times*, 27 Aug 1987.

they are all of one tribe and all of a piece and many of them near kindred and near alliance and will do in reason what they can for one another."<sup>131</sup>

The customary tenants of St Bees were frequently of near kindred, and they were often more willing than Lowther to let disputes be taken to law, just as forty years earlier their predecessors in the manor had determined to "weary at law" Sir John Lowther I and Thomas Wybergh, threatening to "join their purses together and spend much money" to defend their custom.<sup>132</sup> So Tickell wrote, "the ejectment served upon Christopher Hare was received by him cheerfully saying they would fain have a trial", or that William Nicholson, Robert Wilkinson and Hare "tell me plainly that they will now settle no way but as the law shall decide."<sup>133</sup> Even less could William Fletcher and Francis Radcliffe, gentlemen themselves although customary tenants, be intimidated. Skelton remained a leading tenant farmer, Wilkinson, Hare and Skelton journeyed back and forth to London to negotiate, "recalcitrant widows" continued the fight when their husbands died and over the years the customary tenants built up a body of legal expertise, having learnt the power of the common purse to pay legal fees. It is difficult to believe that the tenants were primarily, let alone solely, concerned with the monetary considerations. Rather their concern was defending their rights as customary tenants, and they relished their tussles with their remote landlord and his baffled surrogates. Francis Radcliffe, whose combined income from land in Bassenthwaite, Bransty and Arrathwaite, and his salary as schoolmaster of St Bees was at least £70, was prepared to haggle over a 1/2d worth of rent because a windmill overshadowed his land. George Johnson offered to forgo steathing coal at Flatt if his rent was reduced, when his whole rent was less than what he made by letting the steath. Their common purpose but very various livelihoods give the tenants the appearance less of a class than of a club, or rather two clubs, the Old

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<sup>131</sup> *Documents Relating to the Swaledale Estates of Lord Wharton in the Sixteenth and Seventeenth Centuries*, ed. M.Y.Ashcroft, North Yorkshire County Record Office Publications, no.36, 1984, p.297.

<sup>132</sup> P.R.O. C3 408/174.

<sup>133</sup> 4 April, 12 Dec 1670.



Tenants and the New. The deed of 1671 gave the Old Tenants a sealed roll, if not a very full or very explicitly comforting one, and marked them as possessed of an estate in eternity. And if the Lord was not willing to give them whole new coats, he grudgingly allowed them, piece by piece as the years went by, patches for their old ones. This was the end of an episode, but not, in the circumstances of Whitehaven, the end of the play. For some of the growing body of New Tenants, who had no part in the agreement and were not mentioned in it, began to wonder if it had not removed a vital prop to their own interests: and so, as Formalist went his way more or less rejoicing, Hypocrisy, bereft of his fellowship and solidarity, girded himself for his own ordeal.



## Chapter Two

### The Commodities of the Earth

"The commodities of the earth being more improved, there is more wealth, and consequently there are more contracts, real and personal, in the world, which breedeth unthrifts, bankrupts, and bad debtors, more covetousness, and more malice." Sir John Davics.<sup>1</sup>

Sir John's income from land and his seigneurial and rectorial profits at St Bees, Sockbridge and Roundhay were barely enough to maintain the dignity of a baronet, the expenses of a member of parliament and a household in London. His prospects of founding a really substantial fortune turned upon his ownership of collieries, his control of the harbour facilities at Whitehaven and that port's access by a short sea passage to the swiftly expanding market for coal in Dublin.<sup>2</sup> Success depended on the judicious exploitation of all three factors in combination and neglect or miscalculation of any one of them afforded jealous rivals, clients and customers an advantage they were always quick to seize upon, amplifying the already considerable natural hazards of the enterprise. If a mine collapsed or failed to produce sufficient coal, if the shipmasters as a body refused his coal or deserted Whitehaven for a more efficient or safer harbour, if the pier broke up in a storm, if war or problems with the coinage disrupted the Dublin market, or the Dublin market found cheaper coal elsewhere, then Lowther's coal ceased to be Lowther's fortune. Sir John of necessity relied upon individuals whose aims and activities opposed his own. At the coal face, at the boundary hedge of the neighbouring field and coalmine, among the leaders guiding the long strings of coal-laden horses

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1 *The Works in Verse and Prose*, ed. Alexander Grosart, 1869-76, vol 3, p.226.

2 That Dublin's population increased by a factor of 2 and 3 between 1660 and 1685 seems to be agreed, although estimates of absolute levels of population at these dates differ: for two such estimates see T. W. Moody, F.X. Martin and F.J.Byrne, *A New History of Ireland*, Oxford, 1976, p. 390 and p. 448, viz. 25,000 in 1660 rising to 50,000 in 1682 and 15-20,000 in 1660 rising to 50-60,000 in 1685.

down to the pier, and at the harbour side where the shipmasters purchased the coal, such people could and did thwart Lowther's plans. Invariably the solution to one set of problems caused a fresh set of problems elsewhere. The variety of problems and the varied groups of people involved meant a plethora of decisions, orders, countermands, frustrations and reversals all intertwined throughout the process of shifting coal from the coal face and down to the harbour side, somehow turning it to Lowther's profit along the way.

The West Cumberland coalfield stretches along the coast from St Bees to Maryport, dipping to westwards and continuing beneath the sea. In the Whitehaven district, several seams outcropped on either side of the Pow valley. The best of these was the Prior or Main Band up to 15' thick, with the thinner Yard Band and the Bannack or Burnt Band above it and a Threequarter Band below it.<sup>3</sup> At first the miners dug "bear mouths" or shallow, sloping tunnels to follow a seam into the valley side. The water collecting in the tunnels was contained by small earthen dams or men "cast it out with spoutches to daylight".<sup>4</sup> This type of mining used little capital, did not need a large workforce and developed as a sporadic activity, regarded by the owner as a useful sideline to be worked or laid in according to seasonal conditions, the price of coal and the demand of the shipmasters. Once the coal seam dipped below a certain level, such primitive methods were no longer practicable and the owners abandoned the tunnels, leaving them to fill with water. By the early 1660's Lowther had more or less exhausted his store of coal which could be mined through bearmouths. He needed to begin the second stage of development, a more costly process of sinking shafts and keeping them dry, by cutting a "drift" or "level" horizontally through the strata to drain the workings.<sup>5</sup> Tunnelling in from the valley side, the workmen constructed

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<sup>3</sup> The descriptions of Howgill and Drift collieries in D/Lons/W, Collieries, List 2, no.15.

<sup>4</sup> An observation on early mining activities in D/Lons/W, Collieries, List 2, no.15. See also List 2, no.18, Notebook and Almanac, 1705.

<sup>5</sup> These two terms are not always rigorously distinguished in the sources, but in general a drift is a tunnel affording access to the current coal face and is extended to follow the face as it recedes, while a level is a conduit for water driven possibly to a point well beyond the current face, and possibly along a different line from the access to it.

a gently sloping tunnel calculated to intersect and follow the coal seam to the extent of the proposed winning. The water drained by gravity down into the Pow valley and coal was then mined from pits sunk within the drained area. The coal was mined by the "pillar and bord" system common in the north; working out a proportion of the coal but leaving the rest in massive pillars to support the superstructure. The cost of driving a level naturally varied a great deal, but Tickell noted that although one particular proposed level might cost £100, it could drain £200 or £300 worth of coal.<sup>6</sup> In about 1663 Sir John constructed the first level of any significance at Whitehaven and began to work the colliery named the Drift, located between Flatt and the Sandhills. As Sir John later remarked, levels were "so unknown or so insignificant in Cumberland before I wrought the great Band in Flatfield, that the colliery was denominated Drift Colliery from the level I then drove."<sup>7</sup> In 1667 this level needed to be cleared and reframed, and was then 60 yards long.<sup>8</sup> Drift Colliery, together with Greenbank on the west side of the Pow and further back from the harbour, provided his main supply of coal for much of the next decade. He appointed Thomas Jackson, a local merchant and a son of one of his father's trading partners, to oversee the two collieries for a salary of £15 a year in 1665 and a year later engaged Thomas Tickell as his estate steward with a general oversight of the collieries.<sup>9</sup> He also made some arrangement with his

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6 T.T. 13 Dec 1680.

7 D/Lons/W Sir John Lowther's Dictionaries and notebooks, list 1, box 2/list 5, "Collieries". A description of the collieries by Gale, Richardson and Scott locates the level more precisely: "there was a level for this colliery from Plumblands, it coaled this great band at the pit near Milburne house." D/Lons/W, Collieries, List 2, no.15. I had hoped when draughting this chapter simply to footnote to earlier authors for the geology and locality of the collieries. However, knowledge of Drift colliery, Sir John's major source of supply in the 1660's-1670's seems to have dropped from memory even within the eighteenth century. No mention of it occurs in the county histories by Hutchinson or Nicolson and Burn; nor in Beckett, *Coal and Tobacco*, nor in the thesis of W.H. Makey, 'The place of Whitehaven in the Irish Coal Trade 1600-1750', University of London, 1952; nor in the earlier specialised accounts to which they refer and on which they may be supposed to rely, viz. R.W. Moore, "Historical Sketch of the Whitehaven Collieries" in *Trans. of the Federated Institute of Mining Engineers*, vol. vii, 1893-94; Isaac Fletcher, "The archaeology of the West Cumberland Coal Trade" in *C.W. A.A.S. old series*, vol. 3, 1878; and J. Fisher, "Observations on the Whitehaven Colliery, 1793" in *Trans. Royal Irish Academy*, vol. V 1793.

8 T.T. 7 Feb. 1667. In 1672 Tickell was shown the remains of a level begun by Sir Christopher, but he "for want of right framing left both the work and the timber."-18 Nov. 1672.

9 Thomas' relationship to Rowland Jackson can be inferred from a sympathetic remark concerning "Tom's sickness" made by Christopher in 1632. *Surtees* 189, p.38. Thomas named his own son Rowland.

brother-in-law, Richard Lamplugh, who lived at Ribton, ten miles away, to give advice.

Discovering winnable coal seams depended largely on these mens' expertise as they pondered on past knowledge of surface outcrops, the outcome of boring trials using rods and wimbles, the testimony of old miners and the observation of coal seams currently being worked by Sir John or other colliery owners in adjacent fields. A number of dykes or faults ran through the coalfield, often cutting across a promising seam and dislocating it upwards or downwards. Unlike collieries in Northumberland and Durham, a West Cumberland colliery tended to be divided by these dykes into watertight compartments which could be drained separately as occasion arose: the decision to proceed to a new stage by boring through such a dyke was accordingly attended by some risk of drowning the previous works. The correspondence of the 60's and 70's often refers to "the Great Dyke to the northwards", which by 1666 was already blocking the intended course at Drift, and became over the years "a dyke much dreaded, the North Dyke" and "the North Dyke, our old adversary".<sup>10</sup> Although Lowther often suggested where to search next and shows a good grasp of the technical difficulties, he readily admitted that he needed guidance from the stewards and overseers, and would ultimately decide according to their suggestion, "least I advise something improper, for if it be agreed it can never be wrought I must acquiesse."<sup>11</sup> But the men on the spot often produced conflicting opinions, and Lowther reacted with exasperation as he tried to untangle the different advice, demanding more and yet more detailed information which when it arrived he claimed was never detailed enough; until Tickell on one occasion replied heatedly, "things unseen are uncertain; tis past my prospect to declare the quantity of coals in that new ground."<sup>12</sup> Attempting to chart the development of Lowther's collieries is made more difficult because the bulk of the estate correspondence comes from two successive estate stewards, Tickell then

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<sup>10</sup> T.T. 26 March and 14 April 1678, 24 March, 14 April, 26 April, 11 Dec. 1679; J.L. to T.T. 23 April 1678, J.L. to Richard Lamplugh, (enclosure to Tickell) 16 July 1678.

<sup>11</sup> J.L. to T.T. 29 June 1678.

<sup>12</sup> 8 Sept 1673.

Gilpin, rather than from the colliery stewards. In addition, Lowther made most major colliery decisions during his visits to Whitehaven, something which Tickell preferred, finding discussion by letter unsatisfactory. These decisions are subsequently alluded to in the letters, but often not spelt out sufficiently for the modern reader to reconstruct with precise detail. Whitehaven colliery records and accounts for the seventeenth century are few and fragmentary. The extant early accounts span precisely the one long period when Sir John was present in Whitehaven. Otherwise, the weekly coal bills were enclosed in the stewards' letters, and have not survived.<sup>13</sup> Investment was not distinguished from recurrent costs in the weekly coal bills which Lowther perused, nor in the columns of the quarterly abstracts drawn from them which survive from 1695 onwards. When in 1691 Lowther complained that the profit per ton was much less than might be expected, Tickell cited as reasons the expense of making a new barrel wheel, a new house for the old gin and mending a cog wheel and axle tree in the gin itself, and the necessity of employing a larger number of coal drawers to drag the corves of coal the longer distance from the coal face to the shaft.<sup>14</sup>

As the collieries developed and expanded, so too did the size and complexity of the workforce. The colliery accounts for 1675 reveal a specialized workforce, generally working a six day week, paid between 7d and 8<sup>1</sup>/<sub>2</sub>d a day. By 1706 the daily rate of pay ranged from 8d. to 12d. The haggars, and the odmen, who were the best and most experienced haggars, mined the coal, the trailers or drawers dragged the laden corves or baskets to the shaft, and the winders wound up men and coal to the surface. Borers and sinkers worked in teams, searching out where a seam ran, sinking pits and constructing levels, often by contract for so much a fathom rather than a daily rate. The bankman, who had the

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<sup>13</sup> Even what has so far come to light in the Lonsdale archive would furnish enough material for a thesis on the early West Cumberland collieries in its own right. J.U. Nef was unable to consult the Lonsdale manuscripts, and relied on *V.C.H. Cumberland* and Isaac Fletcher for his description of the Whitehaven collieries in *The Rise of the British Coal Industry*, 2 vols 1932. The volume which will cover the seventeenth century in *The History of the British Coal Industry*, Oxford, has not yet been published.

<sup>14</sup> J.L 27 Jan. 1691, T.T 4 Feb. 1691.

status of an "under manager", supervised the handling of the coal from the bank at the pit-top into canvas sacks to be transported down to the harbour. Lowther expected the bankmen to make frequent underground inspections, prevent irregular working both by the miners and the leaders, and to visit other pits to widen their experience.<sup>15</sup> Payment was normally by the day, and needed to be related fairly closely to payments at the number of other collieries working in the neighbourhood who might offer higher rates or easier conditions; and the availability of alternative employment such as harvesting or mowing.<sup>16</sup> Lowther gave the stewards some latitude in deciding how to pay to suit the prevailing circumstances: "Tell Tom Jackson if the Drift haggars will not take 8d per diem he may see if he can get them to undertake 62 corfes a day. I can give no positive directions but leave it to discretion, according to plenty or scarcity of workmen."<sup>17</sup> In another round of negotiation beginning in April 1681, Tickell increased the rate at the new Howgill colliery from 4d to 5d per score of corves, hoping to encourage the haggars to work more coal, but two haggars stopped work altogether because of the hardness of the coal there. When yet more haggars complained of hard coal and a thin seam, Tickell called a meeting at the pithead to hear their grievances, and subsequently decided to increase the rate to 6d a score until conditions improved, explaining to Lowther that he had no other choice if the colliery was to be developed. The offer proved successful and all the haggars save one resumed work.<sup>18</sup> When conditions improved or workmen became more plentiful, the rates could be reduced for a time, or some other economy devised: in 1670 Sir John instructed Jackson to bargain with the workmen to find their own candles, "beginning by way of trial with that pit he finds most reasonable and so proceed afterwards to the rest."<sup>19</sup> Presumably Jackson found no pit "reasonable" because candles still appear in the 1675 accounts

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15 D/Lons/W, Sir John Lowther's Dictionaries and Notebooks, list 1, box 2/list 5.

16 T.T. 8 July 1678. For the high incidence of the miner as part-time farmer, or farmer as part-time miner, see John Hatcher, "Myths, Miners and Agricultural Communities," *Agricultural History Review* vol. 22, 1974.

17 J.L. to T.T. 5 Sept. 1670.

18 T.T. 7 April, 28 April, 8 Aug. 1681.

19 J.L. to T.T. 27 Sept. 1670.



as a regular item. Lowther himself listed suggestions regarding work practices and payments, one of which wondered "whether confining able workmen to the same daily gettings as is got by the meanest be not to make them all alike" and several pages later he added, "working by the score makes able and understanding workmen."<sup>20</sup> In 1705 three workmen agreed to get all the small coal in a particular pit at 13d per score. Previously it had cost Sir John 10d haggling and trailing and 5d more winding (15d altogether) to obtain a ton, a total of 16 corves. By this bargain Lowther paid 13d for 20 corves, "and besides the workmen made good wages of it, from whence might be inferred that the workmen were not at half days work before." In fact, even though they were employing their own winder at more than normal winder's rate, these three nearly doubled their normal wage under the bargain.<sup>21</sup> But in spite of these instances of working by the score, and Lowther's belief that it was more efficient, it remained more in the realm of ideal economic efficiency. Miners at the beginning of the eighteenth century were still being paid by the day or shift, because of the difficulty of attributing coal brought to the surface by any particular workman when large numbers were at work.<sup>22</sup>

Fair copies of accounts for Greenbank, Woodagreen and Threequarter Band collieries for the year beginning 3 April 1675 are extant, and also Richard Bettsworth's notebook containing rough accounts from August 1675 to March 1 1676 for these three collieries and for the major colliery at Drift as well.<sup>23</sup> From these sources it appears that the collieries then employed about 70 men six days a week when working at full capacity. In January 1699 a list of 88 workmen and their current employment at Howgill and Greenbank was drawn up, probably as part of the new general scheme of mining in the Howgill colliery begun that year. 112 names, including nine men at the new Lattera colliery in Moresby, appear on a

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20 circa.1699 D/Lons/W Commonplace Books, "C.C." fo. 61 and 83.

21 D/Lons/W Collieries, list 2, no 18, notebook and almanac, 1705.

22 D/Lons/W St Bees misc. bundle 6 ex box 13: three isolated weekly accounts for 26 Dec. 1705, 2 Jan. and 23 Jan. 1706.

23 D/Lons/W "Collieries and Accounts 1675-1723" and "Amsterdam Bank Accounts". Those for Greenbank colliery run from April to August 1676, for Threequarter Band from April 1675 to April 1676, and a rough and often very abbreviated account of the expenditure at Drift, Greenbank and Threequarter Band from August 1675 to March 1676.

similar list dated April 24 1701, when Howgill had probably been restored to full working after two underground dams had burst flooding large parts of it the previous winter. A summary of production dated 18 June 1702 reckons  $86\frac{1}{2}$  men employed. (The half of an odman is presumably a man working three days a week.) Trailers and supervisors are not counted, so after allowance for them the total for comparison with our other figures would be about 115. An account of 24 June 1703 reckons  $145\frac{1}{2}$  men employed, plus tubmen, water ladders at Greenbank and supervisors, considerably higher than any other figure. At the end of 1705, the number of men working recorded in the notebook and almanac of that year shows a movement back towards working at full capacity after a period of underemployment. Extant accounts for the end of 1705 and the beginning of 1706 state not the number of men employed in each week but the total numbers of shifts they had worked, and the wage rates per shift. A total of 465 shifts was worked in all occupations in the week ending January 23 1706. The fact that nearly all the subtotals of shifts are divisible by five but not by six suggests that this was still only a five day week for most, so a force of a little over 90 men seems to be implied, to whom should be added a handful more who were not being paid by the day, to give a total not much different from the 112 of four years earlier.<sup>24</sup> Sir John does not seem to have expanded or contracted the workforce in immediate and direct response to fluctuations in trade; rather he responded by setting his men on to different jobs. Thus the best men switched between haggging, sinking and boring and the less-skilled between haggging and trailing.

One gets no sense of an increasing workforce through reading the stewards' letters, nor are many disputes recorded. Tickell records no angry scenes, shouting matches or serious threats to his authority as a steward, as he does when faced with

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<sup>24</sup> Beckett's table 3.1, *Coal and Tobacco*, which he says is drawn from a colliery account of November 1705, must likewise really record the number of shifts worked and not, as the rubric declares, the number of men employed, which would have been the utterly anomalous figure of 434. If further proof were required, it is to be found in the number of men set on work at particular pits in 1705, recorded in the notebook and almanac of 1705. The most relevant portions are written in the shorthand in which in his later life Sir John had his son James and one or two of his leading employees instructed. Appleby's calculations seem to be slight but not serious over-estimations of the workforce, see *Famine in Tudor and Stuart England*, Stanford, 1978, table 5, p.173.

other groups in the community such as angry tenants and threatening shipmasters. The rising numbers of the workforce and the trade depression of the 1720's caused many more problems in the eighteenth century, with miners taking an active part in the food riots of 1728,<sup>25</sup> but the problems of a poor workforce, some of them disabled through accidents, appear in the Quarter Session records early in the 18th century. During the debates over rates for poor relief, the petitioners complained of the large number of people drawn to the area because of the collieries who became a burden on Poor Relief.<sup>26</sup> Thomas Tickell records only one death and one injury at Lowther's collieries and one death elsewhere: when two sinkers bored through the end of a level into some old workings, they were swept down the level in the ensuing flood, one of them to his death; Richard Scott narrowly escaped serious injury in a firedamp explosion; and one miner was killed in an explosion at William Christian's colliery.<sup>27</sup> No detailed colliery accounts for the same period are extant, to provide examples of compensation. Injuries may have been more common than Tickell records, however, and some form of compensation did exist, because in 1697 the then colliery steward, reporting the injuries of men from firedamp and one death, remarked: "I only acquaint you herewith because we are frequently put to charges either in the cure, or burial of such."<sup>28</sup>

By the 1670's Lowther had mined all his surface coal and most of the coal winnable by gravity drainage at Drift. He settled on parallel policies for future exploitation: of mining deeper in his present collieries, accepting the extra charge of continual pumping; and of buying up other collieries further afield with the double

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25 Beckett, *Coal and Tobacco*, p.194ff.

26 "That necessary management of the coal pits so near Whitehaven is one great occasion of bringing and fixing many poor people there, and when the heads of such poor families are either by death or disaster, laid off or disabled from working, their numerous offspring are left to be maintained out of the said township." C.R.O. Q11 1711 no.12. These incomplete Quarter Session records also include two individual petitions for relief, one for a workman crippled by a fall of stone in the mine, the other for a man who had laboured for the Lowthers for twentysix years, and was now disabled with consumption. C.R.O. Q11 1694, no.22 and 1711-12 no.1.

27 Scott escaped with singed hair and blistered and swollen face and hands. He was alone at the time, "yet got up and came stoutly home". Tickell also describes the daily procedure when firedamp was suspected: "one man creeps upon his belly to the coal head and there raiseth his candle to fire the damp which presently takes fire and cracks like gunpowder". 25 June 1677, 9 Nov. 1680, 14 Feb. 1689. 21 Feb. 1692.

28 J.G. 15 Aug. 1697, *Lowther Correspondence*, 391.

purpose of ensuring that he himself would have that supply of coal to sell if he could find no other, and that no-one else would be able to sell it in competition with any other he might find. By 1674, the miners had begun working "under level" at Drift, with the water being pumped up continually from the workings and into the level to drain away.<sup>29</sup> Digging deeper meant organizing the collieries on a more professional footing. Lowther's hope that Jackson, Tickell and Lamplugh would provide a balanced management and a useful check on one another had not been fulfilled. Tickell, before he became Lowther's steward, had some earlier experience in lead-mining through his uncle Richard Tickell's partnership in a lead mine leased from the Earl of Northumberland in the 1640's, but as Lowther's estate steward and as Surveyor of Customs at Whitehaven, had plenty of work on his hands.<sup>30</sup> Lamplugh was often unwilling to visit frequently or make decisions and Thomas Jackson's chief interest lay in trading. So much so, in fact, that he did not scruple to use Lowther's colliery receipts to purchase cargoes on his own account. Lowther came north in early 1675, partly because of Tickell's insistence that he view the collieries himself before making any major decision and partly to investigate the handling of the colliery receipts by Jackson, now heavily in Lowther's debt. He dismissed Jackson, who was simultaneously causing him problems on another front,<sup>31</sup> and replaced him with Richard Bettesworth, a Londoner who seems to have had no previous connection with the district. Lowther ordered him to oversee the sale of coal to the ships, but Tickell complained of Bettesworth's drunkenness and incompetence, and the arrangement ended with Bettesworth's death in 1677.

Early in 1676 during another visit north, Lowther made the pivotal decision to employ two Newcastle workmen, Richard Bell and Richard Pallister, to be underground supervisors. The previous year Tickell had urged him to send a local man, Richard Scott, into Yorkshire to learn the "Yorkshire method" of mining coal

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<sup>29</sup> The pump was initially worked by manpower, with three men working three shifts every twenty-four hours.

<sup>30</sup> Leconfield archives, D/Lec/81, available through the Carlisle Record Office.

<sup>31</sup> See Chapter Three.

from the pillars. Lowther responded, recognizing the necessity of seeking skilled advice and using the most efficient machinery possible. "You do well to mind me of the Yorkshire way of working, but fear our people will never do it, the main thing to be done this spring is that either you or I go to Newcastle to bring thence some workman for a horse pump."<sup>32</sup> Early the following year, Tickell wrote that the carpenter, now working at Drift, had promised to send for some sinkers from Newcastle. Since further progress at Drift was obstructed by the North Dyke, it had been decided to expand the colliery laterally downhill to the west underneath the sandhills, and the Newcastle workmen had particular expertise in sinking through sand.<sup>33</sup> Lowther spent six months in the north, and by the time Tickell's letters resume in October, Bell and Pallister and a number of other Newcastle men were at work. Bell came on a year's contract for £40. Pallister stayed until his death in 1682, on a salary of £20 a year, which he augmented with a contract to wind coal by horse gin and the farm of Brackenthwaite tenement on which Drift by then impinged.<sup>34</sup> A horse gin to wind water had also been set up during this period and Tickell as undertaker of it described the horses' sweating labour, "being as wet as though they were swimming."<sup>35</sup>

Lowther attempted to resolve the problem of general oversight by leasing the collieries to Richard Lamplugh in February 1677 but his management proved disastrous, and Tickell, although initially promising co-operation, began to warn Lowther of Lamplugh's shortcomings by expressing his own opinion and by repeating Pallister's criticisms: "Pallister says he does not know how to please two masters, yourself and Mr. Lamplugh and thinks it strange that you do not take the profit to yourself that is made by the collieries considering your great knowledge and foresight therein making provision of all stores and using constant endeavours

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32 J.L. 25 Dec. 1675. A horse gin had first been suggested in early 1674 by a Newcastle carpenter working on the windmill. Lowther then doubted the necessity. - T.T. 18 Jan, 24 Feb 1674; J.L. 10 Feb 1674.

33 J.L. 5 Feb., 7 March, 23 March, 1676.

34 Tickell records that the local men did not like Bell and threatened mutiny, and noted the rivalry between Bell and Pallister, but thought it might prove useful: "the stricter they eye each other, as I think conduceth better to your business." 6 Nov. 1676.

35 13 Nov. 1676.

to conquer all difficulties whereas Mr. Lamplugh is seldom provident of the former and unwilling to grasp with the latter." Tickell feared that Pallister would leave and felt that his own advice was "burthensome".<sup>36</sup> Lamplugh had decided on his own method for the hazardous business of extending Drift by cutting through the North Dyke, and Tickell argued particularly against his decision to dismantle the water gin and rebuild it at a newly constructed pit. Lowther shared Tickell's alarm and directed that an extra gin should be purchased or built immediately but Lamplugh remained deaf to such exhortations, and Tickell begged Lowther to visit and review the entire colliery enterprise.<sup>37</sup> However Lowther's intended visit earlier in the spring had been delayed for two reasons: first, his wife had died in May and secondly, in the face of growing demands and threats by the shipmasters and the New Tenants, he thought it more urgent to stay in London and find some way of comprehending harbour developments and the new tenure into a satisfactory legal settlement. Shortly after noticing serious falls at the new pit because Lamplugh allowed too much coal to be mined from the roof, Tickell reported that the water pit had burst and destroyed much of the workings: in effect, the future prospects at Drift colliery were ruined.<sup>38</sup> "... a very bad face of affairs with you" Lowther described it, "what to say or advise I know not, to be destitute of coal or forced into the little corner which I had reserved for streights I expected not these many years, and which I was about to forbid the use of this last post, does I confess, a little trouble me."<sup>39</sup>

He journeyed to Whitehaven in September and did not renew Lamplugh's lease. He doubled Tickell's salary to £40 a year in recognition of the extra work and responsibility which now fell to him, both in bearing responsibility for the collieries, in particular the development of Howgill to replace the ruined Drift, and the work involved in the planning of the harbour development which he could no longer delay. Developing another good colliery was essential as the shipmasters

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<sup>36</sup> 8 July, 19 Aug. 1678, 29 Oct., 6 Dec. 1677.

<sup>37</sup> T.T. 7 Jan. 1677; J.L. 26 Jan., 9 and 12 Feb., 2 March, 2 April 1677; T.T. 21 June 1677.

<sup>38</sup> T.T. 29 July 1678.

<sup>39</sup> J.L. to T.T., 5 Aug. 1678.

were making much of Lowther's shortage of coal in their efforts to develop Parton harbour and encourage the Moresby collieries. However, such a project was neither easy nor swift. Exploratory boring, begun at Howgill in April 1678, had located a seam of coal: "by this discovery there is great hopes of a good colliery there for many years, as Pallister observes."<sup>40</sup> Pallister, the expert, knew at once the potential of the discovery. Lowther was not averse to "trying" Howgill though he believed it would not develop into a lasting colliery, and Tickell regularly expressed his fears that it would be more difficult to develop than Pallister believed, and that the winter sale would never achieve that of Drift because the leaders would refuse to travel the boggy pathways.<sup>41</sup> Yet in spite of its slow development, the colliery eventually became Lowther's major supply and the basis of his high profits in the mid 1680's, because Lowther was prepared to act on professional advice to invest both time and money. Sinkers began work in March 1679. The following year more exploratory boring discovered a new band of better quality coal at a greater depth. Exploiting it did prove difficult, blocked by dykes and hitches, the haggars rebelling at the hardness of the work and the leaders grumbling at the miry ways. Actual mining of the Prior Band at Howgill did not begin until early January 1684.

Developing Howgill which lay further back from the harbour than Drift meant that Lowther had to pay more in leading costs: 8d the ton compared with 6d from Drift. The leaders were a semi-independent group of contractors who took delivery of the coal from the bankmen and transported it by packhorse to the ships' sides where it was sold to the shipmasters. The whole transaction was carried on in a currency of tokens issued by the colliery owners. As with the miners, Lowther had to compete vigorously for a share of the available supply of leaders: their number dwindled during ploughing, seeding, harvest and haytime or if other colliery owners offered higher rates. It was particularly difficult to engage them in

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<sup>40</sup> T.T. 14 April 1678.

<sup>41</sup> J.L. 23 April, 4 June 1678; T.T. 11 June, 14 April, 26 April, 22 Dec. 1679, 11 Jan. 1680.

winter when the wet weather made heavy going for the horses, or when the feed bill to keep the horses in working condition rose too high. When the Moresby colliery owners sold coal at Parton harbour instead of Whitehaven, they paid the leaders so well for the shorter journey that Tickell believed that no leader would continue leading to Whitehaven.<sup>42</sup> If an owner, in a bid to attract leaders during winter, raised the rates by a significant amount, owners of adjacent collieries had to decide whether to match the price or simply discontinue working for the winter.<sup>43</sup> The distance the coal had to travel naturally had a bearing on the colliery owner's profit and the "country" collieries at Moresby were much further away from Whitehaven harbour than Lowther's Drift or even Howgill, making the scheme to develop Parton as an alternative harbour so attractive to them. Even so, costs still varied considerably, as Tickell demonstrated when he listed the rates for a number of owners selling at Parton. All received the same price for their coal, 32d per ton: but Thomas Addison paid 10d per ton for leading, William Asbridge, 12d and Henry Birkett, 14d.<sup>44</sup> Nor were the economics of the enterprise simply calculated according to distance. In spite of the closeness of Lowther's collieries to Whitehaven, initially the country coal owners had an advantage over Lowther because leaders who served them grazed their horses at little cost on nearby commonland. Leaders who worked from Lowther's pits maintained their horses in the town with a higher feed bill, or if they grazed them further out, spent longer in bringing them in from distant fields.<sup>45</sup> This perhaps explains Sir John's reasoning when Tickell at the end of 1666 purchased some colliery leases in Moresby, that "they will be a good help for us to gain leaders on that side": a Moresby leader could now journey down to Whitehaven laden with Tickell's coal and then make the short trip to Drift and back to catch the same tide.<sup>46</sup>

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42 6 May 1680.

43 T.T. 1 Nov. 1680.

44 27 May 1680.

45 D/Lons/W, Collieries, list 2 no 18, notebook and almanac 1705.

46 J.L. 7 May 1667.



The availability of leaders affected a decision as to when to open a new pit because coal stored on the bank deteriorated quickly. A lack of leaders slowed down the supply reaching the ships which in turn caused the masters to buy elsewhere. After a particularly wet winter Tickell reported that the shortage of leaders sent a number of ships to Parton and even to Chester for coal, and Gilpin reported a similar exodus to Workington in 1696.<sup>47</sup> Lowther kept the leaders much in mind: "Great pains is necessary to get them at this time of the year, and in bad weather be very solicitous about it, for it seems a more dead time with you than I ever remember."<sup>48</sup> When Tickell planned to reduce the leading price by a penny a ton, and in winter, Lowther cautioned him, "Consider well that you err not in judgement, for if you either make coals scarce, discourage leaders or beget any other inconvenience I shall be much troubled, and to me it does not appear but that you must get fewer down if you do it."<sup>49</sup> But Tickell claimed that this was the only time he could attempt to reduce the rate and not in summer when the country ways were good. Although he does not clarify this remark for our benefit, it must mean that when ways were good, the country collieries re-opened and competed for the available leaders who would most certainly stop leading for Lowther if he then attempted to reduce the rate. Tickell could only reduce it in winter, when few other collieries offered employment. In this instance he negotiated a forward contract with them, agreeing to pay 8d the ton until May 1st, then 7d a ton until November 1st.<sup>50</sup>

In 1682 Sir John appointed John Gale colliery steward, a masterly stroke which changed a poacher into a game-keeper.<sup>51</sup> Until the early 1680's, his major concern had been to find a plentiful supply of coal. Now, with that supply assured from Howgill, he needed to overcome the lack of leaders and the problem of boggy ways to keep the coal moving steadily down to the ships. Richard Lamplugh had

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47 T.T. 4 June 1682; W.G. 26 April 1696, *Lowther Correspondence* 279.

48 9 Jan. 1682.

49 J.L. 2 Nov. 1680.

50 T.T. 18 Nov. 1680.

51 See Chapter Three.

once suggested building a wagon way, that is, a railed track to carry four-wheeled wagons as found in Newcastle-on-Tyne. But Whitehaven was a dry harbour. The ships came in on the tide, beaching on the sandy bottom as the tide receded, and then the leaders guided their horses across the harbour floor to deliver up their sacks of coal. Wagons could have gone no further than the end of the railway so the coal would have to be tipped into a steath there and then reloaded and carried by horses to the ships' sides. Because of this double handling and consequent breaking up and spoiling of the coal, Lowther disliked the scheme.<sup>52</sup> Gale now successfully proposed instead to build a wooden way or "causey" from Howgill to the harbour side to carry two-wheeled carts which could then continue beyond its end at low tide to the ship's sides. Sir John readily accepted the scheme, "the rather since 'twas what my father intended when Woodagreen was first found."<sup>53</sup> The carts, operated by privately contracting cart leaders, began work in September and by October Tickell was reporting its success.<sup>54</sup> John Gale believed that the introduction of carts and cartways finally gave Sir John the advantage over his rivals, "a cart being an 'uncommon thing here in those days, struck such a terror into the poor country people, who to save themselves were glad to get up their coals at any ship they could where they were sure to be free of carts."<sup>55</sup> However, the use of carts brought its own problems, and the situation needed constant monitoring, especially as the size of the vessels increased. The smaller vessels which drew less water came closer in to the shore and as the tide went out could be loaded ahead of the larger ships. Gale noted in 1705 that the cart leaders delivering Lowther's coal habitually started work earlier in the morning than they needed if they simply wanted to catch the tide even though it was still dark. He surmised that they had "some secret benefit" for doing this, and although he does not elaborate, some kind of bribe from either country leaders or coal owners is the obvious guess

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52 T.T. to J.L. 19 March 1683.

53 J.L. to T.T 27 March 1683. On the 8th of October 1635, Christopher noted "I writ in my red book a consideration about wagon-ways..." *Surtees*, 189, p. 149.

54 The cost of building the cartway is not extant, though Gale initially estimated it at "no more than a £100". T.T. 26 March 1683

55 D/Lons/W Collieries, List 2, no. 18.

because of the benefits to them, since Gale concluded that the practice was "the present best support of their trade". In his view when the leaders loaded Lowther's coal early and the carts then departed leaving the harbour clear, two opportunities were lost: first, to jostle and harass the pack horse strings with carts, competition which he described as "ruinous" to the pack horse leaders; and second, to sell to the larger ships which for some unexpressed reason were the best customers, possibly because they were more reliable payers.<sup>56</sup>

In 1696 a lack of leaders once more disrupted the flow of coal to the harbour, despite a bounty offered in addition to the regular contract price. When the situation did not improve in the summer, William Gilpin journeyed to Lowther to consult with Lord Lonsdale who recommended that Sir John lease land only "to such as shall be obligated to keep so many horses to lead from your pits", a suggestion reflected in three agreements in 1700 where tenants were admitted to land, each on condition that they keep a horse and a cart for the coal way.<sup>57</sup> John Gale urged Lowther to keep leaders by looking after them, urging him during times of poor coal sale to continue mining enough to provide employment for the leaders, "for if they starve two days in a week as I have known it, we shall not fail to lose them again". Yet, as Sir John noted in a commonplace book about the end of the century, "the other collieries are so encouraged that I pay double to leaders more

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<sup>56</sup> *ibid.* The almanac is in John Spedding's handwriting, but surely at the dictation of his uncle, John Gale. Spedding first appears in May 1699 accompanying Gale and others to inspect the collieries. (D/Lons/W Collieries list 2, no 16, "Transactions", 1702.) He was then fourteen years old and at that age he must have been taking notes as directed and there can be no serious suggestion that he was being set to spy on John Gale. (Beckett, "Carlisle Spedding (1695-1755), Engineer, Inventor and Architect" *C.W.A.A.S.* LXXXIII, 1983, p 132.) What he writes in 1699, obviously at Gale's dictation, is much what he writes in the 1705 almanac. There is no reason to suppose in 1705 that he was in any way taking over from Gale any more than he was in 1699. His pit notes should not be taken as recording decisions he personally made. Furthermore, the long piece on the earlier history of the collieries beginning "When Mr Gale..." seems clearly to be Gale's story, rather than Sir John's. Sir John's story appears at the other end of the almanac, and contains two sentences taken verbatim from *The Case of Sir John Lowther*, which was being written at the same time. Spedding was still only twenty, and two years later James Lowther wrote to Gilpin, "that business of Mr Gale's will naturally fall to him in time" and that when the time came to replace Gale, somebody else in town will be found to manage the tokens, with Spedding to direct mining operations, implying that as yet Spedding had managed neither. 2 Jan. 1707, D/Lons/W, Correspondence, bundle 12.

<sup>57</sup> Ld. Lonsdale to J.L. 18 July 1696, *Lowther Correspondence* 294; D/Lons/W, Whitehaven 59a, Whitehaven Town Book (Moorside)

than others do!"<sup>58</sup> Two records of leaders are extant for 1706 and 1707, listing the numbers of people from each colliery, the number of carts used and the number of packhorses. The majority of carts carried five or six loads and each cart leader owned between one and three carts. Packhorse leaders owned between one and four horses each.<sup>59</sup> Leaders are contractors, however, and not all will have worked their horses in person: not (probably) Timothy Davy, Thomas Parker, Thomas Jackson the butcher, or Henry Nicholson of Town Head, the blacksmith, on the Howgill list for 1707, all of whom had other means of support; nor in earlier days Christopher Skelton, farmer, maltster and a man always available to undertake public business, who yet is recorded as a leader by Tickell in 1688; and certainly not John Gale, who owned five of the first batch of carts.<sup>60</sup>

In 1675-6 Lowther began buying up collieries further afield, with a number of purchases in Distington, Corkickle and Stubscals. The failure of Drift gave impetus to his purchasing, as he urged his steward: "The tenement you mention about Distington or anything else of that kind, either near Moresby or Whitehaven I may have an eye to."<sup>61</sup> The shipmasters feared that his purchases would give him a monopoly and leave him free to increase the price of coal without threat of competition, although Lowther always presented his activity in terms of the development of Whitehaven: "Let not the town be apprehensive of engrossing as they are too much already, for I have no other design but to make the place flourish, which it will never do where there are so many coalowners and so few willing to contribute."<sup>62</sup> Over the next few years he was to make much of the fact that he alone amongst the coal owners invested money in harbour development at Whitehaven.

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58 J.G. 10 Jan. 1697, *Lowther Correspondence* 332; Sir John in D/Lons/W, *Commonplace Books*, "C.C." fo. 47.

59 1706: Howgill, 23 operators with a total of 38 carts; Lattera, 80 packhorses; Greenbank, 16 pack-horses. 1707: Howgill, 28 operators with 47 carts; Lattera, 40 leaders with 79 pack-horses; Yard Band and Three-quarter Band, 17 leaders with 24 pack-horses, "but many of them living far off are not constant traders". D/Lons/W Unlisted colliery papers, 'coal works at Whitehaven 1663 - 1762.'

60 D/ Lons/ W, Unlisted Colliery papers: 'Coal works at whitehaven 1663-1762.'

61 14 Jan. 1679.

62 25 June 1678.

Lowther's development of Howgill, and later deeper mines, made him in some senses vulnerable to rival colliery owners and the shipmasters. Those of his competitors who had not yet been forced to mine under level and be at a continuous water charge could undercut Lowther, constrained from retaliating because his profit margin would evaporate. They could also reduce operations if demand fell, without needing to calculate the cost of pumping in order to keep the colliery in working order. To help prevent a Lowther monopoly the ship masters preferred to buy from other owners wherever practical to encourage them to stay in business, though Lowther viewed this practice as short-sighted malice: "it being a principle infused into the town by some factious inhabitants to encourage all the collieries of other men's and to discourage mine."<sup>63</sup>

In the early 1660's Sir John functioned as but one among a number of colliery owners and by no means dominated the market. Neighbouring gentry such as Henry Curwen of Workington, Anthony Benn of Hensingham, William Fletcher of Moresby, Anthony Patrickson of Scalegill and John Ponsonby of Haile were all attempting to exploit the coal beneath their manors; and likewise the Moresby freeholders Henry Birkett, Henry Lawrence, Richard Sanderson and John Crosthwait in their tenements. In 1672, Thomas Jackson listed sixteen other collieries in Distington, Hensingham and Moresby, besides Lowther's own two collieries at Drift and Greenbank in Whitehaven.<sup>64</sup> In 1668 Thomas Addison, possibly in partnership with William Christian, leased a colliery at Lowca from Henry Curwen and in the mid 1670s these two "incomers" began competing for the available collieries near Whitehaven, regarding coalmining as a potentially profitable investment to be pursued along with other commercial activities. Thomas Addison concentrated on purchasing collieries, without land, between 1674 and 1687, buying up permanent rights to coal in the parish of Moresby from small freeholders. William Christian purchased twenty one year leases for collieries in

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<sup>63</sup> J.L. D/Lons/W Sir John Lowther's Dictionaries and Notebooks, list 1, box 2/list 5 "collieries" c. 1699

<sup>64</sup> 18 Nov.1672 (enclosure from Tickell)



Hensingham, Corkickle, Distington and Moresby between 1678 and 1685. We know little of their actual financial successes or even the size of their collieries. Thomas Addison's various colliery purchases amounted to £460. In 1689 he offered them to Lowther for £900, a price described by Tickell as "ravenous requests so immoderately propounded"<sup>65</sup> and Lowther eventually bought them in 1691 for £500. In 1684 Sir John heard from Addison that although William Christian made a loss at his Hensingham colliery he reaped £300 profit in the space of two years at Whingill colliery.<sup>66</sup> According to Tickell, John Ponsonby, Anthony Crosthwait, and William Fletcher at his Whingill colliery, each employed two hagers in 1678. Fletcher at Adamgill employed six hagers and made a weekly profit of £5 from his three collieries.<sup>67</sup>

Far from viewing such men as proof of a growing West Cumberland coal industry, Lowther came to regard them as interlopers in a province he considered his own by virtue of the capital he expended on developing it. "If Mr. Addison or others interfere with me in the coal trade, when I do not meddle with what they are concerned in it will be a discouragement to that pains I take for the good of that place," he complained to Tickell when he heard that Addison was negotiating for yet another colliery.<sup>68</sup> In June 1667 Tickell estimated that Lowther produced slightly less than one third but something over one quarter of the local coal. In 1677 Lowther compared his coal accounts with the customs figures supplied by Tickell and estimated that he now had a half of the Whitehaven sale to Dublin, although Tickell in reply judged it to be one third rather than a half.<sup>69</sup> Lowther could not calculate his share exactly from these sources because the customs entries were based not on declared sales but on the measurement of the coal ships, and ship masters, customs officers and colliery owners were all conniving to have them under measured to evade tax.<sup>70</sup>

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65 20 Nov.1689.

66 J.L. to T.T. 4 Nov. 1684.

67 T.T. 4 July 1678.

68 J.L. 4 Dec. 1688.

69 T.T. 4 June 1667; J.L. 16 Jan., T.T. 24 Jan. 1677.

70 See Chapter Three, below.

The continuing presence of many collieries in a relatively small area meant that a lengthy and expensive level constructed to drain a Lowther colliery might very well drain a neighbouring colliery with absolutely no expense to its owner. Such an owner with an area of coal so freely drained could then undersell Lowther at the harbour side.

"The country adjacent afforded coals for a staple export; but a great part of them were in the hands of several small freeholders, and being not to be wrought without great and expensive levels, which must run through several people's lands, and draining all that were upon the rise, would enable those who were not at the charge to undersell and ruin those who were."<sup>71</sup>

Sir John also liked to emphasize the philanthropy in his efforts to buy out the small freeholders. The high capital cost of developing collieries was beyond the reach of many owners, and unless a man with capital bought them, they would remain useless, both to their owners and to the economy of the country in general.<sup>72</sup> He consistently presented the view that local collieries were of two kinds only: small bear mouths or his own large scale enterprise. He preferred to overlook the fact that a number of owners could and did by themselves or in partnership build their own levels and compete with Lowther. Mrs. George Johnson at Bransty and Allason and Birkett at Castlerigg all constructed levels in 1669. William Christian imported Newcastle miners. Thomas Addison and William Fletcher signed an agreement with the Moresby freeholder Richard Sanderson in 1678 to construct a very ambitious level to drain Sanderson's collieries and others nearby in which they had acquired an interest.<sup>73</sup> These men were doing exactly what Lowther had done; but now, needing to mine ever deeper at much greater expence, he wanted to eliminate as many rivals as possible.

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<sup>71</sup> *The Case of Sir John Lowther* op. cit.

<sup>72</sup> *ibid.*

<sup>73</sup> T.T. 17 April, 1 Oct..1669, 11 June, 4 and 15 July 1678, 26 April 1679.

The fear of advancing other colliery owners and the determination to prevent their working a particular area remained ever present in the stewards' minds as they considered each step in a colliery's development or pondered future purchases. Lowther counselled caution when Tickell suggested sinking for coal in Corkickle for "fear of giving light to others".<sup>74</sup> John Gale, during his term as colliery steward, reassured Lowther that all the land adjacent to a newly sunk pit belonged to Lowther, "so there be need be no fear of our making any discovery for the advantage of any other person."<sup>75</sup> A particular colliery being considered for purchase might prove no great profit nor loss, but at least Lowther's purchase would obstruct anyone else from getting the coal, and it would provide a useful foothold in an area, both for working the coal and gradually acquiring other people's interests in the neighbourhood. William Gilpin believed Robert Harris' unworked colliery at Crofthead near Howgate worth buying "as a key to Goosegreen," the neighbouring colliery, and Richard Scott advised that if Lowther secured it and a close of Richard Sanderson's, "you need no more to give you the command of all the collieries on that side."<sup>76</sup> Lowther responded sharply to any report that the stewards sent about other men exploring for coal, instructing that it was one of his stewards' chief responsibilities to keep "a watchful eye" on such activity, and to report which attempts were likely to prove successful, "for if possible we are to prevent all of this latter sort".<sup>77</sup> Meanwhile, he expected the stewards to keep him well informed as to what collieries were for sale and to ensure that potential sellers would offer to Lowther first.

Neighbouring collieries also led inevitably to sabotage, boundary disputes, litigation and adjudication which might go against Lowther. In 1668, Sir John negotiated a twenty-one year lease for the coal in Bransty tenement from the Cockermouth estate, but Mrs. George Johnson, living on at the Flatt after the death

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<sup>74</sup> J.L. to T.T. 7 June 1679.

<sup>75</sup> J.G. 28 March 1697, *Lowther Correspondence* 350.

<sup>76</sup> W.G. 25 Nov. 1695. Gilpin reported Scott's advice in the same letter, *Lowther Correspondence* 259.

<sup>77</sup> J.L. to T.T. 25 Feb. 1682.



of her husband, had the right to mine pan coal there for use in her salt pans which she leased from the earl, and she immediately claimed encroachment. Lowther offered unsuccessfully to buy out her lease at more than market value to resolve the dispute. When after the earl of Northumberland's death Tickell went to the annual audit to have Lowther's lease sealed, the auditor John Clark ordered an inspection of the works, stating that Lowther could not work the coal unless he could do so without using Mrs Johnson's drainage level. She rallied a number of the local gentry to support her cause: Justice Richard Patrickson of Calder, Justice John Aglionby, William Fletcher of Moresby, John Ponsonby of Haile and Thomas Patrickson of Scalegill, a judicious choice especially as the last three were colliery owners themselves and not anxious to encourage Lowther's expansion. They "all made noise sufficient and would understand no reason but palpable injuries to the widow," so Mr Clark promised reparation to "the clamorous woman". Tickell deposed in vain that Mrs. Johnson's level was in fact a tunnel planned to undermine Lowther's working.<sup>78</sup> Letter by letter Tickell rehearsed the tactics of the rival miners. They reached the coal seam first, but Lowther's miners dug another pit and mined coal which the rival miners then seized, but could not continue working without the benefit of Lowther's pit for air, so Tickell had it closed up, then sealed up further air vents which they bored. Tickell triumphantly reported that although the Johnson miners possessed the coal face they could no longer work it. Lowther was anxious to retain the lease, hoping it might yield good quality coal conveniently close to the harbour, but Tickell warned him that Mrs. Johnson and her referees would keep inventing delays to prevent settlement. His prophecy proved correct and meetings arranged in 1671, 1672 and 1673 all proved inconclusive.<sup>79</sup> When Lowther eventually resumed mining in Bransty after Mrs. Johnson's death, the quality of coal proved disappointing and was only ever

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78 T.T. 17 April 1669.

79 J.L. to T.T. 27 April, 5 June, 8 June 1669, 27 May 1673; T.T. 7 and 21 June, 6 Sept. 1669, 18 Feb. 1670, 6 Feb. 1671.

suitable for burning in the salt pans, and even then the pan-coal ran out.<sup>80</sup> As William Gilpin later said of collieries in general: "Colliery is like trade, where people must lay their designs as prudently as they can, but cross events ought not to disturb them."<sup>81</sup> It was an experience such as this, and the equally unsuccessful lease of Castlerigg colliery in 1669 which made Lowther keen to purchase colliery royalties outright.

About colliery purchases, title deeds, rent rolls and other legal documents tell us much, but fail to tell us more. First, they record only those transactions of a land-owner which succeeded, not those he failed to complete. Second, they say nothing about the course of negotiations, whether successful or not: who took the initiative, whether negotiations were swift and easy or protracted and difficult, and what tactics each party adopted to drive the best bargain. Because Lowther was an absentee landlord, a good many of the purchases are described in the letters which provide an invaluable supplement to our knowledge of purchasing tactics. The letters record bargaining which came to nothing and often reveal why it failed; and they reveal more clearly than successful negotiations the character of the people who opposed Lowther and refused his demands.

However the purchase was negotiated, evaluating the actual worth of the collieries always proved troublesome. As Tickell once scathingly remarked of Thomas Addison's estimates, "all his geese by him are presented as swans."<sup>82</sup> The stewards spent many hours with the underground supervisors, viewing the workings. They listened to local gossip and sought information from the vendors' employees, including a bankman who admitted that three quarters of one colliery under consideration could not be worked profitably, and a chief collier who had no good opinion of another.<sup>83</sup> When Anthony Benn of Hensingham asked £800 for

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80 "Bransty salt pan for want of coals lies idle," 1687 rental in D/Lons/W Sir John Lowther's general account book 1675-1689.

81 5 May 1697, *Lowther Correspondence* 362.

82 19 June 1682.

83 T.T. 1 July 1691, 24 May 1688. 27 Dec. 1686. Even when they had no firm intention of purchasing, an underground inspection could turn into useful industrial espionage. When Christian gave Richard Scott permission to inspect his collieries, Tickell remarked, "we shall well understand what they do and the worth of their coals." - 5 April 1686.

his collieries Tickell related how he and the colliery supervisors arrived at a price to bid: "this night when we were private I propounded to Richard Dixon as if he were owner of that interest" (he was in fact manager of the lessee) "to set a price and sell it to Richard Pallister, which gave me some light by their arguments to discover their opinions, and £120 was the demanded price which is far short of £800, so that at this rate Mr Lamplugh wonders the extravagancy."<sup>84</sup> Four years later Sir John did purchase Benn's royalties at Hensingham in partnership with Thomas Addison. Each paid £217-13-9d for their share, plus three loads of coal weekly for Benn while coal was mined. The price was half that Benn had asked in 1680, but rather more than the £120 which Tickell, Scott and Dixon had lit upon during their nocturnal discussion.<sup>85</sup> What was Lowther to do with such conflicting estimates? As he wrote to William Christian when Christian offered some of his collieries for sale, "I see with others' eyes."<sup>86</sup> In fact when he came to negotiate for all Christian's colliery interests nine years later, he saw with four pairs of eyes: Christian's own, Thomas Tickell's, Richard Scott's and John Gale's. Christian estimated their worth at £2,350, Tickell at £560 and Scott and Gale at £500.<sup>87</sup> Lowther refused Christian's inflated demands but bought one colliery<sup>88</sup> in 1692 for £150.<sup>88</sup>

Sir John's land buying activity made property owners aware of the potential value of their holdings and they haggled or prevaricated with a persistence which left Lowther and his stewards expostulating at their ungratefulness and lack of deference. In the negotiations, Tickell took great care to emphasise the benefits gained by gratifying the lord of the manor and Lowther summed up his favourite argument when he wrote, "all is not gotten that is put in the purse and ... a reasonable and fair bargain might be much better for him and his family than twice

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<sup>84</sup> 15 Jan. 1680.

<sup>85</sup> D/Lons./W, Registers, Deeds and Conveyances 1611-1705.

<sup>86</sup> J.L. to William Christian, 27 Dec. 1681. (enclosure to Tickell)

<sup>87</sup> D/Lons./W, Collieries: '18 various papers re collieries 1690-1788'.

<sup>88</sup> D/Lons./W, Collieries, List 2, no. 13. Gilpin reported a new round of negotiations in 1693, when Christian again offered his interests at "extravagant" prices in order to elicit a counter offer. 17 May, 8 June 1693, 5 March 1694, *Lowther Correspondence* 15, 24, 97.

this sum." <sup>89</sup> A number of men over the years did in fact assure Tickell that they preferred Lowther's money rather than a larger sum from someone else. It was the kind of piety that Tickell loved to hear, although he recognised the ulterior motive: "I fear all this is but a wheadling and drawing discourse for a great price."<sup>90</sup> Not surprisingly, those selling preferred to have the favour as a signed-up part of the bargain rather than a vague general promise. William Christian wanted Lowther to organise a sinecure for him in the London Customs house, promising then to sell his collieries. Robert Benn, as part of the discussions to sell his two freeholds in Hensingham, demanded (besides the £900 purchase price) a freehold building plot in Whitehaven and a place in the local Customs house.<sup>91</sup> James Lowther replied on behalf of his father to the last demand that although he could not positively undertake to obtain Benn such a position, he would try for a place as opportunity served.<sup>92</sup> The stewards viewed this type of specific request as a "clogging" demand and tried to avoid it.<sup>93</sup>

Negotiations could also fail at the last minute because a man's word never sat as snugly as the actual title deeds locked safely away in one of Lowther's many black boxes. "Flying off", Lowther described it and instructed Tickell, "always enter into articles else country people do usually run back after a bargain is made."<sup>94</sup> Negotiations sometimes lasted decades and still came to nothing. On January 1st 1667, Lowther asked Tickell to purchase Bransty, the customary estate held under the Earls of Northumberland and their successors by Francis Radcliffe, schoolmaster of St Bees Grammar School, and also a customary tenant of Lowther. Tickell may have begun putting out feelers immediately, but in 1674 reported that neither Radcliffe nor his wife would sell, but it might possibly be purchased after their deaths from their son, a clergyman in Ireland.<sup>95</sup> With alacrity Lowther

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<sup>89</sup> J. L. to T.T. 9 Dec. 1690.

<sup>90</sup> 8 Nov. 1686, see also 13 and 27 Jan. 1679; 27 Nov. 1689.

<sup>91</sup> T.T. 25 Oct. 1691.

<sup>92</sup> Jas L. to T.T. 31 Oct. 1691.

<sup>93</sup> W. G. to J.L. 2 Dec. 1693, *Lowther Correspondence* 71.

<sup>94</sup> J.L. to T.T. 27 Dec. 1679; 20 Nov. 1688.

<sup>95</sup> T.T. 10 Aug. 1674.

promised his interest in the young man's future preferment. Tickell delayed calling in the long-standing debt owed to Lowther by Thomas Jackson because Radcliffe was his father-in-law and had acted as bondsman; "which for Bransty's sake I forbear least it exasperate Mr Radcliffe who is so peevish that he is not to be dealt with and his son worse."<sup>96</sup> Radcliffe died in 1679 and his widow created a new interest by conveying away half an acre as a marriage gift to her grand-daughter. A group of men often hostile to Lowther's interest gathered to witness the appointment of attorneys to effect the transaction: "the Gales of sedition", Matthias Miller, then Controller of Customs and William Atkinson, like Jackson a former steward of Lowther's.<sup>97</sup> Tickell begged the auditor for the Cockermouth estate to delay the audit at which the entry fine would be received, but the auditor, in spite of promising to delay, "passed it without scruple." Tickell considered invoking an Elizabethan statute which forbade the building of cottages unless they stood on four acres of free land and planned to refuse them building stone from Lowther's quarry. But most of all he longed for the old lady to die before signing the final agreement.<sup>98</sup>

Lowther realized that the only way of obtaining Bransty was by paying a very large sum of money. By now he was enquiring who were the clergyman's patrons in Ireland, this time with menacing intent.<sup>99</sup> Eight years later the son died ahead of his mother, and a few days after the funeral, Lowther instructed Tickell to try again. He approached by stealth, asking two men, separately, without the knowledge of each other, to persuade Mrs Radcliffe to sell, with Tickell's promise of a private bonus to the man who succeeded.<sup>100</sup> It was to no avail. When Thomas Jackson at last reported her readiness to sell, he also listed the demands: £800, the stone house where she lived, cow and horse pasture and the freehold of her tenement in Arrathwaite for her grandson, (Jackson's son, Francis). For his

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96 11 June 1678.

97 T.T. 16 Feb. 1680. "which deed does so please this faction that they sensibly rejoice in it."

98 T.T. 16 Feb., 15 April 1680.

99 15 Oct. 1681.

100 20 Oct. 1689.

part in obtaining her consent Thomas Jackson wanted a custom post in the Isle of Man and the freehold of his own house in Whitehaven (the very house which fifteen years before he had pledged as a security for the debts he had incurred as coal steward.)<sup>101</sup> Tickell fulminated at the terms and the "insatiable covetousness of silly people" but the land never passed into Lowther's hands.<sup>102</sup>

Those selling capitalised on the presence of rival buyers, whom they usually saw fit to emphasise to the stewards, who never knew when to believe claims and rumours of rival bidders but often suspected they were fictitious. On being told that the city of Dublin planned to buy William Fletcher's estate in Moresby so that the corporation could gain some control over the price of coal they imported, Tickell responded: "This is a thing so strange that I want faith for it, and so easily told me that it rather looks like a whetstone to sharpen your appetite of buying. Here is such cunning and lying that I know not what to trust to..."<sup>103</sup> Tickell punctuates his reports of negotiations with descriptions of the rivals' tactics. "Your antagonists ply daily, especially Christian, not sparing last Sunday to attend the matter though not the church."<sup>104</sup> Other colliery owners were particularly alarmed at Lowther's decision to buy further afield. When Tickell endeavoured to buy some land and a colliery in Moresby, he reported, "William Fletcher and Thomas Addison have been so busy and drunk the fellow so hard for several days together that I could never affect it: their great argument to prevail with the seller was to keep you (the Devil as they suggested) out of Moresby."<sup>105</sup> Fletcher and Addison were successful in purchasing Edward Benson's share of Grindall's tenement (alias Lowcommon Yate) for £140, plus their bill for drinks; but to obtain an interest in the area Tickell suggested purchasing a neighbouring colliery and land from the Tolson family: "if you could obtain that it would be a great check upon

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101 In this instance we are in the position to discern how exorbitant a price Lowther was being asked. In 1666 Tickell had leased Bransty for £22, £28 had been bid for it, but Radcliffe demanded £30 which Tickell refused to pay. - T.T. 5 Oct. The money price demanded, apart from the extras, was thus certainly more than a 30 year purchase of the annual value.

102 T.T. 3 Dec. 1690. Thomas Jackson to J.L. 2 Dec. 1690. (enclosure from Tickell.)

103 26 Aug. 1680.

104 29 May 1679.

105 24 Jan. 1676.

them."<sup>106</sup> Negotiations continued for the next couple of years but at what Tickell thought was the signing of the contract, Tolson senior inserted a clause enabling him to return the purchase money within twelve months and cancel the agreement if his son Henry refused to sign. Tickell, realizing that the Tolsons planned to use the agreement simply as a loan, to be repaid if someone else offered a higher price, broke off negotiations. He reported to Lowther that he expected William Christian to purchase the colliery, and added in the following letter, "I am very sorry Mr Tolson considers not his own future respect, if not advantage, better, to be thus wheedled so as to prefer his (Christian's) money before yours."<sup>107</sup> It would appear that Tolson sold to Christian solely on the grounds that he was not Lowther: Christian purchased the freehold in July 1678 for £120, no more than Tickell's offer.<sup>108</sup>

Tickell's chagrin at being worsted in those negotiations by Christian, Fletcher and Addison made him suggest that Lowther purchase the other share of Grindall's tenement owned by Richard Sanderson, but worked partly with Fletcher and Addison. Because Fletcher and Addison were constructing a level which would drain all the tenement, Sanderson had agreed on a proportional share of costs and profits. Tickell described the glowing prospect, both in the quality of coal and in the "mastery" Lowther would gain over the remainder of Grindall's and in Piper's tenement purchased by Christian.<sup>109</sup> It was in this letter also that Tickell crossed out some of the most pertinent advice he ever gave: "I confess the charge will be great but those that will have collieries must not stick upon that." However, Sanderson prevaricated, in spite of accepting five shillings "earnest" money proffered by Tickell, alleging that he had agreed to sell only  $\frac{5}{8}$  of the colliery, not

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106 10 Feb. 1676.

107 27 July, 5 Aug. 1678. Richard Tolson esquire of Woodhall was a lawyer and a J.P. and had been sheriff and before that a Recruiter member of the Long Parliament and of the Convention. His star had doubtless set, but he was not a poor man, and in fact acquired by marriage a second estate, with collieries, at Wath-on-Deerne in Yorkshire, to which by 1688 he had retired from the Cumbrian scene. Rev. Joseph Hunter, *South Yorkshire*, vol.II, p. 68.

108 Eventually, in June 1692, Lowther purchased it from Christian for £150; D/Lons/W, Collieries, List 2, no. 13.

109 19 May 1679. "You do thereby certainly destroy their hopes of ever getting coals in those grounds until you please to drain them, or give them leave."

the entire colliery as Tickell believed. Tickell offered to indemnify him against an irate Fletcher and Addison, declaring Sanderson's articles with them void because they contained no bond or penalty clauses. But Sanderson came to the Flatt, and threw down the five shillings in an attempt to break the agreement, claiming he had sold only  $\frac{5}{8}$  of the coal. Tickell left the room without touching the money, believing it "no lawfull return."<sup>110</sup> Richard Lam<sup>P</sup>lugh advised that Sanderson's original acceptance of the earnest money made the bargain good, "yet to comply him better adviseth that you send down a sub-poena."<sup>111</sup> In the matter of the earnest money, Sanderson might have been upheld if he had gone to court, since the then Lord Keeper regarded twenty shillings as "scarce enough to bind a bargain for a horse."<sup>112</sup> Lowther suggested applying pressure to Addison, to make him sell at least his share on "reasonable" terms; he was then under threat of losing his customs post for malpractice, and, remarked Lowther, "might easily be made to do so if I would appear in it."<sup>113</sup> However, Sanderson and Addison remained resolute. Lowther himself concluded negotiations on a visit to Whitehaven later that year, purchasing the colliery for £300 - except for the  $\frac{3}{8}$  share already sold to Fletcher and Addison.<sup>114</sup>

Besides dealing for property or collieries Lowther expected his stewards to use their own initiative and local network to seize any opportunity which might make a sale easier and cheaper. A forthcoming marriage raised Tickell's hopes for Bransty, the death of a son made him hope for it too. A son marrying against the wishes of his father sparked off a round of negotiations for Robert Benn's land at Hensingham, and the prospect of a lawsuit several years later caused Gilpin to comment on an estate previously offered only with "clogging demands": "the father knows no way of ending the quarrel but by turning his estate at Holehouse and Mooraw into money, and doth now offer it for £880 without insisting upon any

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110 6 June 1679.

111 T.T. 16 June 1679.

112 Nottingham's Chancery Cases, Vol. I, case no. 380.

113 17 June 1679.

114 D/Lons/W, Register, Deeds and Conveyances, 1611-1705.



other terms."<sup>115</sup> William Christian's difficulties over returning the local collection of customs to London made Tickell hope he would be expelled from his position and forced to sell his collieries. An argument between colliery partners such as Fletcher and Christian, or Fletcher and Addison, made Tickell scent a possible sale. The necessity of settling debts made an ideal climate for buying from a Lowther point of view and Tickell was swift to remark on the state of some small freeholders in Moresby who daily ran into debt "one way and another" so might be constrained to sell.<sup>116</sup>

In mid 1688 Sir John sold his Roundhay estate in Yorkshire and planned to invest the money in land and collieries. By now he realised that promises of his favour and kindness alone did not entice people to sell. He spelled out more specific advice to Tickell:

"Your son writes that purchases of small tenements are hard to come by, but that mortgages may be had, which is a good hint as to the method of that country, and I am willing to proceed one way or th'other. Therefore for whatever is within four miles of Whitehaven I am content that you deal by way of mortgage but let the security be good."<sup>117</sup>

Tickell began lending money "in hopes to hook in more", as he put it, and William Gilpin continued the policy, but the policy only met with varying success. Tickell lent James Grayson £200 in an attempt to obtain a tenement in Hensingham, but Grayson then sold it to an Egremont merchant.<sup>118</sup> He succeeded with Thomas Grayson, lending him money in 1684 and buying his colliery in 1688.<sup>119</sup> William Fletcher's quarter share of Grindall's tenement was also eventually acquired through a mortgage. Lowther lent £100 on it in 1685 and finally foreclosed in 1704.<sup>120</sup>

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<sup>115</sup> W.G. 31 Oct. 1694, *Lowther Correspondence* 165. See also T.T. 27 Sept. 1691, and W.G. 2 Dec. 1693, *Lowther Correspondence* 71. For the continuing Chancery case, Thomas Benn v Robert Benn, see P.R.O. C7 643/9.

<sup>116</sup> 25 Dec. 1689.

<sup>117</sup> 15 Sept. 1688. See also 9 Sept., 9 Oct. 1688.

<sup>118</sup> T.T. 15 Oct., 8 Dec. 1688.

<sup>119</sup> T.T. 20 Nov. 1684, 13 Nov. 1688; D/Lons/W, Estate Accounts 1685-1692, fo. 97.

<sup>120</sup> D/Lons/W, Registers, Deeds and Conveyances 1611-1705, fo. 219.

Lowther's steady and persistent purchase of coal-bearing land and working collieries did eliminate many of the smaller collieries operating in Whitehaven and Moresby. He either purchased directly from the freeholders themselves or from men who had themselves bought up from smaller owners. In 1675 Henry Fletcher of Tallentire sold his royalties in Distington which his grandfather had purchased in the 1620s and 1630s.<sup>121</sup> Thomas Addison in 1691 sold to Lowther colliery interests which he had previously bought from eight individuals.<sup>122</sup> Yet the money Lowther paid out for the majority of purchases stayed in local hands. Thomas Addison, although moving to London in 1688, kept close business links with Whitehaven, in particular interests in trading ventures in the 1690s. For Richard Sanderson the capital provided by selling some of his collieries helped finance the development of those he retained. William Lawrence turned to innkeeping: the Swan Inn in East Strand was part of the bargain he signed in 1691 to sell Goose Green colliery.<sup>123</sup> John Benson received the freehold estate of a house and shops in Whitehaven besides £650.<sup>124</sup> John Gale received £30 for a tenement at Mooraw and the loan of £100 to him and his brother Ebenezer which they invested in shipbuilding.<sup>125</sup> Whitehaven, especially in the 1680s, offered a growing range of activities for employment and investment, particularly in ship shares and trading ventures, and Lowther urged Tickell to stress the opportunities. "If the owners of small tenements understood their interest money employed in trade must be more beneficial than land."<sup>126</sup>

On the other hand, Lowther's eagerness to buy up land and collieries undoubtedly pushed up the prices, often substantially, adding considerably to the

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121 D/Lons/W, Registers, Deeds and Conveyances 1611-1705.

122 William Fletcher, Edward Benson, Eldred Skelton, John and George Scraughton, Matthew Lawrence, Anthony Benn and Henry Richardson; *ibid*.

123 T.T. 16 Aug. 1691 and D/Lons/W, Collieries, list 2, no.13. He received £200 in cash and the inn, which was reckoned to be worth £100.

124 D/Lons/W, Registers, Deeds and Conveyances 1611-1705, fo.157. This is the transaction which Beckett, *Coal and Tobacco*, appendix 3, mistakenly records as Sir John buying a house from Benson for £650.

125 T.T. 30 Oct. 1688.

126 23 Oct. 1688. In 1693 Lowther was to write to John Gale that if a potential seller was "an ingenious man I am sure half that money in trade will be better than twice as much in land". Quoted by Gale in his letter of 25 June 1693, *Lowther Correspondence* 31.

cost of his colliery enterprise. When he purchased from Richard Sanderson he paid £100 more than the other existing offer. While Richard Lamplugh estimated Bransty worth £300 Lowther was prepared to offer £500 "rather than go without it."<sup>127</sup> John Benson, a merchant and colliery owner, took advantage of a dispute between Lowther and the ship masters over the price of coal in 1685 when he informed Sir John that some "neighbouring persons" had offered to buy his colliery. The "neighbouring persons" proved to be a group of ship owners and masters who realised that if they themselves built up a colliery interest they would have more control over the price of coal to the ships. Lowther promptly purchased the colliery with very little haggling. "I am very much afraid you have a very dear purchase" admonished Tickell, but Lowther replied: "it may be dear; however I am satisfied. It will be your business to make the most of it."<sup>128</sup> Richard Rawlinson purchased Stonehouse tenement in St Bees for £174 in October 1685. Three years later Sir John purchased it for £240.<sup>129</sup> Not surprisingly William Gilpin once wrote: "People have extravagant expectations when they offer you land."<sup>130</sup> In an effort to reduce the price of one colliery offered Gilpin wrote at length to the vendor, John Ponsonby.<sup>131</sup> His review of this colliery summarises the problem of continuing to develop collieries in the Whitehaven and Moresby district: it was "remote", it needed to be worked under level and it was intermingled with a number of other small colliery interests, all making exploitation costly and difficult. Gilpin also, perhaps inadvertantly, reflects the sense of disillusion which had by the end of the century overtaken Sir John:

"He is so wearied out with the extravagant demands that are ordinarily made him that he can scarce be prevailed with now to give any new proposal the hearing ....If you purpose to sell you must not miss him by aiming too high, for that will knock him off it at once."

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127 J.L. to T.T. 30 Aug. 1681.

128 T.T. 9 September and J.L. 19 September 1685.

129 D/Lons./W, Manor of St Bees, parcel 3.

130 1 June 1693, *Lowther Correspondence* 20.

131 8 Nov. 1702. D/Lons./W, Letter Book 'Fair copies of letters to and from Sir J Lowther et al, Aug 1700-Oct 1705'.

Lowther was indeed "the master coal owner", as he described himself in 1699, but in several letters of the same year he also relates how the ship masters kept him in check: by buying as much coal from other owners as they possibly could, even though they paid the same price for that inferior coal, "not vendible but in mixture with mine, they must take to lessen my gains and to keep a balance upon the master coal owner"; or they combined and refused to purchase his coal unless he reduced the price, knowing his great water charge, knowing he must submit and accept their price or else lose the greater part of his colliery.<sup>132</sup> Nearly twenty years of steady purchasing and investment had increased Lowther's colliery profits from £261-5-0<sup>1</sup>/<sub>2</sub>d in 1667 to a peak of £1,644-0-5<sup>1</sup>/<sub>2</sub>d for 1684, a sixfold increase.<sup>133</sup> By the year of his death in 1706 it had fallen to £845, a decline caused firstly by the Revolution and the outbreak of war in Ireland and then with France, continued by the increasing competition from Scottish collieries and perpetuated most heinously in Lowther's eyes by the Whitehaven ship masters combining effectively against him; a body of men who were for the most part his tenants, depending largely on his collieries for their supply and using a harbour which he regarded as his own.

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<sup>132</sup> J.L. to Lord Lonsdale 16 Nov. 1699; J.L. to Mr Carleton, undated, May 1699; see also J.L. to Lonsdale 6 Nov. 1699; D/Lons/W, Letter Books, 'J.L. vol 2nd April 24, '99'.

<sup>133</sup> For the yield of Lowther's collieries, see Appendix E

## Chapter Three

### Slighting and Vilifying Your Person, Parts and Interest

"The ships lie fastened to the pier which standing half-way betwixt the high and low water marks causes them every tide to be one half of the time water born, and the other half to lie upon firm sand and makes that which is commonly called a dry harbour." Sir John Lowther.<sup>1</sup>

When it came to control of the harbour the issue centred on whether the soil beneath it was 'parcel of the manor': an issue of significance because Whitehaven was a dry harbour and the ships only floated at full tide. After the Restoration the number, and even more, the tonnage of ships belonging to Whitehaven quickly increased, though for the first fifteen years or so this seems not to have increased the trade of the port but rather to have taken it out of the hands of the ships based elsewhere. At the end of 1668 the ships of the Whitehaven masters had a total capacity of 639 chaldrons of coal. By the end of 1679 this had risen to 1,328 chaldrons, and by the end of 1684 to 1,864 chaldrons.<sup>2</sup> By 1678 probably about 250 men at Whitehaven were making their living, or parts of it, at sea. Thirty-seven of them were masters of ships and it was these men and some merchants and other townsmen with interests in shipping who submitted and subscribed the many petitions concerning the harbour in the name of "the masters and owners of ships"

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<sup>1</sup> "Queries Concerning Keys, Wharfs". Rough notes in Sir John Lowther's hand, undated but c.1676. D/Lons/W, Letter Books, Rough Copies 1675-1689.

<sup>2</sup> The first figure is calculated thus: In November 1668 the Customer, William Christian, (who was also the local farmer of the coal duties) imposed a fine of £120 on the Whitehaven masters which was realized by levying a rate of 3s 9<sup>1</sup>/<sub>2</sub>d per chaldron on every ship.-T.T. 30 Nov. 1668. The second is the total of the registered capacities of the ships quoted by the Controller, Matthias Miller, from his Quarter Book.- P.R.O. E178, 31 Chas II no.6189. The third derives from a table of ships drawn up by Tickell for Sir John.- D/Lons/W, bundle 40, misc. letters and papers 1678-1742. In each case the figures relate to the official Customs house entries of the ships, which are known to be underestimated. Undermeasurement was probably at its greatest at the time of the first figure. Tickell's table itself allows us to correct the third for ships which had recently had their entries increased.

at Whitehaven.<sup>3</sup> The usual Cumbrian practice in the seventeenth and eighteenth centuries was to divide property in a ship at its first building into several shares taken up by different contributors, which might be further subdivided by sale or inheritance. A wealthy shipowner would normally own shares in several ships rather than owning any ship outright: the purpose was evidently to spread maritime risk, and shares could be divided down to as small a proportion as  $\frac{1}{32}$ .<sup>4</sup> The masters hired the crew and assembled the cargo for each voyage either on their own account or by contracting with various merchants to carry their goods at a set rate. For a coal voyage, a master purchased coal on credit at Whitehaven harbour from one or more colliery owners. At Dublin, the coal was unloaded onto gabards, the flat-bottomed boats which ferried the coal ashore to be sold.

The annual profit for a ship in the coal trade depended on the ratio of the buying price at Whitehaven and the selling price at Dublin, the number of voyages the ship made each year and the ratio of the crew to ship size. Coal price at Whitehaven until 1676 was generally 3s a ton; thereafter in spite of a number of attempts by the colliery owners to raise the price again, it remained more or less steady at 2s 8d into the eighteenth century. The price in Dublin fluctuated according to the season, higher in winter and lower in summer, though the amount of coal available to ships in winter often declined as the number of leaders dwindled. As the prevailing winds are contrary for this voyage, ships were often delayed after loading, and consequently when the wind changed a whole flotilla left

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3 A list of seamen living in Cumberland in 1678 between the age of 18-50 years (ie. seamen who could be pressed) gives a total of 86 living at Whitehaven. The 1678 rental of the tenants of Whitehaven does not include occupations but by cross referencing with the court roll, admittances and other documents for the same year, we can say that 47 of the tenants at that time were seamen, fishermen, shipmasters or merchants. Of these 47, only 16 are named in the list of seamen (others would have been either over 50, or classed as merchants rather than mariners) so we can add 31 names to the list of 86, giving a total of 117 names and can further estimate a total of about 250 mariners by assuming that the list recorded the same proportion of just one in three among non-tenants as is found among tenants. Matthias Miller, Controller of the port, named 37 ships belonging to Whitehaven in 1679, and Tickell also gives the same number. List of seamen in D/Lons/W, Commonplace Book 1671 - 1680, "An abstract..." Ship numbers in P.R.O. E 178 31, Chas. II, no. 6189.

4 Among the leading shipowners of Whitehaven at the end of the century; James Millam had one quarter of a fishing boat and an eighth share in each of three ships; William Atkinson had a quarter share in one ship, an eighth share in a second and three-eighth shares in each of four more; and Robert Biglands an eighth share, two one-quarter shares, three three-sixteenths shares and an eleven-sixteenths share, two one-sixth shares and a half share in a gabard. L.R.O. Probate Records, Copeland Deanery.

at once and arrived in Dublin together, causing a temporary glut and a fall in price. In addition, according to Thomas Tickell, the price paid in Dublin in the 1680's was generally lower than it had been two decades earlier: it was now 12 or 13s a ton and had not been much higher for the past decade except in winter when the price rose briefly to 16 or 20s a ton. However, twenty or twenty-five years earlier, the winter price had usually been 20s a ton, and sometimes as high as 30s, while the summer price was 15 to 18s.<sup>5</sup>

A shipmaster buying coal at Whitehaven for 2s 8d the ton and selling it at 12s to 13s the ton in Dublin did not make such a profit as would appear, because the Dublin ton was roughly two thirds greater than the Whitehaven ton. The number of annual voyages a ship working in the coal trade full time could make depended on speedy loading at Whitehaven, good sailing weather and a ready market in Dublin. In 1684 Sir John, while calculating what he might expect from pierage dues, worked on a figure of forty ships, approximately seventy tons each, making ten voyages a year. Sir Walter Harris, writing in 1691 and basing himself on a paper recently submitted by the Whitehaven ship masters to the Privy Council, reckoned that Whitehaven and Workington had sixty coal ships averaging eighty tons each making eight voyages a year.<sup>6</sup> The vessels themselves gradually became more cost-efficient. As early as 1632, Sir Christopher Lowther recognised that the smallness of Whitehaven ships then in the coal trade was the single most limiting factor: "...our own country barks so little they carry nothing at a time and yet will have [sic, prove] dear by reason they are commonly about 7 or 8 men to one of 30 tons which eateth up the profit."<sup>7</sup> By 1689, a crew of fourteen men were sailing ships of 130 to 140 tons and the biggest ship of 200 tons had a crew of nineteen.<sup>8</sup>

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<sup>5</sup> 26 July 1680.

<sup>6</sup> J.L. to T.T. March 3rd 1864. Lowther was using a list compiled by Tickell - D/Lons/W Whitehaven, unlisted papers, list of ships belonging to Whitehaven 1682-1727. Sir William Petty in 1677 also estimated that Whitehaven ships made ten trips a year -see *Petty-Southwell Correspondence 1676-87*, ed. Marq. of Landsdowne, 1928, pps. 26-27. Walter Harris' remarks in: *Remarks on the affairs and trade of Ireland, 1691*.

<sup>7</sup> *Surtees* 189, p. 7.

<sup>8</sup> D/Lons W, Commonplace Books, List 5, General note book, fo. 169. For a comparison between the English merchant ship and its more efficient Dutch counterpart, see R.Davis, "Merchant Shipping in the Economy of the Late Seventeenth Century", *Economic History Review*, IX no.1,

As the number of ships using the harbour increased, the status and presence of Customs officials became increasingly important, providing in effect a third major interest which intruded itself into the relations between landlord and town. The Customs service provided a source of income, power and prestige independent of Sir John, and the Commissioner of the Customs preferred to keep it that way. Sir John had great difficulty initially in gaining the post of Surveyor for his steward Thomas Tickell, and just before Tickell lost the post in 1688, Sir John reported the Commissioner's reluctance to let him continue in office, recognising that he might be a good servant to Lowther, "but an ill one for the King."<sup>9</sup> Tickell was reinstated in May 1690 really only because his first replacement, a papist, had deserted his post in the aftermath of the Revolution and a second substitute had died before he could take up the post; but Lowther, though he tried hard in William Gilpin's behalf, was never successful in gaining such a position for him.

Three patent officers attached to Carlisle port supervised Whitehaven, although Whitehaven already served a far greater volume of shipping. William Christian was the Customer and when the customs were taken out of farm in 1671 the new Commissioners appointed him Collector. He deputed the collection at Whitehaven to David Hamilton, the Collector for the previous farmers (of whom Christian had been one.) The Controller was George Williams who on his death in 1673 was succeeded by his nephew Matthias Miller. Although Christian visited Whitehaven frequently and stayed for long periods of time, he never lived there permanently, and neither he nor Williamson nor Miller (until 1701) were tenants of Sir John. Nevertheless Christian invested money in the district and began purchasing colliery leases in Corkickle, Hensingham, Distington and Moresby. Thomas Addison, acting Searcher, Collector and Controller, then King's Searcher from 1669 to 1684, though he had an inherited estate in the country at Torpenhow,

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1956. He quotes Sir George Downing, who pointed out that Dutch holds were large, the hulls above water shallow and the crews small, whereas English ships were the reverse.

<sup>9</sup> J. L. to T.T. 7 Feb. 1688.



made Whitehaven his principal residence. He took several contiguous plots of land under the new tenure and built one of the town's biggest houses. He developed extensive interests in iron-ore shipped out through Whitehaven, in a ropery, a millstone quarry and a malt-making enterprise. He leased a coal mine and two saltpans at Lowca from Henry Curwen of Workington, using the small coal to make salt and selling the better quality coal to ships; and, as Tickell reported, no merchant dared refuse his coal and salt.<sup>10</sup> In early 1673 Addison succeeded George Williamson in what Tickell (who had an eye on it for himself) regarded as Williamson's most profitable appointment, Receiver for the Hearth Tax for Cumberland and Westmorland. He began to purchase collieries in and around Moresby in 1674. He married as his first wife the daughter of David Hamilton, and William Kirkby, Surveyor of the coast of Cumberland and Lancashire stood as godfather to their first child. Addison's brother Henry was a customs waiter and a third brother John settled in Maryland in 1677 and from there freighted tobacco to Whitehaven. These private interests and connections were formally incompatible with Addison's position and clearly conflicted with its duties. Equally clearly, such conflict was widespread in the Customs service and was overlooked unless and until actual fraud could be proved. The fourth officer at Whitehaven, appointed by warrant and therefore not a patent officer, was Thomas Tickell himself as Surveyor. The three patent officers collected the greater part of their income not from their official salaries but on the fees they were permitted to charge for their services in the port. The Controller's salary was £10 a year, the Searcher's £20, and the Customer's £32 according to Tickell in 1672. The first made not more than £30 in fees, the second £60 and third £50.<sup>11</sup>

Tickell frequently grumbled to Lowther about Addison's and Christian's activities in particular and what he saw as their interference in matters concerning

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10 T.T. 20 July 1668, 15 May 1669.

11 T.T. 30 Sept. 1672: "[the Controller's] salary £10 per annum ... his fees in the whole port seldom making £30 p.a. ... [the Customer's] is £32 salary and about 2/3 more fees than the Controller's, and Searcher's viz that of T. Addison next which is £20 salary and his fees double to the Controller's...."

Lowther and his tenants, as they "for the better management of their designs contrive plots to engage your tenants and your neighbours to suits in law with you, frequently slighting and vilifying your person, parts, and interest..."<sup>12</sup> Lowther did consider the possibility of getting rid of an undesirable Customs officer, especially one antagonistic to his interest. He collected copies of the patents and the oaths of the Carlisle officers and in 1678 as Christian and Addison took a leading part in the difference between Sir John and his tenants and the ship masters, he queried his lawyer whether such officers could be dismissed at pleasure or only if convicted of misdemeanor, the steps necessary to gain their dismissal, and if the officers were obliged to reside at Whitehaven.<sup>13</sup> In fact he never tried to have any of them removed in spite of Tickell's frequent exhortations.<sup>14</sup>

Thomas Tickell, who did not himself become a Customs official until 1671, had earlier described how rigorously such officials could interpret regulations and curtail previously accepted local practices. In 1668, by direction of William Kirkby, the officers forbade sailors to carry any "portage" or small quantities of cargo on their own account without a warrant: in particular Irish beef, landed as "ship's provisions", but often sold illegally in the town to friends and neighbours. Two Justices of the Peace, Colonel John Lamplugh and Richard Patrickson of Calder, intervened and the seamen were allowed to continue importing small quantities. More ominous than this, in March 1668 Thomas Addison, upon another directive from Kirkby, moved to raise by nearly a third the measure of all the ships entered at the Customs House, by which the 12d a chaldron duty on their cargoes of coal was assessed. Thirty years later, when a bill to impose new duties on coal, to be exacted at the pithead, was before parliament, John Gale described the traditional method of charging duty at the harbour:

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<sup>12</sup> T.T. 22 March 1677.

<sup>13</sup> D/Lons/W, Whitehaven, Various papers ...Item 20.

<sup>14</sup> T.T. 18 Sept. 1671, 23 June 1673, 12 March 1674, 25 June 1677 ("to weaken the old caballers, your inveterate enemies."), 9 Dec. 1678, 26 April 1679, 16 Feb. 1680 and 3 Aug. 1683, when he suggested Addison's removal as the "only remedy for the quiet of this place."

"Sir, the Custom officers, when they are commanded to attend a particular ship's lading of coals, (an unknown new ship, or the like) they duly attend such ship till they have got a good estimate of her lading, and ever after they keep the master up to that entry, which if he submit to, and pay his duty accordingly, they never give him further trouble; and thus at all such times of admeasurement, the master forbears to fill his ship so full, as at other times he would. Whereby he saves ordinarily 10 or 15 chalder in 100, and for this reason it is that our masters are extreme nice in the discovery of what chalder their ships take in."<sup>15</sup>

The normal margin of undermeasurement had declined since 1667, when Tickell reported that the Customs farmers "collect but two thirds of the whole and rather less",<sup>16</sup> but subject to some such standard aberration the Customs officers reckoned to know the capacity of each ship in chaldrons. Converting from chaldrons to the local colliery measure of tons consisting of eight sacks each was not, however, a matter of simple arithmetic. First the sacks themselves, or their contents, were not standardised: some collieries would offer an extra two or three gallons in each sack more than others as an inducement to purchasers, while on the other side there were constant complaints from the ships of underfilled sacks. And even if the contents of a sack were agreed *pro forma* to be 24 gallons, there was no lasting agreement as to how many sacks constituted a chaldron, for the Whitehaven chaldron itself was not calibrated against a central standard, and differed from the chaldron in use at London and still others at Newcastle, Liverpool and elsewhere. Ships' entries could thus be raised not only by remeasurement but by a fresh determination of the size of the chaldron, and since Addison's proposed raising of the entries in 1668 was evidently uniform, he perhaps intended an application of the second method.

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15 J.G. to J.L. 27 April 1698, *Lowther Correspondence* 511, the third of five long letters from Gale on the proposed new coal tax, all full of vivid detail and penned in his most trenchant, vigorous style, for which the occasion called, since the proposals were not only damaging to Whitehaven but would have made him the principal channel through which the damage would accrue. He wrote this one "partly to answer your numbers 8 and 9" (not extant), in which Lowther presumably sought to check his memory of practice at Whitehaven for the parliamentary battle ahead.

16 T.T. 27 May 1667.

Whether he stuck to it is not clear. In any case another determination of the chaldron in 1671 set it at 18 sacks. But there was much more dispute to come in the 1680's.

The officers also demanded higher fees for attending each ship and a number of the masters petitioned the King concerning the level of fees they exacted, and Tickell wrote to Lowther that trade declined daily, to the discontent of all except the new Customs farmers, "who for private lucre" harrassed the masters "by quotidian augmentation of their vexatious exactions", measuring the vessels every time they loaded unless the masters submitted to the new fees.<sup>17</sup> Disturbed at the increasing sway of the Customs officials, and in spite of his earlier fears that they would become even more strict in ship-measuring if their fees were restricted, Lowther instructed Tickell to ascertain the level of fees charged in the past.<sup>18</sup> However, the scale of fees had varied, as did men's memories of them, and Tickell since his initial complaint in 1668 had acquired several colliery leases and ship shares on his own account, and so had no wish to alienate the officers who would undoubtedly retaliate. Nevertheless he sought to turn his dilemma to good account by urging Lowther to renew his efforts to gain for him a Customs position, so that he could then question the exaction of fees, "whereas now unconcerned 'twill prove great folly in me (for no profit) to contract enmity with men who are always friendly in my occasions."<sup>19</sup>

Lowther decided not to pursue the matter vigorously: his efforts on behalf of the ship masters were conditional on their buying his coal in preference to any other and on his terms. The coal trade over the years had developed routines of measuring and loading which tended to harden into custom and become the focal points of disputes between masters and colliery owners. In 1672, the masters combined for the first time against the colliery owners to refuse to load sacks which contained less than 30 gallons of coal each. In 1632, Sir Christopher Lowther had

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17 1 June 1668.

18 J.L. 5 June 1669.

19 20 Sept. 1669.

noted that the coal sacks at Whitehaven, supposedly of 30 gallons, generally only held 28, because the horses were in too poor a condition to carry the greater weight.<sup>20</sup> By 1672, the size of the average sack had declined to about 24 gallons and in the face of the ship-masters' combination the local colliery owners agreed among themselves to maintain it at that standard. Lowther had no wish to encourage any combination by the ship masters, but he was equally anxious to discourage the other colliery owners and saw how to turn the dispute to his own advantage and instead of falling in with the other owners, instructed Tickell to keep in mind that the larger the measure, the greater the advantage to the pits close to the harbour, especially in winter time.<sup>21</sup> Sir John realised that the horses could carry the larger sacks the relatively short distance from his pits to the harbour, but would find it heavy going to carry this weight from more distant collieries, especially along boggy pathways. The combination of masters did not last, and they began again to accept the smaller sacks of coal and at the same price as before; one can only assume because they preferred not to buy solely from Lowther even though he offered the size of sack they wanted. But their grievance over being given short measure surfaced again in another dispute a couple of years later; a dispute in which they had the support of their erstwhile opponents, the Customs officers.

By early 1673, they had come to some kind of tacit agreement with the Customs officers over the level of fees charged. Lowther believed they had done so to prevent a plethora of lawsuits. Tickell later claimed that when the merchant Timothy Haddock of Carlisle agreed to the level of fees, Addison promised to exempt him from them while he was an officer, "the benefit of which agreement he hath hitherto reaped." Much later still, William Gilpin hinted at even wider and more fruitful agreement: when in 1697 he asked Lowther to have the table of fees formally settled by an act of parliament, Gilpin referred to an earlier agreement made between the then traders and Customs officials which the present traders no

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<sup>20</sup> *Surtees* 189, p. 43. "In coals .... the measure at Whitehaven (is) Chester band, viz 30 gallons, but come there it is not so good as 30 for the horses that bring them are poor and weak and they never measure but fills the sack which holdeth but 28, I think."

<sup>21</sup> 19 March 1672.

longer wanted to follow, because the benefits no longer existed.<sup>22</sup> Perhaps early in 1673 the officers agreed to turn a blind eye to the undermeasurement of ships in return for the masters' acquiescence with their fees. For whether or not Addison's raising of the ship entries in 1668 was perpetuated, under-measurement certainly continued as a standard practice well into the next century.<sup>23</sup>

Meanwhile Tickell, together with Thomas Jackson, had instituted a system of selling and loading coal which took maximum advantage of their positions as agents for the chief colliery owner (who also had jurisdiction of the harbour and foreshore), of their own private interests in shipping and collieries, and of Tickell's position as a Custom official. In selling their own or Lowther's coal the two stewards favoured ships in which they had a share or ships whose masters purchased their coal without disputing price, measure or quality of coal, thus bypassing what the other masters claimed was a well-established local custom of the harbour: to load ships in strict order or "turn".<sup>24</sup> Keeping "turns" was not just a method of keeping order in an often congested harbour; it was also a way of forcing the owners to send down enough coal to supply all the ships, especially in winter when Dublin paid a higher price. All the masters were anxious to share such a winter harvest and it was therefore an additional complaint of theirs that Lowther would not permit summertime accumulation of a winter supply in steathes. It was also a means by which the individual master could force the owners to sell him good measure: otherwise there would always be some ship eager to be loaded out of turn, no matter how small the coal or the measure, "rather than lie long in that dangerous harbour in the winter time...."<sup>25</sup> As it was, the stewards were loading ships they wished to favour, forcing the remainder to accept poorer quality coal

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22 "Your honour is sensible how that agreement was obtained. And they (the traders) say further that they have no expectations now of any underhand favours ...." W.G. to J.L. Jan. 1697, *Lowther Correspondence* 331.

23 see Chapter Four below. J.L. to William Musgrave, 16 June 1677 in D/Lons/W, Letter books, Rough Copies 1675-1689; T.T. to J.L. 4 June 1677.

24 A report dated 9 November 1674 described the custom as .... "the ancient custom that all ships, barks and vessels that first did come within the Heads of St. Bees and so to Whitehaven to load coals should first be laden and all other vessells successively." D/Lons/W, Commonplace Book 1671-1689 "An abstract..." fo. 16.

25 *ibid*, fo. 17.

which they would find harder to sell in Dublin. In addition, the ships forced to wait for loading arrived in Dublin well behind and ran the risk of finding a glutted market.

In May 1674, the masters banded together under the leadership of William Atkinson and John Gale the elder and engaged the lawyer John Aglionby to advise them. Encouraged by the two Customs officials, Christian and Addison, they implemented a scheme to raise money for the proposed law-suit against Lowther and his stewards by levying each ship at the rate of 6d for every chalder of coal they carried. To strengthen their case, they appealed to an outside authority who had a direct interest in the Whitehaven coal trade. Atkinson drew up a petition addressed jointly to the Earl of Essex, then Lord Lieutenant of Ireland and to the Lord Mayor of Dublin. They argued that the stewards' actions not only contravened their local custom but would force vessels presently engaged in the coal trade to turn to other cargoes and ports, leaving Dublin poorly supplied. They complained of Tickell and Jackson organising a virtual monopoly of twelve out of the fourteen local collieries, putting the sale of all their coal entirely into Jackson's hands, who now threatened to sell the masters no coal at all unless they paid the price he demanded, loaded in what order he pleased and accepted whatever measure and quality he offered. To sever this double monopoly of coal and harbour, the masters wanted the city of Dublin to pass a by-law forbidding the sale in Dublin of any coal from Whitehaven which had been loaded out of turn.<sup>26</sup> Tickell wrote at once to Lowther to justify his actions (of which Lowther evidently had no previous knowledge) arguing that once the masters succeeded in constraining the colliery owners to load strictly by turn, they would next combine to force down the price, or increase the measure of coal. In direct opposition to the petitioners' claim that the stewards' arbitrary methods had driven away ships of Liverpool and Chester, Tickell claimed that liberty to serve freely gave the stewards the opportunity to encourage such ships.<sup>27</sup>

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<sup>26</sup> *ibid*, fo. 14 ff.

<sup>27</sup> 19 May 1674. Tickell added as a postscript a note about the tardy payments for coal by the masters: "when men load in turns they will be more forward to receive than pay whereas freedom will secure both."

A more detailed submission, and a report on it drawn up by the mayor and aldermen of Dublin, expanded on the masters' grievances against Tickell and Jackson:

"very few will or dare appear publicly against their practices. And the people having no other livelyhood but their trade to follow are forced to submit and truckle to the proud tyrannical humours of the aforesaid stewards; no magistrate or government in the town to relieve them when they are oppressed."<sup>28</sup>

They also claimed that the higher price Dublin now paid for coal resulted from Lowther's alleged engrossing of the trade and the practice of serving ships out of turn.<sup>29</sup> Lowther, for his part, as he pondered the overall management and control of the harbour, kept foremost in mind his vital economic need not to be excluded from his own harbour by shipmasters combining against him in this way, and his need to maintain all the authority he could in the harbour. He took the complaints and the petition seriously, alarmed that any outside authority might attempt to impose on his right to order the affairs of the harbour, and at the same time annoyed by the masters' efforts to establish a "custom" which he believed detrimental to his interest. He instructed Tickell to observe loading by turn as a general rule to take the heat out of the current dispute, but to make an occasional exception "to show the folly of those that seek redress where it is not to be had", and to maintain his right to do so.<sup>30</sup> Nevertheless by the end of the year Lowther was seriously embarrassed by the scale of the dispute. He had already good reason to be dissatisfied with Jackson's stewardship and on the 19th of January wrote to Tickell, "the report of his actings, and your connivance, has made such a noise here, as will call me down before the season will well permit." He arrived in March and promptly dismissed Jackson.

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28 D/Lons/W, Commonplace Book, 1671-1689 "An abstract...", fo. 17.

29 *ibid*, fo. 19.

30 23 June 1674.



Meanwhile on the 27th of February, the city of Dublin, to which the lord lieutenant had referred the master's petition, recommended that its proposals of serving ships strictly in turn be adopted. Essex transmitted the papers to the Privy Council in England whose Committee for Trade reported on the 11th of July that Lowther had appeared before them and explained that the dearness of coal in Dublin was caused by the sudden failure of three or four pits at Whitehaven and that the masters' complaints were fuelled chiefly by William Atkinson his former colliery steward who had been displaced by Jackson, and that Lowther promised to redress the complaints.<sup>31</sup> The committee recommended that if Dublin did not find this promise made good then the lord lieutenant should enable them to make a by-law regulating ~~the importing~~ the imports from Whitehaven and the Privy Council gave approval on August 5th. Lowther meanwhile had believed that his excuses and promises had settled the matter in his favour. On hearing the Privy Council's order he prayed for its recall "till the truth of the said complaint be made out before his majesty and not elsewhere". On 22nd October the Council, Essex being now present, did suspend the order, "until such time as the complainants shall appear at this board to make out their allegations."<sup>32</sup> During all these passages in London there is no sign that the petitioners ever attended the Privy Council and not even Tickell appears to know what had happened. By allowing loading in turns to be resumed as a general rule, Lowther had placated Dublin, making it seem to be of his own good will, and thus prevented the "custom" being confirmed by a governmental directive. The ship masters' methods in this dispute set the pattern for their future efforts: combining together and appointing one or two spokesman, employing a lawyer and paying for the case by levying each ship and above all by appealing to an outside authority to take their part, in this instance the city of Dublin.

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31 Since 1672 there had been a series of falls both at Drift and Greenbank which hindered production - T.T. 9 Sep. 1672, J.L. to T.T. 20 Oct. 1674, T.T. Jan. 1675.

32 D/Lons/W, Commonplace Book, 1671-1689, "An abstract..." ff 21-24.

The Whitehaven masters may have achieved even more than the restoration of turns. Sir John, a few years later in 1678, argued that by reason of their increasing numbers they had in effect monopolised his harbour by successfully excluding ships from elsewhere, much to his detriment: "since now they can set what price they please upon the coal owners and make combinations and confederacies not practicable heretofore when strangers carried on the greatest part of the trade."<sup>33</sup> Thomas Jackson had sounded the first warning of this in 1674 during the dispute over turns, arguing that if the masters combined successfully over that issue, they would next combine to lower the price. He arranged a combination of colliery owners to maintain it at 3s, but the attempt failed because two of the Moresby owners, John Ponsonby and Anthony Patrickson, offered their small (but lesser quality) coal at 2s 8d. The other Moresby owners immediately lowered to 2s 10d, and the masters, whom Tickell termed "the factious party" concentrated on buying Moresby coal for the next few weeks until the price steadied again at 3s.<sup>34</sup> Although Tickell warned that it could not be maintained much longer, it remained at 3s in the Greenbank colliery accounts up to August 1675, when upon the advent of Richard Bettsworth as coal steward those accounts ceased to list sales to the ships. However, when Bettsworth died in office two years later his estate was charged with the value of missing coal tokens "here valued at 4d each", corresponding to a price of 2s 8d a ton, and in September and October 1677 Tickell recorded that Richard Lamplugh was offering a regular price of 2s 8d but with a discount of 4d to purchasers who took Lowther's coal only. Tickell himself believed that the "old price of 2s 8d would vent more coals and get more moneys."<sup>35</sup> Evidently by October 1677, 2s 8d had been the price long enough for it to be the "old" price. Such a reduction could hardly have gone unremarked in the correspondence, so we can be confident that it happened while Lowther was at Whitehaven between March and September 1676. Some remarks made by Lowther

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<sup>33</sup> D/Lons/W, Whitehaven, "Various papers ...item 20.

<sup>34</sup> T.T. 10 Aug. 1674.

<sup>35</sup> D/Lons/W Whitehaven, 41 miscellaneous papers, 1676 - 1794. The account was drawn up in September. T.T.17 Sept., 29 Oct. 1677.

many years later in 1698 and 1699 seem to recall this occasion. "[The price] was formerly 3s", he wrote to Gilpin, "until I came to work at a watercharge, which put it into the power of the owners of ships to impose that price they pleased."<sup>36</sup> The following year he elaborated on this explanation in several drafts of a letter to Christopher Carleton in Dublin:

"My case is this, I by water gins and the help of foreign artists, recovered collieries, which others had given over and left surcharged with water. I had no sooner done this and put myself under a water charge, but all the ships here combined not to take coals but at an abatement of price, less than ever was paid before. I submitted rather than lose the works.

In two other versions, he explained the price had been 3s a ton, but the masters forced it down to eight groats (ie. 2s 8d), once again linking their combination to his water charge.<sup>37</sup> Sir John dated the combination merely as "some years ago", but it must refer back to 1676, the year he installed a water gin and employed "foreign artists" from Newcastle. It cannot refer to a price reduction in the 1690's, as Beckett asserts, apparently on the evidence of Sir John's letter to Carleton quoted above.<sup>38</sup> After 1677, the price remained at 2s 8d throughout the period of the Tickell correspondence as also in the correspondence between Gale, Gilpin and Lowther which ends in August 1698 with Lowther's removal to Whitehaven. None of Lowther's draft letters written during 1698 and 1699, some of which refer to the coal trade, mention a current price variation. Lowther's displeasure with the masters does indeed make it sound as if the combination to lower the price had occurred only the last week, or the last month, but in fact it must refer to events of over twenty years before.

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<sup>36</sup> 11 Jan. 1698, *Lowther Correspondence* 433.

<sup>37</sup> "Being satisfied with this price of 3s and designing an enlargement of trade I put myself under a water charge, great levels and water gins, which the ships no sooner perceived but unanimously they refused all coals unless at eight groats, the consequences I must either comply, or lose my [collieries] for ever ..." J.L. to Christopher Carleton, May 1699 in D/Lons/W, Letter Books, 'J L vol.2nd Apr. 24,'99'.

<sup>38</sup> Though the recipient's name appears as Caledon in his footnote; Beckett, *Coal and Tobacco*, p. 87.

The report from Dublin on the masters' petition had noted the harbour as "dangerous". The masters themselves had been concerned about its deteriorating state since at least 1668 when Tickell forwarded a petition from them to Lowther, in which they suggested that if a new pier could not be built on public account, then Lowther could have an act of parliament passed to "confirm such advantages to yourself as may engage you to do it upon your own purse." Tickell, who had himself already represented the urgent necessity for improving the harbour, explained in his accompanying letter that any voluntary contributions of the inhabitants would be insignificant, but if the harbour could not be made safe, the town and its trade would continue to decline.<sup>39</sup> Lowther replied to their petition evasively and it appears that he did not address them directly but sent a message via Tickell to assure them:

"it is not more in their wishes than in my real intentions to do it, so soon as either my ability or my interest shall capacitate me, which if not so easy as they hope, let them rather imagine difficulties they are unacquainted with than that I slip any opportunity."<sup>40</sup>

Sir John had been given good reason to hesitate before committing himself to any investment. Scarcely had he been delivered out of the hands of Committee Men and Sequestrators when flying squadrons of former Cavaliers irrupted upon him, encouraged to find their own rewards for past loyalty at no expense and some further advantage to the crown. In June 1664 a warrant was issued for a commission to one such consortium, headed by the Irish Earl of Carlingford, to enquire into lands in Cumberland "derelict by the sea", that is, privately reclaimed from it in disregard of royal rights in the foreshore, with particular mention of Whitehaven.<sup>41</sup> The Commissioners were to have a lease at easy rates of all they discovered, and they returned the pier, saltpans, steaths and a swathe of seventeen

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39 18 March 1668.

40 31 March 1668.

41 Carlingford stood high in the queue for reward (C.T.B. vol.1 p.695) but had no connection with Cumberland. Neither had his coadjutor Sir Edward Green. The third member of the group, William Dyke, Serjeant of the Scullery, was evidently the informer with the necessary local knowledge; see his later petition, C.S.P.D. Chas.II vol. CCLXX no. 23.

tenants' houses, stretching from the neighbourhood of the Chapel on the Sandhills to Oliver Wright's by the harbour edge, with an improved annual value estimated at £400, as built upon such derelict land.

The lawyer to whom Lowther turned for advice on his rights emphasised the importance of enquiring into ancient usage, "for that upon the usage accordingly much doth depend". He noted that previous lords of the manor had had the benefit of an ancient pier where the present one now stood, and had gathered coals from the rocks along the sea shore, and called these "very good evidences" that the land between the high and low water marks belonged to the manor.<sup>42</sup> Sir John had earlier petitioned in February 1665 to have his prescriptive right corroborated and Whitehaven excepted out of the commission. By the 24th of April he had prevailed only so far as to obtain separate consideration for his town and harbour and his own particular claims within them and confirmation of whatever was found to be his: on that day the Commissioners had two new warrants for their grants, one including Whitehaven, the other not. On the 27th Lowther submitted a second petition, for a grant to himself "for quieting him and his posterities from the like trouble hereafter and securing his title thereto". Next day the Carlingford group counter-petitioned to protect themselves against both him and a rival syndicate which was claiming prior discovery. The matter was referred to Lord Treasurer Southampton and Lord Ashley, Chancellor of the Exchequer, and while they examined the cases of the respective parties, Sir John, as the party in possession, petitioned a third time for no grant to pass before their report. On 13th June they came down in his favour, and a grant of the premises accordingly passed the Privy Seal the following November, but all was not yet settled, for in April 1667 Ashley heard evidence on a further petition from Carlingford, who had been abroad on a diplomatic mission at the time of the grant, praying for its resumption if Lowther would not compensate the discoverers. Ashley's report in August simply rehearsed the history of the case, observed that the King's grant to Lowther had frustrated his

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<sup>42</sup> Opinion of J. Turner, 17 Nov. 1666, copy in D/Lons/W Registers: "Commonplace Book".

intended beneficence to Carlingford and made no recommendation. He further observed that the premises would probably have yielded the Commissioners the £400 a year at which they had valued them, if they could have obtained them on the crown title, for that "would have avoided several estates granted by Sir John Lowther and his father to which Sir John is now in justice obliged, and which makes the things of far less value to him."<sup>43</sup> That is to say, he recognized that the Lowther tenants had an equitable interest in the houses they had built. But whatever Sir John may have said at the hearings to excuse himself from buying off his competitors, in his petition he was claiming all the equity as well as prescription and title: as he laconically put it, on the understanding that the soil belonged to the manor "your petitioner's ancestors did erect a pier upon the said soil, which occasioned some buildings upon or near the same."<sup>44</sup> This bare statement he was to expand, develop and elaborate by several stages during the next forty years into a detailed case as he defended his control of Whitehaven and its harbour against the counterclaims of his tenants.

That controversy over the grant itself had not ceased is shown by Tickell's elliptic reports of two conversational exchanges with the Customer William Christian in 1671, from which we can reconstruct Christian's arguments as follows: Sir John claimed a title to the pier, though he really had none, and would not accept a subsidy for its improvement from the Royal Custom revenue because he feared that would weaken his claim; and if it were not for Lowther's claim the improvement could and would long since have been subsidised.<sup>45</sup> Lowther certainly had earlier shown some nervousness on this score. On 15 May 1667 he wrote to Tickell, asking him to take particular care not to leave the records

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43 C.S.P.D. Chas. II, vols. XCIX no. 58, CXII no. 76, CXIX nos.13, 45, 65, CXXII no. 106, CXXIV no. 118, CXXV no. 81, CXXII no. 11, D/Lons/W St. Bees, miscellaneous papers relating to the manor, bundle 21.

44 C.S.P.D. vol. CXIX, no. 45.

45 The first exchange was described in Tickell's first draught of his letter of 3 Oct.1671 but subsequently crossed out: "I told Mr. Christian upon the key that I now hoped the Customs being managed by his Majestie something might be obtained to enlarge the key etc., which he says you are averse to and will not suffer it by reason you challenge it"; the second exchange on 20 Oct. was to the effect that: "this key is not yours and if it were not it might have been long since mended and would yet if you were not."

concerning the collection of pierage dues at the custom house,"least after times suppose we derive our title from thence."

It was Christian who took the lead in a new undertaking about the pier. At the end of 1674, when the dispute over loading in turns was still unresolved, he persuaded the masters to allow 6d per chalder of coal for three voyages towards the building of a completely new quay. At the same time William Fletcher revived a notion which he had entertained as early as 1667 of building a pier at Parton inlet on the shoreline of his own manor at Moresby, just two miles to the north. Normally impecunious, he had the previous year reaped a windfall of £800 on his second marriage. Lowther seems to have been taken by surprise but was not unduly alarmed, expecting nothing but "noise" from the proposal, yet wishing to be kept fully informed.<sup>46</sup> In January 1675 a Newcastle architect viewed Parton and estimated the cost of building there "above £1,000." He was invited to Whitehaven and estimated for a completely new pier there £4,000, but as an alternative recommended strengthening and lengthening the existing pier "under the expence of £1,000".<sup>47</sup> Christian's backers immediately fell away and redirected their attentions to Sir John's pier, but their reception was a cool one: "I would not have Christian desist from his undertaking, that the town better understand him and themselves."<sup>48</sup>

The subject of the pier does not recur in the correspondence until September 1677. Lowther was at Whitehaven in March 1675 and in the north of England for much of 1676. He increased his visible presence in and around the town by purchasing Flatt Hall and tenement, Mirehouse tenement, and a number of collieries and royalties to coal, thereby gaining more coal-bearing land and reducing the number of other colliery owners, activities viewed with unease by the shipmasters. While he was in Whitehaven, he doubtless discussed the issues of harbour development but evidently to little purpose for no sooner had he returned to London

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46 J.L. to T.T. 15 Dec. 1674.

47 T.T. 18 Jan. 1675.

48 J.L. to T.T. 26 Jan. 1675. Lowther later referred to this proposal as an undertaking "which will entangle the traders which must pay for it."- 22 May, 1677.

than on October 24th 1676 the Customs officers once again took the initiative and petitioned the Commissioners of Customs to appoint limits for a Customs wharf at Whitehaven; yet another attempt to break Lowther's monopoly of the harbour by providing merchants with space outside Lowther's jurisdiction. Tickell believed that Christian promoted the scheme specifically to gain a place for the colliery owners to set down coal sacks without paying a steathing charge to Lowther.<sup>49</sup> Sir John thereupon made a very rough set of "Notes and queries concerning keys and wharfs" and his rights to prohibit or charge for their use, but one of these notes, though barely legible seems to imply that though he had considered enlarging the harbour, he still did not regard it as urgently necessary.<sup>50</sup> Next, Lowther revived the issue of the customs fees, hoping to break the alliance between the Customs officers and the ships' masters. He wrote concerning the proposed wharf to Tickell, "that and all things else will turn upon their own heads. By this post will come a letter to your Custom house requiring an account by what authority the fees are there taken," and instructed him to calculate how much the masters would save if the table of fees used at Liverpool were to be instituted at Whitehaven. When the masters realised the extent of such saving, Lowther believed that collaboration would cease. He warned them not to trust "those who cannot help them", referring in particular to Christian's "indecent petitions."<sup>51</sup> Tickell rounded up twenty witnesses to attest the novelty of the ruling scale of fees: Addison vowed that "the said traders should be increased in their entries, or else forfeited by importing [Irish] beef", and, startled by the like "menaces and wheedles", the majority of the masters refused to testify, Lowther's plan to divide the alliance failed, and no new table of fees was established.<sup>52</sup> Addison retaliated further by persuading William Fletcher to stack sacks of his coal along the foreshore as they were led down, hoping to provoke the stewards into cutting them open, which they duly did. This

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49 T.T. 13 Nov. 1676. "which freedom to infringe your liberties seemed to me to be the principal design of Mr. Christian and others."

50 D/Lons/W, Letter Books, Rough Copies 1675-1689.

51 J.L. to T.T. 16 Jan. 1677.

52 T.T. 27 Jan., 16 Feb. 1677.



gave Fletcher grounds for an action at common law in which perhaps the hope was not so much that Fletcher would win, but that Sir John to verify his title to the foreshore would be compelled to produce his patent of 1665, the terms of which he had probably never disclosed. This coincided with the opening of a second front, when Addison and his wife (Hamilton's daughter)

"spake much for a better settlement of their houses, and that they will spend theirs [sc. all they possessed] in Whitehaven upon the lawyers to compel you to it, and ever since I can scarce speak with any in Whitehaven but they tell me the great rage Thomas Addison is in against you, inducing all the new tenants to join with him to try with you at law for a better settlement in your lifetime of their houses here, without which all such houses will due to your heir after your death."<sup>53</sup>

Disquiet over the new tenure had been simmering for some time. In May 1674 three of his "most busiest" opponents, as Lowther called them without naming names, went to London to raise the issue with him.<sup>54</sup> The agitators complained "that they have no estates in law, so desire either to have freehold in their houses, or leases of 1,000 years, or anything might give them a legal title to what they have." So Sir John wrote to his uncle and step-father at Lowther on the 9th of May. He sought advice "which way I may best make an alteration herein, so as to encourage them to build, and I still retain in substance what I now have," and in the intimacy of this correspondence readily acknowledged the strength of the case now being put against him: "for of the deficiency of their estates I can have no benefit in Equity how much soever the law be for me."<sup>55</sup> At the same time he enquired of Tickell if there was a widespread anxiety over the tenure, who reassured him: "I never heard any grave, judicious person object against it save your father-in-law at Lowther who said such a created estate could not be but when I answered that time

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<sup>53</sup> T.T. 4, 9, 22 Feb. 1677.

<sup>54</sup> See Appendix A.

<sup>55</sup> J.L. to Lady Lowther of Lowther, containing his query, 9 May 1674, D/Lons L Acc 5, letters 1562-1685.

would make it customary if not interrupted he seemed satisfied."<sup>56</sup> Tickell saw no reason to change the existing system "whose fountain is 29-years old already ... if your heir do not question it I hope it may continue unalterable like the Medes, etc."<sup>57</sup> Nonetheless, on 19th February 1677 a body of tenants including Addison, Hamilton and Gale wrote to Sir John that they had been "too certainly informed" by their counsel that their titles to their houses and improvements, ("whereon several thousand pounds are disbursed") were "lame and deficient in law" and by that consideration, backed by "the cries and tears of our wives and children", were moved to approach him to make good a promise which they held he had made to them during his sojourn at Whitehaven the previous year to amend their situation when he returned to London, "where you were pleased to say your papers lay and counsel was that best understood both your affairs and ours."<sup>58</sup> Only half of the sixty New Tenants who appear on the next year's rental signed this plea, and not all the signatories were entirely sincere: Tickell was able to persuade Richard Dixon to sign, "to discover their designs and whom I promised to excuse to you for his subscription." But Addison and the elder Gale went to work on the rest, provoking a battle-weary Tickell to observe: "such ingrateful people as these no persons can oblige, for condescensions whet their litigious appetites, never to be satisfied or quieted, until they fall into their primitive dust."<sup>59</sup>

In May Thomas Addison put in his bill in Chancery on behalf of 44 New Tenants or their representatives, in which, next in order after the gentlemen Addison, Gale and Hamilton, was named Christopher Grayson, orphan infant son of Henry and grandson of Isabella and Christopher, the builder of the first house on the Sandhills. Addison claimed that the tenants and their predecessors had been invited and encouraged by the Lowthers to take land and build upon the assurance

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56 John Norden would have agreed: "You cannot make any new custom, although all tenants consent willingly thereto; yet if such ... were made and continued without any contradiction of posterities, time might create a new custom, by prescription", *The Surveyor's Dialogue*, Book II. "Your father-in-law" refers to Sir John Lowther of Lowther (obit 1675), actually Lowther's uncle, although Sir John had married his stepdaughter.

57 19 May 1674.

58 D/Lons/W Commonplace Book, 1671-189. "an abstract...", fo.27.

59 22 Feb. 1677.

that they were to be given good estates in law: on this confidence alone they had laid out many thousands of pounds and "the said houses were built and improvements made and the said town erected which otherwise could not have been done." Being unskilled in the law they had relied on the word of the Lowthers who "wished the said contractors no further to trouble themselves therein, assuring them they should have fixed and good estates to them and their heirs duly and legally made and executed to them." All they had obtained were copyhold admittances in the manorial court or, outside the court, admittances signed by the lord or steward, "having until recently thought they had good titles and estates, they had now been advised that in law they had none." They had applied to Sir John for the remedy which in Equity and good conscience he ought to make them but he "hath utterly refused... and denied all promises" saying that they "were by original contract ... to be only tenants at will", that they were not obliged to build, that he could turn them out and need not recognize any transfer of title by purchase. Addison adroitly inverted the tactics the Old Tenants had used by claiming that the customary estate the Lowthers pretended they had granted was void because there was no custom; and if there ever had been then Lowther himself had broken it by signing the deed with the Old Tenants. To add colour to the bill, he took some care to describe the development of Whitehaven, arguing that the Lowthers had initially made very little profit from their coal-mines for lack of ships and sailors, and for that reason and that alone, encouraged new settlers, and because of the newcomers' building and working, Whitehaven had grown into a considerable town and trading port, to the advantage not only of the Lowthers but of the King's revenue and the country at large. Addison emphasized the large amounts of money the tenants had laid out on their houses ("some of them all, and some more than all and the rest a great part of their estates"): in effect arguing their case to have a legal estate through their deserts and putting their capital investment into the balance to offset that made by the Lowthers.<sup>60</sup>

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60 D/Lons/W Legal Papers. Transcript of Gale and Addison v. Lowther.

Since at least 1676 Lowther had been collecting a dossier of questions concerning his rights in the harbour and the new tenure, making notes and rough outlines of various proposals or concessions he might make if forced. For though he was confident of defending his position at common law he was uneasily aware that it might be challenged in equity.<sup>61</sup> In 1677, with Whitehaven harbour no longer large enough for the increasing volume of shipping it served and with its pier dilapidated, Lowther would soon have to decide either to improve it entirely at his own cost or combine with the shipowners in a joint project, and thereby possibly lose some degree of control. The tenants could use his urgent need to improve the harbour as a means not only to wring concessions from him over the use of the harbour but also to settle the doubt over their tenures by obtaining the freehold of their houses. As Lowther focused his questions to the lawyers more precisely and draughted an answer to Addison's bill, he filled out his earlier very brief description of the development of Whitehaven with more and more detail, always insisting that Whitehaven had developed because of his family's enterprise, growing from a few small cottages, a little wooden pier and three or four small ships to a thriving town of "eighty or ninety of the best built houses in all that country" and a harbour which sheltered thirty ships.<sup>62</sup> In his letters to the town and some to Tickell which were intended to be shown to leading townsmen, he assured them of his ready compliance with any reasonable scheme. When addressing his lawyers, he is careful to find out what he might be compelled to do, and if forced to grant some concessions, how he could minimize their consequence. But his own concluding remark to the lawyers reveals his concern to play safe and give away as little as he could: "in all to reserve what power I can to myself."

In September 1677, the masters began to raise money for a pier extension at Whitehaven but threatened that if Lowther would not grant them some concessions they would use the money in collaboration with William Fletcher to set up a rival

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61 For the dossier, see D/Lons/W, Whitehaven, "Various papers ...item 20.

62 See Appendix A. For another version, written at much the same time, see D/Lons/W Whitehaven, Various papers...item 85.

harbour at Parton.<sup>63</sup> In October they wrote a strongly worded letter to Lowther outlining their plans and demands. Fletcher had offered either to pay 2d per ton of coal bought from his pits for one year, an offer which the masters planned to make "considerable" by buying most coal from his pits and all others that offered the like; or if the masters advanced a lump sum then Fletcher promised to give security for £800 more. The masters concluded their letter by telling Lowther that unless, as a preliminary to negotiations, he promised to remove his salt pans and steathes away from the harbour, and give them free access to quarries for building stone, they would support Fletcher and his plans for Parton. They demanded a speedy answer, as any silence on Lowther's part would be "negatively interpreted". It was scarcely a letter designed to elicit any kind of cooperation or compromise and Lowther took offence: while assuring them of his zealousness in wanting improvement, he objected to their giving preference to Fletcher for what he had promised but had yet to perform rather than to himself for all that he had long since done on their behalf.<sup>64</sup> Interpreting this as an ultimatum that he would not extend or improve Whitehaven unless they promised to give preference to his coal, and believing his searching questions on how they planned to raise the money was a further rebuff, the masters elected seven representatives to collect and disburse money, which was to be raised by a levy of 6d the chaldron from every ship for twelve voyages. "They are so wheadled by themselves and their abettors that they thirst to work wonders, either here or at Moresby" wrote Tickell of their efforts, mocking their "conceited fancies" of being able to impose their terms upon Lowther.<sup>65</sup> He later dubbed the seven - John Gale, William Atkinson, William Crofts, Robert Biglands, James Millam, George Ribton and Anthony Nicholson - as "the septem viri" or "our seven wise masters."<sup>66</sup> William Crofts was an agent of William Fletcher and

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63 T.T. 17 Sept. 1677.

64 "Only let me mind you a little that whilst you set forth your power you do not much commend your gratitude unless you make it appear that you have had the same respects for my coals in consideration of what I have done, that you would now engage yourselves to have for others in consideration of what they shall do." D/Lons W Commonplace Book 1671-1689, "An abstract..." fo.30, 23 Oct. 1677. The master's letter at fo. 28.

65 17 Nov. 1677.

66 T.T. 27 Jan., 4 May 1678, 13 May 1679.

held collieries of his own in Moresby. Although he held tenant-right in Whitehaven he had good reason because of his collieries to prefer development at Parton. The rest were Whitehaven ship-masters.

Opinion at Whitehaven now became divided between those whose main concern was to settle the new tenure and those, the backers of the *septem viri*, who more adventurously wanted to use the issue of the new tenure as leverage to gain improvements and privileges in the harbour also. Tickell reported on 8th November 1677: "The pier building seems to stick ... and some have proposed that the controversy about the houses be first settled which is some demur to that matter", but the *septem viri* quickly asserted themselves on the other side. In January 1678 these men wrote demanding in addition: free anchorage, liberty to lead coal through Lowther's desmesne, that if Lowther should succeed in buying Bransty tenement he would give them liberty to continue steathing coal there, and that all ships should be loaded strictly in turn. Tickell commented: "I fear it will rather abate than invite your kind intentions for this place."<sup>67</sup> Lowther believed that they demanded too much. They estimated the cost of lengthening the pier at £1,500 and expected him with the help of their £400 not only to undertake the work, but to grant them these extra privileges and to allow the other colliery owners, who were paying nothing, equal privileges with himself. Lowther had no wish to subsidise other owners' sales, especially at a time when his own colliery prospects were so uncertain. He thought it only reasonable, as he commented to John Gale the elder: "as that the benefit is common, the charge may be common too."<sup>68</sup> So matters stood when in October 1678 a body of masons arrived from Northumberland to begin constructing Mr Fletcher's new pier at Parton.

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<sup>67</sup> 7 Jan. 1678.

<sup>68</sup> J.L. to John Gale the elder, 20 April 1678. D/Lons/W, Correspondence, bundle 40.

## Chapter Four

### To Stop the Mouths of Our Barking Neighbours

"the rabid madness of these hot-headed, frantic, foolish, fiery seamen, who contrive all ways imaginable to keep our divisions on foot."<sup>1</sup>

In March 1678 with work on Parton harbour about to commence, Lowther, forced to act, first tried to make certain of the ground on which his own pier stood and to suppress the rival altogether. He petitioned the Crown to confirm his previous grant of the foreshore within the manor, and extend that grant to the foreshore of Moresby, including the site of Parton pier, so giving him authority to stop any work there. He also petitioned to have Whitehaven given status as a member port of Carlisle, believing that the Commissioner<sup>s</sup> of Customs would then exclude Parton as a place from where goods could be exported. The King "was graciously disposed to grant the petitioner's request", wrote Lord Treasurer Danby, referring it to the Attorney General on 4th of March 1678,<sup>2</sup> but as in 1665 this meant no more than that Lowther had a foot in the door, and this second application for royal bounty was to be longer, more formidably and more publicly contested. When the news reached Whitehaven, it was "speedily communicated to the mutinous inhabitants who descant maliciously on it as stuffed with lies" (meaning that Sir John had taken all the credit for the rise of Whitehaven to himself and his family) "and showing your unreasonable avarice of your neighbour's inheritances which they hope to resolve to your shame".<sup>3</sup> The Commissioner<sup>s</sup> of Customs to whom Lowther's petition had been further referred, solicited comment from

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1 T.T. 12 Feb. 1680.

2 C.T.B. V, p.942.

3 T.T. 26 March 1678.

William Christian at Whitehaven. Tickell, following his usual practice of opening all the Customs house mail, volunteered his own unsolicited advice, naturally supporting his employer's request and ponderously drawing the Commissioner's attention to the fact that he had had to forward Christian's letter to his residence near Durham while he himself was of course perpetually on the spot and could report from "old experience". Miller thereupon also took it upon himself to tender his advice. He claimed that all inhabitants concurred in supporting Parton, and only Tickell would disagree, "whose great dependence is on Sir John Lowther and whose principal agent he is." Christian's own reply was longer and more damaging. He said he had passed on the Commissioners' letter to the inhabitants of Whitehaven "to make their own defence", and then reminded the Commissioners of the petitions the masters had formerly sent concerning a Customs wharf (which Christian himself had been instrumental in framing), and the discouragement they suffered for want of a good harbour.

"You will then make a judgement, how little advantage it will be to his majesty and his Custom, to have that place put into a private hand without being obliged to make the pier sufficient to hold such a number of ships as would be built in these parts were there a harbour large enough to contain them."

He insisted that in winter, Whitehaven could not safely shelter two-thirds of the ships belonging to her, let alone ships from elsewhere, and predicted that the number of ships would double in twenty years: a prediction which in fact proved right.<sup>4</sup> If Thomas Addison wrote a report, it does not survive, but his support for Parton extended to drawing-up articles between Fletcher and the masons. As a Moresby colliery owner he had much to gain and a proposed partnership with Fletcher to construct a level in their Howgate colliery gave impetus to his support. Aside from their duty to the Revenue, the Patent officers had their own pecuniary interest through their fees in not letting any potential increase in shipping be

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<sup>4</sup> Copies of these letters are in D/Lons/W, Commonplace Book 1671-1689 "An abstract...", fo. 46-49.



constricted. Their evident assurance that it was being constricted undermined Lowther's initial position that his harbour was adequate for present needs and that Parton if developed would merely share Whitehaven's shipping. The *septem viri* wrote also, describing the damage done to the shipping caused by the inadequacy of the harbour, their unsuccessful petition to Sir John to enlarge the pier and their belief that the district of Moresby provided more lasting collieries. William Fletcher responded with a counter-petition against Sir John, also claiming that Whitehaven could no longer accommodate her own ships and that Sir John planned to monopolize the whole coal trade of West Cumberland, to the detriment of shipping, seamen and His Majesty's Customs. Fletcher went up to London in person and delivered in his petition on the 17th of May. He then waited in the capital in expectation of a hearing and a decision. Lowther was sufficiently unsure of himself to develop a second strategy. He wrote to his steward for a current valuation of Fletcher's estate. Calculations based on the known income and its sources yielded a lowest estimate of £5,419 and a highest estimate of £8,697.<sup>5</sup> Lowther thereupon bid Fletcher in London £6000. With this offer in his pocket Fletcher departed, having entered a caveat at the Treasury that no decision be taken on either petition without prior notice to him.<sup>6</sup> Whether or not he received such notice, he did not return and by the autumn the murder of Sir Edmund Berry Godfrey and the "discoveries" of Titus Oates had put the capital out of bounds for men of his faith. He forthwith contracted with the Northumberland masons for building his pier, doubtless encouraged by the disaster which had overtaken Lowther's Drift colliery in July. The collapse of the mine certainly did little to enhance relations between Sir John and the town: indeed in a harried and somewhat irrational letter to Tickell he put the blame at their door.

"I hope they are now satisfied; as if my being there, could have any way prevented it (either by setting the pump pit to work again, or by foreseeing

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<sup>5</sup> *ibid* fo 16-17

<sup>6</sup> C.T.B. Vol. 5, pt. 2, p.1065, 23 July 1678.

danger from their manner of working underground.) I may truly say they are in some measure the occasion of it, since my stay in town, and my not coming down in the spring was to contrive some way for the better accommodation of differences amongst us, the settlement of such things as might be for the future advantage of that place."<sup>7</sup>

But now events at Whitehaven began to work for Sir John's advantage. The tacit cooperation between the ship masters and Customs officers dissolved and caused a serious breach between the protagonists of the two parties there, over whether the chaldron measure of coal should be heaped-up as demanded by the masters, or levelled flat as the Customs officials decreed: heaping up the measure naturally benefited the masters to the disadvantage of the Customs. There can be little doubt that the antagonism which now developed between Thomas Addison and John Gale did much to fragment the masters' efforts regarding both Parton and the new tenure, and that the hostility sprang from the quarrel concerning the measure which Tickell reported on June 21st 1678. "There has been great jangles about coal measures which exasperated John Gale junior in so much that he threw the coal bushel overboard." Addison in his other capacity as an Excise officer retaliated by going to the centre of the Gales' commercial enterprise, the market place, and on market day caused several measures used there to be broken.

Sir John travelled to Whitehaven in October and at a meeting with most of the inhabitants put forward new proposals for the settlement of their differences over both tenure and harbour, proposals about which in the inevitable absence of letters our knowledge is less than satisfactory. He appears to have offered freehold estates to the New Tenants for £200 to be raised between them, which he would then contribute to improvement of the harbour, on the understanding that a further £1,000 would be raised by a levy on shipping. The meeting apparently assented and asked for his help in obtaining an act of parliament to authorise the levy. £200 was small price for the freehold of some eighty or ninety houses and the rate was

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7 J.L. 9 Aug. 1678.

much lower than that for which Lowther was to sell freehold of individual houses during the next twenty-five years but this offer, which never took effect, should probably be seen as indivisible from the counter-offer of the £1,000 levy on shipping. If the proposed scheme had gone through Lowther would have had to meet no further expenditure to improve the harbour. What rights Lowther would have retained in the harbour under this scheme is not recorded; earlier in the year he had contemplated allowing the maintenance of the harbour to pass into the hands of a corporation or other statutory body of townsmen to be set up by act of parliament. However, the following day at a second meeting held without Sir John "there fell out some clashing amongst them about the said impositions which in conclusion broke off the whole matter formerly discoursed between them". Lowther returned to London the next day without making further proposals.<sup>8</sup> Tickell described "the clashing" when he wrote to Lowther, blaming John Gale, William Atkinson, Robert Biglands, James Millam, Thomas Williamson and Matthias Miller for the disagreements. Gale claimed that Lowther's proposal came without warning and was in effect imposed on the tenants, remarking "two words go to bargain." Gale also argued that for the tenants to contribute £200, but for the seamen, whether tenants or not, to pay another £1000 in impositions to the pier was "very unproportionate" and it was thought "fitting" that the seamen tenants should contribute no more than the ordinary tenants. Gale also insinuated that Lowther's plan to keep as customary tenants those tenants who could not or would not raise their proportion of the £200 was in fact a plan to seize their houses. Tempers ran so high that later in the evening Thomas Addison and John Gale "clashed so much

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<sup>8</sup> The sources are Tickell's letter reporting the second meeting, 17 Oct. 1678; Thomas Addison's letter reporting the same meeting in D/Lons/W, Correspondence, no.13, also 17 Oct; Tickell's deposition in the subsequent Exchequer enquiry a year later in D/Lons/W, Whitehaven harbour papers: "Depositions as to works desired for Whitehaven harbour", and in D/Lons/W, Legal Papers: Papers in Lowther v Fletcher, Hudspeth and Jordan; and Lowther's letter to John Gale the elder in April 1678, in D/Lons/W, Correspondence, bundle 40. In this letter to Gale Lowther wrote that he desired to have the new tenants' estates settled by decree "but there was some frivolous objection how to maintain an action of trespass" so this offer was for confirmation of the customary estate. On the other hand he declared himself willing to sell his interest if the townsmen "could think of any other way by being made a corporation or by taking the pier and its revenue into their own hands as likewise the rents and royalties of the town". In his deposition, Tickell spoke simply of "confirmation of their respective estates" for £200 but in his letter he calls this "your proffer of making the new tenants free ..." and Addison spoke of the tenants' houses being "settled in fee according to the articles", which must imply an offer of freehold.

that they had like to have fallen to blows etc. ... my observation of this violent jangling is such that it is contrived purposely to prevent union so as by all means to go forward with Parton and backward with this."<sup>9</sup>

Thomas Addison at this juncture sided with Lowther. He wrote independently, reporting that Gale and his supporters wanted Sir John to covenant over and above what had been agreed to that he would not hinder Parton, that he should agree to the keeping of "turns", let the coal-leaders set down their sacks by the harbour, not block the passage of coal through the town, "nor hinder any other thing that might tend to hinder the freedom of trade."<sup>10</sup> On behalf of the other group of inhabitants, Addison forwarded proposed articles concerning tenure only to be agreed and drawn up by counsel on either side, and foreshadowed a petition in favour of the Whitehaven pier without conditions attached. Although Addison did not for some time abandon the Parton proposal his opposition to Lowther became much more subdued, in spite of his nearby collieries. The elder John Gale had taken the quarrel between the two families a stage further by laying information against the Addisons as a result of which in 1679 an Exchequer Commission took many lengthy depositions at Whitehaven about their irregular conduct as Customs officers. Gale wrote a lengthy letter to the Commissioners shortly after, reiterating his accusations and explaining the difficulty of getting masters and merchants to testify against men who were sometimes their trading partners, and still kept their official positions.<sup>11</sup> Tickell for that reason believed that Addison would escape conviction. Nevertheless forty-eight witnesses deposed at the Commission concerning the Addisons' trading and business activities. According to Robert Biglands, the Addisons traded as merchants on a grander scale than any other in Whitehaven save their brother-in-law Henry Tubman. Both John Gale and Tickell testified to the hold Addison had over the masters by his employment of them in

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<sup>9</sup> T.T. 17 October 1678.

<sup>10</sup> Thomas Addison to J.L. 17 Oct. 1678 in D/Lons/W Correspondence, folder 13.

<sup>11</sup> John Gale to the Commissioners, 1 Nov. 1679, Copy in D/Lons/W, Letter Book 'Fair Copies of letters to and from Sir J Lowther et al Aug 1700-Oct 1705'

carrying iron ore to Ireland, a trade especially welcome in the summer when demand for coal slackened. That Thomas Addison might shortly forfeit his place was contemplated at the Treasury in June and the following December he petitioned to be heard before any proceedings were taken on the depositions.<sup>12</sup> Lowther expected a new compliance from him, "now that he is in danger to lose his place, and might easily be made to do so if I were to appear in it."<sup>13</sup>

As construction of the pier at Parton continued, Lowther's Whitehaven tenants pressed him harder and harder. Of a new set of articles proposed in November 1678 which included loading by turns and free wharfage, Tickell who was a good weathercock, wrote that they "may do well enough with good provisoes that the seamen be obliged to keep their turns without selfish exceptions of measure or price or coals and liberty only for coals setting on the said wharfs in tide time."<sup>14</sup> Lowther travelled north again briefly in February 1679. He may not have gone to Whitehaven, but the two certainly met and he presumably then left instructions with Tickell to negotiate with contractors for work on Whitehaven harbour, which he proceeded to do. There was no formal agreement with the tenants, still less any parliamentary bill in prospect, but Lowther perhaps by this time had reason to be confident that his petition of the previous year would be granted. On 13th March a warrant issued for a grant of all the land at Moresby between high and low water marks as far as Moresby beck. The Surveyor General's report described it as "a shelving shore, nothing but rocks and sand, of little or no value as it can be computed at present": the rent reserved to the crown was set at £1 per annum.<sup>15</sup>

Sir John had again obtained a direct royal intervention in his favour, but this time the reason may have had less to do with his family's past services than the King's immediate need for every vote he could muster in the newly elected House

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12 C.T.B. 6107 and 6298.

13 J.L. to T.T. 17 June 1679.

14 25 Nov. 1678.

15 C.T.B. viii 1262-3.

of Commons, which on the day of the grant concluded its first, ominous week of sitting. In the election of January 1679, Sir John had easily fended off an ultra-royalist challenger even though he had had to recruit the barely eligible Richard Lamplugh as his partner at the last moment, after his old colleague Sir George Fletcher declined to stand and the Earl of Carlisle's eldest son temperamentally withdrew to take a borough seat instead. When Shaftsbury drew up his assessment of the new House of Commons he at first put the notation 'w' ('worthy') by Sir John's name; by the time he finished working on these lists at the end of March he had crossed this out and substituted 'ov' ('old member, vile').<sup>16</sup> All this seems to invite the conjecture that by granting at this critical moment the favour which Sir John had petitioned a whole year before, the King repurchased a wavering loyalty, and jettisoned the more expendable Catholic Fletcher, whose protection he could not politically afford to undertake. Relaying the news of his grant to his steward, Lowther added a warning to be conveyed to his rival: "let him know how ill I take it, his tampering with my tenants and the making division amongst us, and that it has been so resented above, nor are we unacquainted with the methods he had for this disturbance, and the assistance he was to have from the Papists."<sup>17</sup> It was with evident disappointment that he noted in his next letter that Fletcher had lessened his disabilities by taking the oaths. But he wished it to be known that he was still prepared to purchase Fletcher's estate, and the offer surely shows that even after his grant Lowther did not yet feel secure. His new title to the foreshore might yet be overthrown by law, equity or counter-petition. To avoid losing trade, and to strengthen his case for a perpetual injunction against Parton, he began to implement a scheme to improve his own deteriorating harbour. A Lancashire mason, Richard Caton, and his partners contracted in May to strengthen the existing pier, to extend it 20 yards seawards and to deepen the haven 80 yards square protected by it,

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16 J.R.Jones, "Shaftsbury's 'Worthy Men': A Whig View of the Parliament of 1679", in *B.I.H.R.*, 1957. Jones thought Shaftsbury must have originally confused Sir John with his cousin Sir John III of Lowther, who subsequently voted for Exclusion.

17 29 March 1679.

removing rocks and boulders. Work began in July and continued into 1680. From the start of the extension some of the ship-owners had shown an interest in paying themselves for a further extension of the pier and for this articles were signed and work began in 1680. Lowther encouraged the move, hoping it signalled a new mood of co-operative effort for the common good of Whitehaven. "For the pier let the owners know they have my free consent to whatever is for the good of the place, and the free use of any of my quarries within or without the harbour,"<sup>18</sup> but in his own notes two or three years earlier he had been quite clearly of the opinion that deepening the haven was more to the purpose than extending the pier, and he soon reverted to this view, but in the circumstances of 1680 he did not want to deflect anyone from an intention to invest in Whitehaven rather than in Parton. The whole improvement was completed in September 1681, costing Sir John £460 and the shipmasters £300.<sup>19</sup>

Although the rival project at Parton was not beyond hope of retrieval, support for it began to ebb from the time of Lowther's grant and the beginning of work on Whitehaven pier. There was doubt about Fletcher's promises and his ability to redeem them. He had at various times offered space and liberty to stealth coal at the harbour side, and that the shipowners who contributed to the cost of Parton would be exempt from paying the anchorage dues which they had to pay at Whitehaven; that he would contribute at the rate of 2d per ton on his own coal for a year or alternatively give security on a lump sum of £800; that he would contribute double whatever the shipmasters could raise. But the 2d a ton seemed less than generous when it was realized that Fletcher proposed to raise the price of his coal by the same amount and further began to demand heavy rents from other colliery-owners for way-leave across his land, and it appeared that he had trouble finding ready cash to pay the masons for work already done. Fletcher's declared intention

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18 J.L. to T.T. 16 March 1680.

19 The history of the harbour works is full of interest in its own right and is narrated at length in "Some Harbour works in West Cumberland before 1700", Blake Tyson, *Ancient Monuments Society Transactions*, vol. 29, 1985.

of making the grass grow green in the streets of Whitehaven gave pause to even the redoubtable William Atkinson, and Tickell reported with some satisfaction that Fletcher had "jarred" at Moresby "in a late society of neighbours", and threatened to sell his estate "to those would govern them better."<sup>20</sup> To halt the work in progress at Parton, Lowther began a process in the Exchequer court and as a result obtained a temporary injunction against Fletcher and his masons, which Tickell served on them. "Mr Fletcher resented the matter very ill and gave me abusive language as rogue and great rogue and that he would cut my ears off etc."<sup>21</sup> Ear slitting was the penalty for seditious libel: Tickell had privately written to Lowther that Fletcher was in some measure "privy to the late Hellish plot" and if he had repeated this publicly in the streets of Whitehaven after Fletcher took the oaths it was perhaps enough to put his ears in danger.<sup>22</sup> Lowther's complaint in the Exchequer case again rehearsed the history of Whitehaven in the context of his efforts for "the good and welfare of the place" and encouragement of seafarers by repairing the pier and offering plots of land for building. Fletcher's reply (which echoed Addison's argument in his Chancery Bill) countered that although Lowther had been sufficiently paid for the land, and in spite of the tenants' outlay in building, he had never granted proper legal estates.<sup>23</sup>

Because it touched upon the King's right, Lowther's Exchequer suit was taken over by the Attorney general. A Commission appointed to take depositions sat in October 1679 (while Lowther was in Whitehaven so we have no correspondence covering it) and again in January 1680.<sup>24</sup> Despite Lowther's hope that the work now in hand at Whitehaven would persuade the masters to forgo their support of Parton, their fear that a Lowther monopoly would force them to agree to whatever price or measure of coal he set, and their resentment of his control of Whitehaven harbour kept their support vigorous. The witnesses who spoke on

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<sup>20</sup> See Tickell's letters for reports of dissatisfaction: 25 Nov., 2 Dec. 1678, 14 April 1679.

<sup>21</sup> T.T. 6 June 1679.

<sup>22</sup> 25 Nov. 1678.

<sup>23</sup> Complaint and reply in D/Lons/W, Legal Papers. Lowther v. Fletcher, Hudspeth and Jordan.

<sup>24</sup> P.R.O., E 134 31 Chas.II Mich. 38, and 31 and 32 Chas. II Hil 26. Copies of the depositions in D/Lons/W Legal papers.



Fletcher's behalf were for the most part the merchants and shipmasters of Whitehaven and three of the Customs officers, David Hamilton, William Christian and Matthias Miller. They deposed that Fletcher and his ancestors had always enjoyed the land between high and low water at Parton, that it had been accounted part of the manor, that an ancient pier had once existed there, and the inhabitants had always been able to gather seaweed and make salt there; so to grant the foreshore to a rival landlord would override a prescriptive right. They emphasized that Fletcher had already spent £300 on Parton and that much of the coal loaded at Whitehaven was in fact coal from Moresby so it would be more efficient to load this coal at Parton. The witnesses testified one after another to the inadequate facilities of the harbour at Whitehaven and the damage caused to ships anchoring there. It is of some interest that Miller deposed very fully in favour of Parton; in particular that he insisted that the shipowners had made several offers to Lowther for the repair of Whitehaven pier and it was only after Richard Lamplugh had told them on Lowther's behalf that he would not contribute to the work that they made an agreement with Fletcher instead. Miller had hitherto been the most uncontroversial of the customs men and Tickell had been clearly surprised at the part he took in the meeting of October 1678, but although his stance cannot be attributed to any known personal interest or grudge against Lowther it is hard to believe that the rocky and ill-protected bay at Parton could ever have risen to the expectations he entertained of it. Possibly the most damning part of his testimony was that ships were having to depart from Whitehaven unladen for lack of coal. Lowther's witnesses for the most part were his employees in the collieries: William Nicholson, Richard Scott, Richard Dixon, Richard Pallister, Henry Nicholson and Richard Fleming; or his kinsmen, Francis Lowther, Richard Lamplugh and John Lamplugh; and his steward Thomas Tickell. They testified to the safety and convenience of Whitehaven, made much of the plans and work in hand to extend the pier and enlarge the harbour, and were fortunately able to reveal the discovery only a few weeks before in a new pit at Howgill of a rich seam of coal: it was the Prior Band,

here much deeper than at Greenbank, and was to be a very long-lasting colliery although it could not be brought into production for three years. Lowther instructed Tickell in his evidence to emphasize this now plentiful source of coal from pits near Whitehaven, and to maintain that a new pier at Parton would not increase the customs revenue, "for that every new place does but rob the old one, and it is not plenty of coals but quickness of the market must increase Customs."<sup>25</sup> Thomas Addison was clearly in an awkward position at the Commission. He had good reason for not opposing Lowther's interests but could not disparage Parton without embarrassment. As Tickell shrewdly noted, "the stress he is now in puts him upon great submission to invoke your aid but when he is out of the mire and finds himself so he will scarce look behind to thank those that helped him out much less make proportionate retaliation."<sup>26</sup> Lowther was also shortly to appease Addison and his supporters with a new offer to sell tenants freehold deeds of their houses.<sup>27</sup>

To gather further support for Parton, William Christian petitioned the Commissioners of Customs that they be allowed to go on building there. Tickell expressed disquiet at the number of signatures he collected,

"by which you may observe the continued provocations of this forward, busy, frothy solicitor and the rabid madness of these hot-headed, frantic, foolish, fiery seamen, who contrive all the ways imaginable to keep our divisions on foot."<sup>28</sup>

These expressions, hyperbolic even for Tickell, seem to indicate the depth of his anxiety. But he was soon able to report new divisions among the masters themselves. Lowther's manoeuvres had balked their attempt to have their system of "turns" officially endorsed in 1674, so they made another attempt to prohibit ships loading out of turn by a system of self-regulation. In 1679, fifty two of their number signed an agreement promising to pay a penalty of £40 if they loaded their

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<sup>25</sup> J.L. 13 Dec. 1679.

<sup>26</sup> 16 Feb. 1680.

<sup>27</sup> T.T. 15 April 1680.

<sup>28</sup> 12 Feb. 1680.

ships out of turn, or if they refused to load coal that was considered merchantable or of good measure by any four of their number.<sup>29</sup> Some of the masters of small ships were going to Parton to load there out of turn, and the masters of the bigger ships who could only use the larger harbour at Whitehaven, wanted Lowther to block the practice.<sup>30</sup> From April to June, Fletcher, Biglands and Atkinson solicited signatures from Whitehaven and the city of Dublin for a petition to the King in Council to void Lowther's patent, but Tickell reported that some of the masters were now refusing to sign.<sup>31</sup> On the 17th of June the Exchequer heard the case and issued a decree that "no person whatsoever could or ought by the law of this kingdom without special license of his majesty first had and obtained to erect any pier, wharf or key for the loading into any ships or vessel ... any customable goods whatsoever", and that Fletcher's intended pier should be suppressed and his co-defendants "be perpetually prohibited and enjoined from the making or erecting the same."<sup>32</sup> A few days later the Privy Council rejected Fletcher's petition. He put the best face he could on these two reverses. In his answer to the bill he had claimed title to the land on which his pier was to stand and since this claim was not explicitly rejected in the decree he could and did assert that it had been confirmed. Although his present petition had been rejected because, he said, all petitions were unwelcome at that time he might still at a later time obtain royal license for a pier.<sup>33</sup> Though William Fletcher was able to establish his right by custom and usage to maintain the ancient ruined pier and although he still hoped to obtain a licence from the King to extend that pier and make Parton a viable harbour, Lowther confidently rejected this possibility: "that so great an improvement as I have made is not to be supplanted and for that the King will by no means permit two ports so near together."<sup>34</sup>

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29 D/Lons/W, Whitehaven, Various Papers ... Item 6.

30 T.T. 29 March, 1 and 26 April 1680.

31 7 June 1680.

32 Rehearsed in the second Exchequer Decree of 1695, copied by James Lowther in 1705. D/Lons/W Legal papers, Copy of an order to prevent building of a pier between Moresby and Bransty beck by William Fletcher of Moresby.

33 Petitioners and abhorers.

34 J.L. to T.T. 3 July 1680.

The one remaining chance for Fletcher was to use the influence of the city of Dublin, but invoking the aid of Dublin was not necessarily beneficial to the shipmasters, as Tickell observed:

"It is the interest of Dublin to subscribe all papers and solicit all men upon all opportunities to procure them as many coals as they possibly can that they may have cheap fuel; but I am sure it is not our seamen owners' advantage to carry them such plenty for so small profit."<sup>35</sup>

Lowther easily refuted the petition by answering that Whitehaven now had a new mine with a plentiful supply of coal, that Whitehaven pier was presently being repaired and extended and that far from the price of coal in Dublin increasing it had in fact fallen from 24s a chaldron winter price and 20s summer price (twenty or more years before, though he did not say that) to 15s or 16s winter price and 12s or 13s summer price. Lowther also used to good effect a recent proposal by Dublin to tax coal at 12d a chaldron to raise revenue for the city, "thereby" as Lowther pointed out "declaring that 'tis their own opinion that such further charge may be imposed without prejudice to that city." Once again he reworked his "creation" story, expanding the theme by emphasizing the benefits to the whole county, underlining the expenses he had incurred in providing facilities for the town (including, with a lordly sweep of the hand, the market) and showing the small amount he had received in return, "for which he has not three in the hundred for his money laid out ..." Whitehaven, he concluded, "is in effect brought from nothing to a port or haven of so great trade and consideration. And this, by the sole charge of Sir John Lowther and his family."<sup>36</sup>

With the failure of the petition Fletcher began to negotiate to sell his estate to the city and went to Ireland in person in September, but nothing came of the project. Parton pier went into hibernation for fifteen years. Since Whitehaven alone could now have a pier the way was clear for the Customs' Commissioners to

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35 22 April 1680.

36 D/Lons/W, Whitehaven, Various papers ...item 10, "The Answer of Sir John Lowther to the Petition and papers exhibited by the Lord Mayor and Aldermen of the City of Dublin."

declare its boundaries as a member-port of Carlisle and to determine legal quays and wharfs which was duly done by the Commission on August 15<sup>th</sup>, 1681.<sup>37</sup>

The outcome of these three hectic years was on balance a very favourable one for Sir John Lowther. He had been unwilling to invest or to permit investment in improving Whitehaven harbour, first because his legal advisors could not recommend him any satisfactory instruments, whether patent or statutory, to ensure both his family's continued control and a revenue for maintenance of the haven; and second because the poor performance and prospects of his collieries in the 1670's gave him no motive to provide for an enlarged coal-carrying fleet which would have only increased the sales of the Moresby colliery owners. It was almost certain that, as the elder John Gale asserted, Lowther would do nothing to improve Whitehaven harbour unless work began at Parton.<sup>38</sup> In 1679 he decided under pressure of events to lay-out money without full assurance of his own advantage and he was trebly fortunate: first, that at the end of the year the new coal band long-sought for was at last found, which gave him undisputed predominance in the coal sale from 1683; second that he had in fact conceded no privileges in the improved and extended harbour even though the masters had contributed to the cost of the work; and third that in the end his harbour's monopoly was confirmed in law. By being willing and able to spend money and by exploiting his claims on royal favour at a critical moment, Sir John had been able to avoid formally yielding any of the authority over Whitehaven harbour, and his concession to the New Tenants for the time being encroached little on his control of the town because when it came to the point few tenants were willing to pay for their freeholds. Yet his freedom to exercise authority was gradually being curtailed. He had allowed the ship-masters to make a substantial investment in his harbour on top of the capital many of them had already put into the houses they held from him by mere customary tenure, a capital stake which was to increase dramatically in the 1680's as he let many more

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37 The report of the Commission is printed in full in R.C.Jarvis, "The Appointment of Ports in Cumberland, Westmorland and Lancashire-North-of-the-Sands", Appendix ii, *C.W.A.A.S.*, XLVII, 1948.

38 Reported by Tickell 26 May 1679.

plots on the same terms for new building. Thus the same equitable case which Sir John had built up for himself based on his family's and his own outlay could with increasing plausibility be advanced on behalf of the townsmen. The case for full legal protection which Thomas Addison had urged in 1677 was much stronger, or at least much more audible, ten years later. Moreover, another outside authority, the Commissioners of Customs and Excise, began to take an increasing interest in Whitehaven's affairs in the 1680's, partly because of the much-increased trade of the place, partly because of a general tightening of their surveillance of all ports in the decade of the Stuart revenge.

Lowther's own new investment imposed on him a need to raise further money to defray the increased costs of maintaining the new harbour works, for which he claimed that keyage, anchorage and other dues exacted at their old rates would no longer be adequate. Since this was for the time being his only weak point it is not surprising that in the next few years the shipmasters pressed this advantage as hard as they could. From their point of view the enlarged and safer harbour was a considerable gain but they had neither broken Lowther's monopoly nor obtained confirmation to themselves of any rights in his harbour. It is clear that the *septem viri* and their backers and the Customs officers had no desire to impair the prosperity of Whitehaven, in which many of them had a substantial stake. Their view was that to serve adequately the demand for coal at Dublin, enough shipping would be required to make full use of both Whitehaven and Parton harbours, so that the two projects were complementary as well as competitive. In 1679 and 1680 we accordingly find them raising money indiscriminately for both. At the very end, when the Exchequer had already issued its decree and Lowther had dispatched an account of it to Whitehaven, John Gale, professing to disbelieve this version, reaffirmed his support for Parton in a letter to Fletcher, although by then he was the "principal undertaker" for the extra extension at Whitehaven. This letter fully expresses his family's distrust for Lowther and contempt for Thomas Addison who

had compromised with him.<sup>39</sup> However, for Gale also compromise was not far off. The Exchequer decree put Lowther, his harbour and his collieries into a new position of dominance, and Gale must have recognised Lowther's superiority as a patron over the impoverished Catholic Fletcher. Though at first resentful and uncompliant he worked hard and to good effect on the improvements of Whitehaven harbour, particularly in working out how to secure the new pier after damage in a succession of storms. Lowther, impressed and gratified, expressed his intention to overlook the past and told Tickell to consult with Gale on all aspects of the harbour.<sup>40</sup> In September 1682 Lowther paid another visit to Whitehaven, in the course of which he engaged John Gale as his new colliery steward. By appointing Gale Lowther not only obtained the services of an energetic and extremely competent colliery steward, but deprived the masters and owners of one of their most able and outspoken leaders.

The new lines of battle over the harbour were being drawn while the work of extending the pier was still in hand. Tickell began to report the growing cost of repairs as the larger pier had less benefit of the shelter provided by the headland of Tom Herd rocks, and sand and gravel beds built up at a much faster rate. Lowther began to regret bitterly that he had allowed the further extension against his own earlier judgement "for I knew it was not a thing for a private undertaking but ought to have been founded at first in an act of parliament, now a vain thing to talk of since parliament are now like to be otherwise employed than in private bills."<sup>41</sup> As appears from letters to his former colleague Sir George Fletcher, and to Sir Daniel Fleming, he continued to expect new elections to follow the dissolution of the Oxford Parliament.<sup>42</sup> However, by the beginning of 1683 he had evidently

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39 That Addison is the "Mr Changling" (i.e. 'changeling', meaning 'changeable', O.E.D. s.v.) of this letter is made certain by Tickell's parallel account of the circumstances in his letter of 14 July 1680. Gale's letter is extant in a dossier of fair copies of documents relevant to Parton made for Sir John in 1703, when the matter again required his attention. How he acquired the exemplar is a question which bears asking. Since Fletcher was in London when the letter was sent, and under surveillance as a Catholic, abstraction in the post office looks a plausible answer. The copy is in D/Lons/W, Letter Book, 'Fair copies of letters to and from Sir J Lowther et al Aug 1700-Oct 1705'

40 J.L. to T.T. 7 Aug. 1680, 22 March, 31 May 1681; T.T. 20 Jan., 7 Feb., 8 Dec. 1681.

41 J.L. to T.T. 7 Jan. 1682.

42 *H.M.C. Le Fleming*, no. 2435 and 2490.

appreciated that there was to be no new parliament to consider any sort of business, and turned his thoughts instead to obtaining a grant of suitable harbour dues from the king. The lawyers' replies to Lowther's queries on the issue were as ever cautious. One believed that Lowther as owner of the soil and in regard to the money he had expended on the pier could by the king's grant charge a reasonable sum, while the other thought it a "tender point" how far the king might charge a subject without consent of parliament.<sup>43</sup> The masters refused to enter any binding agreement to increase the rate of harbour dues and fund repairs, arguing that as Lowther insisted on owning the pier then he should pay for its maintenance, and if he was not able or willing then he "did ill to hinder them from making an harbour at Parton."<sup>44</sup> Tickell despaired of the masters doing anything until the pier had actually collapsed and many, including Robert Biglands, declared they would never contribute to its maintenance. John Gale tried to force compliance on ships that had not even paid the existing harbour rates by denying them coal at a time when little coal was being led down.<sup>45</sup> In June 1684 Lowther's petition to establish a toll on all ships using the harbour (once again embedded in a description of Whitehaven's growth springing from his family's charge and industry) was referred by the Lord Treasurer to the Commissioner of Customs.<sup>46</sup> Lowther wrote an explanatory (and unduly optimistic) letter to Tickell in which he said he hoped it would meet with no opposition at Whitehaven, although he believed the reasonableness of the proposal would prevent any who opposed it from gaining any credit. However he would be "be better pleased to have it go with universal approbation, which it must be your business to bring about."<sup>47</sup> Tickell dolefully reported "a mutinous temper in grand opposition" led by William Atkinson and Robert Biglands.<sup>48</sup> Lowther wrote a

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43 A copy of Lowther's queries and the answers of Ward and Lechmore dated March 1683 are included with Lowther's letter to Tickell of 26 Jan. 1684. Lowther had as usual set his queries in the by now familiar rehearsal of Whitehaven's development.

44 William Atkinson's comment, as reported by Tickell, 10 Jan. 1683.

45 T.T. 14 Dec. 1682, 10 Jan., 29 Nov. 1683, 20 March 1684.

46 The petition of Sir John Lowther to the King in D/Lons/W Whitehaven, various papers..item 7.

47 26 July 1684.

48 26 Aug. 1684.



conciliatory letter to the masters on September 16th, reassuring them that all money raised would be spent only on the harbour, and urging co-operation: -

"for without we all cooperate nothing of this kind will be well done ... the least sum you propose may be tried and shall content me as well as the greatest, as also any method for collection you like best, provided it be agreed, that if that sum now consented to fall short, more money must be raised."

He sent a copy of this letter to Tickell with the comment "you will think it too condescending, but nothing of that kind can be too much if there be solid foundations laid for a growing trade."<sup>49</sup> At the same time he was mindful of the earlier breach between large and small ships about loading out of turn at Parton, and as his new proposal rated ships by tonnage rather than the old method of length of keel, which laid a disproportionate share on the smaller ships, Lowther hoped to split the small ship masters from the opposition. Tickell quickly quelled any such hopes: "all those men know not their own minds until they learn their lessons from William Atkinson and Robert Biglands."<sup>50</sup> Atkinson and Biglands journeyed to London in September to present their own petition and counter-proposals to the commissioners, planning to gain support from Sir Christopher Musgrave, who held a life-time sinecure as Receiver of Revenue in Cumberland and Westmorland, and Sir George Fletcher as representative of the wider county interest.<sup>51</sup> Their proposals included a rate based on length of keel; the appointment of a body of trustees, including Musgrave; two men to be elected by the masters; and the appointment of a pier master, which last proposal Tickell believed was intended "for one of these negotiators to govern here."<sup>52</sup> As late as the end of November Lowther was still doing his utmost to appease. On the 28th he was with the Commissioners at the London Customs House, and to demonstrate how little he

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49 20 Sept. 1684. The copy of his letter to the masters in D/Lons/W Letter books, Rough Copies 1675 - 1689 fo. 105.

50 23 Sept. 1684.

51 T.T. 27 Aug., 1 Sept. 1684.

52 18 Sept. 1684. The masters' proposals are in D/Lons/W, Whitehaven: Various papers ...item 8; and in D/Lons/W, Commonplace Book 1671-1689 "An abstract...", fo. 171.

considered his private gain from the pierage dues, and recognizing that the masters' suspicion and "jealousy" would always "starve the allowance" necessary to maintain the harbour, offered to give control of it to a body of masters, provided they undertook to maintain it in good repair. "The Commissioners were well pleased with the proposition", he wrote to Tickell.<sup>53</sup> Tickell responded with horror and incredulity, doubting that "your headstrong opponents" would keep the harbour in proper repair, or be able to give Lowther sufficient security for the undertaking. "Their starving allowances" would not cover the cost of adequate maintenance and then their "natural janglings in raising moneys and ways of distribution will keep them in perpetual animosities."<sup>54</sup> Lowther had the greater incentive to achieve a settlement of this maintenance because export of his own coal was beginning to climb rapidly. However, now two other perennial causes of friction re-emerged to become inextricably linked.

Thomas Tickell had generally showed good sense of when it might be possible to raise the price of coal again. When he had last suggested it in 1682 he had outlined the prevailing conditions which would make it feasible: a winter demand in Dublin and a good price obtained there, a reduction in local competition because Anthony Patrickson had laid in his pits at Scalegill because of fire damp, and less coal being led from the country collieries because of winter conditions, all forcing the masters to rely on Lowther for the bulk of their coal.<sup>55</sup> However, he had generally believed that a price rise depended on Lowther's success in buying up the rival collieries. While urging Lowther to purchase all William Fletcher's collieries, leaving him "nothing here to hatch upon", he added: "though you pay much more than their worth, yet your interest will govern that trade so as you may easily reimburse fast by raising the price 6d per ton more."<sup>56</sup> Elsewhere he acknowledged the complexity of the situation. Lowther could raise the price if he

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<sup>53</sup> 29 Nov 1684.

<sup>54</sup> T.T. 9 Dec. 1684.

<sup>55</sup> T.T. 9 Nov. 1682.

<sup>56</sup> T.T. 4 July 1678.

acquired all the local collieries, but his well known desire to acquire them made the owners hold out, hoping for an even better offer.<sup>57</sup> In 1680 when Thomas Addison suggested raising the price again to 3s the ton, Tickell demurred. Lowther wanted to buy Addison's collieries, and Tickell knew that if the coal price rose, Addison would price his collieries accordingly.<sup>58</sup> Lowther acknowledged the sense of his reasoning but between the collapse of Drift and before full exploitation of Howgill in 1684, Lowther's own supply on occasions ran short of the masters' demands. Their complaints about shortage of coal featured largely in Fletcher's petition to have Parton developed and Lowther's anxiety that Dublin would find an alternative market on several critical occasions over-rode his dislike of encouraging other colliery owners. He even suggested raising the price to 3s the ton to tempt other colliery owners to mine more. "I propose no profit only that the ships want not whilst the price is 8 groats for at 3s I doubt not but they will have plenty."<sup>59</sup> Again in 1683 when he heard that ships went elsewhere for lack of coal at Whitehaven, he again proposed raising the price:

"'tis plain the price is not well adjusted betwixt the ships and coal owners ... for if in pits so near" (that is, his own) "the profit be so small, the more remote had better lie in than work. This, if I had any designs of purchasing, is I know against my interest, but 'tis I am sure for the benefit of the owners of ships as well as coal owners to have a full supply at home though they pay dearer rather than fetch them abroad."<sup>60</sup>

When Lowther wrote this letter his colliery profits were at their lowest. In his first quarter as colliery steward just ended, Gale had cleared only £215-7-4<sup>1</sup>/<sub>2</sub>.<sup>61</sup> The profits gradually improved over the next year despite the initial cost of laying the cartways to Howgill colliery. Then on 17th July 1684 Tickell despatched the usual

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57 T.T. 11 Dec. 1679.

58 T.T. 27 May 1680.

59 J.L. to T.T. 3 July 1680.

60 J. L to J. Gale, 5 Jan. 1683, D/Lons/W, Letter Book, Rough Copies 1675-1689.

61 This makes plausible the story recorded twenty years later that Gale had been offered the collieries in farm at a rent of only £300 a year; and makes clear why he might have rejected such an offer; D/Lons/W, Collieries: list 2, no.18, Notebook and Almanac, 1705.

weekly coal account with the remark that Howgill "does and will bring in moneys very well", and at the end of the quarter on 10th September Gale had cleared over £800, considerably more in a single quarter than the greatest annual profit ever previously recorded, and this although, compared with the operations at Drift in earlier years, the mining at Howgill was deeper, the cost of leading was greater by 2d a ton, and the price to the ships 4d a ton less. Production and sale must have very greatly increased. When William Fletcher contemplated joining with the Lowther collieries in the proposed price rise that autumn he reckoned his own extra profit would be £100 a year and Lowther's £500. At 4d a ton rise this implies annual sales of 6,000 and 30,000 tons respectively. The figure can be approached from another direction. For the last full year of operation at Drift, February 1677 to February 1678, Tickell recorded ships' sales from there and from Greenbank of 13,651 tons 6 loads. For the same accounting year the profit was £568-6-6<sup>1</sup>/<sub>2</sub>. This gives a ratio of roughly 10d profit for each ton sold. For the year September 1685 to September 1686 the profit was £1,441-2-9<sup>1</sup>/<sub>2</sub>. At the same ratio of sales to profit the sale would have been some 34,500 tons. As has been seen, there is reason to suppose that profit per ton was in fact less, but nonetheless the sale of something approaching 30,000 tons seems to be corroborated.<sup>62</sup> A combined sale of 36,000 tons from the Lowther and Fletcher collieries, augmented by a small amount from others, is also consistent with Customs entries of 13,703 chaldrons for the year ending Michaelmas 1685 recorded in an abstract of such Customs entries for the years 1671-1685, allowing (as noted by the compiler of that abstract) that this figure should be converted to 18,841 chaldron of 16 sacks or two tons, and allowing also for some undermeasurement of the ships.<sup>63</sup>

By August 1684, Tickell had let it be known that he was again thinking of restoring the price to 3s a ton, for which he saw no reason to apologise, "because

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<sup>62</sup> Unfortunately the weekly coal accounts do not survive nor any other direct sources for coal production between 1678 and 1695, only the yearly and later quarterly profits recorded by Tickell in the rentals and later transcribed in D/Lons/W, Unlisted Colliery Papers: Coal Works at Whitehaven 1663-1762: "Profit of Collieries from Jan. 27th 1665 to Nov. 1692".

<sup>63</sup> Copy in D/Lons/W Commonplace Book, 1680's -1690's "Mr Drydens..." fo.8.

they have been higher, as that I ought lawfully to endeavour the advantage of my master in all particulars of his revenue", although Lowther warned him on 13 September that Atkinson and Biglands, then in London, had complained against him for his threats to raise the price.<sup>64</sup> He urged both his stewards to commit no provocation. Tickell argued on the one hand that the increase would not harm the masters because of the plentiful supply of coal and buoyant market "which makes many voyages"<sup>65</sup>: with a larger annual turnover on which to make their profit they could afford a higher price per ton; and Gale, he said, was "in words ready enough to raise the price though he now falters because the market at Dublin of 13 or 14s per ton is not so valuable as the last winter at 18s or upwards yet thinks that about Christmas may be a better opportunity." But because of the opposition to the pierage petition he was also in a punitive mood and urged that it "will let them see their errors and quiet them better than ever indulgences" and would "cure those people."<sup>66</sup>

By this time the masters believed, though perhaps mistakenly, that he had already taken one punitive action against them. On 13 October Tickell reported the outcome of a new attempt to ascertain the chaldron by means of a measuring vat sent down to Whitehaven by the Commissioners from London to replace the previous measuring vessell, with a simple rule, indeed simplistic as it proved, that four heaped vats were to constitute a chaldron, but in various trials the local officers found that by this ruling a chaldron might consist of as few as 16 or as many as 20 sacks. No doubt the variable contents of the sacks accounted for some difference, but the major difficulty was over the words "heaped up". William Kirkby and William Christian insisted that the edges of the vat must remain visible and the result was a chaldron of only 16 sacks rather than the 20 which had in recent times been allowed. Not content with this, the officers also remeasured ships in the harbour: as a result, Atkinson's *Gift* was raised from 72 to 90 chaldrons (which is

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64 18 September 1684.

65 9 October 1684.

66 2, 9 and 23 October 1684.

in the proportion of 20 to 16) but some others were raised by a higher factor and must therefore have been undermeasured even by the previous standard, the *Primrose* from 50 to 72, *Submission* from 45 to 70, the *Prospect* from 30 to 50.<sup>67</sup>

The shipmasters complained to the Commissioners of their ill usage, contending that the trial calibration of the chaldron had been carried out unfairly with no account taken of local conditions, in which many sacks arrived at the harbour lacking as much as five gallons from the currently-accepted standard of twenty four gallons to a sack.<sup>68</sup> They asserted that until their present dispute with Sir John over pierage dues had arisen, Tickell and Addison had been content to allow them 20 sacks to a chaldron.<sup>69</sup> Tickell himself had clearly been uncertain about the size of the chaldron. On 27 March 1671, he replied to a query of Lowther's that it was 36 Winchester bushells, viz, "18 sacks upon measure which is usually allowed to the chaldron". In June 1678, he had in turn asked Lowther to enquire what the true chaldron was and in October, getting no answer, expressed a wish to see it settled by some act, "at 36 Winchester bushells striked land measure but heaped water measure, viz in proportion 1/5 more."<sup>70</sup> It is very probable that the officers at Whitehaven did nothing to disabuse the Commissioners in London of a notion that they were allowing 16 sacks to the chaldron, while in practice they let it creep up to 20.

Sir John welcomed the wrangle, hoping it would irritate the Commissioners and make them look more favourably on his recommendations for pierage. "I am well pleased with the contest like to be about the measure of the chaldron, I hope

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67 T.T. 13 Oct., 20 Nov. 1684. List of ships in D/Lons/W bundle 40. Misc letters and papers, 1678-1742.

68 Letter of Robert Biglands, James Millam and ten other shipmasters, to be delivered in London by Atkinson and Jackson, 1 December 1684, copy in D/Lons/W Letter Books, Fair Copies, Sept 1684 - Jan 1694.

69 There is a conundrum here. The masters clearly meant that 20 sacks a chaldron had been usually allowed for some unspecified time past, and the recorded increases in ships' entries corroborates this, but (1), the Customs Commissioners later asserted that 16 sacks per chaldron had been the allowance at Whitehaven before 1684 (copy in D/Lons/W Letter Books, Fair Copies Sept 1684 - Jan 1694); (2) whoever compiled the summary of annual customs entries at Whitehaven for coal and iron-ore from 1671 - 1685 (and it was probably Tickell originally) assumed that the allowance was 16, (copy in D/Lons/W, Commonplace Book, 1680s - 1690s "Mr Drydens..." - fo.8) and (3), when Tickell weighed a chaldron of coal in July 1684 he found it was only 27 cwts., which is a low figure even for 16 sacks by comparison with the weights ascertained by Gilpin in 1695. D/Lons/W unlisted colliery papers, coal works at Whitehaven, 1663 - 1762, "observations about the measures of coals made by Mr. Gilpin."

70 24 June, 22 October 1678.

when their ways are better understood and their practices come home to other men, my proceedings will not be then thought amiss ... but hē was to be disappointed.<sup>71</sup> Summoned by the ringing of the chapel bell, the masters assembled and took the advice of William Atkinson and Robert Biglands to stop all export of coal until the matter of the chaldron was settled, sending Atkinson and Thomas Jackson to London to plead their case.<sup>72</sup> Worse was to come. Faced with an embargo just as he was poised to make a huge profit, John Gale lost his patience and raised the price of coal. The masters strenuously endeavoured to find an alternative supply. They urged Sir Wilfrid Lawson to re-open his colliery but he refused to sell under 3s; they negotiated with John Ponsonby to lease his colliery, but he demanded £20 a year and they only offered £15; they attempted to purchase Howgate colliery from William Fletcher, but Tickell who had been negotiating for it for Lowther since 1682 signed just ahead of them.<sup>73</sup> They prevailed with John Benson to work his colliery, offering 3s a ton and he agreed because, said Tickell, he wanted their custom for his shop. Lowther promptly agreed to purchase that colliery, brushing aside Tickell's remonstrance at the price he paid.<sup>74</sup> They persuaded Matthew Crosthwaite to work his coal, and John Steele, and insisted that they would rather give 5s a ton to other colliery owners than 3s to Lowther; and approached Henry Curwen with the possibility of improving Workington harbour. Tickell scoffed at their efforts, "these acquisits are so waghered by bets and otherwise trumpeted in the town that it is admiratious to hear them,"<sup>75</sup> but a thoroughly alarmed Lowther castigated him for initially proposing the price and then being unable to make it effectual.<sup>76</sup> Tickell admitted the enterprise had been "vexatious and detrimental", made a lame effort to blame Gale, alleging that "these peremptory refusals of the seamen set Mr Gale against them and was the only cause of raising the price" and added as an excuse for them both, "we have as perverse

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71 21 October 1684.

72 T.T. 26 November 1684.

73 19 February 1685.

74 T.T. 9 Sept, J.L. 19 Sept 1685.

75 10 February, 19 February 1685.

76 8 March 1685.

people to deal with as can be, who value neither pains nor charges to obtain their ends."<sup>77</sup> When the coal trade resumed in March it was at 2s 8d a ton, a trade resumed with much satisfaction because the masters had achieved even more than they had hoped for: in a new ascertainment of the chaldron by the London vat carried out when William Kirkby returned to Whitehaven on 2 March 1684 in accordance with the Customs Commissioners' directive of 8 December previously. The Commissioners had advised that London practice was "to fill the vat upheaped with shovels, but not laying on any coals with hands about the edges or otherwise pressing the coals ... and to every vat to lay on one shovelful over measure, and one vat in the score over measure also."<sup>78</sup> A chaldron of coal emerged plumper than ever, with 22 sacks of coal.<sup>79</sup>

The way might now seem clear again for an agreement on the maintenance of the harbour. That matter had been referred to the Customs Commissioners and their report was still awaited. When it came in May it was a severe disappointment to Lowther for it offered a compromise proposal for a smaller revenue than Lowther had asked for, to be administered by a board of trustees. Moreover, though the Commissioners carefully noted the considerable growth and development of Whitehaven in words reminiscent of Lowther's own descriptions, the reasons they assigned differed from those of the received text: they gave pride of place to the industry of the inhabitants ahead of Lowther's pier building. This order of precedence enraged Tickell as he made notes on their report, claiming that its adoption would "wrest Sir John Lowther's inheritance" from him. Yet he still pressed for a settlement, "such as would stop the mouths of our barking neighbours."<sup>80</sup> The outcome was in the balance for nearly another year, while Lowther considered the proposed arrangement. He visited Whitehaven again in August and apparently then took decisions which resulted in the building of a

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<sup>77</sup> 15 March 1685.

<sup>78</sup> Copy in D/Lons/W Letter Books, Fair Copies Sept 1684 - Jan 1694.

<sup>79</sup> T.T. date damaged, but between 2 and 15 March 1685. arch. no. 254.

<sup>80</sup> Notes undated, but sent to Sir John with Tickell's letter of 26 May 1685; 15 Dec. 1685.



ballast wall and the appointment of a pier master, a young tide waiter, Roger Strickland. Although Strickland had never been a seaman, Tickell observed, not without some irony, that the masters were "so generally instructive in most matters that I fear not but they will teach him what to do in this." Robert Biglands and the Customs officers promptly opposed Strickland's appointment because he had not been chosen according to their terms as supported by the recommendations of the Customs Commissioners, which Lowther had not yet agreed to. Lowther reacted sharply at this attempt to abrogate his authority and sent Tickell a deputation to appoint Strickland, with the instruction, "if any other pretend to power there let them show it."<sup>81</sup> Debate on whether to accept the proposals resumed in the correspondence at the end of the year, and on 19 January 1686 Tickell delivered his considered judgement: "My opinion about your grant," he wrote, "is that unless you can have it to your content that it is better to let it rest ... it being too great a diminution of your rights to let in others to share with your property", and Sir John agreed. Because his sales of coal had so much increased, and so far outstripped all others, he now had a far greater interest than anyone else in ensuring that the harbour was adequately maintained, and he had probably also conceived a deeper mistrust of the men who were likeliest to be elected trustees. The unsatisfactory method of raising money at the old rate continued, interspersed with Tickell's complaints about the masters' neglect in repairing storm damage: "My labour is in vain, for they are all deaf adders in that matter and will never do anything thereto without compulsion, but rather spend their moneys in resistance than otherwise."<sup>82</sup> The lack of a properly instituted scheme to provide for repairs and further improvement inevitably led to the dilapidation of the pier, and a further round of acrimonious negotiations and disputes at the end of the century.<sup>83</sup>

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81 T.T., 15 October, 24 November, 1 December 1685; J.L., 10 November, 5 and 29 December 1685.

82 10 January 1688.

83 See Chapter Eight.

## Chapter Five

### Formed and Framed into the Fashion of a Town

"To the end therefore that the said Sir John Lowther...may true and perfect answer make...how that the soil or ground in Whitehaven aforesaid wherein your orators' said houses, edifices and improvements are made should be built with houses and made habitations and formed and framed into the fashion of a town, and whether by reason and occasion of the said buildings there is not a considerable town made at Whitehaven aforesaid, and it became the residence and habitation of many seafaring men and other tradesmen and a place of great trade and commerce at sea and land etc..."<sup>1</sup>

Whenever Lowther discussed the future growth and development of Whitehaven, either with his stewards or the ship masters, he envisaged a combined effort by landlord and town working together for the common good. He recognized that a small body of merchants needed to combine capital to finance larger trading schemes, but steadfastly refused to fund trading ventures solely on his own account, or even to be the major source of capital. He purchased very few ship shares himself: a quarter share worth £40 in the *Thomas and Elizabeth* (also known as the *Thomas*) gained by Tickell's initiative and purchased from Thomas Wilkinson in an attempt to reduce Wilkinson's indebtedness to Lowther; a sixth share of the *Reserve* which came to him as administrator of the deceased Richard Bettesworth's estate; an eighth of the *Hope* worth £92-10s and an eighth of the *Resolution*; all acquired by 1680. Then in the 1690's he acquired shares in the *Phoenix*, the *Amity* and an eighth share of the *Hopewell*. The *Resolution* was by far the biggest of these ships at 200 tons, and Lowther's share cost £110-11s. He gained his shares in the *Thomas* and the *Reserve* more by default, but took shares in the other ships as they were being built because he expected their masters to do

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<sup>1</sup> From the concluding prayer of Thomas Addison's Chancery bill, 1677.

well. Nevertheless, his early caveat to Tickell about joining in a trading venture to Scotland summarizes his own cautious involvement in trade: "not desiring great gains, but only as a countenance to trade; I would run no great hazards."<sup>2</sup> Nor did he ever seriously contemplate diversifying into trade, remarking on one occasion that "the coal trade only be my profit, and other trade that which the owners must chiefly gain by..."<sup>3</sup>

Accounts for each of these investments were drawn up by simply debiting all expenses, beginning with the cost of the share and of the equal proportion of a freight, which a partner seems to have been required to contribute to the ship's stock in trade, and continuing with costs of repairs and of any subsequent freight the partner undertook, and on the other side crediting all receipts, whether dividends to partners, profits on freights, sale of the share or proportional proceeds of sale or salvage of the ship. Intermediate balances taken by this method were not in themselves very revealing. However, the final balance, when it could be struck, told all. The *Reserve* foundered in 1682 and Lowther's share, which he had perhaps taken in at too high a valuation in the first place, lost £43-6-5d to final balance. (This share had also brought him into conflict with William Atkinson, one of the shareholders, who, as Tickell wrote "tells me positively also that he will not own you for a partner except you allow your proportion to that moneys raised and designed for Parton, and that you must sell your interest if you will not."<sup>4</sup> Decisions of this kind were normally by majority shareholding.) The partners sold the *Hope* after three years at a modest discount of £40 on her prime cost of £740, despite some damage, and Lowther's final balance was a credit of £14-13s.<sup>5</sup> Nevertheless, two years later £28-2-6d, being the last of three instalments of his proportion of the sale price, was still unpaid. The *Thomas* continued in trade but for years yielded no receipts at all. Lowther understandably was reluctant to go further into this business. "The balance of the ships' accounts is a discouragement

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<sup>2</sup> 10 Sept. 1666.

<sup>3</sup> J.L. to T.T. 24 Nov. 1685. He did however add that he was for "promoting them equally."

<sup>4</sup> T.T. 21 June 1678.

<sup>5</sup> T.T. 23 Sept. 1687.

to the designs I had of employing some money that way. Your care therein must be very great, for there must be fraud or they could not subsist."<sup>6</sup> Tickell's reply reflects the slender profit margins of trade in Whitehaven before the profitable coal voyages of 1684-1688 and the even more profitable tobacco voyages of the following years, claiming that there were few owners of ships who made a profit unless they personally navigated them and hired apprentices, especially when coal was cheap in Dublin "which makes many complain and ready to sell their interests especially in elderly ships, scarcely maintaining their rigging etc."<sup>7</sup> However, twelve months later he was writing critically of Thomas Jackson that in his last two voyages, one to Lisbon and the other to Norway, he lost £110 for the owners, whereas if he had stuck with the coal trade, he might have made £200.<sup>8</sup> Even the *Thomas* showed signs of redeeming herself: she made a profit of £34-6-2 on five coal voyages in the year ending September 1685, and declared a dividend of £32. But by 1690 it was cast away on Bransty rocks.

The *Resolution*, built to the order of one of Whitehaven's most successful merchants, Henry Tubman, tells a different story. Probably destined from the start for the plantation trade, she made some large profits for her partners. Even so she yielded less to Lowther than the other partners: while their tobacco was no sooner landed than sold, his remained on the wharf at Whitehaven, the subject of sharp rebukes to his stewards.

"Had all this difficulty befallen me upon my interposing in trade to the hindrance of others it had not been to be wondered at, but when I only concerned myself in assistance of others who wanted stock, tis odd that mine cannot be as well disposed of as other mens."<sup>9</sup>

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6 J.L. to T.T. 6 Nov. 1683.

7 T.T. 23 Nov. 1683.

8 T.T. 9 Oct. 1684.

9 J.L. to T.T. 7 May 1687. See also 29 March 1687 and 3 Oct. 1691. For ship accounts see D/Lons/W Estate Accounts 1666-1685 fo.91, 94; Estate account 1685-1692 fo.85, 91, 94, 96, 99, 100; Estate accounts cash books 1692-1728, W. Gilpin's Cash accounts 1693-1699, f.12; Commonplace Book, 1690's-1705, "State of the fishery..." f.51; D/Lons/W Rentals, Whitehaven/St Bees estate 1648-1700; for acquisition of ship shares, T.T. 14 Oct. 1677, J.L. 30 March 1678, T.T. 18 December 1679, 5 Jan. 1680, J.L. to W.G. 22 March 1698; and Rentals of Sir John Lowther, 1666 - 1705.

Tickell sold this particular assignment to John Fallowfield, a Cockermouth merchant, for £292-6s. The principal and accruing interest remained unpaid at Lowther's death.<sup>10</sup>

Over the years, Sir John collected together information which might prove useful for various trading ventures: how much flax, hemp or iron could be sold at Whitehaven in one year, likely freight and customs charges for various cargoes, possible cargoes for Jamaican and Baltic voyages.<sup>11</sup> But unlike his father, he had no direct experience of trade and Whitehaven merchants generally paid little heed to his suggestions. To encourage the coastal trade he recommended shipping coal to Exeter and, in an early manifestation of one of his favourite schemes, pondered the possibility of producing linen and woollen goods locally to ship to London, in order to maintain a regular "sea correspondence", even expressing his willingness to suffer a ten or twenty percent loss himself to maintain such a connection.<sup>12</sup> At the instigation of Lord Carlisle he propounded a scheme for trading to Jamaica; and because of his friendship with Sir James Shaen, Surveyor General of Ireland, he proposed victualling Tangier and supplying it with coal, timber and bricks, believing it would benefit the coast trade if some ships diversified into other ventures.<sup>13</sup> Nothing Lowther suggested met with local approval. Tickell believed that the high price of any locally made stockings and woollen goods would render trade with London extremely unprofitable, and that no-one "relished" the trade to Jamaica.<sup>14</sup> Although Tickell met a suitable Irish merchant to undertake a voyage there and discussed outward cargo the scheme never eventuated.<sup>15</sup> Moreover, after the initial queries, any move to undertake trade with Tangier was forestalled when the English abandoned it in August 1683. Richard Lamplugh took up the suggestion of trading to Exeter (and perhaps only because a cousin was then bishop

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10 T.T. 21 April 1689.

11 D/Lons/W. Commonplace Book, 1671-1689, "An abstract..."fo.220; Commonplace Book, 1680's - 1690's,"Mr Drydens..." fo.18-19; Estate Memo Books, General Notebook.

12 J.L. to T.T. 27 Sept. 1677.

13 J.L. to T.T. 15 March 1679, 4 March, 4 April 1682.

14 2 Oct 1677, 7 April 1679.

15 26 May, 31 May 1679.

there) but Tickell never reported Lamplugh's ventures as particularly profitable, and indeed the local men criticized one of his ships as "ill-conditioned at sea".<sup>16</sup> The initiative for developing the very profitable tobacco trade between Whitehaven and Virginia in the 1680's came from the Whitehaven masters and owners themselves.

West Cumbria did not afford a market for imported goods of any kind on the same scale as the export of coal. The port itself required ships' stores and building timber; the collieries needed timber for pit-framing. Some of the imported Irish cattle for fattening also landed at Whitehaven though most went direct to Chester from Dublin before the ship came back to Whitehaven to load with coal. Thus most ships arriving from Dublin or from other English ports arrived at Whitehaven carrying no cargo but ballast, and the profitability of the voyage depended for the most part on the export cargo. Thomas Mosson's return cargo from Dublin in April 1688 consisted of seven old oak chairs. Francis Grindal returned with 16 loaves of bread and two old bedsteads. John Hewetson shipped back an unusually large cargo: seventy-three tanned cowhides, five dozen sheep pelts, tanned calf skins, one dozen tanned goat skins, twelve dozen jumps for shoemaking, one old feather bed and six oak chairs.<sup>17</sup> When an act of parliament in 1667 prohibited the import of Irish cattle it had become very hard to find a return freight from Dublin, even to Chester or some other English port.<sup>18</sup> Thomas Tickell predicted disastrous consequences for Whitehaven, if the masters were forced to depend solely on an outward cargo of coal or salt, "and when all seamen follow that employment coals will be so cheap in Ireland as no man shall be able to live by that trade".<sup>19</sup> Tickell expressed initial enthusiasm about diversifying the trade of Whitehaven to the West Indies, France, Spain and Norway: "We want only persons of purses and spirits and knowledge to manage such affairs, our markets affording easy rates to buy native wares, and high prices for foreign commodities and our

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16 T.T. 7 Jan. 1678.

17 Whitehaven Port Book. P.R.O. E 190/1448/8.

18 For the Irish cattle bills in general, see Caroline Edie, "The Irish Cattle Bills: A Study in Restoration Politics, *Transactions of the American Philosophical Society* n.s. vol 60, part 2, 1970.

19 12 Nov. 1666. Tickell did not realize how the growth of Dublin over the following two decades would expand the market.

customs very favourable."<sup>20</sup> He regularly relayed any news of trading ventures undertaken by Whitehaven masters: John Gale the elder trading to Scotland, Thomas Britton to the Isle of Man, William Atkinson to France and Robert Biglands to Rotterdam. He faithfully calendared Thomas Jackson's voyages, hoping of course that Jackson would make enough profit to clear his debts to Lowther. Besides regular colliery voyages to Dublin and herring voyages to the Isle of Man, Jackson shipped at various times coal, lead and oats to London, lead to Holland, wine and prunes from France and Spain. He went to Norway for tar and timber, to the Caribbean for sugar and to Virginia for tobacco; but Jackson's profits never covered his surreptitious investments of Lowther's money. The depositions collected by Commission and John Gale the elder's letter to the Commissioners of Customs in 1679 reveal the interlocking network of trading activities and hint at customs evasion carried on by the Addisons, in iron ore, tobacco and tobacco spinning, canary wine, hemp, rope, malt, timber, tar and herrings. John Gale deposed that they shipped at least a fifth more iron ore than they entered in the Customs house books. 'According to David Hamilton, lading warrants for Henry Addison listed tobacco in hogsheads but not the significant amount of tobacco imported in bulk. The elder John Gale claimed that the cordage made by the ropery in which the Addisons had a share was shipped duty free, and asserted that their iron ore was consistently undervalued in the customs entries by 4s a ton.<sup>21</sup> Thomas Addison features again in a set of depositions taken in 1687 in the course of an Exchequer hearing to determine the legality of tolls charged by the city of Carlisle. Addison, and Henry Inman of Carlisle, are described as "great traders", importing through Whitehaven tobacco, iron and iron-ware, pepper, brandy, wine, soap, hops, haberdashery, linen, pottery, sugar, molasses, tar and corn for distribution throughout Cumberland.<sup>22</sup>

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20 12 Nov. 1666.

21 Copy of John Gale's letter to the Commissioners of Customs, dated 1 Nov. 1679, in D/Lons/W Letter Book, 'Fair Copies of letters to and from Sir J Lowther et al,' Aug 1700- Oct 1705; depositions in P.R.O. E 178. no. 6189.

22 P.R.O. E134, 3 James 2 Mich, no.33.

The basis of Whitehaven's growth and development in the 1670's and 1680's rested primarily on the export of coal. By 1672 Tickell reported the salt trade "quite done" and thereafter in Sir John's life time it no longer played an important part in Whitehaven's economy.<sup>23</sup> The masters welcomed the opportunity to export iron ore, particularly in summer when the demand and price for coal in Dublin dropped, but the income generated remained well below that of coal. Sir Christopher Lowther in 1632 saw the close connection between ship size and profitability in the coal trade. In 1678, Tickell reported the building of several new and bigger ships, incidentally warning Lowther of the need for harbour improvements to handle a fleet increasing in both numbers and burden.<sup>24</sup> The larger ship size improved the profitability of coal voyages but also gave the masters the means and confidence to undertake other, longer voyages. In May 1677, Tickell first mentioned six Whitehaven ships sailing to Norway, initiating a regular trade carrying back timber for houses and collieries and tar for ship maintenance and the collieries. In 1668 he had reported the loss of the first known ship to sail from Whitehaven to Virginia, the *Jacob*, freighted by the Carlisle merchant and one-time resident of Whitehaven, Cuthbert Studholme.<sup>25</sup> The redoubtable Thomas Jackson was the first Whitehaven merchant we know to return safely from Virginia in 1674. At about the same time, perhaps on board this very ship, Thomas Addison dispatched his third brother John to the Plantations with a stock of goods for trade bought for £300 out of the estate of one Henry Lowther, a Cockermouth shopkeeper, to set him up as a factor for purchasing tobacco.<sup>26</sup> Tickell reports no more voyages until 1682,<sup>27</sup> and in the intervening years the Addison brothers were

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23 T.T. 16 Dec. 1672.

24 5 and 12 Aug. 1678. Only a few ships were actually built at Whitehaven. Most came from Flimby, Ravenglass, Coleraine or other unspecified ports in Ireland. See T.T. 7 Jan. 1678, 18 Dec. 1679, 5 Jan. 1680, 13 April 1686.

25 He reported its departure on 8 July 1667 and its wreck a year later, on 20 July 1668.

26 P.R.O. E 178 no. 6189 John Addison settled in Maryland, became a landowner and after assisting the local coup d'etat which followed the Revolution was appointed to various public offices and in particular served on the Royal Council from April 1692 until his death in about 1705 - Carr, L.G., "County Government in Maryland 1689-1709", Ph.D thesis Harvard 1968, appendix vi, pp 274-80.

27 But see C.T.B. V. I. 1084, 6 Aug. 1678, when a ship from Virginia bound for Whitehaven was given permission to stay at Londonderry for repairs.



regularly importing tobacco to Liverpool and then bringing it coastwise to Whitehaven for manufacture.<sup>28</sup> Their reason for not importing directly may have been the condition of Whitehaven harbour but given their opportunities and reputation their motive may have been to defraud the revenue by claiming back the import duty, pretending that the tobacco was for re-export for Europe. When four ships made the voyage to Virginia in 1683, Tickell hoped that "foreign places will be made more familiar in this port."<sup>29</sup> By the mid 1680's the tobacco voyage to America became a viable alternative for the larger ships, though they usually still carried coal to Dublin on the first leg.

After a visit in late 1685 Lowther's letters pour out a torrent of advice and exhortation to his steward on the need to develop local industry, propounding variously linen manufacture, flax growing, shoe making, gun smithing, brick and tile making and a revival of the local fishery ; all to broaden the base of the town's economy, to provide cheaper provisions for the town, to attract new-comers to live and work at Whitehaven and above all to provide a profitable outgoing cargo for the ships sailing to America and Norway. The total cargo worth £674-1-1d shipped in the *Resolution* to America in 1685 consisted of Yorkshire kerseys, northern cotton, hats, saddles, woollen stockings, rugs, iron ware, cordage, leather goods, grindstones, broadcloth, serge, thread, haberdashery, bridles, tin and wrought pewter, lead, brassware, shoes, silk, linen, calico and muslin. Of these cordage and grindstones were the only local goods of any quantity.<sup>30</sup> Lowther had twenty years earlier suggested the possibility of some kind of local manufacture to both Tickell and John Gale the elder, but Tickell was unable to arouse the least interest in Gale and Tickell himself thought trade in others' goods a sounder option.<sup>31</sup> Lowther made little further mention of any such scheme until he visited Whitehaven

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28 C.R.O. D/Hud 6. 1. Whitehaven Port Books 1677-1685. It is unfortunate that within our period no port records for Whitehaven appear to survive, apart from these books for the coastal trade only, and the Port Book for the single year 1687-1688 for both coastwise and overseas trade, P.R.O. E 190 1448/8.

29 23 Sept. 1683.

30 D/Lons/W, Commonplace Book 1680's-1690's "Mr Drydens..." fo.10.

31 J.L. 26 Oct. 1666, T.T. 12 Nov. 1666.

in September 1685. Then with the harbour improvements completed, Flatt Hall remodelled and the colliery enterprise thriving, Lowther's letters on his return surge with purpose and energy. Tickell countered the enthusiasm and vision with necessary practicalities, one by one over the following months pointing out to Lowther the difficulties involved: that no shoes made at Whitehaven would ever increase their trade; that the manufacture of iron goods would succeed no better, and probably worse, because iron was so much cheaper in London and better made, ... "or else Mr. Addison would not have sent thither for these iron manufacture that he now sent to Virginia .... and I fear guns and pistols will do worse, there being so many made in France and Flanders so neat and so cheap."<sup>32</sup> Nor could much be done to improve the fisheries at St. Bees, for "those things are very uncertain and not to be bettered by building any cottages for fishermen."<sup>33</sup>

Lowther refused to be discouraged and instructed Tickell to discuss with the Gale brothers, Thomas Addison, William Atkinson and John Benson the possibility of setting up a spinning and weaving enterprise. He gave but perfunctory advice. "It can be no difficult matter to provide a little hemp or flax, and to get some to work it, if there were anything but set on foot it would quickly grow," and Tickell stalled, replying that Addison was abroad, and in any case not interested, not for want of enterprise but for capital and time to set up such a scheme. Lowther persisted. "What I then writ I pray see put in practice one way or other".<sup>34</sup> Tickell parried with further questions about work space, type of yarn and type of cloth. Lowther attempted to minimize the amount of capital required by suggesting that the poor might spin hemp or flax into thread for sacking, and Tickell only needed a room and a pair of scales to begin. Tickell reluctantly agreed that such cloth could be used locally for coal sacks and windmill sails, but hammered home the simple economic fact that the cloth they made would "prove dearer by the experiment than it may be bought for in the country."<sup>35</sup> He did engage an Irish merchant, Matthew

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32 15 Oct., 3 Nov. 1685.

33 3 Nov. 1686.

34 J.L. 25 Sept. 1686, T.T. 19 Oct. 1686, J.L. 22 Oct. 1686.

35 14 Dec. 1686.

Coulson, to manage the scheme, but by February Coulson was imprisoned in Carlisle gaol for debt. Lowther, nothing daunted, urged Tickell to find another manager, "for could we once introduce it, it would grow upon us."<sup>36</sup> When Andrew Pelin, a serge weaver, arrived in Whitehaven from Ireland in mid 1688, Lowther suggested that he begin by making linen and woollen cloth, but Tickell insisted that though Pelin could manage his own trade well enough, linen and woollen cloth making needed a large stock and dependable sea-transport to London.<sup>37</sup> Because of the disruption to sea-traffic caused by the Revolution and war with Ireland, Lowther let this particular idea lapse until 1697, when he raised it again with the then steward, William Gilpin. It may have been at Gilpin's suggestion that Lowther engaged Richard Stainton junior, the curate at St. Bees, to investigate and implement a number of proposals to provide goods for export and employment for the growing number of wandering poor. However, the scheme foundered because the Government prohibited the importing of Irish wool.<sup>38</sup>

John Gale as colliery steward refused to be drawn into an area which he thought lay outside his field of expertise, but argued sensibly that any manufacture, if it were to succeed in Whitehaven, must be based on a coal burning enterprise. On manufacture in general at Whitehaven he wrote pessimistically that of all places in the County, it was the worst place to begin, "by reason we have little land about us, rendering all sorts of provisions, and sustenance for mechanic people excessive dear, so that few can sit down with us unless seamen, or such as have stock sufficient to venture by sea as well as by land."<sup>39</sup> Nor was he encouraging about the masters' and owners' response. When he discussed it with them they "gave me cross words about the harbour; said it was fitter to look to the safety of that which was the foundation of all our trade, than talk of manufactures, which without that would only fill us with beggars."<sup>40</sup>

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36 22 Feb. 1687.

37 18 Sept. 1688.

38 See Richard Stainton to J.L., 26 June 1698, *Lowther Correspondence* 546 and W.G. to J.L. 31 Oct. 1696, 31 July 1697, 14 March, 1698, *Lowther Correspondence* 311, 384, and 482.

39 21 March 1697, *Lowther Correspondence* 347.

40 28 March 1697, *Lowther Correspondence* 350.

William Gilpin thoroughly sympathised with and endorsed Lowther's views on manufacture, which depended less on profit and loss than on community good. He promoted the proposal of a woollen industry to provide work for the poor, because although he reckoned "by the nicest calculation I can make" that it would lose money, yet he saw it as a useful way of dispensing charity.<sup>41</sup> He spent much time and effort investigating possible industries: inspecting a copper furnace at Moresby, discussing the feasibility of an alum industry, and gathering samples of local marchasite to test for vitriol making. He sent various mineral samples to London, and asked Sir John to send down instructive books. He engaged a pipe maker at his own risk, believing that previous attempts had failed through lack of skill or stock by the undertakers. He sent Sir John a long list of enquiries about the making of earthen ware who responded with detailed replies supplied by one Dwight, a London potter.<sup>42</sup> Sir John had always been eager to discover as much as he could about London methods, skills and prices, even offering to send down artisans to instruct the locals, but in spite of Gilpin's ready response and Lowther's enthusiasm, none of the proposals had much or lasting success.<sup>43</sup> Plainly there were still too few men of substance in Whitehaven with the time, money, or inclination to embark on setting up industry. When Lowther rebuked Tickell, that he never suggested any ideas of his own, but only made "bare answer" to Lowther's proposals, he replied simply that the various tasks Lowther had already set him employed him sufficiently, and that when he had more time "to think on anything new I will show it. I wish myself in the meantime well discharged of these things."<sup>44</sup> The coal trade had just entered its most productive phase and with

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41 24 Aug. 1697, *Lowther Correspondence* 396.

42 W.G. 2 March 1698, *Lowther Correspondence* 474. Dwight's reply is reprinted as Appendix F (2) in *Lowther Correspondence*. See also "Pottery making in London and Whitehaven in the late 17th century", Lorna Weatherill and Rhoda Edwards, *Post Medieval Archaeology*, Vol 5. 1971, pp 160-181, where the project is discussed in full. For the rest of Gilpin's investigations: 1 and 4 Sept. 1697, 9 Oct. 1697, 1 Nov. 1697, *Lowther Correspondence* 398, 399, 409 and 416.

43 The estate accounts for 1701 record the demise of a pipemaker: "By goods distrained and sold to the account of Abel Robinson, £3-2-2. Other goods unsold which remains in the house, 1 Bedstead, 1 table, 1 form, 1 grate, valued at 18s." - D/Lons/W Estate Accounts 1700-1706 fo.79. See Beckett, *Coal and Tobacco*, chapter 5, for the fate of various iron-manufacturing projects, a glassworks and an abortive nail-making industry in the 18th century.

44 J.L. 5 Dec. 1685; T.T. 15 Dec 1685.

voyages to Virginia becoming increasingly lucrative, the masters and merchants showed no inclination to be side tracked into untried ventures.<sup>45</sup> Lowther raised the idea again in the 1690's, genuinely anxious to provide alternative cargoes, especially in view of the disrupted coal trade, but the bigger merchants were beset by lack of coin on the one hand and the busyness of the Virginia trade on the other, so that any undertaking which required present capital to begin, coupled with slow and uncertain return met with little enthusiasm: "discourse of a manufacture meets but with cold entertainment at this time," wrote Gilpin in 1696, and again in 1697: "Everybody has already as much business upon his hand as he can tell how to find money to manage."<sup>45</sup> Aside from his frequent urging, Lowther continued to insist that he himself would only venture money in partnership with others; recognizing that if the Whitehaven merchants had a financial interest in the enterprise they would work to ensure its success, and that being an absentee he needed partners at Whitehaven to handle the day to day management.<sup>46</sup>

The plans for joint enterprises in both trade and industry foundered to some extent on the enduring rivalry between the Gales and the Addisons, making it unlikely that two of the leading merchant families in Whitehaven would ever wholeheartedly combine in any joint venture. After the Commissioners of the Customs had investigated the charge of malpractice against the Addisons Tickell reported that although Thomas Addison retained his post, he now considered selling it for the express purpose of concentrating on trading and competing even more effectively with Gale.<sup>47</sup> Anthony Aery desposed at the Commission that Addison refused him a cargo of iron ore because "he would not put a pound of ore in any ship wherein the said Mr Gale was any partner."<sup>48</sup> Their rivalry in malting and milling continued unabated. Tickell conceded that Gale's hand mill did prejudice Addison,

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45 3 Oct. 1696, 22 March 1697, *Lowther Correspondence* 309 and 348.

46 J.L. to William Atkinson, 23 Oct. 1686. D/Lons/W Letter Books, Fair copies, Sept. 1684 - Jan. 1694: "I am desirous to make the loss as little as may be, not so much by the sharing it with others, as believing, that if others join with me in whatever I do, their help will be the best means of making the loss much less, than if carried on by my single undertaking ...". See also J.L. to T.T. 4 Sept. 1686.

47 26 Jan 1680. Henry Addison resigned as tide-waiter later in the year. T.T. 9 Sept 1680.

48 P.R.O. E178 no 6189.

but pointed out that Addison's customers had often complained of ill usage, and that "his restless spirit ..... does rather foment than heal mēns' mīnds for he is never quiet unless he have all at his beck."<sup>49</sup> Yet it was Addison's energy and "restless spirit" that Lowther wanted to harness and he urged Tickell to consult him about any new project in Whitehaven, from the planned pier extension to all kinds of trading ventures. Tickell's response scarcely varied as he reported back local reluctance to include the Addisons: for the pier, Addison's advice was "not well thought on", perhaps by "the lees of old animosities"; and as for trading to Virginia, the involvement of the Addisons and their relations in that trade made Tickell fear they would prefer their own advantage by it before Lowther's.<sup>50</sup>

In earlier days Lowther, the Addisons and the Gales had combined in one partnership in the rope-making industry. Since the product was essential for two local markets, the ships and the collieries, and ship masters as partners could use their shipping interests for importing hemp and tar from Norway, there was every reason to expect commercial success. In 1675, before the Gales and Addisons fell out, Tickell joined a ropery set up by John Gale the elder and managed by Henry Addison, with David Hamilton and Thomas Addison as partners. The company invested £200 and then a further £300, hired workmen and a master roper, Edward Grayson. Henry Addison turned his customs position to good effect by coercing ship masters to buy their rope from him.<sup>51</sup> However, Grayson left the company and they engaged another ropemaker whose work proved faulty. Out at sea, the cables and ropes frayed and broke or became jammed in the pulleys, "so that if God had not abated the fury of the wind and seas, they all would have perished". The ships did make port safely and the vengeful masters sued the hapless partners.<sup>52</sup>

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49 15 Dec. 1681.

50 T.T. 20 Jan. 1681, 8 Aug. 1681.

51 P.R.O. E 178 no 6189. Depositions of Edward Grayson, Edward Bell and Francis Whiteside.

52 P.R.O. C5 373/24.

They in turn sued Grayson for breach of contract, who claimed he had never sealed an agreement and refused to rejoin the company.<sup>53</sup>

In 1680 Tickell asked Lowther to obtain advice from London merchants because the rope company planned to engage in a venture to the Baltic, then unknown territory for them. At Tickell's invitation, Lowther himself became a partner in the company.<sup>54</sup> Tickell lost no time trying to use his interest to foil the rival rope walks, especially that managed by Grayson, "our old refractory servant". Tickell resurrected an old ruse, because Grayson had built his walk on land which Isabella Wilkinson leased from Lowther, and "with your approbation I can hinder it by setting some to sink in that ground for coals 2 or 3 days only to spoil the walks etc" but Lowther refused because he had not proscribed ropemaking in her lease.<sup>55</sup> In 1682 the partners of another ropery suggested to Tickell a combined trading venture on a much larger scale, on condition that they exclude the Addisons. Tickell "discoursed some of our partners who are willing to reject the brothers and associate with the town in a considerable stock of £1,000 or £1500" to trade to Norway and the Baltic.<sup>56</sup> Although Lowther insisted that the Addisons be included, Tickell reported the prospective partners' reluctance, especially towards Thomas, "whose frequent hectoring conversation and carriage renders him uneasy to them", and the projected merger never eventuated.<sup>57</sup>

Three roperies continued to operate in one form or another into the next decade. In 1685 Ebenezer Gale, who had married Tickell's daughter, received Tickell's shares as a marriage portion, and in 1693 became manager; while Mary Addison inherited her husband Henry's share at his death in 1690. When Lowther expressed dissatisfaction at the consistently poor returns, John Gale, conscious of the partners' criticism and suspicion of his brother's management, replied, "it has

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<sup>53</sup> He deposed that when he returned the earnest money given at the verbal agreement, Henry Addison "shut the door ... drew out his sword and swore he would make this defendant keep the same." - *ibid*, answer of Henry Grayson.

<sup>54</sup> 2 Feb. 1680. Tickell paid Henry Addison £41-9-2 for Sir John's 1/8 share of the ropery - 2 April 1680 D/Lons/W Estate Accounts 1666 - 1685 fo.103.

<sup>55</sup> J.L. 27 July 1680; T.T. 14 July 1680.

<sup>56</sup> T.T. 16 May 1682.

<sup>57</sup> J.L. to T.T. 23 May 1682; T.T. 4, 14 June, 16 May 1682, 30 April 1683.

been a manage that has ever met with strugglings and opposition." He used its poor performance to prove his consistently held belief that attempting manufacture in Whitehaven was wasted effort unless it was based primarily on the use of coal as a fuel.<sup>58</sup> Cooperation between the partners had become increasingly difficult, especially since Ebenezer Gale had a long-running feud with Mary Addison's father, William Atkinson, over a boundary dispute and damage allegedly caused by Gale's house building. Atkinson sued him at the manor court and then at the Carlisle assizes, where the court ordered Sir John to arbitrate. "There is great nicety in the thing, and colour enough for lawyers to support each side, to the undoing of both; it looks like a Fate upon them, for either to refuse the accommodation I proposed," wrote Sir John to Tickell, but eventually ordered Ebenezer to pay Atkinson £6 damages, hoping that "animosities will give way to neighbourliness and a peaceable disposition."<sup>59</sup> Twelve months later, Tickell described the peaceful neighbourliness. As Ebenezer tried to rebuild his premises, Atkinson threatened the workmen "very much by his holding out of pitchforks."<sup>60</sup>

Gilpin, while never a partner himself, believed the ropery should make a profit if managed correctly because it provided essential goods for Whitehaven; and in contrast to the partners' strugglings cited the example of John Beck, who starting as an apprentice of Caesar Barnes, the original Whitehaven roper in the 1660's, had come to own and manage his own ropery. Gilpin reckoned he had made £1000 from it within a few years.<sup>61</sup> When Beck was drowned in the harbour in 1705 he left an estate worth £878-17-3d, mostly in a portfolio of shares in eighteen ships which would all have been customers for his wares, and in right of which an unspecified but surely substantial debt was noted as still due from the Government for horse transport to Ireland.<sup>62</sup> Gilpin warned Lowther of the current conflicting interests between the partners, and that Thomas Addison might advise giving up the

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58 21 March 1697, *Lowther Correspondence* 347.

59 24 Sept., 12 Nov 1687. A copy of the arbitration in D/Lons/W Commonplace Book 1680's - 1690's, "Mr Drydens...", fo.99.

60 20 March 1688.

61 25 Dec. 1697, *Lowther Correspondence* 428.

62 L.R.O. Probate records, Copeland Deanery.



ropery, really intending to leave the field clear for his own nephew (then foreman of the ropery) to set up in business independently, or that Ebenezer Gale and the foreman planned to dissolve the ropery for the same purpose.<sup>63</sup> Eventually in 1698 the partners sued Ebenezer Gale for not presenting proper accounts and for concealing receipt of debts. Gale in turn blamed the giving of easy credit and the difficulties of collecting debts from masters who were themselves owed money and the necessity of paying high wages to keep workmen from being tempted away by the other roperies.<sup>64</sup> Whoever was most at fault, the partnership in which Lowther had joined was plainly unable to avail itself of the commercial opportunity in the way John Beck had done on his own.

Lowther was of course not the only one who suffered or claimed to have done so through fraud or incompetence in commercial practice. Chancery cases provide some details of the complications and various pitfalls which confronted partnerships and ventures at Whitehaven: lamentable accounting, bankruptcy of a debtor, a leaky ship which sank in the harbour, too many partners unable to agree and the jealousies of individuals within a partnership. Robert Tubman, merchant, accused his ship master of making an undercover arrangement with another shareholder to mix Tubman's good quality tobacco with poorer quality purchased by other partners; Thomas Lutwidge complained of customs officers who did not make the expected reduction in duties on damaged tobacco; Elisha Gale blamed his troubles on a failing merchant who then absconded. If Ebenezer Gale's account books were mystifying, Thomas Husson, the anchor smith, admitted that he kept no account at all except in his head.<sup>65</sup>

The amount at stake due to Husson's faulty memory might have seemed relatively small (a disputed debt of £29-3-10d) but Clement Nicholson claimed within a two year period to have handled sales of tobacco worth at least £25,000.

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<sup>63</sup> 25 Dec. 1697, *Lowther Correspondence* 428.

<sup>64</sup> P.R.O. C5 204/39.

<sup>65</sup> P.R.O. C6. 320/20, Robert Tubman v. John Macmorrie; C7 209/33 and 208/6, Thomas Lutwidge v. James Strangewaies; C6 89/79, Elisha Gale v. Thomas Husson; C5 341/68, Alice Fallowfield v. Elisha Gale.

Nicholson, a Whitehaven merchant, imported tobacco on his own account and acted as agent for other merchants. The exchange of letters between him and John Lloyd of Chester, which led eventually to a Chancery case, grow more acrimonious as Lloyd became increasingly unsatisfied. It began in August with a friendly warning from Lloyd, "for though you and I know one another to be just, yet we do not know them that are at distance from us", but in October Lloyd demanded more detailed accounts and rejected what he described as exorbitant charges. Nicholson in reply outlined the vicissitudes of the tobacco trade. Unexpected government legislation had forced ships to stay in Virginia until their masters could obtain certificates of registration from England, and black spot and frost had wreaked havoc on the tobacco crop. He defended his accounts and reputation and took exception to Lloyd's accusations, expressed, as he put it, in the language of the "Billingsgate oyster women."<sup>66</sup> Nicholson was an important man in Whitehaven at the end of the century, handling a very large trading account and owning shares in fifteen ships.<sup>67</sup> Nevertheless, as with most other residents of the town we cannot reliably estimate his fortune. With one or two other of the more prosperous merchants we are rather better placed.

When Robert Biglands senior died in 1672 he left his only son Robert the freehold land he had purchased jointly with William Atkinson in Corkickle, two houses in Whitehaven and shares in three ships. The worth of his estate totalled £109-15s. When the second Robert died in 1700, this estate had grown to £2773, not counting the land. He had shares in nine ships, including a controlling share of the *Betty* which gave him power to break a combination.<sup>68</sup> As is well known, a will does not always record the whole of a fortune, but in this case there is a check for in 1699 William Gilpin assessed Bigland's worth at £3000.<sup>69</sup> This was a satisfactory accumulation, but it pales beside the achievement of Robert Blacklock.

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<sup>66</sup> P.R.O. C107 no 161. John Lloyd v. Clement Nicholson.

<sup>67</sup> D/Lons/W, Whitehaven unlisted papers, lists of ships belonging to Whitehaven 1682-1727.

<sup>68</sup> L.R.O. Probate Records, Copeland Deanery.

<sup>69</sup> D/Lons/W Bound note book. "A copy of the Warrant and Schedule for the Regulating the Purvey ...", page headed: 'April 1699. Sir J.L. Estate in Cumberland.'

He appears first in the 1670's as a servant of Thomas Addison, became his deputy as searcher,<sup>70</sup> and next figures in the 1680's as a Virginia merchant and a purchaser of colliery interests in Whillimore, Whingill and Hensingham. At the close of the 80's when Addison retreated from trade into a new government job as Commissioner for Sick and Wounded, Blaicklock remained and even in the less-propitious circumstances of the 90's Addison admitted that his former servant had made more by trading at Whitehaven than he himself from his place.<sup>71</sup> William Gilpin described him as "a pretty tradesman."<sup>72</sup> In 1694 when Blaicklock planned to spend £300 on a new house in Lowther Street, by then designated the principal street of the town, he was able to obtain especially favourable terms because he planned to build so well and because of his usefulness to town development.<sup>73</sup> He had at one time shares in twenty-two different ships and he was to be the agent for breaking any possible combination of ships' masters against a contemplated increase in the coal price in 1697.<sup>74</sup> By the time of his death in 1719 he had invested heavily in land: the manor of Seascale, an advowson of nearby Gosforth, and two customary tenements and a lease of other land in Lancaster. In addition to his real property he was able to leave £1000 plus a share of his silver to each of his two unmarried daughters, £100 to a married daughter who had presumably already received a substantial portion, and £100 to his grandson.<sup>75</sup>

Lowther consistently endeavoured to attract skilled workmen to undertake work beyond the capabilities of local men - a carpenter from Newcastle to rebuild the mills, a miller to work them, a skilled lead-miner to be employed as a sinker or hagger, a bevy of skilled colliery workers from Newcastle. William Thackeray of

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70 P.R.O. E178 no. 6189 for his own deposition and others referring to him. He was then 20 years old.

71 Addison's observation reported by Sir John Lowther to Lord Lonsdale, 21 Sept. 1697, D/Lons/W Letter Books, Rough copies 1694-1698.

72 6 June 1694, *Lowther Correspondence* 117.

73 W.G. 10 Nov. 1694, *Lowther Correspondence* 170. Blaicklock had also done Lowther a favour the previous year when he had agreed to pass on some land he had recently purchased at the Town Head, in return for being granted freehold. W.G. 16 Sept 1693, *Lowther Correspondence* 54. "I do not think you will be deceived of him, for he has a particular genius that will raise the trade of the place and he both has been and will be useful to you therein."

74 D/Lons/W Whitehaven unlisted papers, lists of ships belonging to W'haven 1682-1727. W.G. 3 Feb. 1697, *Lowther Correspondence* 338.

75 L.R.O. Probate Records, Copeland Deanery.

Torpenhow built the additions to Flatt Hall in 1676, and Richard Caton, who extended the pier, came from Lancashire.<sup>76</sup> After the Fire of London Lowther hoped that displaced tradesmen might be attracted to Whitehaven<sup>77</sup> and in the 1680's frequently suggested the benefits of Irish and French protestant refugees. He offered to help pay a salary for a French teacher to teach French and drawing, pointing out when his proposal met with scant response, "I am satisfied if all the girls in town had French, every gentleman's family in the country would have a servant from that place."<sup>78</sup> Then he recommended Frenchmen as sailors, but Tickell replied firmly, that their own countrymen worked harder and made better sailors and as for a teacher of French and drawing, "I cannot possibly tell how it will take here, but I fear not well", though he promised to encourage anyone whom Lowther sent. He showed a similar lack of enthusiasm for a French minister; finding no encouragement for him.<sup>79</sup> Lowther did insist on a fisherman, William Prance, reassuring Tickell that "some trouble will be in establishing all new things, but if it take I hope it will benefit the county," but Prance had returned to London by the end of the year, and a projected plan to be backed by other county gentry to revive fishing all along the Cumbrian coast also fell through.<sup>80</sup> According to William Gilpin as he described the suspicion against Scottish settlers, the townsfolk suffered "those common prejudices which people are apt to take up against foreigners at their first settling amongst them, and which are forgot the next generation."<sup>81</sup>

Some Irish Protestants began settling in Whitehaven from 1686 and Lowther hoped that more would follow, exhorting Tickell to encourage all new building as much as he could and to persuade the townsfolk to rent out rooms;

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76 T.T. 6 July 1666; J.L. to T.T. 10 July 1666; T.T. 3 Aug. 1666; J.L. to T.T. 18 Oct. 1670, 25 Dec. 1675; T.T. 24 April 1679; and D/Lons/ W Whitehaven, Various papers... item 75, "Building Accounts".

77 5 Oct. 1666.

78 J.L. to T.T. 5 and 29 Dec. 1685.

79 15 Dec. 1685, 12 Oct. 1686.

80 J.L. to T.T. 14 Oct., 31 Dec. 1684, 19 Jan. 1685. Lowther said some years later, "I once sent down an able French fisherman to try the coast and they did all they could to discourage him". J.L. to W.G. 5 Feb. 1698, *Lowther Correspondence* 454.

81 23 June and 12 June 1697, *Lowther Correspondence* 377 and 374.

nor were they to fear being supplanted by newcomers, "they must trust to this that the more people get together in any one place, the better everyone will live."<sup>82</sup> William Prideaux, who practiced physic and surgery; Jeremy Lyons, a Lancashire potter; Thomas Terry, a serge maker; a tape weaver and a tobacco-pipe maker pause briefly for us in Tickell's letters: "The late pretended artist", in brick and tile-making had returned to Ireland, "after he has shuffled up and down and gotten into many peoples debts here and at Workington"; and Baxter who had taken a house in Hodgson's Croft had died leaving a wife, five children and unpaid rent. The pipe maker had also vanished, owing money to the dead Baxter and the local masons, who in turn had borrowed from Tickell: "such cheating men are greater losses to us in their ill performances than the moneys lost ..."<sup>83</sup> But Lowther's confidence in the potential of newcomers was not always misplaced. Henry Palmer from Dublin established a distillery and Captain Richard Senhouse, late of Tangier, prospered as a merchant. Andrew Pelin, the serge maker from Ireland, also proved skilled in surveying. He drew up a survey of the manor and a map of the town, and began teaching mathematics and navigation.<sup>84</sup> John Golding, originally a butler at Lowther, became a successful inn keeper. As with the coal leaders, so with the tradesmen diverse employments were quite usual. Small wonder that William Gilpin found it difficult to satisfy Lowther's demand for a statistical breakdown of the populace of Whitehaven by occupation, "for several people that go under the name of tailors, shoemakers, fishermen etc; not having full business in those trades, do sometimes interfere with one anothers employments. So that we may happen to have 20 tailors and 20 fishermen etc and yet not 40 men."<sup>85</sup>

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82 J.L. to T.T. 24 July 1686. See also 5 and 15 Dec. 1685, 20 March, 21 Sept. 1686. A great many Irish fled to Whitehaven at the time of the Revolution, but though Tickell reports boat loads of 40 or 50 or even 200 passengers, very few settled permanently. - T.T. 29 Dec 1688, 10, 22 Jan. 1689, 14 Feb. 26 March 1689.

83 27 Jan. 1687. see also 23 Nov. (where Tickell describes Barrow, the tile-maker, as "full of maggots") and 14 Dec. 1686.

84 See especially, "Andrew Pellin's Surveying Career at Whitehaven, 1688-1705", Blake Tyson, *C.W.A.A.S. LXXXVI* 1986 pp. 163-183.

85 W.G. 31 July 1697, *Lowther Correspondence* 384.

As the merchants and tradesmen of Whitehaven prospered more of them were prepared to invest some of their gains in real property in the new town whose plan and regulated development had for long been a part of Sir John's aspirations and even perhaps of his father's. Sir Christopher Lowther already seems to have envisaged a new town in the Sandhills across the Pow. Through his frequent visits to Ireland, he may well have been conversant with the grid plans of the new Plantation towns being established there.<sup>86</sup> In 1646 the inhabitants built a chapel replacing the ruins of an earlier chapel on the same site, well away from the cluster of houses around the market place and the quay.<sup>87</sup> In the earlier part of Sir John's lifetime house-building extended plot by plot in the direction of the chapel along the two rows determined by Sir Christopher's original grants to the Grayson and Jackson families.<sup>88</sup> Sir John's written instructions to his new steward Thomas Tickell in June 1666 do not specify where or in what order he was to offer building plots, though he suggested a price of 7d a yard for those plots 14 yards deep and 9d a yard for plots 32 yards deep, with houses along the back line "something cheaper".<sup>89</sup> His price guide proved a little optimistic. In 1680, Tickell offered land "with your approbation" for 6d a yard in front for plots 24 yards deep, but prospective purchasers wanted to pay no more than 4d a yard.<sup>90</sup> However, Sir John did proscribe new building in certain areas, especially that close to the sea-shore, and by 1667 he had decided on another street running parallel with King Street.<sup>91</sup> Nevertheless in 1680 Tickell still had to ask what ground he could let for building and as late as 1685 had no clear idea where Lowther wanted houses to be built. He chided him for changing his mind about various sites: such uncertainty

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86 For the grid town plans of Ireland, see Gilbert Camblin, *The Town in Ulster*, Belfast, 1951, and J.S.Curl, *The Londonderry Plantation 1609-1914*, Chichester, 1986.

87 Tickell's enquiries among "the oldest" elicited memories of "a ruinous end thereof and a chimney in it and the bell belonging to it (and now in it)." Their collective memories dated the rebuilding to the time of the Long Parliament. 13 Nov. 1676.

88 See above, Chapter one.

89 D/Lons/W. Correspondence, Bundle 40, Instructions to Thomas Tickell, 19 June 1666. See Appendix C.

90 26 Jan. 1680.

91 J.L. to T.T. 5 June 1667, 9 Nov. 1669, 10 March 1680; T.T. 4 June 1667. The new street was to be East Strand, though not actually begun until 1687.

discouraged builders, "and puts me to a stand also".<sup>92</sup> One reason for hesitancy was probably the residual uncertainty about Lowther's right to the shoreline and consequently his ability to convey right to tenants. In a memorandum to himself in about 1676, Sir John noted a possible alternative of building in Hodgson's Croft instead of on "the waste which creates us so much trouble."<sup>93</sup> Even in 1687, Tickell reported that William Christian queried Lowther's right to sell "derelict" lands into freehold, and Robert Biglands "has been too forward to undervalue your interest in derelict lands" and especially discouraged Richard Hodgson from taking that new ground.<sup>94</sup>

In March 1680 Lowther wrote a brief memorandum that, to satisfy the New Tenants who had brought the Chancery bill against him three years earlier, he had offered to convey them freehold estates according to a draft deed sent down to their agent Thomas Addison, "they paying towards the charges I have been put to upon this account forty years rent or three times the rent yearly which they now pay."; that is (as subsequent dealings confirm) they were to purchase freehold by paying a capital sum and a free rent equal to the former customary rent, or alternatively by paying the two extra rents as if it were interest at 5% on the capital consideration foregone.<sup>95</sup> The charges of defending the Chancery suit (which does not seem to have proceeded any further than bill and drafted reply) can hardly have come to anything like the £400 capital which this scheme would have raised, and in fact the same terms were to be offered many years later for enfranchising plots to which the first customary admittances long postdated the bill of 1677. Having made the offer, Lowther evidently hoped that the tenants would purchase in a body but Tickell reported that they were "sticking" at the purchase price, and although he had acquainted them with the option of trebling rent, the deed was "not sought after" and "they are not in love with it", and further Addison had to inform him that the

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<sup>92</sup> 3 Nov. 1685, 26 Jan. 1680.

<sup>93</sup> D/Lons./W. St. Bees, Bundle 6, ex Box B, "Draughts to be prepared in order to the settlement of my affairs at Whitehaven.

<sup>94</sup> T.T. 30 Aug 1687. Hodgson was not deterred however, for his freehold deed bears date that very day.

<sup>95</sup> Memorandum in D/Lons/W Note Book, volume dated "1679".

New Tenants "cannot agree on apportioning their purchase moneys amongst themselves, but that each must agree severally."<sup>96</sup> Addison himself havered for two years and when he finally expressed his intention to accept the forty year purchase, he expected his rent to be reduced "to a trifle". But in the deed he accepted in September 1682 not only was his rent unchanged but the capital consideration had been advanced to sixty fold, and this for reasons nowhere expressed became the rule for the scattering of other New Tenants who followed his example in the next seven years.<sup>97</sup> John Gale the elder had once said he would be prepared to pay a hundred years' rent because of the small rent and good site of the customary tenement he had bought near the market place.<sup>98</sup> Sir John had explicitly excluded Old Tenants from the terms of the offer because their rents were so small: accordingly he took £20 from Henry Addison for the freehold of his house near the pier, whose rent was only 2s, and £3 from James Williamson to have his exiguous rent of 1d advanced no higher than 6d. In 1684, with only four titles so far purchased, he instructed Tickell to press the deed on tenants who had some dependancy or employment under him, but only the faithful Richard Scott complied. Henry Nicholson, blacksmith at the Howgill colliery and also a coal leader, shuffled off the enquiry with the excuse that he had not at present sufficient funds. Not until 1713 did Nicholson see fit to lay out his money on freehold, and James Lowther then made him pay sixty years rent for it. There were persistent rumours in Whitehaven that Sir John's estate was under some settlement which might disable him from conveying a fee simple even within the acknowledged bounds of the manor. For this reason in 1688 several tenants who had purchased freehold put him to the trouble of levying a fine and suffering a recovery to them as he had covenanted to do on demand.<sup>99</sup>

To Sir Christopher Lowther is due the first instance of building regulations prescribed in an admittance. The grant to Thomas Dawson in July 1640 of a large

96 T.T. 15 April, 3 and 18 May, 1680.

97 T.T. 22 June and 13 Sept. 1682.

98 T.T. 1 April 1680.

99 J.L. to T.T. 28 July 1688, D/Lons/W Letter Books, Fair copies, 1684 - 1693.



block of ground between Richard Pruddy's house and the pier specified that Dawson was to build the front of the premises 20 yards long to the same height as Pruddy's house within three years.<sup>100</sup> From April 1667 admittances to new or subdivided ground granted by Tickell often require that the new building should be six yards high, run the whole length of the plot and have party walls.<sup>101</sup> Dawson did not in fact build, nor did he ever pay more than the first instalment of his rent, and in November 1662 Sir John made a new grant of the land to Oliver Wright, tenant of the adjoining block, who built on it the house called Oliver's New House, or simply the New House. Two further customary transactions brought this house and land to Henry Addison, who in 1682 purchased the freehold, and began extending the New House onto extra land purchased along the front and one side, which gave a frontage of 27 yards. Vessels engaging in the new Plantation trade, in which his family had so great an interest, tied up almost outside the front door, and the amenities of the site more than any other had been improved by the discontinuance of Lowther's salt pans. Addison, and after his death his widow, built out to the very edge of their ground on three sides, and this disrupted the scheme of building for the town in which Sir John took a particular pride and which he had been able to direct by including regulations in customary tenants' admittances. Besides prescribing certain minimum heights for frontages, he stipulated that side walls be left blank to serve as party walls for houses built later, but the Addisons intended to let out the west range of their buildings and had made doorways and even projecting stairs giving onto Sir John's waste on that side. In 1710 the site accommodated, besides Mary Addison herself in the New House, five other residences and four shops.<sup>102</sup> It was not until 1703 when he took legal action against Mary Addison and her eldest son John and her lessees that Lowther recorded in any great detail the building rules which he claimed were so well known that he seldom expressed them in the grants: that he had always "a chief care" to

100 Copy in D/Lons/W Commonplace Book 1671-1689, "An abstract..." fo.246.

101 D/Lons/W St. Bees Court Books, 1666-1708.

102 D/Lons/W Whitehaven, Survey and estimate made of the value of houses to assess a paving and sewerage rate, 1710.

have the streets laid out regularly, with houses built to a uniform height and contiguous to each other; doors, windows and ornaments had to conform to a certain standard; doors, passages and rain water down pipes had to give out only onto public streets, lanes or background; rain water had to be channelled out into the street to be carried away; the side walls were to be left blank and clear of any projections, so that they could serve as party walls, and later builders had to pay a share of their cost to the first builder or his assigns.<sup>103</sup> Lowther was forced to bring this Chancery suit after the jury in his own court had found against him on the basis of the Addison's freehold deed which contained no covenants to prohibit what they were doing. However in June 1704 the case was settled when by the intercession of her father, William Atkinson, that specialist in all things customary, Mrs Addison was persuaded to acknowledge in the manor court that she had no right, and Sir John on the other side agreed to give her twelve months notice to stop up the doorways if the time came when he wished to grant the adjoining land.<sup>104</sup>

Likewise, Sir John made few written remarks about planning until the end of the century, when he advised William Gilpin,

"uniformity is best when a town spreads from the centre to the circumference, but if it happens that the outskirts of a town are first built, the centre will follow quickly, only care must be taken that the first buildings do not interfere with what may succeed. But the best way of all is to mark out several streets and to set different rates and let them choose where they will."<sup>105</sup>

Such an instruction had undoubtedly been made much easier by the recently completed survey of the town drawn by Andrew Pelin.<sup>106</sup>

A census taken on 19 October 1685, on the eve of a new phase of accelerated expansion, tabulates in three columns the number of families and of

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103 D/Lons/W Legal papers Lowther v. Mary Addison.

104 D/Lons/W Commonplace Book C 5, fo.24-25; D/Lons/W Court Book, 10 and 12 June 1704.

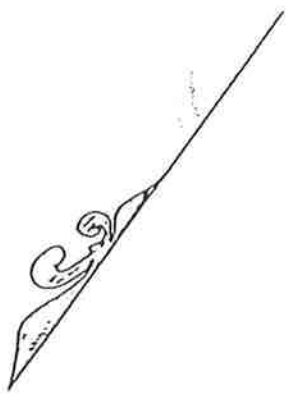
105 19 April 1698, *Lowther Correspondence* 506.

106 W.G. to J.L. 29 Jan. 1696, *Lowther Correspondence* 266. Thomas Tickell had set Pelin to draw a map of the old town in 1688; at that time the new town consisted of only two streets - T.T. 5 June 1688.



Scale of 300 yards —

0	10	20	30	40	50	60	70	80	90	100
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Low Water Mark

## Key

### Old Town

6. Henry Nicholson.
- 17-19. Old Hall.
17. John Gale.
18. Elisha Gale.
19. Ebenezer Gale.
20. William Atkinson (the scene of the pitchfork battle).
21. Ebenezer Gale.
45. Oliver Wright (Old House).
46. Henry Addison (New House, with additions).
66. Palmer's Distillery.
67. Custom House, 1695.

### King Street.

16. Independent Meeting House, 1672.
- 33-35. Thomas Jackson's houses.
- 36-37. Henry Tubman.
41. Custom House 1683-95, formerly Thomas Britton.
52. Thomas Addison.

### Chapel Street.

- 5-8. Grayson (1631 & 1642), divided into 9 by 1710.
- 3-4. Bigrigg, divided into 8 by 1710.

### Lowther Street.

1. School.
3. John Beck.
4. Robert Greggs.
25. Minister's house.
31. Robert Blaicklock.

### James Street.

4. Dissenters' Chapel.

### Poe Street.

10. Richard Scott.

### Roper Lane.

5. Boyland's House.
8. Robert Benn 1660, then Henry Fox, (with Thomas Tickell as lessee), then Thomas Addison (1675, cause of a riot in court), then Richard Hodgson, Addison's servant (1680); now the *Golden Lion*.
9. Robert Biglands (no garden, so he bought 8 Chapel Street, out of Grayson's).
- 11-16. (with Roper Alley between) Caesar Barnes, 1665, ropery and houses later managed by Henry Addison with 7 families of 41 persons resident in 1685, divided into 12 establishments by 1710.

### Tangier Row

- a-f + square back ground. Captain Senhouse.

individuals resident on 116 properties in the town, each identified by a single name, and arrives at totals of 268 families and 1,089 people.<sup>107</sup> Thomas Biggrigg appears as landlord of seven families, Anthony Whiteside of eight and Thomas Manesty of nine, while at the other extreme there were forty three single family establishments, and Richard Wood lived alone in the smithy of which he had taken tenure for his life only.<sup>108</sup> The number of new admissions and the rate of building began to increase almost immediately after this census was taken. Captain Richard Senhouse, though not yet acknowledged in court, had already purchased and begun to build on his large freehold in Brackenthwaite on the north side of the town, which he soon began to subdivide. A dozen new customary tenements also appear on the rental of 1686, and by the next extant rental in 1690 there were another thirty seven of these and in addition eighteen new freeholds, mostly converted from former customary tenancies.

As new admissions increased, Lowther issued more specific instructions to his stewards.<sup>109</sup> He urged Tickell to have a good supply of timber available, sent John Gale a manual on house building, dispatched plans for two and three story houses, and a model for a chapel.<sup>110</sup> Prompted by Tickell, he began to discuss appropriate street names, so that there would be no misunderstandings, "for that if we name them not, accident will."<sup>111</sup> He encouraged development in the street

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107 D/Lons/W Commonplace Book 1680's - 1690's, "Mr Drydens..." fo.7, a copy of the report enclosed in T.T. 20 Oct. 1685: It had been ordered by Lowther on his visit the month before, see D/Lons/W Commonplace Book 1671-1689, "An abstract..." fo.207, 7 Sept. 1685.

108 111 of these properties are identified by the names of tenants or their husbands or widows; the residue consists of the Minister's house, the houses at the ropery managed by Henry Addison, Thomas Jackson's houses surrendered to cancel his debts, here set down under the name of his wife, who doubtless managed them, and two houses once Thomas Britton's, recorded under the names of their occupants, who were not tenants. Separate tenements held by the same tenant, or by husband and wife or widow and son, are not distinguished, so that the total of tenants' properties falls short of the 120 town tenants and their 129 tenements recorded in the court roll the previous month, D/Lons/W, St Bees Court Books, 1666-1708.

109 C.W.Chalklin contrasts the orderly development of Whitehaven with Deal in Somerset, where the principal landlord, the Archbishop of Canterbury, showed little interest in its development. At Deal the early settlers built houses on the waste where they chose, and only years later were summoned to the manorial court to pay some acknowledgement; an arrangement which led to haphazard development. However, Chalklin wrongly believes that Whitehaven developed in an orderly fashion because Sir John Lowther actually lived there, whereas the landlord of Deal resided at Lambeth. - Christopher Chalklin, "The Making of Some New Towns c. 1600 - 1720" in C.W.Chalklin and M.A. Havinden (eds) *Rural Change and Urban Growth 1500 - 1800*, 1974, p.246.

110 J.L. to T.T. 3 July 1680, 9 Oct. 1686, March 20, 1686, 27 April 1686.

111 27 April 1686.

planned to run from the old chapel to the Flatt, stipulating it must be sixteen yards broad, and with buildings appropriate, "which as it is the largest I would have best built."<sup>112</sup> Lowther Street did attract better quality houses, and a number of leading merchants, tradesmen and customs officers built there in fine style. Robert Greggs, Tickell's successor as surveyor, built a house on a large block of land, and Gilpin described it as a "model to those who build hereafter in the street", with visitors to the town determined to copy it.<sup>113</sup> Mark Wildbore, who replaced William Christian as Collector, built a fine brick house there in 1688, of a style "to increase the beauty of that part of town."<sup>114</sup> John Beck, the independent roper, also built in Lowther Street. The stewards themselves made suggestions about the layout of the town and the quality of the buildings in particular areas. John Gale neatly combined considerations of utility and status in judging the best position for a rope walk, suggesting to Lowther that a line of trees planted to shelter it would look like a "large and noble avenue towards your own house."<sup>115</sup> Thomas Tickell suggested buying and pulling down Crosthwait's house because it blocked the prospect of Flatt from the sea, and recommended creating a "good front" to the sea by building seven yards high as a good example for those who built there later, expecting there to be many, "because of the nearness and prospect to the sea."<sup>116</sup> Gilpin suggested making a generous allowance of ground in Lowther Street according to the quality of the houses planned, because "the ornament of the street leading to your house is important", and because it was essential to make land-ward building attractive. "People will build toward the sea on any terms."<sup>117</sup> The stewards' remarks indicate the the townspeople, especially the merchants, were not so interested in Lowther's town plan: most wanted to build close to the sea and to encourage them to build elsewhere Lowther needed to provide incentives. In the case of Lowther

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112 J.L. to T.T.5 Sept. 1687; and in comparison to New St, 8 yards broad, and "to be of the lesser sort of houses".- J.L. to T.T. 10 March 1688.

113 W.G. 6 June 1696, *Lowther Correspondence* 288. The size of the block was 13 yards x 43 yards. D/Lons/W, 14 miscellaneous papers relating to enfranchisement.

114 T.T. 11 Sept. 1688.

115 12 May 1695, *Lowther Correspondence* 203.

116 5 April, 20 April 1686.

117 W.G. 30 Dec. 1693, *Lowther Correspondence* 79.

Street he offered both prestige by making it the broad central axis of the town and in at least two instances by agreeing to a substantial reduction in rent.<sup>118</sup>

It was in Lowther Street also that Sir John set aside land for a town school. In 1688 William Atkinson had organized a group of townspeople to subscribe £20 a year to pay a schoolmaster to teach in the town. The subscribers appointed Richard Cooper, previously an usher at St Bees school. Six years later, in 1694, Lowther built a schoolhouse at his own charge. His original limit of £100, although forcing Gilpin to "consult convenience rather than ornament" did not prevent the steward from suggesting a "handsome architrave .... a compartment for some suitable inscription to be a remembrancer of your beneficence, ... for I find some people here naturally troubled with bad memories."<sup>119</sup> Apart from the investment in bricks and mortar, Sir John encouraged the study of what he regarded as practical subjects suitable for the sons of merchants and mariners: mathematics, navigation and shorthand. He once considered adding the rectory of Distington to the mastership of St Bees school in the hopes of attracting the services of "some person like to Flamsteed, Mr Rook or one well-skilled in mathematics": the Master would then himself teach in Whitehaven, leaving St Bees in the hands of ushers supported by the old foundation. He cited the instance of one such teacher "who by inhabiting a few years at Bermudas, raised that place from a very low condition to be the best navigators of the world."<sup>120</sup> The school opened in January 1695 and by August had fifty pupils initially studying Latin and writing. In 1696, Andrew Pelin, who had been teaching navigation privately at his own house, began to teach mathematics in a newly-completed upper room of the school, with his salary being

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118 For Robert Blacklock, see *Lowther Correspondence* 117, 170 and 189. For Robert Greggs, see below, chapter eight.

119 W.G. 10 March, 9 September 1694, *Lowther Correspondence* 99 and 140. The building cost £120.

120 J.L. to Daniel Fleming, 5 July 1692, C.R.O.(Kendal) Le Fleming papers 4464. This plan came to nothing and when the rectory fell vacant, Lowther gave it to his relative, Lancelot Teasdale. Richard Jackson continued to teach school at St Bees until 1738, his income later supplemented by the curacy.- see chapter Seven. F.J.G. Robinson and P.J. Wallis in "Some Early Mathematical Schools at Whitehaven" *C.W.A.A.S.*, CXXV, 1975, correctly link commercial development with the growth of technical education, but confuse Sir John with his kinsman at Lowther.

paid along the lines of William Atkinson's earlier proposal.<sup>121</sup> John Gale disapproved of placing an impost upon the coal fleet for any purpose but for the improvement of the harbour, and slighted this educational project with a line of argument familiar down the ages: "'tis impossible the art of navigation should fail at Whitehaven where every schoolboy is a master in the theory and every apprentice can teach the practise part. Myself have three sons, some of which are able to teach Mr Pelin yet never went to school for the matter."<sup>122</sup> The project flourished nonetheless, and Pelin taught in the school until his death in 1732.

In conjunction with his policy of attracting tradesmen and encouraging industry, Lowther planned to build several small houses "hospital like" where the inhabitants could set up a spinning or knitting industry.<sup>123</sup> Tickell was unenthusiastic, reckoning the suggested site of Hodgson's Croft too boggy, and that such small houses would turn to little profit,<sup>124</sup> but by mid 1686 twelve had been built at a cost of £190-2s, though Tickell found it difficult to rent them to tradesmen and suggested that they could better accommodate colliery workers.<sup>125</sup> But Sir John considered building some houses on his own account necessary to draw tradesmen to Whitehaven. "When you have more people than work, new things will take place, and this I propose to have by new buildings", so Tickell built more houses in New Street and East Strand.<sup>126</sup> The four in New Street cost £122-10s and Tickell let one of them to Andrew Pelin for 40s a year, the others at 35s, "which does make near 6%," but the accounts for 1685-1692 show some frequently standing empty, and others in arrears.<sup>127</sup> More successful in terms of regular occupancy and return on investment were the two shops and houses in East Strand,

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121 "viz, for a certain rate to be paid him upon the tonnage of the ships, he will teach all the sons of the owners and the servants that are related to the ships." W.G. 24 Feb. 1697, *Lowther Correspondence* 341.

122 9 May 1697, *Lowther Correspondence* 363.

123 J.L. to T.T. 29 Nov. 1684.

124 9 Dec. 1684, April 1685.

125 D/Lons/W Estate Accounts 1685-1692, fo 84. T.T. 30 March 1686.

126 9 Nov. 1686.

127 T.T. 13 and 27 Nov. 1688. D/Lons/W Estate accounts, 1685-1692, fo.75. Andrew Pelin moved from New St to become a customary tenant in Church St in May 1694. He purchased the freehold in 1697.



built for £89-19-3d and each let at £3 a year, nearly a 7% return.<sup>128</sup> Lowther also built a substantial house and distillery for Henry Palmer at a cost of £196 let at £11-7s a year, about 5<sup>3</sup>/<sub>4</sub>% return.<sup>129</sup> But for the houses in Hodgson's Croft, it was as well that Lowther did not have profit primarily in mind. Even at 20s a year rent (making a 6% return) the tenants "are too frequently breaking out and running away which makes me weary of such poor rascally people", five of the brick houses now stood empty, and the colliery workers who rented most were "ill payers and great coal stealers."<sup>130</sup> Nor did William Gilpin manage any better: he too reported rent in arrears, houses standing empty and recommended that Gale deduct rent from the wages of those tenants who were colliery workers.<sup>131</sup> Nor did Lowther's urging to sell the houses solve the problem. According to Gilpin, "as people think you ought to buy dearer than others, so they expect you should sell cheaper."<sup>132</sup> By 1699 two of the eighteen houses in the Croft stood empty and eleven tenants owed rent totalling £39-11-6d.<sup>133</sup> After allowing for the cost of repairs it can be seen that a return of around 6% on these building investments could hardly have been better than 5% on a mortgage of land or collieries, even where the rent was regularly paid; the return on the Hodgson Croft houses was considerably worse than this, and it is not surprising that James Lowther sold them.

From one client however Sir John was able to extract a higher level of rent: the Customs Commissioners. By 1687 the existing Customs house had become too small to serve the growing trade and Sir John, his stewards and the Commissioners discussed plans for a new building adjacent to the harbour. Because Tickell expected it would "daily suffer damage by the careless multitude" he

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128 T.T. 20 April, 4 May 1686; D/Lons/W Estate account 1685-1692 fo. 88. They were taken initially by John Inman, a whitesmith, and Thomas Sherwin, a joiner.

129 Ibid. fo. 85.

130 T.T. 23 Aug. 1688, 14 Feb. 1689.

131 W.G. 5 July 1693, *Lowther Correspondence* 36.

132 W.G. 12 May 1697, *Lowther Correspondence* 364.

133 D/Lons/W Estate Memo Books, "Clerks Gen." By 1702 the arrears had risen to £48-14-0, with further "old" arrears, presumably written off, of £10-9-6. - D/Lons/W Commonplace Book, 1690's - 1705, "State of the fishery..." fo.27.

suggested a 7 or 8% return.<sup>134</sup> The Collector, Mark Wildbore, evidently desired a grander establishment than Lowther wanted to build or that the Commissioners would agree to rent: wainscotted dwelling rooms, a watch house and a "piazza" where goods could be weighed and sheltered from the rain. Tickell urged that the building would help make that part of the town "very beautiful and useful somewhat like an Exchange ... in the eye of the harbour", but the Revolution and then the outbreak of war with France interrupted the building plans until 1693.<sup>135</sup> John Gale then built it at a cost of £300 and the Commissioners agreed to pay £26 a year rent, viz 8  $\frac{2}{3}$ %.<sup>136</sup>

Lowther's attempts to encourage others to build or set-up in business by lending them money at 5% fell short of his initial flourish: "I hope the example may be a means to bring down interest through the whole country" as he added with characteristic caution, "but I would not have you lend above £20, £30 or £40 at most to one man, so shall I be able to gratify more ..."<sup>137</sup> Very little of his money lending went towards either trade or industry. He lent £1-10s to Henry Gibson; £6 to John and George Peel, masons, and £10 to Andrew Pelin to set-up in serge making. The most substantial sum went to the most substantial clients; the three brothers John, Ebenezer and Elisha Gale to assist them to build the *Crowne*, a ship of 90 tons burden, which in the French War of the 1690's mounted an armament. The Gales did not need the encouragement of a partnership and Lowther got a more certain return for his money.

The greater part of Sir John's lending, however, was reserved as before for mortgages on land or collieries, with the ulterior purpose of trying to establish a claim to them should they be sold outright: £200 to Anthony Benn aimed at his land

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134 17 June 1688. When Tickell wrote that the Collector supposed 6% rent sufficient, Sir John replied, "I am much beholding to your officers who think I will build to loss on their account because I do in things of charity."-T.T. 13 Oct. 1688; J.L. 23 Oct. 1688.

135 T.T. 25 Sept. 1688.

136 Lowther conveyed the old Customs house to John Golding for £110, for use as an inn. - W.G. 9 April 1694, *Lowther Correspondence* 106. For the building of the new Customs house, see Blake Tyson, "Some Aspects of Whitehaven's Development before 1700", *Ancient Monuments Society's Transactions*, vol 30, 1986, pp 149-185.

137 J.L. to T.T. 8 Dec. 1685.

in Hensingham, £200 to James Grayson in hopes of Cross tenement in Hensingham, £30 to Robert Harris who had an unworked colliery in Moresby, £100 to Robert Nicholson on his estate at Town Head, £20 to Thomas Laurence and £4 to William Gilliat ... "these two have land in Moresby which I hope to buy for you", said Tickell. Not once did these ventures at money lending achieve Lowther's aim. Only Grayson sold, but not to Lowther.<sup>138</sup>

In his zeal for promoting industry, reducing the interest rate, employing the poor to advantage, in his encouragement for diversified trade, for planting hemp and flax, or reviving the fishing industry to provide cheap food, Sir John reflected current debates and opinions. He owned a copy of Sir William Petty's *Proposals Concerning Coyne* and noted down a list of Petty's other works.<sup>139</sup> His notes on trade reflect the close attention being paid to Dutch methods and examples. Sir William Temple's *Observations upon the United Province in the Netherlands (1673)* appears in one of his book lists<sup>140</sup> and he quoted directly from Temple's *An essay upon the advancement of Trade in Ireland (1673)* as he compiled a list of what he styled "General Rules relating to Trade." However, the extracts he made from these works were at a philosophical rather than a practical level. "Trade begets Trade, as Fire does Fire." "The true and natural ground of Trade and Riches, is number of people, in proportion to the compass of the ground they inhabit. This makes all things necessary to life dear, and that forces men to industry and parsimony."<sup>141</sup>

The war to recover Jacobite Ireland had a drastic impact on Whitehaven's economy, and the effects of the longer continental war continued to distort it until 1697. Lowther's collieries from September 1688 - September 1689 yielded only £295-18-9<sup>1</sup>/<sub>2</sub>d and from September 1689 - September 1690 lost £170-17-8<sup>3</sup>/<sub>4</sub>d.

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138 D/Lons/W Commonplace Book 1680's-1690's, "Mr Drydens..." fo.109; Estate accounts, 1685-1692; 1700-1706; Estate accounts cash books 1692-1728, W. Gilpin's cash accounts 1693-1699 fo.130.

139 D/Lons/W Commonplace Book, 1680's-1690's, "Mr Drydens..." fo. 43; Estate Memo Books, General notebook.

140 D/Lons/W Whitehaven Various papers...item 80.

141 D/Lons/W Sir John Lowther, Dictionaries and notebooks, list 1/Box 2, list 5 Brief notes on trade, government regulations re trade etc. fo.9.

The stewards reduced the number of miners to those employed in essential maintenance.<sup>142</sup> In 1698 Gale recalled that work on a certain drift in Howgill had continued "til the Revolution, at which time most of our workings were laid in and this drift hath ever since remained in the posture we then left it." Scott, who had ordered the work, was more explicit: "it being that time when the great uproar was when it was said that the Irish soldiers was burning all before them, it was left off."<sup>143</sup> Gale too, despite his laconic observation, had been thoroughly caught up in the alarm: he hastily dug a hole in the quarry on his land and there buried plate, coal tokens, personal papers, and, numbered among such valuables, a book containing all his observations on the collieries, "terrified by the noise of the wild Irish descending."<sup>144</sup> This was Whitehaven's visitation of the pandemic alarm which swept northwards from the London region in mid December 1688. Sir Daniel Fleming had rumoured news of Irish atrocities dated the 15th of December. At Whitehaven there was a further incident on the 30th, when Fleming received news that 150 muskets had been dispatched thither from Carlisle upon an order sent express from Sir John Lowther of Lowther. The arms were evidently to aid an attempt to seize a supposed treasure ship in Dublin bay.<sup>145</sup>

This period of total dislocation supervened on the final round of the battle over the chaldron measure. The masters had enjoyed their chaldron of twenty two sacks for a little over two years when in 1687 William Carter, Surveyor of the Port of London, arrived in the Treasury yacht, sent down by the Commissioners to carry out a thorough inspection of Liverpool and Whitehaven.<sup>146</sup> He learnt of the current practice of measurement and brought it to the attention of the Customs Commissioners. "Mr Carter informs us", they wrote to Kirkby and the other officers on 30 June, 1688, enclosing a copy of their previous letter of December

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142 T.T. 21 Feb. 1689. "We work no coals now, only draw the water ... and serve the town and county with coals ... the wages about 62s per week".

143 D/Lons/W Collieries, list 2, no 15, s.v. Howgill.

144 The book was ruined by melting snow in the spring, but Gale, Scott and Richardson set to and compiled another set of observations which has survived. D/Lons/W, Collieries, list 2 no.15; J.G. 7 March 1697, *Lowther Correspondence* 343.

145 *H.M.C. Le Fleming*, p 229 ; Thomas Addison to Lord Lonsdale, *H.M.C. Lonsdale*, p 100.

146 He arrived in June and stayed until September - T.T. 14 June, 20 Sept. 1687.

1684 for reference, that their measuring has been "so viciously managed" by building up large lumps of coal about the edges of the vat in the manner of a wall, and that although the masters had previously loaded sixteen sacks to a chaldron, now by carefully placing and building up the coal piece by piece, the vat had been "by that foul practice, made so capacious as to receive a far greater quantity to fill it upheaped", and the masters loaded twenty two sacks to a chaldron, thereby defrauding the King of more than a third part of his custom. "We doubt not", they continued, pre-empting the outcome of further trials, "but you will find that 15 of those sacks ... will answer the measure of the vat ... we therefore order and require you to take care that for the future there be no more than 15 of those sacks allowed to the chaldron of coals ..."147 The letter's per-emptory manner is characteristic of its first signatory, Dudley North, who had been returned to the Commission after a brief absence during precisely those months of 1684/5 when the twenty two sack chaldron had been justified.148

The masters, outraged, at once stopped the trade. Thomas Addison, now on the other side of the fence, imparted to their remonstrance the same debating skill and legalistic adroitness he had displayed in the New Tenants' Chancery Bill, arguing not only that by an impartial remeasurement the vat was found to hold thirteen and a quarter bushels, well over four sacks, but from reference to a statute of Henry VII that five vats, not four ought to be allowed to the chaldron.149 Lowther himself, after an enquiry at the London Custom House, had noted laconically, "The vat is supposed to hold 9 Winchesters heaped or 11 strike but neither true."150 In July, having enquired after the measure in Exeter, Liverpool and other West Country ports (the term included the whole west coast) he advised Gale that it may never have been ascertained, "but each port like ours governed by

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147 Copy in D/Lons/W Letter books, Fair copies, Sept. 1684- Jan 1694.

148 *The Lives of the Norths*, vol II, pp. 205-6; C.T.B. vol. VII part 2, pp. 1250 and 1352.

149 D/Lons/W letter books, Fair copies Sept. 1684 - Jan. 1694, copy of the Masters to the Commissioners, n.d. but clearly soon after receipt of the Commissioners' letter of 30 June 1688. Addison is the first signatory and the drafting is certainly his.

150 D/Lons/W Letter Books. Memoranda and letter book Rough Copies 1675-1689. n.d. but some time between 1686 and 1688.

custom and practice which if vigorously stood to may perhaps be established for law", for if the Commissioners knew of no other stated measure, except the Newcastle and London chaldron, "custom will be the law".<sup>151</sup> He recommended the masters resume trade under protest and employ an agent to negotiate with the Commissioners rather than appealing to the Privy Council. North was not re-employed after the Revolution but, as his brother remarks, his successors in the Commission soon found reason to continue in his methods and measures.<sup>152</sup> Inter alia, the limit of their concession over the Whitehaven chaldron was to permit sixteen sacks instead of fifteen, at which level it was thereafter to remain officially fixed. The coal trade by that time was in any case at a standstill, and when it resumed after the recovery of Dublin in July 1690, it faced several years of poor prices in Dublin, embargoes, shortage of coin and fear of the press gangs. Many of the miners and sailors had left the town seeking work elsewhere and by the end of 1689 Tickell described the loss of trade as "very afflictive", with money scarce.<sup>153</sup> A chronic shortage of specie to support the credit structure, noticeable in the previous decade, became in these new circumstances acute and by April 1690 even such substantial farmers as Anthony Benn and George Richardson could not pay their rents on time.<sup>154</sup>

Sir John had been appointed a Commissioner of the Admiralty in February 1689, and his stewards naturally expected him to use his influence to gain defences for the town, permission to raise a small local army to defend the port, cruisers to patrol the Irish Sea, a convoy to protect the Virginia Fleet, protection from the press gangs or relief from the embargoes. Lowther did what he could, and if that did not extend to the provision of a cruiser manned and commanded by local men as suggested by Gale, he at least arranged for cannons to be sent and obtained monetary

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151 D/Lons/W Letter Books, Fair copies 1684-1693, 31 July 1688.

152 *The Lives of the Norths*, Vol II, p. 199.

153 13 Nov., 29 Dec. 1689.

154 T.T. 13, 30 April 1690.

relief for the Irish refugees landing at Whitehaven.<sup>155</sup> He tried to arrange for the ships to have enough crew to sail, but unable to provide complete immunity from the press (he was after all as a Commissioner responsible for the efficiency of the Navy), he attempted to reconcile the town by encouraging the young men to join voluntarily ... "the more that went into the King's ships the greater experience they would get against time of peace."<sup>156</sup> The town survived by helping service the war and by trading whenever possible to Virginia and Norway, and reaping whatever brief harvest came their way. House owners let rooms to the stream of arrivals from Ireland. Town builders and carpenters still found employment with the new building that continued in the town despite "the deadness of trade."<sup>157</sup> Ship masters carried passengers from Ireland at "10s a head and the like for a trunk", though this particular harvest ceased after July 1689, and most of the refugees returned to Ireland.<sup>158</sup>

Transporting horses, provisions and troops to Ireland became for a time the single most important employment for the town, to say nothing of the vast quantities of hay and timber gathered at the harbourside for shipment which instead disappeared into private use.<sup>159</sup> Edward Dummer, Surveyor of the Naval Dockyards, arrived in July 1689 to contract with the masters for the transport service, but he arrived just as William Atkinson and Thomas Jackson sent word from London about their lack of success in lobbying to have the coal chaldron altered and their opinion that Lowther had done little to help. Dummer found the masters acted as a concerted body and determined to negotiate good terms. Tickell reported him "ill-pleased with some of our selfish men such as Robert Biglands etc. who have broken off from their agreements with him about their ships".<sup>160</sup>

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155 "persons that had some dependence on yourself and relation to us. Such would be kinder to our men in the matter of pressing and more active, and careful to save our shipping of this port from harm." J.G. 10 Sept. 1693, *Lowther Correspondence* 53. J.L. to T.T. 25 June 1689.

156 J.L. to J.G. 18 Sept. 1694, *Lowther Correspondence* 145.

157 T.T. 5 March, 4 June 1689, 8 June 1690.

158 T.T. 9 April 1689. For a fuller account of wartime Whitehaven, see *Lowther Correspondence*, pp. xxxiii ff and J.A. Downie, "Whitehaven 1688-98: English Provincial Society in Wartime", M.A. thesis, Adelaide 1981.

159 William Christian to the Lds Commissioners for Irish Affairs, 7 Feb. 1690. Copy in D/Lons/W Letter Books, Fair copies 1684-1694.

160 2 July 1689.

Dummer to engage them at all, had to agree to pay 2s a ton (roughly 17%) more than he paid vessels from other ports, and referred to the masters as "those combined people there" who refused to lay out any money on their own account to fit their ships for the service. He found it difficult to get them to agree to provide a specific number of men for the service, as they wanted to agree "only in general a number sufficient but I perceived too much indifferency in them to be at that liberty."<sup>161</sup>

Some large accounts were run-up in this service: the *Resolution*, one of the biggest ships at 200 tons, amassed £1,388 (with an eighth share due to Lowther). Lowther had always wanted some of the Whitehaven ships to continue with the coal trade to Ireland despite the dangers, to "bring away money, intelligence etc. and provided always that there be not above 2 or 3 ships at a time in Dublin least numbers should be a temptation to seize on them"; but a complete embargo stopped all trade between April 1689 and July 1690.<sup>162</sup> When Lowther offered to exert his influence to have at least some ships released, the masters engaged in the transport service proved unwilling to forgo it, "which is the very best service they ever had as most profitable."<sup>163</sup> Moreover, Lowther understood the hazards of trying to extract payment from the Admiralty purse, and as some of the masters negotiated unsuccessfully in London to speed-up payments, Lowther wrote somewhat tartly, "they now wish they had taken my advice, employing some of their ships in trade, but because it looked like advice that might have been useful to me, they were against it."<sup>164</sup> In fact Robert Biglands castigated Lowther for their non-payments, blaming him entirely.<sup>165</sup> Although the masters used the opportunity of drawing up a congratulatory address to King William to remind the King of the transport debt,

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161 P.R.O. ADM1. 3558. The masters had a sound though unpleadable reason for demanding a higher rate because the tonnage of their ships were all under-measured.

162 J.L. to T.T. 2 April 1689. He elaborated a week later "for coals are welcome to them as money is to us, and the Dutch method is even to sell ammunition to enemies." - 9 April 1689. For the intelligence relayed to London by Tickell see *Lowther Correspondence*, pp xxxv ff.

163 T.T. 6 April 1690.

164 J.L. to T.T. 10 June 1690.

165 T.T. 31 Aug. 1690.



it remained outstanding until well into the next century.<sup>166</sup> The size of the debt and the number of masters involved naturally had an impact on the community. A body of sailors combined to bring an action in the assizes against the masters for wages due in the transport service in spite of a prior agreement to wait until the masters had been paid. William Gilpin, normally a fair-minded observer, reckoned that the ordinary seaman had not suffered much because their wages had increased substantially "so that they might well forbear what the masters and owners (many of them) are not at present in capacity to pay".<sup>167</sup> Some wills and inventories record the size of the transport debts: Robert Biglands (d.1702) £500; Henry Tubman (d.1691) his share of the *Resolution* plus transport debt, £200; Erasmus Lowes (d.1714) £200; James Millam (d.1699) £500; and Daniel Branthwait (d.1705) £100.<sup>168</sup> The money thus became a loan to the Government and unavailable to the local Whitehaven economy at a time when it needed capital to develop and expand local industry and overseas trade, let alone make up for the swathe of losses inflicted by the privateers. In 1694, William Gilpin reckoned three ships captured worth a total of £20,000 and a year later provides the cost of ransoming four others: £119, £200, £200 and £85; but the owners and masters considered the profits great enough to take the risk, and the practice of spreading shares over a number of ships undoubtedly lessened the impact.<sup>169</sup> When a privateer seized the *Success* returning from Holland, Gilpin remarked matter-of-factly, "Our Holland's adventure was always hazardous, yet there was a prospect of advantage that was proportionable", adding as a salutary reminder to a Lowther then much vexed with the slowness of his colliery profit, "colliery is like trade, where people must lay their designs as prudently as they can, but cross events ought not to disturb them."<sup>170</sup> Even apart from privateers, the very nature of

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166 W.G. 6 Dec. 1697, *Lowther Correspondence* 425.

167 W.G. 30 July 1694, *Lowther Correspondence* 129. Gilpin's accounts for November 1695 include a payment of £12-13-9, "being J.L.'s 1/8 share of £195 owed as arrears of wages due from the owners of the *Resolution* while she was engaged in the Transport service" - D/Lons/W Estate accounts cash books, 1692-1728, fo.9.

168 L.R.O. Probate Records, Copeland Deanery.

169 W.G. 27 June 1694, 23 June 1695, *Lowther Correspondence* 122 and 211.

170 W.G. 5 May 1697, *Lowther Correspondence* 362.

trading by sea was hazardous, and the town could suffer severe losses all too easily, and in a short space of time. John Fletcher, and Richard and Thomas Hodgson, "all good adventurers to Virginia", were all drowned in 1690, their deaths, as Tickell wrote, "great impediments to trade."<sup>171</sup>

Yet the masters continued to "lay their designs". At the end of 1697, Gale reckoned the current tally thus: "... 10 bound to Virginia, freighted by our neighbours and country men, 8 more to the same ports, freighted by Scotch merchants, 1 more by ourselves freighted to the West Indies, and 1 by the Scotch; in all 20, as this day contracted."<sup>172</sup> The Commissioners of Customs appointed more officers "in consequence of the increase of trade there": in 1696 a third land waiter and six more tidesmen and boatmen and two more porters.<sup>173</sup> The local officers also had power to hire additional men at peak periods - ten or twelve extra at one time simply to guard the Plantation ships.<sup>174</sup>

Despite the government debt, the losses by warfare, the slump in the coal trade, the enormous difficulty of finding coin for payments and complaints of poverty on all hands, it is evident that the economy of Whitehaven was very resilient during this period of war time, much more so than it could conceivably have been thirty years before. William Feryes, who had recently married John Gale's sister, Mehitabel, arrived from Ireland in 1691, "an ingenious, civil man well-versed in the Virginia trade and part owner of the ship *Martin* and deserves encouragement," wrote Tickell. In 1698 Gilpin reported that Feryes' trade had increased so much that he wanted to enlarge his dwelling, and to build a new, large house on East Strand, fronting the harbour, "which will be an ornament to that part of town". Lowther refused permission for this site and Feryes eventually built the Great House in Duke Street in 1708. Land and house together cost £2,000. In

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171 T.T. 9 Nov. 1690. Henry Addison, who had recently died of a fever, was also included in the lament.

172 J.G. 14 Nov. 1697, *Lowther Correspondence* 420. Gilpin on 1 Nov. counted 20, which he amended to 17 a week later - 1 and 13 Nov. 1697, *Lowther Correspondence* 416 and 419. A third observer, Clement Nicholson, reported 4 ships gone to Virginia, with 14 more ready to sail - P.R.O. C 107/161, Nicholson to Lloyd, 15 Dec. 1697.

173 C.T.P. vol XL no 26. 25 Sept. 1696 and P.R.O. T. 11/13 p.298.

174 J.G. 1 May 1698, *Lowther Correspondence* 513.

1703 Sir John described him as "our boldest adventurer" to Virginia, and believed that if he escaped privateers would "soon raise a better estate than mine out of that trade."<sup>175</sup> A good indication of prosperity and confidence is the continuing increase in the number of inhabitants and, still more, of tenants who were either purchasing houses already built or undertaking an obligation to build them. In January 1696 Gilpin counted 454 families and a total of 2,281 inhabitants while since 1690 the number of tenants had grown by another fifty.<sup>176</sup> It was in the middle 1690's that the finest houses to be built in Lowther Street were under construction, and that one citizen could guarantee the cash flow necessary for building the church.

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<sup>175</sup> T.T. 23 Sept. and 8 Nov. 1691; W.G. 2 March 1698, *Lowther Correspondence* 474; J.L. to Ja.L. 10 Oct. 1703, D/Lons/W Correspondence, Draft letters Feb.1702- Dec.1705; and P.R.O., E134 4 Geo 2 Hil 12 and 14, The Feryes' estate.

<sup>176</sup> Based on a conservative counting of new admittances since 1690, strict accuracy being unattainable. W.G. 29 Jan. 1696, *Lowther Correspondence* 266.

## Chapter Six

### The Times Require Sobriety in the Clergy

"Put me, I pray thee, into one of the priests' offices, that I may eat a piece of bread." I Samuel 2. 36.

In February 1686, Sir John received an enquiry from Dublin, from Henry Palmer, Presbyterian master distiller there. At the instance of his junior partner and former apprentice Samuel Brownrigg, a Whitehaven man by birth, Palmer contemplated removing thither with his business, if suitable premises could be made available, but expressed a serious reservation, "because I have lived in a city where there is plenty of good ministers, and of the means of grace, which I hear that place is barren of in a very great measure."<sup>1</sup> Palmer's standards were exacting, but the lack of a preaching minister was an enduring scandal. Over a century earlier, Archbishop Grindal had reckoned his native district of Copeland "the ignorantest part in religion ... of any part of this realm, to my knowledge."<sup>2</sup> Into this darkest of dark corners he had tried to introduce a guiding light by benefactions and legacies totalling £1,300 to establish a free grammar school at St Bees and scholarships and fellowships for its foremost pupils at Pembroke Hall, Cambridge and the Queen's College, Oxford. Subsequently his kinsmen and neighbours, the customary tenants of St Bees, convinced themselves and, later, higher authority, that his generosity had been intended as much for their material relief and comfort as their spiritual welfare. Still less happily his executors and the governors of the school squandered more of his foundation in highly beneficial leases to Pembroke

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<sup>1</sup> 20 February 1686, endorsed to Tickell.

<sup>2</sup> Grindal to Cecil, 17 May 1563, quoted in W Nicholson (ed.) *Remains of Edmund Grindal*, Parker Society, 1843, p.256.

Hall and to some of their own number, and descended into acrimonious Chancery proceedings with each other and with William Lickbarrow, the master.<sup>3</sup> Early in 1630, he penned an impassioned plea to the Bishop of Chester. Apart from the intolerable negligence of the governors, who now would not even pay his salary, he had "both in school and church taken great pains among these parishoners for sixteen or seventeen years last past, yet never received from them anything for his labour in all that time, save only malicious calumny, unjust slanders and mortal hatred." By now he had turned to self-help: in April 1630 he held the largest single farm, at £40 a year, of Sir John Lowther I's newly acquired demesne lands in the manor. Nor had he given up the fight. In 1634, he cited the curate, William Coats, in the Consistory Court for keeping a "common, drunken, disorderly alehouse", being drunk himself in church, giving communion to children, excommunicates and convicted adulterers and being incapable of his function: "You are so ignorant and unlearned that you cannot read divine service truly and distinctly but you miscall many words in reading and ... do become so very ridiculous to the congregation and have caused them by your foolish gestures and ignorance in reading to laugh at time of Divine Service".<sup>4</sup> The Court deprived Coats, but he officiated until his death in August 1636. The ignorance of Copeland seemed (so far) invincible.

No learned man would have gladly accepted the cure of St Bees, with a stipend of £12, a vast parish to serve, a ruinous church, the joint impropiators perpetually at odds and outlying chapelries asserting independence. In Cumberland generally parishes were mostly large and livings poor, the best impropiated with ungenerous provision for the ministry. Sir Richard Fletcher, sued for maintenance for a preaching minister in a chapelry of his rectory at Wigton, answered that he gave him as much as his letters patent prescribed, and if the man would not preach

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<sup>3</sup> Lickbarrow, a recent graduate of Queen's College, Oxford, had been appointed headmaster by Henry Airey, Puritan Provost of Queens and a governor of the school, in 1612. Great Britain, House of Commons, Sessional Papers, 1820 (28), Report of the Commissioner of Charities, vol. VI (Cumberland), pp.5-24 and Appendix nos.1-27. Lickbarrow's letter (see below) is no.9. For Airey, see J. McConica, *History of the University of Oxford*, vol. 3, 1986, p.422.

<sup>4</sup> Quoted in John Addy, *Sin and Society*, 1989, pp.31-32.

he could not make him.<sup>5</sup> Several Copeland rectories were obliged to pay pensions to the impropiator of St. Bees, of which Sir John Lowther in 1666 remorselessly levied the incumbents for arrears stretching well back into the Interregnum.<sup>6</sup> Mr Lickbarrow might equally well have levelled his strictures against the rector of Egremont. Indeed, since the Rector was *ex officio* a governor of the school, he probably did. William Antrobus, Rector since 1581, had secured for himself the next presentation to his own living, and in 1623 presented his son Isaac. In the Civil War, Isaac first sought a commission in Sir Christopher Lowther's royalist regiment and recruited his parishoners to serve in it. In 1647, charged with this, but also with failing to preach, being a continual drunkard and committing sexual and sacrilégious offences of an antinomian flavour, he was sequestered. Though described as "a most evil liver, bold and very rich", he had by now professed his conversion to the causes of Parliament, Independency and the downtrodden, was earnest to "learn the right and infallible way to Zion," and claimed to have been himself plundered by Sir Christopher Lowther and the Royalists. "As one kinsman goes out of office on the King's side, another comes in for the Parliament and so the match is made up again," he observed shrewdly if shamelessly, of county government, "the oppressors are only changed but the oppression continues, justice falls in the streets, corruption prevails."<sup>7</sup> But in 1660 the old villain was restored with the King. In 1664 he was assessed for no fewer than nine hearths, and in 1666 was negotiating with Sir John Lowther's new steward for the purchase of a second-hand colliery gin, for which Lowther, with previous experience of trying to extract debts from him, insisted upon the very strictest security.<sup>8</sup>

Also restored in 1660 was Richard Rickerby, curate at Cockermouth. After the first Metropolitan visitation in 1663, Rickerby excommunicated large numbers

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5 Edmund Sandford, *A Cursory Relation of all the Antiquities and Families in Cumberland*, c. 1675, ed. R.S. Ferguson, C.W.A.A.S. Tract Series, no.III, Kendal, 1889, p.18.

6 J.L. to T.T. 6 and 20 November 1666.

7 British Library, Thomason E 355/25; William Lilly, *History of his Life and Times, from the year 1602 to 1681*, reprinted 1822.

8 T.T. 28 June 1666, J.L. to T.T. 29 June 1666, "For be confident he will not pay one farthing himself without suit and hardly then". Lowther was then at Sockbridge, and Tickell's letter went to him "express".

for contumacy in not appearing at the visitation, including some thirty persons at Cockermouth and forty at Dean who we may reasonably suppose in the light of other evidence to have been protestant non-conformists. Within St. Bees, however, only fifteen were excommunicated and of these only Elizabeth Lesley, widow of a former Customs officer, and Thomas Davie are from Whitehaven.<sup>9</sup> By the time of Sheldon's inquest into conventicles in 1669, Copeland had come under the jurisdiction of John Wilkins, bishop of Chester, first of the Latitude Men to be elected to an episcopal throne. In contrast with the vindictive elaboration transmitted by other diocesans from the reports of their parochial clergy, Wilkin's compressed returns record the bare existence of conventicles in a parish, rough estimates of numbers attending and sometimes an indication of their social status, without naming a single name or place of residence. His return for Copeland Deanery is laconic even by his standards. At Cockermouth he notes tersely, "some Nonconformists and some Quakers"; at Egremont "conventicle of Nonconformists"; at Dean "Meetings of Quakers, sometimes to the number of 200", and after even briefer notices of another five parishes, sums up the remainder, including St Bees and Whitehaven, with "No conventicles in any of these places." The Bishop of Carlisle's fragmentary return reports "50 or 60 Independents" at Bridekirk, and their minister George Larkham, who had been ejected from the church of Cockermouth, just the other side of the river, when Rickerby was restored there. On 16 July 1672 Larkham and four others from Cumberland (including Thomas Tickell's cousin Richard Eaglesfield of Allerby) obtained licences to hold Presbyterian meetings in their houses under the Declaration of Indulgence. None of these was nearer to Whitehaven than Cockermouth, but in December the house of Isabella Dixon in Whitehaven was licensed for Independent meetings.<sup>10</sup> That Dissent was still alive, still organised and still effective among the parochial congregations of Egremont, Bridekirk and

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9 Borthwick Institute, Visitation Papers v 1662-3.

10 G. Lyon Turner, *Original Reports of Early Nonconformity under Persecution and Indulgence*, 1911, vol. 1, pp.174, 176, 527, 580, 585.

Dean in the next two decades will shortly appear. Moreover, although no Presbyterians are reported as such from Whitehaven and nothing more is heard of the Independents, the presence thirty years later of a large group of Dissenters, by then avowed Presbyterians, most of whom had long been settled in the town and its neighbourhood, suggest that the local church settlement after the Restoration had comprehended Dissent without suppressing it.<sup>11</sup>

When Isaac Antrobus died in 1672, his sons, the eldest of whom was curate of two neighbouring parishes to the south, were unwilling to relinquish the church of Egremont, which had been in the family's possession for 91 years, and locked the doors against a visiting aspirant come to deliver a trial sermon. The aspirant was Richard Tickell, eldest son of Sir John Lowther's steward. Tickell was a graduate of Trinity College, Dublin, but had not yet been ordained priest, indeed being under 24 years old he was not yet eligible and this had been an obstacle to earlier attempts to get him a living. This time, however, a special licence was obtained from the Archbishop of Canterbury and a presentation from Lady Elizabeth Percy's guardians, either by Lowther's influence or by his steward's offer of £50 and a year's revenue of the living to the Cocker mouth auditor.<sup>12</sup> Richard Tickell did not prove an entirely satisfactory minister at Egremont and occasional hints of dissipated living pursue him in the correspondence for the next seven years. Early in 1680 his father was applying to Sir John in his behalf for a second living, newly vacant, at Bridekirk, where the advowson belonged to Richard Lamplugh. Since Richard Tickell was not a Master of Arts from Oxford or Cambridge he needed a place on a nobleman's list of chaplains in order to qualify for a dispensation to hold two livings. Lowther was very willing to help him obtain this necessary qualification and for three months scoured the ranks of the nobility for anyone with a vacancy and at the last moment found "a new earl not yet full."<sup>13</sup>

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11 "A powerful circumstantial case can be made for suggesting that the church of Charles II contained as much casual nonconformity as that of James I", Ronald Hutton, *The Restoration: a Political and Religious History of England and Wales, 1658-1667*, Oxford, 1985, p.288.

12 T.T. 4 December 1672; 10 January, 2 February, 9 June 1673.

13 J.L. to T.T., 6 March 1680.



Another obstacle to be overcome was the resistance of the parishoners at Bridekirk. On 1 April, 117 of them subscribed a letter to Lamplugh and on 12 April twenty of them whom Lowther described as "most of the best there" wrote to him that although they themselves had proposed two "able, sober men" to Lamplugh, he was forcing Tickell on them. They therefore asked him not to assist in getting the dispensation.<sup>14</sup> He was able to represent to them that it was too late, the dispensation being already obtained, (which may possibly have been true by the day he received their letter, but if so, only by a slender margin) and "being now passed hope you will not refuse him. Your countenance he shall deserve upon trial."<sup>15</sup> So Richard got his second living, but Lowther summed up with the warning, "pray hold him to study and exemplariness in his life ... I urge it because both the bishops think a point is strained and I would have no objection from a captious parish."<sup>16</sup>

Early in 1685 the vultures began to gather around yet another clerical death bed, at Distington, where Sir John was in the course of negotiating to purchase the advowson from William Fletcher. This time the steward had another member of his family to promote, Dr Thomas Wilson, husband of his daughter Margaret, whose medical practice, though he attended several of the county's leading gentry, did not bring in enough to support his annually increasing family. He had up till then sought alleviation of his problem through a post in the customs, and it seems to have been the merest opportunism which turned his thoughts to the ministry instead.<sup>17</sup> He still had no orders when the living fell vacant yet Lowther though he regarded this as "a great fault" willingly gave him the presentation on the assumption that he would obtain his orders in the little time available.<sup>18</sup> Wilson applied to the Bishop of Carlisle who upon examination refused to ordain him; and

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14 "If he is put upon us, it is utterly against our wills", parishoners at Bridekirk to J.L., 12 April 1680, enclosure to Tickell.

15 J.L. to the parishoners, 24 April 1680, enclosure to Tickell. The dispensation was issued on 17 April.- D/Lons/W Commonplace Book 1671-1689, "An abstract... fo.205-6.

16 J.L. to T.T., 12 July 1680.

17 T.T. 5 June 1681.

18 J.L. to T.T. 6 June 1685.

he then, without consulting his patron, took ship to Dublin, the presentation in his pocket, and found an Irish bishop who was not so scrupulous. Lowther was scandalised by his unexplained disappearance and would wait no longer, but instead awarded a second presentation to none other than Richard Tickell, who was duly instituted before the doctor's return. Richard hoped to hold Distington and Egremont together, relinquishing Bridekirk where the revenue was less than at Distington, and where he had resented being held to his promise to reside in a parish full of non-conformists. He found, however, that he had voided his presentation to Egremont also. Lowther suspected that the Tickells had collusively deceived him in an ill-informed subterfuge to bring all three livings into the family. Nevertheless he set to work to obtain Richard a new presentation to Egremont (five guineas paid to the Cockermonth auditor seems to have settled the matter) and to wring a second dispensation out of an unwilling Lord Chancellor.<sup>19</sup> Then Lowther attempted to foist the errant doctor on Bridekirk and its long-forbearing patron. Tickell saw no objection, postulating that Lamplugh, as a favour to him, had given Richard the living for life, "which God be praised is not yet extinct", so perhaps he would now present the doctor, who "may die as soon as my son,"<sup>20</sup> but this time Lamplugh was not to be prevailed upon. Richard Tickell, on the other hand, was allowed to resume a happy pluralism, though now at Distington and Egremont, in which it appears that the best that could be said of him was that nothing much could be said of him. Lowther wished him kept away from the new schoolmaster of St Bees, and not to be a bad influence upon him as he had been on the previous one, for he had heard that "he drinks still which I expect he should leave for my sake if

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19 J.L. to T.T. 5 December 1685. The Chancellor said it was the first he had given save one which he did by the King's repeated demands: exceptions which seem less exceptional when we realise Jeffries had not yet held the office three months. The account Lowther presented to Thomas Tickell for expenses on his son's behalf in obtaining successively Bridekirk and Distington are preserved in D/Lons/W Commonplace Book 1671-1689, "An abstract...", fo.219. Bridekirk cost in all £24-2s, Distington £29-0-6d. The biggest single item in each case was £9-5s for sealing in Chancery and most of the rest consisted of fees to the solicitor and to officials at Lambeth. Lowther seems to have obtained favourable composition for first fruits at £1-1s-6d and £1-7s-6d respectively, although Bridekirk had a certified value of £33 and Distington of £67-19s-2d, and both were certainly worth more.-Hutchinson, vol.II. pp.98 and 258.

20 T.T. 24 November 1685.

not for his own, the times require sobriety in the clergy."<sup>21</sup> Richard Tickell died in 1692, owing arrears of the pensions due out of his rectories to the patron who had laboured so heartily in his behalf.<sup>22</sup>

The unemployable Dr Wilson was to remain as a charge on his father-in-law for another five years of repeated solicitation and endeavour. Tickell wrote frankly that, but for his daughter's sake, he "could easily forgo his acquaintance for ever."<sup>23</sup> With a fifth grandchild shortly expected, he set about obtaining Wilson a curacy under the ailing rector of Dean, who might soon resign, opening the way to promotion to this unusually wealthy benefice if the patron, the fourth Lord Wharton, could be moved in his favour. But the churchwardens locked the door against Wilson, demanding to see his licence to preach, and when one was obtained from the bishop the parishoners pulled out the bell clapper and hid the key to the chest which contained the prayer books, and Wharton's steward, John Gunter, vouchsafed that his lordship had another in "his eye."<sup>24</sup> Tickell mistook this as a hint that for a consideration he could divert his master's gaze, but probably Gunter was saying no more than what he knew to be the truth, and in fact the austere and scrupulous Wharton ("the most difficult man that I know how to deal with") baffled Lowther's addresses also.<sup>25</sup> Least dissembling of the few adherents of Dissent among the peers, his choice when the time came fell naturally on a barely conformist clergyman who had served him as a curate of the barely conformist parish of Ravenstonedale.

By November, after canvassing the meaner rectories of Bolton and Plumblands, the doctor humbled himself to serve as Richard Tickell's curate at

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21 J.L. to T.T. 10 July 1686, perhaps with an uneasy eye on the King's new Commission for Ecclesiastical Causes. Copies of the ordinance setting up this Commission and matters relating to the order to suspend the Reverend John Sharpe and the appearance of Bishop Crompton before it, occupy twenty one folios of one of Sir John's Commonplace books.- Commonplace Book 1671-1689, beginning "An abstract..." In 1689 the diocesan authorities recorded Richard Tickell as "a man of good life, uses canonical apparell, resorts not to ale-houses without occasions, gives not himself to servile labour or misspending his time," B. Nightingale, *The Ejected of 1662*, 2 vols., Manchester 1911, vol. II, p.779.

22 T.T. 14 Feb. 1692, D/Lons/W Estate Accounts 1685-1692.

23 1 December 1685.

24 T.T. 13 April, 4 May 1686. J.L. 29 May 1686.

25 J.L. to T.T. 29 May, 8 June 1686 and passim T.T.

Egremont. But once again the family party found the church doors barricaded by the local smith. The next week, after Tickell had said the prayers and Wilson entered the pulpit, "part of the people went out of the church as fast as they could get" and the third Sunday, after locking him out again, "this gross plebeian opposition, not agreeable to the government" petitioned the bishop and the Duke of Somerset against both curate and rector.<sup>26</sup> A year later Wilson temporarily succeeded Isaac Antrobus' son in his two curacies at St Bridget's and St John's, Beckermeth, but the right of presentment was challenged by Sir Daniel Fleming, who wished to place one of his own numerous sons in the living, and Wilson was forced to withdraw.<sup>27</sup> In a desperate speculation Tickell had laid out £110 for the next turn to present at Asby and was meanwhile allowing £10 a year to the Wilsons, whose children now numbered seven, to which Sir John added a weekly supply of coal. Indeed, though he continually reprehended the manner of Wilson's addresses to him, Sir John never failed to support him and tried to get him better known. At last, in August 1691, Lowther obtained for Wilson a crown living from the Commissioners of the Great Seal, a combined rectory and vicarage at Binbrook in Lincolnshire, worth £80.<sup>28</sup> Inept, troublesome and ungrateful to the last, Wilson having borrowed money from Lowther for the journey set out for his institution as his wife prepared for an eighth delivery, and was soon complaining of "ill houses, bad firing, barren lands and few inhabitants."<sup>29</sup> Wilson did not reside until compelled in 1694 by complaints from his bishop, who also "scruples his ordination, disparages his qualifications, his learning etc."<sup>30</sup> In a characteristic parting gesture, Wilson carried off with him books borrowed from Lowther, pursued by a trenchant valediction from John Gale, who for all his enthusiasm for the established church was mistrustful of the Levitical class: "Really, sir, he is a

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26 T.T. 8, 16 and 23 November 1686.

27 T.T. to J.L. 1 November 1687, 8 July 1688. Fleming was lord of the manor of Beckermeth.

28 J.L. to T.T. 29 August, 1 September 1691. Rawlinson, one of the commissioners, had been retained by Lowther for the Wybergh Chancery suits of the previous two decades, and remained a friend and occasional correspondent.

29 T.T. 23, 29 November 1691.

30 J.G. 14 May 1693, W.G. 10 March 1694, *Lowther Correspondence* 13 and 99.

very coarse sort of man, though free of the common vices of the clergy. Let me entreat you, make no more weekly gifts of coals to any, 'tis an ill precedent and of worse use."<sup>31</sup> In these presentations to and solicitations of beneficed livings, Lowther expected the parishoners to accept on trust the young men, untried, underqualified and not even in his own eyes either entirely faultless or supremely promising, whom as dependents of his steward he wished to see settled in a profession which would support their claims to gentility. He pursued the same motive, less controversially, in presenting his relative Lancelot Teasdell to Distington in succession to Richard Tickell; and, at a lower level, in St. Bees parish in promoting Richard Stainton, the well educated son of his principal farmer, to the curacy there. The second curacy, at the chapel in Whitehaven, required a different approach.

In 1667 the living of Whitehaven, which at that date consisted of £4 a year and a free house from Sir John and £26 in other subscriptions, was vacant, and on 1 September Tickell wrote that he had found "a good able minister, Mr Bennet of Dalton" to fill it. Lowther's reply was the briefest of acknowledgements, and thereafter the correspondence affords not one word of Mr Bennet and his ministry until notices of his failing strength begin to appear in 1686. The inhabitants of Whitehaven were surely no easier to please in general than the parishoners at Bridekirk, Egremont and Dean, and we wonder what kind of minister it was who could so signally fail to give offence. Philip Bennet was over-qualified for a mere curacy. A graduate in 1629 of Christ's College, Cambridge, who later proceeded M.A., he had no recorded ecclesiastical career until after the fall of the Laudian church. In 1646 he was minister of Ulverston, in the Furness district of Lancashire, and a member of the Presbyterian *classis* there. By 1650 he had moved a few miles across the sands to the former priory church of Cartmel, recently and magnificently restored by the patron in a fashion not offensive to Puritan tastes, where he was recorded as "a godly, zealous minister, always faithful to the

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31 J.G. 18 July 1694, *Lowther Correspondence* 125.

Parliament." In 1659 he was still enjoying the augmented vicarial stipend of £80 at Cartmel, but by 1661 he had evidently been ejected and was again living at Ulverston (to which Dalton is a near neighbour) and unbeneficed. Calamy reckoned him among the nonconformists: possibly his first orders were Presbyterian and the reinstated Bishop of Chester refused to recognise them.<sup>32</sup>

The chapel which Bennet was called to serve had been built only in 1646, on <sup>the</sup> site of an old ruined chapel, with money obtained from the local Committee of Sequestration, some of whose members had been Customs officers resident at Whitehaven. It was in consequence of this independent foundation and the equally unencumbered grant of a market in 1654 that, Sir John believed, "the inhabitants have ever since very ill-borne the authority of a land lord."<sup>33</sup> The chapel therefore had never had any Laudian furniture: no sequestered minister lay in wait to recall the loyalties of his former flock. The congregation, itself largely assembled since 1642, shared no tradition or memory of common worship under the canonical forms of that earlier age. The principal pew was occupied not by the town's land lord but by the lessee of the Old Hall, John Gale the elder, who only grudgingly admitted the manorial steward to space in it, and who a year or so after Bennet's arrival was trying to drive a bargain for an extension of his lease to 1,000 years, and along with it a millenary concession of the pew also. The Gale family did not secure the monopoly, for the pew was divided between them, the steward and the Customs officers.<sup>34</sup>

On 3 May 1678, thirty-two inhabitants wrote to Lowther requesting more ground so that they could enlarge the chapel which had now become inadequate for the growing town. The majority of the men who signed the letter had shipping interests, and they included the leading supporters of the rival pier at Parton: the

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<sup>32</sup> J.Venn and J.A.Venn, *Alumni Cantabrigenses* 10 vols., Cambridge 1922-1954, 1. p.134; *V.C.H., Lancs VIII* p.263; A.G. Matthews, *Calamy Revised*, 1934, p.49; all of which mistakenly give the date of his inception at Whitehaven as 1662. Correction of this error probably obliges us to find a reason for identifying the minister of Whitehaven with the former Vicar of Cartmel rather than with his son, also Philip, who graduated in 1667 and has no further known career. Fortunately Tickell noted on 26 July 1686 that Mr Bennet was then about eighty.

<sup>33</sup> D/Lons/W Whitehaven, Various papers...item 20.

<sup>34</sup> D/Lons/W Whitehaven, Various papers... item 85.

Addisons, the Gales, James Millam, Matthias Miller, William Atkinson, William Crofts and Robert Biglands. They wrote a letter which diplomatically recognised the Lowther family's endeavours, yet gave due weight to the efforts of their own predecessors in building the first chapel. Significantly, they did not request permission to enlarge the chapel: such a request would have acknowledged Lowther's ownership. They simply asked Lowther to grant the extra land necessary. Lowther no doubt regarded the promises of such men at that particular time to make "grateful returns" with suspicion, and seems to have made no response to their request. Two years later, with his title to the waste on which the town was built confirmed and extended, work on Parton pier at a standstill and the extension of Whitehaven pier well underway, he wrote to Tickell, "I have a great mind the town would think of a new chapel when the pier is done."<sup>35</sup> At the next manor court, Tickell invited the tenants "to unity among themselves" and with their landlord, and to contribute to the cost of building a new chapel. He announced Sir John Lowther's gift of £100 and his own of £10, and collected promises for a further £32-10s.<sup>36</sup> Sir John reacted tartly to the level of enthusiasm: "As to the chapel if the subscriptions be no better than yours intimates, I fear it will be insufficient for a new foundation." He recommended that they raise the money as they had raised it for the pier, by an impost on coal, and that those who had no interests in shipping might simply contribute.<sup>37</sup> It was Lowther's first suggestion that such a method might be extended to other public works but the masters maintained a steadfast refusal to countenance it.<sup>38</sup> Neither Lowther nor Tickell raised the matter of a new chapel again for a further six years, years marked by disagreements between Lowther and the shipping interest about how to raise money for harbour maintenance and repairs. On 20 April 1686, Tickell described the

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35 J.L. 5 October 1680.

36 T.T. 28 October 1680.

37 J.L. to T.T. 9 November 1680.

38 When Andrew Pelin suggested his salary for teaching mathematics could be raised by a levy on the ships, John Gale argued that "the more such establishments are promoted for lesser matters, the main one, for support of the pier and harbour, will be the more difficult to attain", J.G. 9 May 1697, *Lowther Correspondence* 363.

crowded conditions in the chapel: 342 people present on a Sunday morning without a sermon, 484 present in the afternoon with a sermon.<sup>39</sup> He urged as a reason for immediately building a larger chapel that such a building would make Whitehaven even more attractive to prospective inhabitants, though he might have hit upon an argument more likely to convince Lowther of its urgency when he pointed out that the old chapel stood in the way of a number of proposed new houses and the development of Lowther Street.<sup>40</sup> Lowther responded by arranging to send down an architect's model of the style of chapel they could build, and Tickell discussed possible sites with him, but although subsequent letters report a great deal of building activity in the town, the new chapel building made no progress until Lowther visited Whitehaven during July and August 1687. Once again the inhabitants resisted his solution of raising money by an impost on shipping, but they did draw up a new subscription list, with Lowther promising £200 and Captain Richard Senhouse, Tickell, Thomas Addison and John Gale and William Atkinson each £10. Lowther also signed an agreement about procedures for electing a minister to serve the new chapel. As impropriator of the Rectory of St. Bees, he had the right of presentment to the chapel also, but he agreed to allow the townspeople a right of preselection, "that of two persons to be named by the inhabitants, I and my heirs will constantly present one of the two persons to be minister."<sup>41</sup> By allowing them a voice in the proceedings, he hoped to stimulate further contributions, both to build the chapel and to maintain the minister. In April 1693 he expressed to the Bishop of Chester his concern to have a "very able minister, since the first choice will be a means of advancing or lessening the endowment of the church."<sup>42</sup>

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39 On comparing the grand total for the day with the number of inhabitants counted in the previous November, and assuming that none or few attended twice, it appears that almost one resident in four was absent from church that Sunday. But at Whitehaven besides the sick anything up to 250 mariners and merchants might have a legitimate excuse.

40 T.T. 3 November 1686.

41 13 August 1687. A copy of the agreement in D/Lons/Whitehaven, Various papers...item 64; Correspondence re Whitehaven chapels and St. Nicholas Church 1670 - 1690.

42 The letter was produced as evidence in a Chancery case of the next century to define more precisely who had the right to elect a new minister. Some of the evidence produced refers directly to the building of the new chapel and the election of a minister in the 1690s. For a summary of some aspects of this case, see William Jackson, "Whitehaven and its old church", in *Papers and Pedigrees*



Nevertheless, even with such a prudent concession, work progressed slowly on the building which was to become St Nicholas' church and in early 1689 Tickell wrote that they had spent £344 on the structure, but it remained unroofed and they had no money to complete it during the stoppage of the coal trade, but if Lowther would lend the money, "it will be a good office, though to an unthankful people." Lowther replied shortly that he had done his part and it was no fault of his if the town did not do theirs.<sup>43</sup> A working party (inspired by a visiting minister and an entreaty by Robert Biglands) agreed to slate the roof but once again acrimony between Lowther and the ship masters stalled proceedings. Tickell gave as the reason the arrival of an inflammatory letter from William Atkinson and Thomas Jackson reporting from London their grievance at Lowther's lack of assistance to them during the chaldron dispute, and his dilatoriness in levying the fine, as he had contracted to do upon demand, for recent purchases of freeholds. One such freeholder led the retaliation, and Tickell wrote of the planned roofing, "when the day came, by the means of Robert Biglands and his party we were disappointed and did nothing."<sup>44</sup> Neither side gave way and Tickell a year later believed that the church timber would be ruined.<sup>45</sup> The coal trade was again at a standstill, this time because of the Irish War. Finally, Tickell took matters into his own hands and simply wrote telling Lowther that he had lent £20 of Lowther's money for the church, "which I hope you will spare them on this occasion until the traders be better stocked".<sup>46</sup> Lowther had argued unsuccessfully over many years for a systematic scheme of raising money by levying the ships for community projects such as the church, or for manufacturing enterprises or for harbour development, but the town refused to comply. They were prepared to raise money to repair the pier as necessary, but were not willing to tie themselves and their heirs to fixed,

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*relating to Cumberland and Westmorland*, Vol. II, Kendall, 1892. For some depositions and notes prepared for the case, see D/Lons/Legal papers. Gale et al. v. James Lowther, 1722-1725.

43 T.T. 14 February, 30 April, 1689; J.L. 7 May 1689.

44 T.T. 2 July 1689.

45 T.T. 8 June 1690.

46 T.T. 8 March 1691. For a detailed description of the actual building of the church, see Blake Tyson, "Some Aspects of Whitehaven's Development before 1700", *op. cit.*

regular payments.<sup>47</sup> They expressed themselves most clearly (as distinct from Tickell reporting their sentiments) in a pamphlet they printed in 1695 to plead their case for Whitehaven to be made a separate parish: their actual stake in the town was slender because so few of them owned freeholds, and their dependence on their ships and the harbour for their livelihood made them particularly vulnerable to financial loss.<sup>48</sup> After Tickell's death, William Gilpin reported a partial resolution to the problem of financing the completion of the church when the inhabitants agreed to set a rate upon the pews to raise the sum needed to finish and furnish it. However, he found them unwilling to settle a maintenance for the minister using the same method, a method suggested initially by Lowther within the context of the 1687 agreement to elect a minister. Gilpin gave two reasons for their reluctance: first (which they did not acknowledge openly but which he nevertheless believed to be in their minds) that by not setting regular payments, they would make the minister much more dependent on their good will; and secondly, their usual resistance to regular fixed payments ... "that being most of them seamen and their fortunes liable to daily hazards, they have not a mind to subject themselves to a certain constant contribution". Gilpin pointed out that anyone who ran into financial difficulties could reduce his contribution and take a lesser seat, but discovered that they had "no stomach to lose their seats when they lose their ships."<sup>49</sup>

The lack of agreement over financing the church had one major consequence, the effects of which lasted long after the completion of the building. Ebenezer Gale stepped into the breach and paid the workmen and much of the building costs out of his own purse. With the town in his debt, he was able to gain a dominant position in church affairs, particularly in the negotiations to choose a new minister. Because he kept the accounts and strenuously resisted all demands to

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47 "The malignant spirits", as Tickell scathingly noticed, would rather spend money to oppose Sir John in a law suit T.T. 20 March 1684.

48 Copy in D/Lons/Whitehaven, Various papers...item 64; Correspondence re Whitehaven chapels and St. Nicholas' Church 1670-1690.

49 W.G. 8 April 1693, *Lowther Correspondence* 6.

present them, who was and was not qualified to vote, by pew ownership or contribution, rested chiefly on his word. William Gilpin believed this gave him the opportunity to direct any election much as he wished and (with his brother John) to return the candidate of his choice. He was also able to allocate the pews within the building.

In 1698, the Bishop of Chester granted Ebenezer Gale permission to sell the forty unsold pews to recoup the £200 he then claimed was owed, though Gilpin later deposed that he sold many more than forty pews and raised a much greater sum. At the same time James Lowther deposed that Gale misled the bishop over the size of the debt and yet another deponent, Carlisle Spedding, testified that he altered the number of every pew in the church to further confuse all the accounts.<sup>50</sup> Gale used his power with a certain élan, valuing his own pew at only £10, but a neighbouring pew "of equal goodness" at £20, and another opposite, "of the same goodness" at £16.<sup>51</sup> Between 1694 and 1697, Gilpin regularly reported to Sir John what he claimed was widespread dissatisfaction with Ebenezer's handling of the accounts, and eventually came to suspect ulterior motives as much as he did over Gale's handling of the ropery accounts.<sup>52</sup> John Gale, writing in defence of his brother, claimed that those who demanded to see the accounts did so in order for them "to be tossed about or exposed by every malicious caviller ... he may as well bark at the moon as offer any accounts of that nature, in expectation of any sort of satisfaction."<sup>53</sup> Ebenezer Gale's financial control also deepened the cleavage in the chapel congregation between Conformists and Dissenters, a rupture which had first

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50 Notes on the Cross Bill, put in by James Lowther and endorsed "To falsify Eb Gale's accounts etc" in D/Lons/W correspondence re Whitehaven chapels, small untitled notebook.

51 Papers titled "Mr Lowther's instructions upon the Interrogatory" in Gale et al v. James Lowther, op. cit. The deposition is by James Lowther.

52 "For my part I must own that Mr Eb Gale took a great deal of pains about the church, and doth really deserve well of the town upon that account, and that it would be the highest both injustice and ingratitude if they should suffer him to be a loser by the bargain ... but I must withal declare that I wonder with what confidence he can complain, since himself and all the town knows that from time to time we have desired him (both publicly and privately by word and writing) that he would produce his accounts," 4 April 1695, *Lowther Correspondence* 197. For terser comments, see 24 April 1695, 8 January, 19 September, 23 December 1696 and 31 January 1697, *Lowther correspondence* 200, 263, 305, 326 and 337.

53 J.G. to J.L. 3 January 1697, *Lowther Correspondence* 329. In 1722, Ebenezer Gale finally submitted an account, showing the balance he claimed as still owing to him as £297-14-1/4d after repayment of the principal plus interest at 5%, and remuneration for time given to oversee the work. The account is printed in Jackson, "Whitehaven and its old church", op. cit.

broken out in his own family. The elder John Gale was himself a conforming Presbyterian.<sup>54</sup> Five years after his death his widow took the lead in refusing to subscribe to the new chapel, and in the 1690s, their youngest son Elisha was to become the Dissenters' trustee, and a daughter, Mehitabel, was married to another staunch Dissenter, William Feryes. But the two elder sons became belligerent opponents of Dissent, and Ebenezer tried to exclude Dissenters from any voice in church affairs by selling their pews to others on the pretext that they had not paid their annual pew rate. In particular he excluded Mary Addison from her pew after her husband Henry's death and sold it to another for £12. She provided a particularly suitable target for Ebenezer's hostility; both as a member of the Addison family with whom the Gales had been feuding since 1678 and as the daughter of William Atkinson who had been tussling with Ebenezer Gale over alleged building encroachments. This inter-family feud, now aggravated by religious bigotry, was to help stifle proposed harbour development in the early 1700s.<sup>55</sup>

In direct contrast to such hostility stood William Gilpin, who also came from a divided family. Although an Anglican himself, he was the son of a famous dissenting minister, the Reverend Richard Gilpin, and had numerous dissenting relations including his wife and his brother John, a Whitehaven merchant. Nevertheless, he believed that treated considerately, the Dissenters would continue to support the established church and its ministers, and that good relations between Anglicans and Dissenters were essential for the good of trade and growth of the town.<sup>56</sup> William Atkinson emerged as the most outspoken and controversial of the Dissenters, a character repeatedly foreshadowed by Thomas Tickell in his comments on the pierage dispute from September 1684 onwards. Atkinson was a "notorious non conformist" of "fanatick principles", and he and his associate Biglands "the two grand agitators do yet sway their induced covenantors that they

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<sup>54</sup> Tickell later described Henry Palmer as "just such another man as old Mr Gale and of that selfish nonconformity." -19 Oct. 1686. As guardian of the orphaned Samuel Brownrigg, Gale would have been responsible for his Puritan upbringing and placing him as an apprentice with Palmer.

<sup>55</sup> See Chapter 8.

<sup>56</sup> W.G. 27 January 1694, *Lowther Correspondence* 87.

will not yet take coals at 3s the ton."<sup>57</sup> Yet Atkinson was one of the first to contribute to the fund for the new chapel, and when he fell out with his co-sponsors in 1688 the issue was not railing the altar or church discipline but where to put the door, and the stairs to the gallery.<sup>58</sup> Even when the Act of Toleration permitted a separate Dissenting congregation of some fifty families to meet and to engage its own minister, at least twenty-four of them retained pews in St. Nicholas', including William Atkinson, though not Henry Palmer, who doubtless found grace<sup>even</sup> less abundant than formerly. As late as 1699 three of them were serving on the vestry of the parish and another as sidesman in the parish church of St. Bees.<sup>59</sup>

Philip Bennet resigned his ministry in March 1689 and died the following August.<sup>60</sup> Neither the unfinished church nor the uncertainty over the maintenance made it easy to attract potential candidates: as Tickell observed to Lowther, "I do not yet hear of any that desires this place nor is there any hopes that I yet know on to get a needful support for a good preacher." A non-conformist from Dublin was also serving the Dissenters, "who while they have him are not likely to contribute with us for a conformist".<sup>61</sup> For sixteen months, visiting clergy cared for Whitehaven's spiritual needs, until in August 1690, James Marr, an Episcopalian driven out of Scotland, arrived and offered his services, which Tickell accepted because the Dissenters liked his preaching. However, his personality attracted opposition almost from the beginning. Robert Biglands opposed him as "too litigious" and Tickell soon changed his opinion: "neither do I find that the man do deserve so well by me, being a crafty Scot, like the larger part of that nation," but he crossed out this evidence of xenophobia in the draft.<sup>62</sup> With the new church

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<sup>57</sup> T.T. 11 September, 2 October 1684, 19 January 1685.

<sup>58</sup> T.T. 24 April 1688.

<sup>59</sup> D/Lons/W, *Commonplace Book 1690's-1705*. "State of the Fishery... fo.5.

<sup>60</sup> Because he resigned, because of the date of his resignation and because the living was not filled until after his death, Downie, thesis, p.73, suggested that he was a Non-juror. But the date is not really significant, for although the bishops were required to take the oaths by 1 March, Parliament did not until April consider legislation to compel the lower clergy to do the same, and then gave then a period of grace until 1 February. Bennett was over eighty, and he had been frail for several years: more likely, then, the old man's eyes had seen salvation, and he wished only to depart in peace.

<sup>61</sup> 27 July 1690.

<sup>62</sup> T.T. 30 March 1691.

nearing completion in July 1693, twenty-five inhabitants signed a formal agreement committing themselves to raise the sum necessary for finishing it by assessing the seats at a pound rate according to their respective values and promising to maintain the minister by a shilling in the pound levy on each seat. The Bishop of Chester, Nicholas Stratford, signed his approbation and consecrated the church on the same day.<sup>63</sup>

Gilpin considered that the promised maintenance of £40 was not high enough, and he knew the scheme had not met with general approval.<sup>64</sup> Nevertheless, with the maintenance fixed in theory if not in fact, the town could proceed with their part in the choice of the minister. Lowther, in the 1687 agreement, used the words "inhabitants" but at some point it seems to have been informally agreed that contributors and pew-owners only should have the right to vote, rather than the inhabitants in general.<sup>65</sup> However, the wrangles about Marr's suitability reveal that the choice did not simply reside in the hands of the wealthy. Marr hoped to circumvent the election by insisting on his status as an incumbent of the chapel and refused to sign a document waiving his rights regarding the new church. Knowing that his opponents were the wealthier merchants and masters, he used the recent seizure of two plantation ships by a privateer as a sure sign of God's retribution against them, turning the lessons, the psalm, his prayers, sermon and benediction as "an invective against them, throwing such crackers and fireballs about, as (to say no more) were very unbecoming the time and place".<sup>66</sup> Gilpin recognised the association of Marr with "the lower end of the church" and the strength of their response to Marr's appeal, an opinion corroborated by Gale who

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63 A copy of the order of service used is in the Tanner mss, no.152. The sermon preached by the Bishop had as its text "Keep thy foot when thou goest to the house of God".

64 "... there was warm opposition but we took care that it came not to the Bishop's notice," W.G. 19 July 1693, *Lowther Correspondence* 40. John Gale described another such agreement in the following year as "a thing very imperfect, and but (as yet) in the embryo" in which some of the leading townspeople underwrote a guaranteed maintenance of £80 a year, relying on the charity of the people to raise the money later. J.G. 7 January 1694, *Lowther Correspondence* 82.

65 W.G. 14 October 1693, J.L. 26 June 1694, *Lowther Correspondence* 62 and 121.

66 W.G. 22 July 1693, *Lowther Correspondence* 41. John Gale described Marr's predilection for this type of sermon as "skill in the longbow to a degree beyond all I ever heard of". J.G. 15 October 1693, *Lowther Correspondence* 63.

described Marr's hold on "the common people" as too great to be disregarded.<sup>67</sup> The two stewards disagreed on how to handle him. For the sake of quieting tempers, Gilpin allowed him to preach in the old chapel while various visiting ministers used the new church. Such a concession allowed Marr's vociferous supporters to demonstrate their allegiance Sunday by Sunday. Gale believed that while Marr continued to preach, the town thus divided could not attract good candidates.<sup>68</sup> Forty seven of Marr's supporters wrote a joint letter to Lowther, expressing avowal of Marr and anger at those who attempted to direct the town's affairs: that their opponents "will have us to be the tail and themselves the head" and never consulted public opinion over any issue, preferring to settle things privately amongst themselves. "Then we are called and 'tis then only to be imposed on, and there to pay or sign what is thought fit by those who will be the head, without rendering any the least reason ..." In conclusion, they begged Lowther not to think "the voice of a few were the mouth of the whole town."<sup>69</sup> Marr's pretensions to the new church were finally defeated only when his maid named him as the father of her child.<sup>70</sup> Even then, Gale remarked on "how much the ignorant sort (who are indeed most numerous) are charmed with the lewd fellow," and that a crowd of "six score" trooped out to the neighbouring village of Arlecdon to hear him preach.<sup>71</sup>

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67 W.G. 29 July 1693, J.G. 13 August 1693, *Lowther Correspondence* 44 and 47.

68 "Our present posture doth abundantly unfit us to make a commendable offer of our new church to any worthy person, for while we are thus divided in two congregations, we cannot possibly settle a maintenance," J.G. 3 September, 15 October 1693, *Lowther Correspondence* 50 and 63.

69 6 September 1693, *Lowther Correspondence* 51. Robert Hopkinson, in his article "The appointment of the first minister of St. Nicholas' Church, Whitehaven" in *C.W.A.A.S.* LXXII, 1972, reproduces a list of inhabitants which he describes as Marr's supporters, "List B", on page 300. However, the names are actually headed "A list of such the inhabitants who seem to desire Mr Marr to be minister to the new chapel, with all the rest of the contributors to that work, whether for, or against him, is not known," and it is clearly a counterpart of the second list (called List A by Hopkinson) of subscribers known or presumed to be firmly opposed to Marr: of the sixty six names on list B, twenty six did sign the letter of 6 September 1693 to Sir John, but there is no way of knowing the allegiance of the remainder. As Hopkinson rightly observes, those on list B on average made smaller contributions than those on list A, yet not all who subscribed lowly amounts were lowly members of the community. List B includes Christopher Skelton, a well-to-do yeoman, Roland Fisher and Richard Kelsick senior, both respected masters, and John Beck, the prosperous ropemaker. For the lists, see C.R.O. D.R.C./10/Whitehaven, St. Nicholas.

70 Although Marr denied the charge of bastardy, the Baptismal Register of 29 June 1694 records him as the father of the child. The justices at the Quarter Sessions ordered him to pay maintenance for twelve years and a £5 premium for the child's apprenticeship. In 1695 the Quarter Sessions gave the parish an order to distrain Marr's estate for the maintenance, as he had absconded, and left the child as a charge on the parish. C.R.O., Q11, 13-15.

71 J.G. 4 and 11 March 1694, *Lowther Correspondence* 95 and 100. Undoubtedly Marr preached there at the invitation of Thomas Lamplugh of Lamplugh, lessee of the rectory, soon to be in trouble with the Bishop of Chester for not paying the curate of Arlecdon his full stipend of £10.

The town continued to search for suitable candidates by inviting ministers to preach and the election quickly became a source of major disagreements within the town, polarising around the two stewards. John Gale had much resented Gilpin's appointment, ill-feeling grew over a number of perquisites which each man regarded as rightfully his own and Gale suspected Gilpin of secretly supporting and sympathising with Dissent.<sup>72</sup> Gilpin initially favoured Lancelot Teasdell, Lowther's cousin and the Rector of Distington but recognised that his quiet voice and preaching manner might not win the necessary town support, "for we have few here who know how to distinguish betwixt a strong discourse, and a strong delivery."<sup>73</sup> He manoeuvred on Teasdell's behalf with a little subterfuge, by trying to persuade the townspeople to write seeking the Bishop's advice. In the meantime Gilpin hoped Lowther would himself write to the Bishop urging him to recommend Teasdell in response to the town query. "This method may perhaps smooth the way for Mr Teasdell whereas if he be directly proposed he may chance to meet with opposition."<sup>74</sup> John Gale was prepared to use rougher tactics than this to push the man of his choice, but he declined to support Teasdell not simply for the sake of opposing Gilpin's preference. Gale always spoke well of Teasdell: he preached "an excellent sermon" and "performed to admiration" at the assizes, and there was little reason to doubt his ability, but for the softness of his voice.<sup>75</sup> However, for Gale this was a decisive objection against his appointment to Whitehaven, for as Gale discusses the various candidates, the type of clergyman he and his brother Ebenezer sought becomes apparent: a forceful and eloquent preacher who could attract and keep a congregation willing to maintain him, one who would appeal to a broad spectrum of the Church of England, and the Dissenters. Ebenezer

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Lamplugh claimed to be spending the balance in procuring preachers. - Tanner mss. 152, Bp. of Chester to Thomas Lamplugh, 9 Oct. 1694 and 4 May 1695.

72 See Chapter Seven below.

73 W.G. 29 July 1693, *Lowther Correspondence* 44.

74 W.G. 29 July 1693, *Lowther Correspondence* 44. Gilpin, in fact, disapproved of the whole idea of appointing by popular election: "These (and worse)," he wrote, "were the consequences of such elections in the primitive times, for (I think) they sometimes proceeded to blood, and murder in the very churches; and the unavoidable attendant mischief that made it necessary to divest the people of that power in those days persuade me that it is not very convenient that they should be entrusted with the like now", W.G. 1 August 1694, *Lowther Correspondence* 130.

75 J.G. 2 July, 8 October 1693, *Lowther Correspondence* 35 and 61.



had laid out a large sum of money to complete the church, and wanted a suitable return on his outlay. As impresario of the new ecclesiastical theatre, he had a keen personal interest in securing a protagonist with a carrying voice, since otherwise he might literally be unable to sell seats towards the back of the house. The preaching trials continued. Mr Alexander Farrington of Kendall seemed to have a "very good talent" but his voice sank a little at the end of a sentence. John Harrison's voice echoed which made it less articulate. Mr Zachariah Taylor proved "an excellent preacher and gives extraordinary satisfaction to all", wrote John Gale, and moreover "the presbytery stand in fear of his abilities, and rather wish us some dull sot that thereby their numbers may be increased."<sup>76</sup> Talent aside, Taylor was swimming on the same tide as Gale: the son of a notable nonconformist minister of the same name, who had been ejected in 1662 and had then made an equal reputation as a schoolmaster, he exercised his own Anglican orders with bravura, was the first clergyman to defend the Glorious Revolution in print and a year or two after his application to Whitehaven, took up the cudgels against Dissent.<sup>77</sup> William Atkinson, as spokesman for the Whitehaven Dissenters, was well-advised to prefer Farrington.

In January 1694, Atkinson organised a petition for the Dissenters to use the old chapel and have it licenced as a meeting house and many of the townspeople responded favourably, until it came to the attention of John Gale. Atkinson had visited every householder in the town "in a most courteous, beseeching manner," spluttered Gale, "and the generality thinking that they should now have little use for the old chapel, were very mindful to give him civil answers ('yes indeed with all their hearts he might do what he pleased therewith') and thus may we all be caught in the net, before our people have time to think."<sup>78</sup> In his anxiety to fend off Atkinson's proposal, Gale momentarily dropped his guard in another direction,

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<sup>76</sup> J.G. 17 December 1693, 28 January 1694, *Lowther Correspondence* 75 and 88.

<sup>77</sup> *D.N.B.*

<sup>78</sup> J.G. 7 January 1694, *Lowther Correspondence* 82. The incident provides interesting evidence for the readiness of people to sign petitions. Tickell complained on occasion of petitions circulating in the town which were endorsed by people who did not fully understand their implications. - 22 March 1677, 7 June 1680. John Beck, for example, seems to have signed everything presented to him.

allowing himself to use Lowther's proprietorship of the chapel as a counter argument. Seventy six people petitioned Gilpin against the proposal and a body of them took a letter signed by almost a hundred people to the Quarter Sessions where Gilpin and Patrickson, the sitting justices, refused the Dissenter's request.<sup>79</sup> At the same time, Atkinson vigorously opposed Anglican efforts to settle on a level of maintenance which would persuade a good candidate to accept, a manoeuvre Gale thought reflected Atkinson's designs on the new church as well: "that when it is their turn to be possessed of the new chapel, as they are now endeavouring to get the old, they may better manage all their affairs according to their own inventions."<sup>80</sup> Atkinson also attended the first election and tried to persuade the electors to name Farrington for the new church and Roger Anderton, the Presbyterian minister, for the old chapel, but the meeting refused to endorse his plan.<sup>81</sup>

William Gilpin reported this first election as "fair and orderly" with public notice being given for several days beforehand, and all the contributors invited to be present. They elected Taylor and Farrington, but before Lowther could name his choice, Taylor refused because in accepting Whitehaven he would lose his post as King's preacher in Lancashire. Gilpin wanted Farrington appointed without delay, imagining that to reject him now would demonstrate "a childish irresolution" in the face of county opinion.<sup>82</sup> John Gale demanded the nomination of a second candidate and refuted Gilpin's criticisms of delay. Marr still had supporters in the town and though some believed that his maid had been bribed to accuse him falsely, Gale thought that support for him diminished daily, which in turn would lead to more unity among the Anglicans. He continued to emphasise the link between a strong preacher and the production of income, and persisted in opposing Farrington

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79 J.G. 11 January 1694, "at three o'clock in the morning", *Lowther Correspondence* 83.

80 J.G. 7 January 1694, *Lowther Correspondence* 82.

81 J.G. 28 January 1694, *Lowther Correspondence* 88. Their plan was not without precedent: "Between 1660 and 1690 more than twenty former chapels in Lancashire and the West Riding of Yorkshire were kept in use by Presbyterian ministers", R. Morris, *Churches in the Landscape*, 1988, p.394.

82 W.G. 17 February 1694, *Lowther Correspondence* 92.

because his weak voice would render the back pews impossible to sell. He also jealously guarded the principle of adhering exactly to the terms of the 1687 agreement and the right of the town to present two nominations, and abjured Lowther not to accept Gilpin's advice: to keep a good understanding between himself and the town and to make a proper maintenance possible, Lowther must allow them a choice.<sup>83</sup> Ebenezer Gale wrote on the same day to William Gilpin that it was better to delay and find the best candidate, for unless he was satisfactory and had a good voice, many of the pews "will lie undisposed of, and consequently be of great prejudice to me."<sup>84</sup>

Ebenezer and John pressed ahead with a new election, deviously arranging it to take place during Gilpin's absence in Lancashire. Gilpin protested at their tactics. They had given only a day's notice, the electors had voted for two candidates without assurance that either was willing to accept, contrary to a decision made after Taylor's refusal, the Gales had assured everyone of Farrington's declining to be nominated when he had done no such thing, and Ebenezer had pretended to an authority for casting, as proxy, a large number of absentee votes for mariners away at sea. Of the two men chosen at this election, Gilpin supported Mr Harrison, believing that the other candidate, Francis Yates, displayed in his preaching "more heat than is consistent with the peace and welfare in this place, being indeed too much of Mr [Ebenezer] Gale's temper."<sup>85</sup> Lowther mediated by suggesting to John Gale that they hold yet another election to give all those eligible a chance to vote, expressing clearly the economic rationale behind his decision; "for otherwise those that have had no vote in the election will be backward in the contribution." He acknowledged the Gales' endeavours to settle the matter and rebuked John only in the mildest terms for holding an election during Gilpin's absence and requesting him to "keep a good correspondence, otherwise my affairs will be as a house divided against itself."<sup>86</sup> To Gilpin he wrote "many things must

83 4 March 1694, *Lowther Correspondence* 95.

84 *Lowther Correspondence* 96.

85 W.G. 15 April 1694, *Lowther Correspondence* 107.

86 J.L. 21 April 1694, *Lowther Correspondence* 109.

both be born with and overlooked" and expressed hope that his letter to Gale in which he had touched "but gently on these separate actings" would help matters in the future.<sup>87</sup>

Gilpin still hoped to avoid the holding of a fresh election; either by persuading Lowther simply to present Farrington, or getting the electors to let Lowther determine the matter or to settle on the candidate who could maximise subscriptions to his maintenance. He viewed an election only in terms of conflict and unnecessary division and believed that if the Gales "had not used their utmost industry to tickle people with the lechery of election, compact and original agreement etc. it had not been so much as thought on."<sup>88</sup> For perhaps the only time in his service as steward, Gilpin was completely at cross-purposes with Lowther's thinking. Gilpin feared that the elections undermined the stability of the town; while Lowther knew that without an election there would be no stability in church affairs, much less a better maintenance. Sir John wrote to the contributors suggesting that each one might give in the names of the men he preferred in writing, to prevent surprise or influence.<sup>89</sup> The next election took place over three meetings at the end of July and early August. Surprise was thus excluded, but influence certainly attended; there was a "parcel of ragged fellows" whose contributions to the building of the church, which made them eligible to vote, Gilpin hinted had been paid by the Gales. The Gales also split their own contributions amongst other members of their family to increase their voting power; and scurrilously attempted to undermine Gilpin's reputation by alleging that he had sold the old Customs house to John Golding the innkeeper to ensure his vote for Farrington in the earlier election, and that he had waived ameracements for several tenants at the manor court for the same reason.<sup>90</sup> Although he complained to Lowther, Gilpin refrained from publicly objecting to the Gale's tactics, because

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87 J.L. 21 April 1694, *Lowther Correspondence* 111.

88 W.G. 18 June 1694, *Lowther Correspondence* 118.

89 J.L. 26 June 1694, *Lowther Correspondence* 121.

90 W.G. 23 July 1694, *Lowther Correspondence* 127. Gilpin refuted the slander. The tenants spared had voted against Farrington, and as for the accusation concerning the sale, "the date of the contract has convinced it of falsehood."

"a settlement is necessary upon any terms."<sup>91</sup> Alexander Farrington polled only forty six votes (though according to Gilpin most of these voters were "substantial", either as contributors or pew holders). Gale then proposed Nicholas Tomlinson and he and Francis Yates were chosen as the town's nominations. Lowther then recommended to the Bishop of Chester that as Yates received 104 votes and Tomlinson 84, then Yates be invited to accept. Yates accepted and wrote judiciously to his new flock, "I hope to carry myself so that those gentlemen that voted against me shall have no reason to be sorry they were disappointed. The Dissenters shall receive nothing from me but charity, respect and all the kindness my duty will allow."<sup>92</sup> Early the following year, Gale delineated the qualities of the choice,

"a minister without objection ... we have 2 sermons every Sunday. We have prayers every Wednesday and Friday, and every holy day throughout the year. We have prayers in the morning with either a sermon or homily, and prayers in the afternoon. There has been so commendable a collection made this quarter for his stipend that I look upon it as a good omen of his future encouragement,"

ending somewhat predictably with a pause for self-justification couched in praise for Lowther's decision, "I am moreover glad for your sake, who have so much the power of recommending so good a thing."<sup>93</sup> Gilpin also acknowledged the success of the choice, in that the Dissenters continued to contribute both to the church and to Mr Yates.<sup>94</sup> For all the turmoil and ill-feeling the election generated, there is a good case for saying that the method of election adopted at Whitehaven produced a better result in Francis Yates than either Richard Tickell or Dr. Wilson for their respective parishes.

At much the same time as the election of the new minister, William Gilpin with the concurrence of William Atkinson and Robert Biglands, appointed William

91 W.G. 1 August 1694, *Lowther Correspondence* 130.

92 Quoted by John Gale, 16 September 1694, *Lowther Correspondence* 142.

93 J.G. 13 January 1695, *Lowther Correspondence* 179.

94 W.G. 4 April 1695, *Lowther Correspondence* 197.

Jackson as schoolmaster for the new school in Whitehaven. John and Ebenezer Gale of their own volition had played no part in his engagement.<sup>95</sup> William Atkinson's approval of the choice suggests that Jackson was at best an occasional conformist; perhaps enough to satisfy John Gale who sent two of his sons to be taught by Jackson, but too much to please Elisha Gale who sent his son to another who taught privately in the town. John Gale's aspersion some months later against Andrew Pelin's proposal to teach mathematics may have been motivated by his dislike of seeing education in the hands of the Dissenter Pelin, at the suggestion of the Dissenters' leader, William Atkinson.

The Dissenters continued as a distinct group. While John Gale presents them as cantankerous and difficult, Ralph Thoresby, the non-conformist antiquary and topographer visiting Whitehaven in 1694, leaves a mellower description of their fellowship and society:

"we were most obligingly entertained by William Gilpin, esq. (the doctor's son, of Newcastle) ... This ingenious gentleman, who is an accurate historian and virtuoso, presented me out of his store of natural curiosities, with a very fair piece of marchasites, and obliged me extremely with his pleasing converse, till pretty late at night with Dr Jacques and Mr Anderton (one of Mr Frankland's pupils, and the Nonconformist minister there) with much good company, amongst which, honest Mr Atkinson, the ship master ..."<sup>96</sup>

A survey of 1718 found that the Dissenting chapel at Whitehaven was supported by one merchant worth more than £20,000, and three others worth £4,000.<sup>97</sup> Their

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<sup>95</sup> "when he was admitted it was about the juncture of elections, at which time my brother and self resolved to have as little to do as possible in public affairs." J.G. 31 Jan 1697, *Lowther Correspondence* 336.

<sup>96</sup> *The Diary of Ralph Thoresby, F.R.S., 1677 - 1723*, edited Joseph Hunter, 2 vols., 1830, p.270. Richard Frankland, after the suppression of Cromwell's college at Durham and his own ejection from the Rectory at Bishop Auckland, fugitively but irrepressibly conducted an early northern dissenting academy from about 1670 until his death - *D.N.B.* Richard Gilpin had for many years ministered to a Dissenting congregation in Newcastle and also practised medicine there. On 17 October 1694 Hieram Jacques entered into a marriage bond. His bondsman was Thomas Lutwidge, gentleman, of Whitehaven, who was to become one of the town's wealthiest merchants. "Lancaster Marriage Bonds, Deanery of Copeland, 1648-1710", *Record Society of Lancaster and Cheshire*, vol.74, 1920.

<sup>97</sup> Michael Watts, *The Dissenters*, 1978, p.268.

presence continued to influence relations between landlord and town, landlord and stewards and between William Gilpin and John Gale themselves. In 1695 Gilpin drew up a will for Elizabeth Gale, widow of John Gale the elder; and John and Ebenezer accused Gilpin of encouraging their mother to favour Elisha. Gilpin maintained a professional silence concerning the will itself, but could not contain his anger at the elder brother's vehement efforts to smear his personal, professional and religious reputation with "the most odious, scandalous and false reflections and forgeries that they can invent" and their spreading abroad of lampoons and libels in Whitehaven and the countryside; "I am treated as if I were a cobbler."<sup>98</sup> Even so, Gale was gently admonished rather than castigated by Lowther who asked him to outline any grievance he might have, "and let me enjoin you to do all on your part towards a compliance."<sup>99</sup> Lowther and Gilpin attempted to act circumspectly in their dealings with the Dissenters, but with little effect. Gilpin demolished the old chapel so that it could no longer serve as a focus for Dissenting hopes and Church of England intractability, yet suggested that Lowther provide for the Dissenters in some other way. He carefully exonerated the majority of them from the extreme behaviour of William Atkinson and expressed exasperation both at the provocation and the Dissenters' over-reaction to it: "The Dissenters are foolish enough, and do serve the designs of their adversaries by suffering themselves to be provoked to do many things which are fit for persons in their circumstances to forbear."<sup>100</sup> He reaped a great deal of abuse from the members of the Church of England who considered him too tolerant of Dissent, and from Dissenters who expected more

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<sup>98</sup> W.G., 15 June 1695, *Lowther Correspondence* 210.

<sup>99</sup> J.L. 30 July 1695, *Lowther Correspondence* 225. Elizabeth Gale died in 1708, bequeathing to Ebenezer all the various sums of money he owed her. She gave John £40 and her daughter Mehitabell £100, conditional on their repaying any debts they owed to her estate and their conveying to Elisha all their rights and pretences to a tenement called the Quarries, viz., that third of the Old Hall destined to Elisha by his father, in which she had a life interest. She appointed Elisha as her executor and bequeathed to him all the rest of her goods. The inventory totalled these at £38-19-6d. William Gilpin's knowledge of their financial arrangements must have been galling to John and Ebenezer. Gilpin simply observed to Lowther, "but sure, if ever parent had cause, she had." W.G. 15 June 1695, op. cit. Elizabeth Gale's will and inventory in L.R.O., Probate Records, Copeland Deanery.

<sup>100</sup> W.G. 16 January 1696, *Lowther Correspondence* 264.

help from one so closely related to Dissent, observing with anguish, "I get nothing but blows from both sides."<sup>101</sup>

Lowther too had small returns for his tolerance. He delayed granting land for the Dissenters' meeting house until Francis Yates had actually settled at Whitehaven, for if some reason hindered his coming, "then I shall have it imputed to this concession of mine to the Dissenters." He naïvely believed that he need take no official notice of their plan to build at all ("which I well approve of"), but simply granted to Elisha Gale as their trustee the same amount of land as he did to other builders, and let them employ it as they pleased.<sup>102</sup> The meeting house was built within a year, with none of the delays which punctuated the building of St. Nicholas', and though suitably removed from the centre of the town and the church, it stood in James Street as an evident symbol of the Dissenters' good management and prosperity. John Gale recorded its outward appearance with marked disapproval, built as it was "very much after the form of the new church, but finer architect, and seems to eclipse all other fabrics. This makes it more taken notice of; brings ill consequences along with it, and I am apt to think it will appear (one day) a false step in the undertakers."<sup>103</sup> A year later he reflected gloomily on the irretrievable damage now done: "As for unanimity I think there is no such thing in the world, much less at Whitehaven where separation rules in chief, they are inconvertible terms, the former impracticable without a law to compel it, the latter is already enacted, and we may promise ourselves will keep the ascendant."<sup>104</sup> Lowther's part in granting the land became proof to many of his preference and partiality for Dissent, and a weapon to be wielded with disquieting effect to discredit Lowther's interest in Carlisle in the election campaigns between 1695 and 1701. In 1695, the slur was apparently that Sir John had unnecessarily favoured Dissent, with detractors attempting, as Gilpin pungently expressed it, to "fly blow"

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101 W.G. 5 February 1696, *Lowther Correspondence* 269.

102 J.L. to W.G. 18 and 29 September 1694, *Lowther Correspondence* 144 and 155.

103 J.G. 10 November 1695, *Lowther Correspondence* 253.

104 J.G. 20 Dec. 1696, *Lowther Correspondence* 325.



the matter of the meeting house.<sup>105</sup> In 1698 the accusations became more pointed and specific; that James Lowther had, as Lord Lonsdale reported with incredulity yet unease, frequented conventicles and "was a favourer of such," a rumour allegedly spread by the Archdeacon of Carlisle. It was repeated in 1701.<sup>106</sup> Sir John himself had been blacklisted in the elections of 1690 as one of those who had voted for the proposed extra clauses in the Corporations Bill to exclude from office all who had negotiated the surrender of borough charters to the last two Kings.<sup>107</sup> While support for these late, vindictive additions seems out of character, it is entirely credible that he should have voted for the original bill to readmit Dissenters to corporations.

John and Ebenezer Gale were to make much of the Dissenters' support for a revised proposal to improve Parton pier, but during 1698 and early 1699 when Lowther negotiated new plans for harbour construction at Whitehaven with a small committee of masters and merchants, the Dissenting merchants, who had not been elected to the committee and whose motives were much suspected by it, supported Lowther's proposals concerning procedure to be followed and the method of government to be adopted.<sup>108</sup> Although Thomas Tickell reverts to Civil War terminology to describe opposition to the pierage dues in 1684 and 1685, William Atkinson alone among the leaders of the opposition to Lowther's interest was a member of the separate Dissenting congregation in the 1690s. Robert Biglands had by then become a firm Anglican, and though the elder John Gale was a Dissenter two of his sons were not. There is never any suspicion that Thomas Addison and Thomas Jackson were anything but Anglicans, and none of the *septem viri* who campaigned for Parton in the 1670s appear as Dissenters in the 1690s. Religious opinion in Whitehaven from 1660 to the 1680s had a tendency to non-conformity,

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105 W.G. 28 September 1695, 26 January 1696, *Lowther Correspondence* 244 and 265.

106 Ld. Lonsdale 9 July 1698, *Lowther Correspondence* 556. For examples of Sir John's exasperated denials, see 561, 562, 567, 582. Ja.L to J.L. 27 Nov. 1701, D/Lons/W Correspondence box 10.

107 A. Browning, *Thomas Osborne, Earl of Danby and Duke of Leeds 1632 - 1712*, Glasgow 1951 appendix 7.

108 See below, Chapter Eight.

but it was those who were converted to the established church, not those who separated from it, who maintained secular opposition to Sir John Lowther's interests.

Whitshandon 18<sup>th</sup> March 1664

I am of w<sup>ch</sup> instant cannot be hard yesterday morning upon advice whereof I  
 must be taken & that according to order advised w<sup>ch</sup> of the Council, who judge  
 that he can have profits about £100000 sufficient to keep the possession & that  
 it will be necessary to hand the <sup>of</sup> Orlery <sup>advised</sup> and entirely given to the for  
 persons or several benefits to attach him if possible; if you please to be taken  
 and press all his right there in & that then it will be no difficult  
 matter to keep it but if it be only a novelty or part thereof there we  
 shall have great opposition, and the main condition being desperate will  
 (beside his naturall inclination to mischief) aggravate his ill humors to act  
 all injuries imaginable: except you I could rather wish that you would  
 please to employ our Trustfull Secretary being toward the Sheriff upon which  
 when he may consult <sup>accompanied to take</sup> & <sup>what you</sup> ~~address~~ for the possession, I shall be as forward  
 as I can ~~to give~~ <sup>to give</sup> particular ~~advise~~ <sup>advise</sup> and to bring private <sup>particular</sup> from that  
 side the country, <sup>to keep it</sup> when I shall ~~affirm~~ <sup>affirm</sup> with promise if need be or any other  
 thing necessary. — in my last I writt brief about the Customs, and in very  
 humble manner that you will find that concern which is of  
 particular advantage to yr selfe for the sale of coals. — unless I may be  
 to give you this notice of yr demands, and pray that you will please to give  
 your answer, if the profits cannot be obtained to be built upon publick use that the  
 you will endeavor to get an act of parliament to comprise such advantages to yr selfe as in  
 any way you be had it upon yr own purpose, the <sup>voluntary</sup> contribution of these people or any other  
 traders will be insignificant, and without this making these hearts more sure if it is  
 to double the trade & port will suddenly decay if you had a value of time for some  
 years as done before and the like upon all persons that could owners that could  
 ships and a double wayward and anchorage or more if needfull upon all vessels that  
 either for ends or till yr demands were fully repaid &c I heard last week  
 some of the ~~of~~ who said he was ~~not~~ <sup>not</sup> ~~intending~~ <sup>intending</sup> to come forward  
 to call up his debt & will there pay you all, I cannot yet be assured of any  
 further returns, I understand all the further of yr selfe shall returned by Sr  
 Ralph Bunsell's ~~hand~~ <sup>hand</sup> &c I am informed that work will require a great  
 deal more charge you may find that from him, I cannot not be as  
 sure that I am &c

## Chapter Seven

### I See with Others' Eyes

"...Being generally too backward in letting me know either matters of fact or the opinions of others, which though no guides to me, might be lights to be used as I see occasion."<sup>1</sup>

In 1694, whilst trying to guide the choice of a new minister to a satisfactory conclusion, William Gilpin wrote to Lowther, "Your honour's presence would much contribute to settle a better method for the future, and I am very sorry you will not be down this summer."<sup>2</sup> Choosing the minister, building the church and indeed building Whitehaven, expanding the collieries and developing the harbour all took place while Lowther lived three hundred miles away. He was thus one of the growing number of landlords who lived away from his estate, depending on correspondence with relations, lawyers, casual business partners but above all stewards to carry out his estate policy.<sup>3</sup>

In 1666, Lowther appointed Thomas Tickell as his steward, responsible for the daily running of the manor. Employer and steward wrote constantly to one another, usually once a week: Lowther issues an instruction, offers a suggestion which falls short of an order, badgers his steward about a previous instruction, reproves him for a bad decision, and time and again demands a more particular

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1 J.L. rebukes T.T. 18 Aug 1684.

2 W.G. 1 Aug. 1694, *Lowther Correspondence* 130.

3 For the increase in absentee landlords during the later part of the seventeenth century and their corresponding dependence on stewards, see J.V. Beckett, "Absentee Landownership in the Later Seventeenth and Early Eighteenth Centuries: the Case of Cumbria", *Northern History*, XIX, 1983, where he points out that the majority of landowners with substantial holdings in Cumbria were frequently absent from their estates; D.R. Hainsworth, "The Essential Governor: the Estate Steward and English Society 1660-1714", *Historical Studies*, vol. 21 no. 18, April 1985, and "The Mediator: a Link between National and Provincial Society in Seventeenth Century England", *Parergon*, n.s. 6, 1988; Frank T. Melton, "Absentee Land Management in Seventeenth Century England", *Agricultural History*, vol. 52, no. 1, 1978; P. Roebuck, "Absentee Landownership in the Late Seventeenth and Early Eighteenth Centuries: a Neglected Factor in English Agrarian History", *Agricultural History Review*, Vol. 21, part 1, 1973.

account of some transaction. The steward reports compliance, explains (or explains away) non-compliance, appraises and perhaps improves on Lowther's suggestion, and does his best to supply the detail Lowther demands. Each supplies news he feels the other has a need to know.

More thorough consultations took place on one of Lowther's visits north, though in the space of thirty two years, Sir John visited Whitehaven only ten times.<sup>4</sup> Since correspondence naturally ceased during these visits, some major decisions are not directly recorded and can only be inferred from later letters. Lowther was finicky, but in crucial instances he failed to make practical use of the detail repeatedly demanded. A weekly expression of his apprehensions did not stop the expensive new pier being built initially to an inadequate specification which later required costly modification. For eight years Lowther made no strict enquiry after funds misappropriated by his colliery steward Thomas Jackson, though the evidence of the monthly balances was before his eyes; nor later did he intervene in the lackadaisical management of his collieries by his brother-in-law Richard Lamplugh, though warned by his steward's letters. The reason for the commercial growth of his estate is rather to be sought in the nicely-adjusted collaboration between Lowther and his servants and associates: for as Sir John himself wrote, "living so remote, and seeing Whitehaven so seldom as I do, I determine nothing but by their direction."<sup>5</sup> Lowther in London was well placed to press for any perquisites and privileges which Court or Ministry could dispense, and at least one of these was of major importance: the confirmation and extension in 1678 of Lowther's right to the foreshore at the expense of William Fletcher, owner of the rival harbour at Parton, whose misfortune it was at this critical juncture to be a papist. Meanwhile in Cumberland his stewards, with the aid of practical experts in mining retained by the estate, were left to appraise the value of collieries and

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4 In 1666 when he appointed Tickell, then July-September 1670, March-April 1675, July-October 1675, March-September 1676, October 1678, February 1679, (for the county election only, perhaps not in fact going to Whitehaven itself), August-October 1679, August-October 1682, August-September 1685 and July-August 1687.

5 J.L. to Samuel Brownerigg 27 Feb. 1686, enclosure to Tickell.

recommend which bargains Sir John should try to conclude; and to direct the extension and maintenance of the workings, contract for the transport of the coal to the harbour and oversee its sale to the ship masters.

The initial list of instructions left for Thomas Tickell in June 1666 gives little sign that all this was to be a significant part of the stewards' responsibilities: in the main it enumerates various activities which the steward was to suppress, activities which the tenants claimed it was their right to carry on. Continual disputes over private coal-steathing, heaping up coal sacks in the streets of the town or along the foreshore, ballast-casting, quarrying stone from the shore and keeping unringed swine did little to increase the profit of the estate but were a daily harassment to the steward.<sup>6</sup> Sir John might instruct, but his tenants countered his directions with obstruction, evasion and delay. What his stewards implemented was attenuated by the strength of the opposition, by their own judgment of practicality, with a view also to the interest of the steward and his friends and to the discomfort of his rivals and enemies; the bulk of whom were not farmers but townsmen, well-travelled merchants with an education, a degree of sophistication and pretensions to gentility which frequently out-matched that of the stewards.

There remained decisions which the stewards were unwilling to take themselves, and decisions handed down from London which they were unwilling to implement. Even William Gilpin, to whom reporting and advising was no intellectual burden, sometimes felt in need of Lowther's own presence to "rectify some things too invidious for me."<sup>7</sup> Thomas Tickell, particularly in his first decade, insistently requested Lowther to come down and attend personally to his affairs. In June 1674 as he struggled to convey to Lowther the full implications of the matters in hand (renewing leases, reconsidering the management of the salt pans, the need to consult over the collieries, the tenants' refusal to use the manorial mills and the dispute with the masters over the size of the coal sacks) he complained, "though it

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<sup>6</sup> D/Lons/W, Correspondence Bundle 40, 19 June 1666. See Appendix C.

<sup>7</sup> W.G. 21 Feb. 1698, *Lowther Correspondence* 466. See also 279, 280 and 284.

is my duty to ease you of these things, yet I find myself unable so effectually and suddenly to finish them; I find that converse by letters not only dilatory but defective."<sup>8</sup> Lowther rarely responded to his pleas by actually travelling north, but asked for more reports, assured Tickell that many problems would resolve themselves and that his steward must proceed "as if it were your own cases, 'tis too difficult to direct not being upon the place, and retard nothing for my not being there."<sup>9</sup>

Shortly after his appointment as steward in 1693, William Gilpin sent a proposed letter of attorney for Lowther to approve, enumerating his duties:

"(1) demand, sue for and receive your debts; (2) accompt with your officers; (3) give discharges; (4) make entries for non-payment etc.; (5) let to farm your lands; (6) distrain for rents; (7) pay foreign rents and charges etc.; (8) keep courts; (9) give admittances; (10) and to appoint attorneys etc."<sup>10</sup>

Such specific duties were to form the basis of Gilpin's work, as they had done with Thomas Tickell; though even this list omits negotiating for land and collieries (which Gilpin thought could be comprehended when necessary by a specific directive), and the stewards' active role as election agents.<sup>11</sup>

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8 T.T. 25 June 1674. "Everything wants life till you come", he pleaded on the 11th of June 1678.

9 J.L. to T.T. 9 Aug. 1678. Neither Tickell nor Gilpin was ever so unsure of himself as John Bede Potts, steward to Sir Marmaduke Constable of Everingham, who in spite of his master's assurance that all his affairs were to be carried out at the steward's discretion, still requested permission to fell a tree - Roebuck, op. cit, p.4.

10 W.G. 29 March 1693, *Lowther Correspondence* 5. A copy of the actual letter of attorney is in D/Lons/W Commonplace Book, 1680's-1690's, "Mr Drydens..." pp. 200-3.

11 For the wide range and importance of stewards' duties in this period, see D.R. Hainsworth, "The Mediator ..." op.cit., where he disputes Christopher Clay's suggestion that stewards were minor figures until the mid eighteenth century - Christopher Clay in Thirsk (ed) *Agrarian History* vol. V, ii, op. cit.; D.R. Hainsworth, "The Estate Steward" in Wilfrid Prest, ed., *The Professions in Early Modern England*, London 1987; D.R. Hainsworth, *Stewards, Lords and People 1660-1714*, Cambridge University Press, (forthcoming); H.D. Turner, "George, Fourth Earl of Northampton: Estates and Stewards, 1686-1714," *Northamptonshire Past and Present*, Vol. IV, no. 6, 1966-7; H.W. Saunders, "Estate Management at Rainham in the Years 1661-1686 and 1706"; *Norfolk Archaeology*, vol. XIX, (1917). For the steward's role as an election agent, see Robert Hopkinson, "Elections in Cumberland and Westmorland 1695-1723", Ph.D. thesis, University of Newcastle-on-Tyne, 1973; and "The Electorate of Cumberland and Westmorland in the Late Seventeenth and Early Eighteenth Centuries", *Northern History*, vol. XV, 1979 and Hainsworth, "Tending the Interest" in *Stewards, Lords and People*.

Between 1648 and 1700 the rentals for the estate reveal a decline in income from the salt pans, tithes, and to a lesser degree, the demesne lands.<sup>12</sup> In 1648 the four salt pans near the quay had been let at £150 a year, in 1658 at £100. In 1665 Thomas Wilkinson leased them for three years at £65 a year but refused to renew the lease when it expired, despite much urging from Lowther and Tickell who feared the result of having the pans "in hand", fears amply justified in the following years as Tickell complained about their time-consuming management, the deadness of the salt trade, the growing stockpile of unsold salt and his own loss of reputation "because they will not make profit."<sup>13</sup> In 1669 and 1670 they "cleared about £6", figures which Tickell apologetically explained resulted from the great cost of repairs, poor sales and bad debts. The pans were then managed successively by Thomas Wilkinson, Richard Bettesworth and Lancelot Branthwaite, during years of continuing low sales, a prohibition against selling salt in Scotland and competition from French salt; and the pans frequently lay idle for months at a time.<sup>14</sup> In 1681 Lowther abandoned them altogether. He had already begun negotiations with the Cocker mouth auditor, John Gee, to combine his old lease of Bransty coal with one for the Bransty salt pans, whose lease had been inherited by Robert Biglands from Mrs Johnson.<sup>15</sup> The pans had been the cause of an angry shouting match between Tickell and Biglands in 1680 when Biglands accused Lowther of working out all the coal in the tenement, irrespective of Biglands' right to pan-coal; an accusation which Mr Gee "hugely countenanced" when he came to inspect Bransty, "so that I had an exceedingly vexatious ill time of it", grumbled Tickell, urging Lowther to set

12 There was much concern in the period following the Restoration at the widespread decline in agricultural rents and the value of land. The Irish cattle act of 1666 was one misconceived remedy. See "Notes of the Lords' Committee on the Decay of Rents and Trade, 1669", in particular Josiah Child's remarks; "An Act Prohibiting the Import of Irish Cattle, 1666"; "Sir William Coventry on the Decay of Rents, 1670" and "Sir Edward Dering on the Decay of Rents in Kent, c.1670"; printed in Joan Thirsk (ed.), *Seventeenth Century Economic Documents*, Oxford 1972.

13 T.T. 30 Nov 1668, 8 Feb 1669, 11 March, 14 Nov 1670; J.L. 20 April, 15 Dec 1668, 9 Feb 1669.

14 Thomas Wilkinson cleared roughly £168 over a four year period, Bettesworth £18 over seventeen months ("being no fit manager" commented Tickell) and Branthwaite £95 over four and a half years. D/Lons/W Rentals 1666 - 1705; Estate Accounts 1665 -1685 fo 36; T.T. 2 May 1671, 16 Dec 1672, 9 June 1673, 26 Jan 1675, 16 Feb 1676, 10 July, 17 Nov, 17 Dec 1677.

15 Tickell had initially suggested the move as early as 1677, because the smoke and soot from the Whitehaven pans damaged the ships' sails and rigging, and because he thought that the additional Lowther presence at Bransty might incline Francis Radcliffe to sell the tenement. - 28 March, 10 July 1677.



to and indeed work out all the remaining coal,"to extirpate those malicious, inventive earwigs opprobrious to all good men."<sup>16</sup> Although Lowther understood that Biglands had no wish to renew the lease, negotiations lasted eighteen months before the agreement was sealed, with Gee hinting at a competitor.<sup>17</sup> Lowther paid £5 a year rent and spent £32-10-1d in repairs before salt could be made. By 1685 these pans too stood idle, for want of coal in the tenement. The following year when Richard Senhouse considered subletting them and using refuse coal from Howgill or Woodagreen, Tickell forecast, "I fear he will be no gainer of them". Tickell reported making salt again in 1690, primarily to use up the coal on the bank which they were unable to sell, but a year later described the enterprise as "a troublesome and a losing branch to manage" and at his urging they were now let to Senhouse.<sup>18</sup> Neither did Tickell expect to make a profit when he re-let the tithes in 1680 because although he had earlier set them at half rates he still could not get the rent due for them and knew it would be difficult to find someone willing to farm them for a new term.<sup>19</sup>

Tickell had been steward for ten years when he faced his first major round of re-leasing demesne land at the end of 1677. He warned Lowther that all the fifteen year leases were due to expire the following March and was "sore afraid that all those farms will be thrown up"; with some farmers wanting to give up altogether and others indicating they might stay on if Lowther agreed to reduce the rent by a third or a quarter. Some of Tickell's most desperate requests for Lowther to come to Whitehaven occur at this time, as he forecast great losses if the land stayed "in

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<sup>16</sup> 20 April 1680.

<sup>17</sup> "I cannot see how any but myself can give rent", Lowther complained, but added "what malice may do I know not." J.L. to T.T. 5 Oct 1680. See also 3 and 19 July, 16 Oct 1680, 5 April, 26 July, 15 Oct 1681, 21 Jan 1682.

<sup>18</sup> T.T. 8 June 1686, 29 July, 25 Oct 1691; J.L. 19 Sept, 10 Oct 1691; D/Lons/W Estate Accounts 1685 - 1692 fo 36. Senhouse initially paid £18 a year, then £14 when he renewed the lease in 1697.

<sup>19</sup> Preston and Arrathwaite tithe corn which Sir John said had made £24 a year in his minority was let in 1666 for £16 a year and made £13 in 1676 under management. In 1681 Tickell was able to let it again for £16 by adding seven acres of land. St Bees tithe, the major tithe of the estate, also declined in value at each re-leasing, from £51-10s. in 1648 to £35 in 1691. T.T. 18 May 1670, 21 Aug. 1671; J.L. 21 Nov. 1671; D/Lons/W Rentals; Estate accounts 1666-1685 and rentals of Sir John Lowther 1666-1705.

hand".<sup>20</sup> Lowther remained unmoved in the face of such panic and by early 1678 Tickell had managed to re-let all the land; though in some instances with a slight drop in rent, while some smaller leases were let on a yearly basis, in hopes of a better offer.<sup>21</sup> Gilpin faced a similar round of bargaining in February 1693 but remained more sanguine in the face of farmers' threats to leave the land, and by March had re-let to those who had "pretended" to give up their farms.<sup>22</sup> Nevertheless by 1695 he was reporting problems with one particular tenant, in a situation which demonstrates the relative powerlessness of a landlord confronted by a recalcitrant tenant at a time when there was a shortage of good tenant farmers. When Edward Spedding wanted to quit his lease of Akebank, Gilpin knew he could not re-let it without considerably reducing the rent. Lowther accordingly refused to release Spedding and Gilpin reported the consequences:

"Edward Spedding since he cannot obtain of you to acquit him of the years which he has yet in Akebank, has become untoward, for he has cut down all the wood, neglects the house and (that he may do the farm as much mischief as he can) he has taken a piece of ground of Mr. Fletcher and sets upon it all the manure that is produced upon yours; and is besides in a great arrear of rent. His design is to force you to turn him off."<sup>23</sup>

To have evicted Spedding would have made it very difficult to attract a new tenant because farmers were loathe to replace an evicted tenant.<sup>24</sup> Spedding stayed on, aided by Lowther's encouragement of his carrying business and success in getting him appointed as a porter and tidesman at the Customs house; but he was still £48-16s in arrears of rent at his death in 1706.<sup>25</sup> Lowther's income from land increased

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20 T.T. 4 June, 14 Oct., 8 Nov., 6 Dec., 1677. Many landlords were distinctly unwilling to farm their own demesnes - M.G. Davies, "Country Gentry and Falling Rents in the 1660's and 1720's, *Midland History*, vol. 4, 1977 p.91ff.

21 D/Lons/W Rentals.

22 W.G. 15 Feb., 17 March 1693, *Lowther Correspondence* 2 and 4.

23 W.G. 27 May 1696, *Lowther Correspondence* 284.

24 Hainsworth, "The Essential Governor", op. cit.

25 C.T.B. XV, 275; Ja.L. to J.L. 16 Dec 1699, D/Lons/W Correspondence Box 10; D/Lons/W Estate accounts 1700-1706. Lowther's help for Spedding was not unusual. As Christopher Clay notes, landlords could not expect to escape unscathed if their tenants were in difficulties - Thirsk (ed) *Agrarian History* vol. V, ii, op. cit. p.231. As father of John and Carlisle Spedding, Edward provided James Lowther with stewards of outstanding calibre - J.V. Beckett, "Carlisle Spedding (1695-1755) Engineer, Inventor and Architect", *C.W.A.A.S.*, vol. LXXXIII, 1983.

over the years, but only because he was buying more land, and the new acquisitions were liable to the same difficulties as the old; indeed in several instances a vendor induced him to purchase by offering to farm and bidding a higher rent than he subsequently proved able or willing to pay.<sup>26</sup>

A net of indebtedness frequently spread through the community, and the stewards had to decide how swiftly to move before other creditors seized goods, calculate the sufficiency of bondsmen and existing security, determine whether a promise to pay had any substance and weigh-up the repercussions of foreclosing on a debt. Tickell decided against calling-in Thomas Jackson's debt in 1678 for fear it would upset the delicate negotiations to purchase Bransty.<sup>27</sup> When George Richardson, one of Lowther's tenant farmers, fled indebted to Ireland in arrears for rent, Lowther hoped to obtain his freehold property at Mirehouse, but in the event John Gale the elder purchased it, Richardson returned from Ireland and continued as one of Lowther's major tenant farmers; yet another example of a landlord preferring to keep on an existing tenant if at all possible, rather than evict him.<sup>28</sup> By 1674 Thomas Britton, merchant and ship master, owed Lowther over £100, besides further unspecified debts for salt, but Tickell had already cautioned, "Suit will utterly destroy him and, if commenced we shall find no goods save household to levy". Britton already owed money to his brother-in-law, Thomas Jackson, and to Thomas Wilkinson, themselves indebted to Lowther. After forbearing with years of broken promises Lowther eventually took possession of Britton's houses, set a date for redemption and rented one back to him. Britton soon built up further debts in arrears of house-rent.<sup>29</sup> By 1674 Thomas Jackson owed £700 in colliery debts, having used the colliery receipts to finance his own trading ventures. The problems of having a bankrupt colliery steward posed an additional dilemma: "If you should cast him off I know not how those colliers etc. shall be paid: and if you

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26 T.T. 9 Oct. 1688, 2 Aug. 1690.

27 See above, Chapter Two.

28 T.T. 25 Nov. 1667, J.L. to T.T. 10 Dec. 1667, 4 Feb. 1668.

29 T.T. 2 Aug. 1672, 30 June 1674, 1 Sept. 1667, 8 Feb. 1669; J.L. to T.T. 3 March 1668, T.T. 10 Jan. 1681.

keep him on, I know not how he will be able to pay besides them the growing balances of account".<sup>30</sup> During his visit in 1676 Lowther dismissed Jackson and took a mortgage on his houses, and for the next nine years followed reports of Jackson's ill-starred trading ventures with exasperation and anger as one by one they failed to clear the debt. He finally foreclosed on Jackson's houses during another visit in 1685.<sup>31</sup> Jackson too was permitted to rent back a house, and like Britton, proceeded to run up arrears in rent. Lowther did not gain Bransty by his initial forbearance of Jackson, and Jackson became one of Lowther's leading opponents in the pierage dispute of 1684 and 1685, "nothing reflecting on his own poverty nor the engagements he lies under to you", as Tickell observed.<sup>32</sup> Thomas Wilkinson owed £265 at the end of his lease of the Whitehaven salt pans in 1668. As with Jackson, Lowther cannot but have been aware of these accumulations of arrears, whose conversion into loan capital he tolerated as encouragement to an old servant of the family.<sup>33</sup> He knew that his assets were sufficient to cover the debts, for he pressed him with some insistence to renew the lease and expressed distinct irritation at the refusal: "I am sorry to find in Thomas Wilkinson such uncertainty and shuffling. I thought my usage and forbearance of him might have begot more plain dealing."<sup>34</sup> Wilkinson owned a quarter share in the *Thomas and Elizabeth*, kept a public house near the quay, owned another house in Chapel street and was Lowther's farmer for Millholme meadow and Collierdale. In 1671 Wilkinson agreed to manage the pans for a salary of £5 a year, perhaps only so he could continue the loan and because Tickell promised in addition that he should have the bailiffship when it fell due at Martinmas. Lowther forbore Wilkinson in order to avoid directly confronting the problems of his failing saltery and Wilkinson, though

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30 T.T. 18 Jan. 1675.

31 D/Lons/W Registers, Deeds and Conveyances 1611-1705, fo. 156. J.L. to T.T. 25 June 1678, 29 March 1679, 4 May 1680, 17 Dec. 1681, 7 Jan. 4 April, 14 Oct. 1682, 17 Feb. 31 March 1683; T.T. 9 Jan 1679, 20 April, 24 May, 19 Aug 1680, 24 Nov 1681, 26 March, 23 April, 17 May 1683, 27 Nov. 1684 and 24 May 1685, when Tickell reported that he had had Jackson arrested to force him to state his accounts.

32 10 Feb. 1685.

33 Tickell described him as "an old servant of your father's and your own." - 9 June 1677. At the age of twenty in 1640 he had deposed in Sir Christopher's Exchequer case against his tenants and witnessed a grant of land.

34 J.L. 15 Dec. 1668, 19 Jan. 1669.

he grumbled, assented to retain this easy line of credit. Lowther's judgement of Wilkinson's ability to pay was in the event accurate. At the end of his management he owed £130, a sum considerably less than the initial debt, and satisfactorily secured by his houses. He began repaying it in 1677, first with a cash payment of £60, then with his share of the ship, worth £40. When he died in 1678 owing £30, Lowther agreed to deduct £2 if the widow paid promptly. She evidently did, because no more is heard of it. Besides renewing the lease of Millholme and Collierdale, Isabella Wilkinson also began leasing Sailbank tenement in 1680 and promptly established a rope walk to rival that of Tickell and his partners.<sup>35</sup>

Twice yearly the estate steward also kept the manor court. The court provided the tenants with a public forum where they could express their discontent with landlord and steward, as well as with each other. At Tickell's first court in 1666, William Atkinson and Robert Wilkinson led the refusal of the tenants who held old customary land to answer a call of court which they disputed, and continued their denial from year to year as a local reminder of the case being fought in Chancery over the issue. Once that issue had been resolved, they turned to the management of the court itself, claiming in a lengthy letter to Lowther that Tickell was dilatory in admitting them to their tenures, and that he charged excessive fees to record their surrenders and admittances in the Court rolls.<sup>36</sup> Tickell denied the charges but the following year John Gale the elder, Thomas Addison and William Atkinson caused a riot in the court, "speaking very opprobriously several contemptuous words and threatening him the steward with oppression and indictment etc", for demanding fees to enrol their recent purchases. Though the steward does not mention it, the occasion was probably improved by the fact that the house whose purchase Addison wished to register was the one in which Tickell

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35 T.T. 25 April 1677, 4 May 1678; J.L. 25 June 1678; D/Lons/W Miscellaneous estate papers, Saltpan accounts; Estate Accounts, 1666-1685 fo. 29, 50.

36 J.L. 24 Feb. 1674. For a copy of the letter from Francis Radcliffe, William Nicholson, Robert Wilkinson, John Davie, Christopher Skelton and George Benn, 9 Jan. 1674, see D/Lons/W Letter books. Fair Copies, Sept.1684-Jan. 1694.

himself lived as lessee of the vendor.<sup>37</sup> Tickell retaliated by fining the offenders each £5 for their contempt. For the next five years no court was held. No discussion of the decision appears in the correspondence. Lowther was himself present at Whitehaven at the times when the three subsequent courts would have been held - Michaelmas 1675 and Easter and Michaelmas 1676 - but did not choose to summon one. It was at Tickell's suggestion that courts resumed again in 1680, when he invited the tenants to be "at unity among themselves and unanimity with you".<sup>38</sup> Tickell, who had no legal training was not equal to a contest with the versatile Addison or the well-counselled Gale. Richard Lamplugh had at first given intermittent professional assistance, but could not be depended on to attend, and in 1684 Lowther engaged James Bird, who handled his other legal business, to hold the manorial courts also. Gilpin, a professional lawyer himself, had no need of assistance.<sup>39</sup> Outspokenness in court it seems could be suppressed only by suppressing the court itself, and this is the more surprising because it is evident from an aside of Gilpin's and two stray remarks of Tickell's that the lord or his steward both nominated the jury and selected its foreman.<sup>40</sup> Nonetheless, a long list of noteworthy opponents repeatedly served as jurors and even as foremen: Christopher Skelton, Robert Wilkinson, Robert Biglands, Henry Fox, William Croft and Ebenezer Gale. In 1684 William Atkinson renewed his complaint that the customary tenants were being called to the court as "tenants at will according to the custom of the manor". James Bird as steward of the court over-ruled his objection, but Atkinson persisted, and after the Michaelmas court in 1686, when

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37 Indeed, with Addison as landlord, Biglands as a neighbour on one side and Frances Aery, the widow of Greenbank on the other, his situation may have been a little uncomfortable. Fortunately he was able to move to a more detached situation when Sir John purchased Flatt Hall.

38 T.T. 28 Oct. 1680.

39 Tickell agreed somewhat reluctantly to Bird's appointment: "lawyers and attorneys do rather exasperate than heal differences," he had remarked when Lowther had suggested such professional assistance on an earlier occasion - 4 Oct. 1680. In 1686 Bird was replaced by another Cumbrian attorney, Ewan Christian. For the growing role of country attorneys in the seventeenth century and their increasing employment as stewards of manorial courts, see C.W. Brooks, *Petty foggers and Vipers of the Commonwealth*, Cambridge 1986, p.196 ff.

40 W.G. 9 Sept. 1696, *Lowther Correspondence* 303; T.T. 7 Oct. 1685, 9 Oct. 1686. When Tickell refused to nominate William Atkinson as a juror in 1686 his excuse was that once again Atkinson had denied the call of court. But it was at this very court that Atkinson first presented Tickell's son in law, Ebenezer Gale, for building encroachment.

Tickell described him as "mutinous", Sir John acknowledged the weight of his objection: "...it had been all one to have called them tenants by custom, the deed for the twenty-five penny fine having given them some colour for their exception"; and at the next court a year later, the tenants were called simply as tenants according to the custom of the manor who owed suit of court.<sup>41</sup>

Apart from recognizing new tenants and heirs, the court spent most of its time fining miscreants for keeping unringed swine or casting ashes and rubbish into the Pow; and interminably issuing orders to clear away dunghills and pave the streets in front of their houses.<sup>42</sup> The manor court, with its machinery for presentment and amercement may have been coercive in theory but the never-ending presentments for the same offences argues otherwise. The other item of business was the recovery of petty debts. With the absence of banks as we know them, fellow townfolk were an important source of credit and the manor court provided a convenient way of recovering debts without having recourse to common law.<sup>43</sup>

In only two series of presentments in the space of forty years is there any sign of vendetta. In October 1668, Henry Bragg presented William Hodgson, the stone mason, for brewing malt not ground at the lord's mill and Hodgson in turn presented Bragg for damaging his grain. James Hodgson sued Bragg for a plea of debt and complained against Bragg's wife, Elizabeth, for slandering his own wife by accusing her of murdering her infant and wrapping it in a dishcloth. Bragg countered somewhat tamely by suing Hodgson for a debt owed on beer. The first issue fell through for want of summons, William Hodgson received 2s for grain, both James Hodgson and Bragg recovered their respective debts and Elizabeth Bragg was fined 6s 8d (a sum reduced by the jury to 3s 4d) and ordered to

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41 T.T. Oct.1684, (date damaged, archive no.222), 19 Oct. 1686; J.L. 26 Oct. 1686.

42 "Townsmen ... will rather endure the nastiness of the streets and suffer amercements", observed Tickell - 18 Nov. 1680.

43 "I kept your court the last Friday to the satisfaction of many who got in a deal of small debts by it." - T.T. Oct.1683 (date damaged, arch. no.111.) For the role of manorial courts in recovering small debts, see J.D. Marshall, "The Domestic Economy of the Lakeland Yeomen 1660-1749", *C.W.A.A.S.* LXXIII 1973; for sources of credit see G.P. Jones, "Some Sources of Loans and Credit in Cumbria before the Rise of Banks", *C.W.A.A.S.*, vol LXXV 1975.

apologize publicly.<sup>44</sup> This particular court also ordered the setting-up of a ducking stool, and sentenced one Anne Trinckle, a spinster, to be ducked three times unless she publicly acknowledged to both Mary Biglands and Dorothy Hamilton that "she hath done them wrong." Robert and Mary Biglands had presented Dorothy Hamilton for slander, claiming Dorothy had accused Mary of witchcraft. The court chose not to believe the accusation of witchcraft, but rather preferred to punish the gossip. No further mention of ducking occurs, however, and the stool, if it was ever built, must have decayed by 1693, because William Gilpin as new steward then ordered the inhabitants to build an identical appliance. Gilpin at the same time remarked on the "great profanation" of the Sabbath reported by the constable, by "sundry persons to him unknown", but the subsequent court records contain no presentments for the offence, nor the use of the engine of punishment: simply a further plea by Gilpin in May 1698 "that some means may be used to prevent the profanation of the Sabbath day."<sup>45</sup> Apart from the violence connected with the Wybergh family, and with the death of Dorothy Bigrigg<sup>46</sup> the court books, the surviving Quarter session records and the stewards' letters reveal only very occasional examples of breaking windows, shooting pigeons, assault and petty thieving of tobacco, timber and coal.<sup>47</sup>

As the town and port expanded, the jury attempted to encompass some of the problems of development by framing specific by-laws, but then all too often refused to abide by the laws which they themselves had made, giving Tickell yet further reason to lament his uneasy position in the town, "either through the natural aversion they have to obey or else through my levity in forbearing the execution, which rather than I would give offence makes me weary of that charge."<sup>48</sup> As more tenants purchased their freehold, Tickell reported a falling attendance at the

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44 D/Lons/W St. Bees Court Books.

45 Gilpin had more success at the Easter Quarter sessions in 1698 when ten persons were convicted before him as justice for profane swearing.

46 see below.

47 For the Quarter session records, see C.R.O. Q/1/1 and 1/2, Minute books, 1668-1695, 1696-1704; Q2/1. Indictment book 1689 -1708.

48 T.T. 29 Oct. 1682. See also 18 Jan. 1687.



court and wondered uneasily whether he ought to fine the absentees,<sup>49</sup> but Lowther advised against it: "My intent is only to prevent nuisances and make by-laws and to make them of use and benefit to the town."<sup>50</sup> He gained from the regular supervision of building standards, Tickell from the ameracements which Lowther allowed him to keep, and the tenants from cheap and speedy settlement of their claims against one another.

Lowther's stewards were part-time in that they depended on Lowther for only a portion of their income. He initially paid Tickell £20 a year (doubled to £40 in 1679) and undertook to obtain a position for him in the Customs House at Whitehaven. The purpose was not just to relieve Lowther of paying his steward a full salary but to obtain an agent in the customs service through whose hands all exported coal must pass. Tickell, who had vociferously criticized Thomas Addison's use of his official position to enhance his profits as a merchant and colliery owner, made no secret to Lowther that he hoped to emulate such behaviour for his own and Lowther's benefit if ever he gained a post. As he said of Addison in 1669, "None dare to refuse his coals and salt which would be to our advantage were we concerned in the customs",<sup>51</sup> and in letter after letter to Lowther reminded him of the usefulness of having his steward in such a post to glean useful trading information, and to exact compliance from the ship masters.<sup>52</sup> Once Tickell gained the post of Surveyor for Whitehaven and Carlisle in 1671, Lowther demanded to be kept informed of all local trade and Tickell obliged with monthly trading figures for Whitehaven and reports on shipping ventures as they came to his notice.<sup>53</sup> He kept his position for seventeen years of threatened oustings, fluctuating salary, rebukes

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49 "for these small levies add fuel to our malicious tenants so ready to cavil on all occasions"- 2 March 1688.

50 J.L. to T.T. 10 March 1688.

51 T.T. 15 May 1669.

52 "I wish not the place so much for profit as to manage your concerns the better for as it will augment your power so it will increase your sale." T.T. 10 Sept. 1667 and 14 Feb., 9 March, 1 April 1668, 16 Dec. 1669.

53 Tickell's remuneration fluctuated. Initially set at £40 a year, it dropped to £15 in 1675, when he was replaced as Surveyor of Carlisle. In November 1682 he jubilantly reported an additional quarterly sum of £6-5s to keep a horse, but this was withdrawn in the next quarter. In 1683 his salary rose to £20 and in 1684, to £30 a year. J.L. 23 Sept 1671, 6 Nov 1675, 26 May 1683; T.T. 3 Oct 1671, 27 Nov 1682, 15 Feb 1683, 27 Nov 1684. C.T.B. vol VII p 877 26 July 1683, p 449 10 April 1682, p 714 15 Feb 1683.

from the Commissioners and strong suggestions from the masters that he contravened the regulations by holding ship shares. As rumours of his pending replacement thickened, he attempted to stave off the inevitable by sending presents to William Carter, back in London after his lengthy inspection of Whitehaven port: a length of Irish frieze for a coat and a promise of puffins in Lent.<sup>54</sup>

Tickell worked with three successive colliery stewards. Lowther appointed Thomas Jackson in 1665 to oversee the collieries for £15 a year. Richard Bettsworth succeeded him in 1675, on £40 a year, but he died after less than two years of unsatisfactory service. For the next five years Lowther depended on his own brother-in-law Richard Lamplugh and Tickell to run the collieries; but Lamplugh was no business man and no judge of colliery enterprises, and Tickell, though he ran both estate and collieries for two years unassisted, was overstretched. The moment was a critical one for the coal mining enterprise which as the event showed was capable under good management of expanding six-fold in the ensuing decades to meet the demands of a similarly expanding market at Dublin. It is hard to believe that this result could have been achieved by Tickell on his own or by another colliery steward of the calibre of Lamplugh, Bettsworth or Jackson. Help came from an unlikely looking quarter. John Gale had supported the development of Parton since it was first mooted and when Lowther asked for his advice and assistance concerning Whitehaven's pier, Gale had initially responded, "the Devil disappoint him."<sup>55</sup> Nevertheless he did draw plans and proved helpful, and during a visit to Whitehaven in 1682, Lowther appointed Gale as colliery steward. He thereby detached from the party of his opponents one of its most able members; and it seems likely that this was one of his purposes. Gale was chosen partly because of his observable ability and partly because, so long as he was given no motive for loyalty, he was so very capable of being a major nuisance. It took Tickell longer than Lowther to adjust to this new turn, although in the end his

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<sup>54</sup> The Lenten puffins were no doubt to be eaten in the same spirit as the medieval monk dined on barnacle geese, such fishy birds being counted neither flesh nor fowl.

<sup>55</sup> John Gale to William Fletcher, 11 July 1680, D/Lons/W Letter Book, 'Fair copies of letters to and from Sir J Lowther et al,' Aug 1700 - Oct. 1705'

adjustment was the more complete. He began complaining almost at once: Gale made difficulties about paying the leaders, sacked an old but faithful workman, demanded the best quality coal for his own home; all criticisms which Gale "snappishly answered".<sup>56</sup> The complaints continued into the new year: Gale opened and read one of Lowther's letters to Tickell, neglected to visit the ships and promote the coal sale, was unwilling to raise the price of coal and refused to show Tickell the colliery accounts ... but Lowther replied firmly, "I hope Mr Gale and you are both too prudent to have any misunderstanding, little things on all sides must be born with."<sup>57</sup> Despite such an unpromising beginning the two stewards became good friends, and two of Tickell's daughters and one of his sons married into the Gale family.<sup>58</sup> However, although Lowther may have welcomed the friendship and family connections which made for little friction between the two stewards' handling of his affairs, he was not blind to the disadvantages of a closer connection. Although Gale had no ambition to become estate steward himself, he did hope that his own son's temporary assumption of the steward's responsibility after Tickell's unexpected death would become permanent. Gilpin, when he was appointed, realized that this was so and that it partly explained John Gale's unrelenting hostility towards himself.<sup>59</sup> Lowther had no intention of letting Gale's son succeed Tickell: he was already having difficulty in getting Gale to state the colliery account clearly, and with the man's son as estate steward, the opportunities for fraud and collusion would have doubled.

The seventeenth century steward and his master operated in an ill-defined area which today is much more clearly divided between contractual employment, business partnership and independent commercial relations. Lowther accepted as a matter of course that all the stewards would engage in extra income producing activities and demanded only that such activities not conflict with the proper conduct

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<sup>56</sup> T.T. 14 Dec. 1682.

<sup>57</sup> J.L. to T.T. 17 Feb. 1683, T.T. 10 Jan., 2 Feb. 1683.

<sup>58</sup> Richard Tickell married Margaret Gale, Isabella Tickell married Ebenezer Gale and Elizabeth Tickell married Gale's son John junior.

<sup>59</sup> W.G. 10 Nov. 1694, *Lowther Correspondence* 170.

of their duties or with a more general deference to his interest. Tickell, Gale and Gilpin were allowed to make further income out of the estate by farming land and tithes from Sir John. Tickell leased Hensingham tithe corn and hay at £16 a year, Whitehaven tithe corn for £7, Flatt tenement for £1-10s and Low Benhow for 2s 10d; and Gilpin, on succeeding as steward, requested to take on what Tickell had held at the same terms.<sup>60</sup> Tickell and Gale were partners in a ropery and both took shares in shipping and trading ventures, and Tickell and Jackson had interests in several collieries. In August 1666 Sir John asked Tickell to inspect Thomas Jackson's weekly colliery account. The following year he expressed alarm at the outstanding colliery debt, with three-quarters of the money owed outstanding. "I wonder if I do not mistake it, that it should escape you, for I do not less rely upon you for the collieries than for anything else which is more particularly your care."<sup>61</sup> In fact, as Tickell later acknowledged, Jackson had been using the colliery profits to finance his own trading ventures, none of which proved successful enough for him to discharge his debt on the colliery account. But Tickell was not just inspecting Jackson's accounts, he was sending monthly abstracts to London, drawn up to Lowther's precise and often reiterated instructions! When Lowther was at last moved to intervene, he reproached Tickell for not appraising him of the true situation (though he never accused him of dishonesty). Tickell rather reasonably replied, "I confess myself something conscious of error principally not hinting unto you his growing debts which yet I doubted a needless precaution because you have his whole account before you and mine also ..."<sup>62</sup> The practice of using balances in hand for private investment was a common one amongst seventeenth century officials. Lowther could not have expected anything else and obviously connived at it until it became clear that his colliery steward was never likely to be able to

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60 W.G. 15 Feb. 1693, *Lowther correspondence* 2. Selling clay in Flatt field to the brickmakers was another perquisite which Gilpin inherited, together with reek hens and the tithes of pigs in Corkickle, Bransty and Harras - W.G. 10 Nov. 1694, *Lowther correspondence* 170.

61 J.L. to T.T. 11 June 1667.

62 T.T. 30 Nov. 1674.

discharge his final account. He was really unable to insist upon a stricter notion of financial probity than this.

The first of many quarrels between John Gale and William Gilpin issued from their respective rights to the lucrative contract for the horse gin. Tickell had been granted the gin contract to wind water at Drift colliery in 1676 and entered a new contract at the beginning of Lamplugh's management, using the occasion to demand, besides the allowance of £4 a week to wind both water and coal, a few extra benefits in the form of reasonable rates for Flatt tenement, the tithes of Arrathwaite and Whitehaven and the use of Lowther's two horses.<sup>63</sup> He gained the much bigger contract for the water gin at Howgill in July 1687; a contract punctuated with complaints from Lowther that Tickell received twelve shillings a week more than the previous contractors, and that it was "very unfit" to put Lowther to extra charge if others would undertake it cheaper. Tickell stoutly defended the rate as normal for winter, and one continued on into the summer because of a wet season. Tickell was allowed to continue, and eventually Gale became a partner with him.<sup>64</sup> After Tickell's death, Gale managed it himself until Gilpin attempted to assume a share as a perquisite of his own, claiming he followed Lowther's instructions "that we both might have our accommodations", though Gale thought he meant by this that "the fairest way of adjusting the accommodations betwixt us, is to take them all to himself."<sup>65</sup> Gilpin, as he defended his case for a share, revealed to Lowther what he had long suspected and what Gale and Tickell had carefully concealed; that the allowance was "much more than the bare horse service deserves." He presumed Lowther had let it as a "gratification" to them and assured Lowther that it was thought to be so in the eyes of the town.<sup>66</sup> Lowther's reply does not survive, but his scathing denial of any supposed gratification is plain

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63 T.T. 18 Jan. 1677.

64 J.L. to T.T. 9 Sept 1688, 2 Feb 1689; T.T. 14 Feb 1689, 21 May 1698; J.L. to J.G. 28 July 1688: if Tickell "can keep the water as others will undertake it, I am desirous he should have the preference, but if others will do it for less, it is not reasonable to expect it". D/Lons/W Letter Book, Fair Copies 1684 - 1693.

65 W.G. 17 May 1693, J.G. 16 May 1693, *Lowther Correspondence* 15 and 14.

66 W.G. 17 May 1693, *Lowther Correspondence* 15.

enough from Gilpin's response, acknowledging that if Lowther let it out to contractors again he might well save £50 a year or more.<sup>67</sup> There was an expectation, unstated until the rational William Gilpin came on the scene, that a steward's income might be augmented by a favourable contract; and John Gale, in the face of losing that one supremely favourable contract, protested that his other services to Lowther had not sufficiently recompensed him, "so that I have had the burnt side of the cake almost during my whole service."<sup>68</sup>

When Tickell purchased his first colliery lease at Goosegreen in Moresby, Lowther expressed anxiety that the coal he mined might lessen the sale of Lowther's coal and suggested that Tickell sell to the salt pans rather than compete for sales to the masters. Naturally Tickell insisted that his employer's interests took precedence over his own. He offered Lowther a stake in his newly acquired leases and had clearly expected from the first to do so. Lowther was at first eager to take a two-thirds share but this went beyond Tickell's sense of his duty and he offered a half, an offer which Lowther, although without rancour, declined.<sup>69</sup> When Thomas Jackson bought a share in Castlerigg colliery, Tickell reported that Jackson intended it "for your use". Lowther accepted this offer with alacrity, but when some months later he found that by an arbitration over a dispute between the other partners he was going to be limited in his rate of exploitation, he reconveyed his interest back to Jackson.<sup>70</sup> In a similar vein in 1677, Tickell bought a share in a ship, intending either to convey it to Lowther if the latter so wished or to keep it to himself. In this case, Lowther again accepted. Tickell also expressed a willingness to let Lowther take over a mortgage he held on some tenements at Egremont, "being far from that ill nature of some men who value their own interests before their master's that preferred them and may still do them good."<sup>71</sup> The principle

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67 W.G. 29 May 1693, *Lowther Correspondence* 19.

68 J.G. 16 May 1693, *Lowther Correspondence* 14. It is evident from subsequent letters that Gale kept the contract for another three years. J.G. 2 July 1693, W.G. 29 June 1696, *Lowther Correspondence* 35 and 291.

69 T.T. 22 April, 27 May 1667, 24 March 1679; J.L. 4 and 25 June 1667, 11 March 1679.

70 T.T. 18 May, 26 Dec. 1670, 30 Jan. 1671; J.L. 29 Nov. 1670, 17 Jan., 14 Feb. 1671.

71 T.T. 20 Sept. 1688. Tickell had just been dismissed from his Customs post and was now beseeching Lowther's aid to be restored.

governing these transactions appears to be that the subordinate is obliged to offer to his master at least a fraction of any potentially profitable asset which he has acquired; his less-rewarding or more troublesome assets he may retain for himself. It was the ghost of a departed notion of "good lordship" on the one hand and "faithful service" on the other.<sup>72</sup>

Nevertheless, a steward's own private interests did colour proposals he made on his own initiative, and tempered his reaction to Lowther's instructions. When Tickell expressed alarm at Lamplugh's dismantling of the horse gin at Drift and pleaded with Lowther to keep it working, he felt obliged to add, "some may fancy that because I work them I propose this, but I vow I prefer your security much more than any profit that I do or may reap by them."<sup>73</sup> Both Tickell and Gilpin presumed that Gale's private investment in shipping led to his reluctance to raise the price of coal.<sup>74</sup> Gale rarely alludes to his ship shares and it remained for Tickell and Gilpin to remind Lowther of their controlling presence. Tickell mentioned his own shares only to reassure Lowther that they were in the hands of his daughters. We only know their full extent through the depositions of the masters at the time of the Commission into customs malpractice in 1679. He was then reputed to own shares in the *Reserve, Unity, Ebenezer, Friendship, Thomas and Elizabeth* and the *Assistance*.<sup>75</sup> As new colliery steward in 1682, Gale seems to have forgotten just how many interests he had. He threatened to sell any sack of coal with short measure for 3d instead of 4d and deny the leaders payment for carrying it, to ensure that in future they only delivered full measure. Such a bargain would prove satisfactory to his interests as a ship owner, but as colliery steward he was expected to do all he could to encourage the leaders. He was also a shop-keeper and Tickell discovered from the leaders who had been penalized that they

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72 Mervyn James, *Family, Lineage and Civil Society: a Study of Politics and Mentality in the Durham Region*, Oxford 1974, chapter one, "Society: the Inherited Pattern."

73 T.T. 7 Jan. 1678. He protested in a similar vein when the masons began work at Parton later in the year: "I hope I need not repeat my real aversion to that procedure, though I might hope as well as others from it yet to comply with your concerns I do abhor it." - 23 Oct. 1678.

74 T.T. 10 Jan. 1683, W.G. 26 April 1696, *Lowther Correspondence* 279.

75 P.R.O. E 178 no. 6189.

had purchased the canvas for the sacks from Gale himself; canvas which Gale had insisted over their objections was large enough to make full-size sacks.<sup>76</sup> During Gale's negotiations to purchase Henry Birkett's tenement at Moresby for Lowther, Lowther received anonymous letters suggesting Gale's ulterior motives in urging the purchase, an accusation which drew a staunch rebuttal from Gale: "one thing more I will affirm living and dying: that I never profited 6d directly, or indirectly, by any purchase I have hitherto assisted to make you, nor did I expect it."<sup>77</sup> While Gale urged the purchase enthusiastically, describing it as "the key" to all the neighbouring collieries, Gilpin advanced more cautiously, querying the £900 demanded and the soundness of Birkett's title, yet he did not discover until 1694 what had been "industriously concealed" from him: in 1690 Birkett had mortgaged the tenement to Thomas Tickell. It may be supposed that Gale did indeed have a personal interest in the negotiations, because of his son John's share of Tickell's inheritance.<sup>78</sup> In a résumé of the development of Sir John's collieries Tickell is described as an inveterate opponent of John Gale's proposed cartways from Howgill to the harbour by reason of some "clandestine management", possibly an interest in a pack-horse team.<sup>79</sup> Tickell as far as we know had no interest in leading, but he may well have given preference to leaders who paid to graze their horses on his land. He did express some disquiet that horses and carts would jostle and hinder the pack-horses (as indeed they did) but otherwise fairly recounted to Lowther the opinions of an independent expert from Newcastle who preferred wagon ways over cart ways.<sup>80</sup> John Gale had reason for his enthusiastic promotion of the scheme. When the carts began work, five of the initial fourteen belonged to him. He thus assumed both the opportunities and the risk of innovation.

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76 T.T. 14 Dec. 1682.

77 J.G. 25 June 1693, *Lowther Correspondence* 31.

78 W.G. 17 May 1693, 13 Nov 1694; J.G. 25 June 1693, *Lowther Correspondence* 15, 31 and 172; T.T. 1 June 1690. Lowther purchased the tenement in 1695 for £775.

79 D/Lons/W Collieries; List 2, no. 18, note book and almanac, 1705.

80 T.T. 19 March 1683.



In their attempts to improve their social and financial position, the stewards consistently linked their own social standing with the dimensions of Lowther's authority. In an early letter, Tickell described his attempts to prevent the sailors from throwing their ballast into the harbour, at which one of the men confronted "did publicly affront me by his scurrilous language, tendering me the salutation of his posterior and bidding the Devil take both your person and mine."<sup>81</sup> He used both the offence and the insult to urge his own speedy appointment to a customs post, believing that the authority it carried far outweighed the threat of proceedings in a manor court; and that the greater his standing at Whitehaven, the better he could perform his duties as steward.<sup>82</sup> Gale and Gilpin also coveted a customs position, and competed fiercely for it, Gale on behalf of his son. Gilpin expressed disappointment when he realized that he was competing with John Gale junior for Lowther's patronage, pointing out that the townsfolk would see it as proof that Lowther had a higher regard for the younger man.<sup>83</sup> The competition for the gin contract was set in the context of patronage, power and position, all the more so because the town would know who had gained ascendancy in the matter. "Now it happens that people's eyes are upon me and I may as well lie down for all your workmen to piss upon as suffer a competitor", said Gale; while Gilpin countered with the worth of his reputation, because "what cheapens that renders me less capable of doing you that particular service . . . which the circumstances of your affairs in this place require."<sup>84</sup>

Tickell's insecurity about his position in Whitehaven is most amusingly illustrated in his descriptions of the visits by various dignitaries. Whenever Lowther heard of such a visit, he counselled Tickell to be ready with hospitality and entertainment, but all too often Tickell reported the dismal (and very public) failure of his efforts to attract the great or renowned to dine with him at Flatt. John Gee,

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81 T.T. 18 Aug. 1666.

82 T.T. 18 Aug., 7 Sept. 1666. He returned to the theme the following year when he wrote, "a poor servant is but a pitiful one, riches as well as abilities to manage make men to be best regarded." 7 Feb. 1667.

83 W.G. 23 March 1698, *Lowther Correspondence* 491.

84 J.G. 16 May 1693, W.G. 17 May 1693 *Lowther Correspondence* 14 and 15.

nephew of Sir Orlando Gee and an agent for the Duke of Somerset's Cockermouth estate, arrived at Flatt, but "would not light off his horse, though I had prepared dinner for him, pretending want of time." He rode down into Whitehaven and dined with Thomas Addison for the space of three hours, as Tickell precisely observed.<sup>85</sup> The following year, Sir Joseph Williamson visited Whitehaven and he too stayed with Thomas Addison. Nor could Tickell prevail on the Provost of Queen's college to walk up to Flatt. Finally, and most humiliating of all, the Duke of Somerset who was married to the Cockermouth heiress, came to Whitehaven. The visit had been preceded by some careful coaching in etiquette from Sir John, but the Duke excused himself from Tickell's hospitality and partook of Mr. Addison's: "a repast of cold meats etc. of which kind we had greater plenty and better upon the table and more room etc." wrote Tickell waspishly.<sup>86</sup>

William Gilpin at least entertained the Bishop of Chester and Viscount Weymouth at Flatt, but still received scant respect from the town.<sup>87</sup> The Bishop consecrated the church, and an area of land adjacent as the burial ground, but the town used it rarely, preferring to inter in the church yard. When Lowther heard of this reluctance from Ebenezer Gale, he ordered Gilpin to overcome it by forbidding any further burials there.<sup>88</sup> Gilpin soon had new cause to lament the perfidy of the Gales. Richard Collin, the smith, died and his widow, after careful persuasion by Gilpin, agreed to use the burial ground, but Ebenezer Gale had a grave prepared in the church yard. When Gilpin ordered it to be filled in, Gale threatened to seize a shovel and dig it again himself, using "his utmost skill to invite the people to an uproar;" the crux of his argument being that Lowther had no right or power over the disposal of the church yard and should the town but let him think otherwise, Sir John might grant it away to the Presbyterian bogeyman, Henry Palmer, whose

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85 T.T. 20 April 1680.

86 8 July 1688; J.L. to T.T. 12 June 1688.

87 D/Lons/W Estate accounts, cash accounts 1693-9 p.7; J.L. 31 May 1698, *Lowther Correspondence* 532.

88 Lowther had earlier instructed Gilpin to enclose the new burial ground "handsomely" and make it "as taking as may be, otherwise new things, or rather in this case old ones discontinued, meet with objections." *Lowther Correspondence* 86.

trade was so flourishing even in war time as to encourage him to seek new premises. Richard Collin was interred at St Bees; but shortly-after a child died and again Ebenezer Gale whipped up a mob to protest against the prohibition of the church yard. Gilpin had notice of it and "desirous to keep things from coming to an extremity of which I could not tell what might be the consequence, I stayed at home and dissembled my knowledge."<sup>89</sup> Gilpin found Ebenezer Gale's initial intervention baffling, as he had no known personal or business connection with the family; and Richard Collin had been a dissenter, giving Gale even less cause to intervene. In drawing Lowther's attention to the infrequent use of the burial ground and then theatrically opposing Gilpin's dutiful attempt to carry out Lowther's instructions, Gale seemed to be manufacturing a *casus belli*. Libels about Gilpin were posted in the market place, and a year later when he tried to resolve the problem of the disputed Collin inheritance, further lampoons appeared against him.<sup>90</sup> So the nature of his office brought down abuse on even the mild-mannered and impartial Gilpin when the jealousies of the townspeople were aroused as they were increasingly in the 1690's against Lowther's proprietary interest in the town, its harbour and its church. When Gilpin lamented that he felt at a distance from the people, Sir John made a comment which summarizes both town expectation and the character of this particular steward, "... and for being at a distance with the people everyone must expect it who can gratify them at another man's charge and does it not."<sup>91</sup> Tickell threatened on several occasions to resign from Lowther's service because of public obloquy and demanded that Lowther ratify his position with a demonstration of support. "If I receive your disgust as well as their malicious information and am not countenanced in the due management of your concerns 'twil be necessary for me to withdraw leaving the place to others ..."<sup>92</sup>

How did Lowther respond to the addresses of his stewards? He reassured William Gilpin, "I have never been backward to serve my friends to my power, that

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89 W.G. 1 April 1696, *Lowther Correspondence* 275.

90 J.G. 2 May 1697, *Lowther Correspondence*, 360.

91 J.L. to Ld. Lonsdale, 7 Jan. 1699. D/Lons/W Letter Books. Rough Copies 1698-1699.

92 T.T. 17 April 1669.

I have none can come in competition with you, and when I am either delayed or fail in my endeavours, tis not that I am unmindful or want good will."<sup>93</sup> In response to Tickell's distress he praised his "affectionate loving interest" and thanked Tickell for all he did.<sup>94</sup> In 1679 Lowther doubled his salary to £40 in recognition of Tickell's extra duties in overseeing the collieries, and did not reduce it when Gale became colliery steward. He was a thoughtful and conscientious patron to his family: two of Tickell's daughters spent time in Lowther's London household gaining experience as lady's maids and Lowther went to great efforts to secure suitable livings for both Tickell's son and son-in-law. Yet he pronounced scathingly on Tickell's ambitions for his family. "I think it no small weakness to give any breeding above their fortunes, which in ill times are not easily come by, and if your expectation fail how miserable would such disappointments prove."<sup>95</sup> In the lengthy correspondence we can watch the relationship develop as Lowther grew to trust Tickell and rely on him and as Tickell gained confidence in addressing Lowther. He can sound grossly subservient to our ears as he reassures Lowther of his devoted service or beseeches him to renew his efforts for the much coveted customs position; but however servile he might sound as he begs Lowther's patronage, he also accepts it as his due that Lowther should expend so much time and trouble on him and his family, combining deference and expectation as he writes,

"I confess my guilt in provoking your goodness by such confidence, only humbly remonstrate that some masters heretofore have endeavoured the promotion of their servants and done it effectually but perhaps with worse returns than ever shall lodge with me."<sup>96</sup>

Stripped of the vituperative hyperbole against John Gale the elder, Robert Biglands, Thomas Addison, William Christian or whoever had most recently

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93 29 March 1698, *Lowther Correspondence* 495.

94 J.L. to T.T. 27 April 1669.

95 J.L. 5 Feb 1667 (dated by Tickell.)

96\ T.T. 2 May 1671.

insulted him, the advice Tickell gives about collieries, harbour improvements, town planning, and property Lowther should purchase, is practical and straightforward. Lowther trusted and valued his judgment and often urged him to make more decisions without referring to London. Even Tickell's acerbic comments about his "enemies" are usually shrewd and to the point. When Lowther urged in particular Addison's usefulness and goodwill, Tickell remained unconvinced and when Addison did not support Whitehaven over Parton as forcefully as Lowther expected, Tickell was able to say, "It is no wonder to me that Mr Addison does not change his natural hue, for whatever he appears to you, or any else, his interest is ever homewards, nor are his former thoughts yet unchanged of slighting you in his native unmannerly fury."<sup>97</sup>

Gale's letters do not express a conventional willingness to serve purely for the honour of it and do not protest a devoted loyalty. His honesty he robustly if disingenuously defended; to more than that he did not feel himself obliged. As a successful independent man of business he had less need of Lowther's salary than Tickell. When Gilpin complained bitterly over a passage of months about Gale's hostility and lack of support and co-operation, Lowther wrote to Gale firmly but with little sense of castigation. His strongest form of reproof is to put it to Gale that he had done what was complained of, and "therein did not do well."<sup>98</sup> Gale wrote forcefully and boldly, providing Lowther with a blunt opinion on whatever he was prepared to tell Lowther was happening at Whitehaven. He described in telling detail the misery and difficulties caused by William III's reform of the coinage, or the impossibility of enforcing the proposed coal tax in 1698. The stewards were ideally placed to relay to Lowther the results of what he and his fellow members of parliament had decreed in Westminster, and Gale avouched to Lowther in letter after letter the frustration caused by the dearth of acceptable money: he had no money to pay the men, the masters had no money to pay him, buying and selling had come to

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97 T.T. 6 May 1680.

98 J.L. 30 July 1695, *Lowther Correspondence* 225.

a standstill, Gilpin's scrupling to accept Scotch milled moneys or Irish duckets made the situation more intolerable and "one cannot now buy a loaf of bread in the market, but a jury of enquiry must pass upon the piece of money to be paid for it. Tis even lamentable to behold, and hear, the controversies that from morning till night arise on this subject."<sup>99</sup> He depicted even more graphically the difficulties of gathering the coal tax, setting before Lowther's eyes a sequence of pictures showing Whitehaven at work; at night, in bad weather with several ships all trying to load during the same tide, "40 or 50 horses of different tribes and interests all together at one ship's side", each leader fighting to be first to unload, all claiming to have coal from the best pits, wanting only to seize back their empty sacks and tokens in exchange; so that if ten customs officers "in the dark stood over such a rout as frequently bawl at one ship's side, yet it were impossible for them to take exact cognizance of every coal-seller's parcel."<sup>100</sup>

William Gilpin provided a more measured and analytical observation of all things under his care. Lowther valued Gilpin and commended him highly; like Lowther himself Gilpin was a principled and conscientious man, well educated and with an appreciation of the workings of the wider world beyond Whitehaven. With John Gale, despite a long and commercially successful collaboration, Lowther never achieved a real understanding; with Thomas Tickell only gradually in the course of long years of correspondence; with William Gilpin, understanding was immediate. But Lowther was unable to secure Gilpin a customs post and a man of Gilpin's calibre could hardly be retained indefinitely by a mere stewardship. When Gilpin finally departed, Lowther commented moodily to Lord Lonsdale that less inconvenience happened "from men somewhat inferior to their employment than from those above it."<sup>101</sup> What measures could Sir John take to ensure he received correct information and the best possible advice on the affairs of his distant estate? He could first of all demand reports from his stewards and lower officials, to be

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99 J.G. 15 Nov. 1696, *Lowther Correspondence* 318.

100 J.G. 27 April 1698, *Lowther correspondence* 511.

101 16 Nov 1699, D/Lons/W Letter Books, 'J.L. vol 2nd Apr. 24 '99'.

compiled so frequently and in such carefully prescribed detail that they found it laborious if not impossible to comply. Henry Addison, as newly appointed bailiff soon tired of the work, complaining to Tickell that Lowther's accounts required more writing than all the customs' accounts.<sup>102</sup> Lowther tried to ensure that not all his information flowed through a single channel. Besides his regular correspondence with Tickell, he asked for letters from his colliery stewards and even from others such as the bailiffs, bankmen and underground supervisors, but this it seems with little success: indeed some of these men were probably unaccustomed to correspondence. One of the demerits of Thomas Jackson was a failure to report and it was one of John Gale's virtues that he did not hesitate to put pen to paper. To compensate for this there was always unsolicited correspondence, sometimes even anonymous, voicing the jealousies and animosities which Lowther's tenants felt towards his officers. The intention went beyond simply checking the honesty of the major correspondent, the steward, for Lowther appreciated that many pairs of eyes might discern more than one and wanted to have the benefit of independent assessments. To this end he also urged his officers to consult with one another and not to set up impermeable boundaries between themselves. When Tickell complained initially about Gale's independent action and lack of consultation, Sir John wrote to Tickell, saying that he had urged Gale to take Tickell's advice, "for much may seem very plausible and advantageous in the first conception, that will be thought very unfit to be put in practice, after arguing and discussing the matter with others."<sup>103</sup> As Tickell grew older, Lowther suggested that Gale should become more familiar with the work of the estate steward so that if Tickell fell ill or died then Gale would be knowledgeable in both areas and in the meantime Lowther would have the benefit of their joint opinions.<sup>104</sup> Tickell agreed but Gale was reluctant, saying that he had no

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102 T.T. 12 May 1675.

103 J.L. 26 Dec. 1682.

104 J.L. 5 Dec. 1683, 9 and 23 Nov. 1686.

inclination for that particular work.<sup>105</sup> The close liaison and consultation eventually achieved between Tickell and Gale had no parallel between Gale and Gilpin. Gale's personal resentment at Gilpin's appointment over his son, their rivalry for the perquisites of office and their differing religious outlooks added a barbed edge to most of their dealings; and they rarely agreed on any issue of moment, from the choice of a minister to the settlement of a disputed inheritance. Both men claimed that their rivalry did not harm Lowther's interest, but even as Gilpin assured Lowther that he consulted Gale at all times, he admitted that he kept out of colliery affairs, for fear of antagonizing him.<sup>106</sup> The process of electing the new minister might have been accomplished with much less public dissension and in a much shorter time had the two stewards agreed; and Lowther spoke prophetically when he cautioned Gale, "Whatever you do, you two must keep a good correspondence, otherwise my affairs will be as a house divided against itself."<sup>107</sup>

Although Lowther worked principally through his stewards to achieve his ends, he never hesitated to involve anyone competent or available in his plans to develop Whitehaven as an integrated trading and manufacturing community. He tended to ignore Tickell's outbursts against Thomas Addison or William Christian, or replied in non-committal terms. Certainly he continued to maintain relations with those whom Tickell castigated as implacable foes, and dealt with them whenever and as often as it suited him; requiring Tickell in particular to seek Addison's advice and experience on a wide range of issues such as church building, trading and harbour maintenance, with the warning "let not private animosities hinder the public."<sup>108</sup> Addison became Lowther's partner in the millstone quarry, Lowther took a financial share in Addison's iron-ore smelting schemes in the county and in several of Addison's ventures to the Baltic. Lowther also used Addison to gain a

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105 I have found no evidence to support Beckett's assertion (*Coal and Tobacco* p. 25 ) that John Gale expected to be promoted to estate steward. Lowther never regarded the post of colliery steward as a stepping stone to the position of estate steward. Tickell did not begin as colliery steward, Jackson was sacked not promoted, and no colliery steward became estate steward until Sir James' time.

106 W.G. 14 Oct. 1693, 15 June 1695, *Lowther Correspondence* 62 and 210.

107 J.L. 21 April 1693, *Lowther Correspondence* 109.

108 J.L. to T.T. 13 July 1680.



half share in Anthony Benn's collieries in Hensingham, completely sidestepping Tickell in the negotiations. Addison was able to complete the purchase just ahead of William Christian.<sup>109</sup> Tickell could only fret in the background, warn Lowther of Christian's threatened law suit, describe a partnership with Addison as neither "durable or agreeable" and salvage his pride by insisting that if Lowther had given him timely authority, he could have "brought them to have been yours without this contentious noise upon cheaper terms."<sup>110</sup> Tickell's position differed from Addison's because he was in Lowther's service, which Addison never was. He therefore had more claims on his employer's generosity but was obliged to be more outwardly deferential. Only on one occasion did Addison almost descend to being a client, when he needed support and influence to prevent his dismissal in 1680. Lowther provided it, expecting in return a commitment to the ascendancy of Whitehaven but Addison did not comply to the extent expected and there was little Lowther could do to force his compliance any further. Addison was a gentleman with his own country estate, a man with some influential friends and connections (Sir Joseph Williamson in particular, who had obtained the Searcher's patent for him) and one of considerable wealth. In 1689 he was able to lend £2,000 in ready money to the beleaguered government for provisions for the Irish expedition.<sup>111</sup> Tickell, too, for all his blustering would omit no opportunity and mutually satisfactory arrangement for a transaction with even his most factious opponents at Whitehaven. In 1684, in the course of a single letter, he lambasts William Atkinson and Robert Biglands setting off to the London Custom House with a "maledictory letter", yet recommends their visit as a safe and convenient method of transferring money between London and Whitehaven.<sup>112</sup>

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109 Despite the inevitable earnest money, but Benn had not actually sealed the documents with Christian. The wiser Addison took Benn back to his house and kept him there until he duly signed the articles.- T.T. 25 Jan 1684.

110 T.T. 7 Feb. 1684.

111 C.T.B vol.IX, p.537, 13 March 1690; p.2005, 11 March 1690.

112 Biglands was expecting a large sum of money in London for a tobacco shipment. Tickell recommended that Biglands pay this money to Lowther, and be repaid by Tickell when he returned to Whitehaven. Both parties would thus avoid committing money to the uncertainties of the post or the packhorse. Tickell later reported the successful conclusion of the negotiation, but in the next sentence called Biglands and Atkinson "the two grand agitators." T.T. 1 Sept. 1684, 19 Jan 1685.

Lowther's use of patronage to gain support or keep dependency was an inherent part of his rank and position and he used it to good effect. The success of patronage had helped him retain the services of Tickell, the hope of it gained him a steward with the abilities of Gilpin. Lowther used the promise of patronage in much of his land and colliery purchasing, as a means of spreading loyalty from an individual to his wider family and to prop up a struggling servant: thus he helped in the preferment of his stewards' children, he promised benefits to such men as William Hodgson and Christopher Skelton if they would agree to sell him land, he procured a customs post for his tenant farmer, Edward Spedding; and in more general terms used patronage to extend and tighten the tentacles of his control.

The many strands of patronage nowhere come so clearly together as in his relations with the Stainton family of St Bees. Tickell had experienced much difficulty in leasing the demesne lands in St Bees of which the Wyberghs had been dispossessed, until Richard Stainton senior became Lowther's principal farmer of them. In July 1676, a brawl erupted in Stainton's house; some weeks later a woman died and Stainton was charged with her murder. Lowther was at Whitehaven for much of that year and Tickell's letters to him do not resume until September. The depositions of witnesses were taken in October and it is possible to piece together the outlines of the story from them. On the 25 July, Dorothy Biggrigg had gone to Stainton's house searching for her husband and during a heated exchange of insults threatened to smash all the glasses and quarts.<sup>113</sup> According to Tickell, Stainton "held up his foot to her belly not suffering her to come into the house, by which she accidentally fell down", but other witnesses expressed it more plainly.<sup>114</sup> Dorothy and Stainton's wife started fighting and Jane Fox ran to fetch Thomas Bolton, curate of St Bees and usher at the nearby grammar school, who broke up the fracas. The Biggriggs left the house, throwing stones and lumps of coal, but three weeks later Dorothy died; Stainton was indicted on a

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113 Or cups and plates, as Tickell more discreetly called them: no doubt they served a sideline of Stainton's best not brought to the attention of the Excise officers.

114 Depositions in P.R.O. ASSI 45 12/1/65. A draft of Tickell's deposition in his letter to Lowther of 4 Feb. 1677.

charge of murder and imprisoned at Carlisle: "...maliciously ill-tormented by ill neighbours, occasioned as I conceive by reason of his due management of your concerns."<sup>115</sup> Lowther expected two of the sitting justices, Richard Patrickson of Calder and Colonel John Lamplugh, to support his clearly expressed interest in the case; but Patrickson was currently championing Mrs Wybergh in her efforts to regain possession of the Abbey house and in the following months showed no inclination to take Lowther's part and have Stainton released on bail. Tickell described his support of the charge and his interference with a local tithes dispute as "nourishing the animosities of your plebeian adversaries."<sup>116</sup> After much difficulty, and only because the sheriff expressed a willingness to oblige, Lowther arranged bail for Stainton in March 1678. The case came to trial in August and Stainton was acquitted. Tickell meanwhile had not been behind-hand in planning to redress the injustice and exact revenge on those concerned, especially on Thomas Bolton who he believed was behind the charge.<sup>117</sup> Even before Stainton's acquittal he suggested dismissing Bolton from the curacy and replacing him with Richard Stainton's son, Richard junior, brushing aside the objection that the young man had not yet been ordained. He urged it even more strongly after Stainton's release, with the further refinement that Henry Bigrigg, Dorothy's father-in-law, be ousted as parish clerk, writing with transparent self-delusion "by such alteration yet modest demeanour I hope it will show your enemies thereabout a better way to respect your concerns at that place."<sup>118</sup> Nor did Tickell foresee any possible objection from the bishop, because Bolton's antipathy to Stainton senior hindered Lowther's management of land which produced an annual crop of Bishop's rent; and he expressed much surprise when Lowther intimated the difficulties involved in removing a curate, believing it to be a simple matter of displacing "one ill-

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115 T.T. 17 Oct. 1676.

116 T.T. 4 Feb. 1678. see also 24 Oct. 1676, 11 and 18 Jan., 1 Sept. 1677.

117 Tickell hinted at some kind of family feud, explaining to Lowther that Bolton had married Jane Cragg's daughter, and Jane Cragg was encouraging Bolton's animosity towards Stainton.

118 T.T. 1 Sept. 1677. See also, T.T. 4 June 1677. Bigrigg was eighty three years old and blind. T.T. 22 March 1677.

conditioned servant to put in another in hopes of better success."<sup>119</sup> Lowther suggested an alternative form of patronage for the family, that of building them a better house which would enable Mrs Stainton to board scholars from the grammar school.<sup>120</sup> Tickell, however, did not abandon his earlier proposal. Francis Radcliffe, inveterate opponent of Lowther and school master of St. Bees since 1630, died in 1678; and the school governors elected Bolton to officiate in a temporary capacity. Tickell recommended replacing him as usher with Stainton junior, "to introduce him by degrees to that curacy, for the malicious stubbornness of Bolton is of ill consequence to your concerns thereabouts."<sup>121</sup> He succeeded in this part of his plan by the end of the year in spite of the new master proving "modestly cautious to do it suddenly";<sup>122</sup> but only when Bolton accepted preferment in Ireland was Lowther able to appoint Stainton junior as curate. A decade later, Richard Stainton junior, curate of St Bees, became an eminently suitable person to engage as overseer of Lowther's spinning and weaving enterprise.

In the meantime, Lowther used the death of Radcliffe to exert a much closer influence on St Bees grammar school. He engineered Tickell's appointment as one of the seven governors in 1685, to be his eyes and ears on the spot. Two school masters followed Radcliffe in quick succession but Richard Jackson, appointed in 1686, continued in office until his death in 1738.<sup>123</sup> He married Tickell's widowed daughter in 1687 and Lowther both directly by instructing Jackson to write monthly letters and indirectly through Tickell kept a watchful eye on Jackson's progress.

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119 T.T. 4 Feb. 1678. See also T.T. 27 Jan. 1678. Tickell had actually chosen Bolton himself. J.L. 4 June 1667; T.T. 6 Dec 1677, 14 Feb 1678. For a draft of Tickell's letter to the Bishop of Chester, complaining of Bolton's excessive drinking and trouble-making, see D/Lons/W 42 miscellaneous papers.

120 J.L. to T.T. 22 Dec. 1677. The new house and barn cost £110 and used part of the stonework from the old High Tower of the Abbey (alias the Gate-house) which had originally been part of Sir Gerard's moiety in 1604.

121 T.T. 27 Jan 1679.

122 T.T. 12 June 1679. Lowther had earlier presumed, "I suppose you will find no difficulty in making him usher since the master is to depend most upon me - 24 May 1679.

123 Midway through this lengthy term of office, John Thomlinson, a young Cumbrian clergyman, observed that "R.Jackson of St Bees will, in company, talk to himself and say 'Cumberland never saw such another as thee, Jackson, it will have a great loss of thee' etc." 11 March 1717. "The Diary of the Rev. John Thomlinson, 1692-1761", in *Six North Country Diaries*, ed. J.Crawford Hodgson, Surtees, vol. 118, 1910, p.108.

He wrote to anyone he regarded as a possible benefactor, pointedly informing them of donations already received; and on his own account supplemented the master's salary by £5 a year, built a house to accommodate the boarders, stables for the horses of visiting parents and paid £40 to have a library added to the school. He then used the enhanced reputation of the school to add lustre both to his reputation for public-spiritedness and to the facilities which the area could now boast.<sup>124</sup> He was thus able through his patronage to gain the ascendancy in an enclave which in the days of Francis Radcliffe and Thomas Bolton, had been less than deferential to his interest.

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124 "The school was absolutely sunk when I undertook it, could never have risen as it hath done, with less pains and charge than I bestowed upon it, it is now equal to any school in the two counties." - J.L. to the Provost of Queens, 24 April 1686, D/Lons/W Letter Books, Fair Copies Sept. 1684 - Jan. 1694. For Sir John's letters to the Bishops of Lincoln, Exeter and Carlisle, Sir Joseph Williamson and Sir Daniel Fleming, exhorting them to make gifts to the school, see Letter Books as above; Memoranda and Letter Book, Rough Copies 1675-1689 and C.R.O. (Kendal), Le Fleming papers, miscellaneous letters and papers from Sir John Lowther of Whitehaven to Sir Daniel Fleming.

## Chapter Eight

### Neighbours

"The ingratitude and perverseness of this place is not to be conceived, had your Lordship or an oracle told it me at London I should not have believed it, seeing and feeling was necessary to convince me..."<sup>1</sup>

In June 1698, as another strenuous parliament drew towards its end, Sir John Lowther prepared himself to visit Whitehaven again, the first time in eleven years. "I have often been thought faulty in not attending my country concerns more than I do," he wrote to Viscount Weymouth, apologising for not leaving early enough to meet him in the north.<sup>2</sup> This time he was to make amends more than he yet knew. He had every intention of returning to metropolitan life and busied himself with the usual flurry of letters to secure his own re-election for the county and James' for Carlisle, both of which duly took effect in August. As it turned out, illness prevented his ever travelling south again in the seven and a half years he still had to live.

The business which required his personal attention in Whitehaven was a resurgence of the problems he had faced twenty years before: the need to decide on major works in the collieries to secure future supplies of coal, new schemes to rescue the harbour from dereliction and settle its future maintenance and government, renewed agitation over the new tenure and a threatened resurrection of Parton harbour. In two of his letters of May and June, Gale (in reply to queries not extant) gave an account of the current method of working at Howgill which shows that although plentiful reserves of drained and easily winnable coal in the Yard Band higher up the hill had been set aside for emergencies, some inconveniences

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1 J.L. to Ld. Lonsdale 16 November 1699, D/Lons/W Letter Books, 'J.L. vol 2nd Apr. 24, '99'.

2 J.L. to Weymouth 21 June 1698, *Lowther Correspondence* 543.

were arising and extra expense being incurred in normal working in the Prior Band as the dip races approached the limit of the area which drained to the sump of the gins.<sup>3</sup> Scott and Richardson had been conducting new trial borings for the past year, both in Howgill, and also in Flatt Brow, where Lowther hoped to rediscover the coal seams beyond the great North Dyke which had cut off Drift. The results here were disappointing and although Gale still held out hopes of the ultimate prospect at Drift, the borers desisted in June 1698.<sup>4</sup>

Since the new work of 1679-81, the harbour, lacking any agreement for its maintenance, had been neglected and had begun to fill up with banks of sand and shingle, until by June 1693 the *Resolution*, still the largest local vessel, could no longer enter it except on a spring tide.<sup>5</sup> Later that year William Gilpin reached an understanding with the masters on the appointment of Robert Nicholson as pier master in succession to Roger Strickland, who had died three years before. In the absence of some of the more stalwart opponents Gilpin also extracted a tacit agreement to raise money for further development and essential repairs. It was evidently a delicate negotiation with Gilpin anxious that the masters might break off, and though he thought the agreed sum was not adequate he expressed fear of "laying more weight upon the carriage than the wheels could bear."<sup>6</sup> In the long term he believed that however the masters agreed to regulate the harbour and fund improvements, an act of parliament comprehending their verbal agreement was essential "to rivet the matter upon them."<sup>7</sup> For the time being it was only a voluntary agreement and the fear that one or two masters such as Robert Biglands and William Atkinson might withdraw upon the least provocation was kept carefully in mind.<sup>8</sup>

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3 J.G. 22 May, 5 June 1698, *Lowther Correspondence* 526 and 535.

4 J.G. 2 May, 26 September, 26 December 1697, 5 June 1698, *Lowther Correspondence* 360, 407, 429 and 535.

5 W.G. 1 July 1693, *Lowther Correspondence* 34.

6 W.G. 18 October, 1 November 1693, *Lowther Correspondence* 64 and 67.

7 W.G. 28 June 1693, *Lowther Correspondence* 33.

8 J.G. 10 November 1695, *Lowther Correspondence* 253.

In 1695, a number of tenants had conceived the idea of making Whitehaven a separate parish independent of St Bees, and devolving upon the parish vestry responsibility for maintaining both the church of St Nicholas and the harbour. They prepared a draft parliamentary bill and summarised its contents in a printed petition, which includes Sir John among the humble petitioners and makes a graceful reference to his expense and charge in improving town and harbour.<sup>9</sup> Debate about the intent and scope of the proposal continued throughout 1696, with Gilpin giving only qualified support. He believed that passing an act of parliament to make financial provision for the church had become necessary simply because Ebenezer Gale refused to deliver up the church accounts for inspection and passing, and blocked all other methods of raising money.<sup>10</sup> Nor was Gilpin happy about placing the government of the harbour under ecclesiastical jurisdiction, preferring it to be lodged instead with the court leet, or at the very least to make the vestry more dependent on Sir John.<sup>11</sup> Ebenezer Gale wrote to Lowther asking him to promote the bill for the sake of the church in the next parliamentary session, because unless "care be taken to maintain and support it, it will as surely fall as if 'twere undermined." He did not need to add that if the church did fall down through lack of repair he had little hope of recovering his own money outlaid on the building.<sup>12</sup> Lowther had done nothing to promote or introduce this bill in the parliament of 1695 to 1698, but it was to be urged upon him (with additions) on his arrival at Whitehaven.

The theme of government and maintenance of the harbour introduced its predictable counterpoint of customary tenure. During King William's war

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<sup>9</sup> The bill is not extant. For the petition, entitled *The Case of the Inhabitants of the Town and Port of Whitehaven*, see D/Lons/W Whitehaven, Various papers....item 64, with a handwritten date endorsed. The proposals are first referred to as something recent by Gilpin in a letter of 8 January 1696, *Lowther Correspondence* 263, and there was a previous letter about it, not extant. By July he and Lord Lonsdale had a copy of the bill available to discuss, which appears from letters 294 and 303 taken together.

<sup>10</sup> "Gale is earnest for an act of parliament to provide for future repairs, but obstructs all other methods, though no doubt if the inhabitants were left to themselves, they would as effectually provide for completing and maintaining the church as the Dissenters do their meeting house." W.G. 31 January 1697, *Lowther Correspondence* 337, see also W.G. 8 January 1696, letter no. 263.

<sup>11</sup> W.G. 9 September 1696, *Lowther Correspondence* 303.

<sup>12</sup> Ebenezer Gale to J.L. 22 November 1696, *Lowther Correspondence* 320.



purchases of freehold had dwindled almost to nothing, and since new customary admittances were being taken in numbers, the proportion of freehold was declining again.<sup>13</sup> Eighteenth months after his arrival in Whitehaven, William Gilpin had found "a variety of notions here about the purchase of the freehold of the new tenures", and asked repeatedly for directions which were never given to his full satisfaction. From copies of the deeds he discovered for himself that the earlier enfranchisements had been purchased for sixty years rent. He himself advocated granting freehold to all tenants for enhanced rent, arguing that it would allay the tenants' prejudice that "you make them a bad title", viz. the customary admittance, "on purpose to force them to buy a good one upon your own terms," and that "if they can be brought to increase the rents anything considerably you thereby purchase a better freehold than you give them."<sup>14</sup> He repeated the argument the following February and again a year later, that "it would be a considerable improvement if you made them all free for doubling the rents, though (I know) of those that have been already enfranchised you had better terms...increasing the rents is the best improvement you can make."<sup>15</sup> He was still holding out for treble rent, unaware for all that appears, that this very offer had been made in 1680. Unable to find a taker at this rate to establish a genuine precedent he instead obtained the collaboration of Robert Greggs, Tickell's successor as Surveyor of the port, to help him set an illusory one. Greggs had taken a customary admittance in Lowther street and built an exceptionally fine new house, fit to be a model for the rest of this central axis of the town. He agreed to take a deed for public exhibition expressing the rent as treble the customary rate on trust that a second clandestine transaction would "moderate the rent ... to such a sum as that he shall have no cause to repent his having expended more money than he intended."<sup>16</sup> Lowther objected to this underhand deal and the *douceur* to Greggs was not determined until

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13 According to *The Case of the Inhabitants...*, see footnote 9 above, only 15 families out of 450 had freehold in 1695; in fact the freeholders numbered at least 26, and ofcourse less than half of the 450 were tenants of any description.

14 W.G. 26 Sept. 1694, *Lowther Correspondence* 151.

15 W.G. 2 Feb 1695, 29 Jan 1696, *Lowther Correspondence* 189 and 266.

16 W.G. 6 and 22 June 1696, *Lowther Correspondence* 288 and 290.

Lowther's return to Whitehaven when, on 30 August 1698, the Surveyor was allowed to purchase a reduction of his trebled rent of £1-6s to 5s for a consideration of a mere £15.<sup>17</sup>

In 1697, the dissatisfaction of the tenants coalesced around a scheme to have their customary tenure confirmed by an act of parliament. Gilpin tried to deflect the move by letting it be known that Lowther would concur with any reasonable proposition and thereby believed he had "turned that design off the hinges."<sup>18</sup> Despite his stratagem it was this very design which greeted Lowther on his arrival at Whitehaven in 1698. He had requested the town to appoint representatives to negotiate with him over the harbour and in November an electoral college of 45, one elector chosen by the owners of each Whitehaven ship, voted for a Committee of Nine to act on their behalf. The nine elected, Richard Senhouse, Robert Biglands, Ebenezer Gale, Robert Blacklock, John Gale junior, Clement Nicholson, George Ribton, Nathaniel Dixon and James Millam, have the appearance of a ticket, each receiving between 41 and 45 votes, while eight others received between 1 and 4 votes.<sup>19</sup> There followed, between 26 November and 4 April next, what could be described in the modern cliché as "a full and frank exchange of views" in a sequence of letters, 8 from the Committee and 6 from Sir John, with a personal appeal from John Gale junior intervening. The two sides also met more than once, but their expressions of good intent failed to mask the stiff, wary, distant approaches of the participants. The Committee were at least anxious to dispatch their business, responding promptly to Lowther's missives, sometimes on the very day of receipt. He was generally much tardier and can hardly be acquitted of prevarication and delay.<sup>20</sup>

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17 J.L. to W.G. 3 April 1697, *Lowther Correspondence* 352; D/Lons/W 59a Street Survey Book, fo.24.

18 12 June 1697, *Lowther Correspondence* 374. He remarked several weeks later, "when they are in their career they soonest tire when they meet with the least check", 23 June 1697, *Lowther Correspondence* 377.

19 The method of election appears from a form of authority to be completed by the owners of each ship and the outcome from the report of the scrutineers, two Customs officers. The number of ships is deduced by dividing the total of the votes recorded (405) by 9. D/Lons/W Whitehaven, Various Papers... item 19.

20 Copies of letters, *loc. cit.*

The Committee began by proposing in the first place a confirmation of all "customary (or other) estates" in the town by an act of parliament; second, a scheme to enlarge the harbour by joint equal contributions from each side and to impose charges to maintain it, likewise to be enacted; and third, some unspecified provision for the church. After clarifying that by "other" they meant the freeholds, Lowther objected that if the freehold deeds he had already granted were once acknowledged to be so insecure as to need parliamentary confirmation, then no-one would be willing to trust to the security of any deeds he might grant in the future, and consequently all building in the town would stop. And would the Old Tenants need confirmation of their deed? Though disclaiming responsibility for originating it, he defended the new tenure as the means by which the town had grown and claimed that the poorer incomers still desired it, until they could afford a freehold purchase. He testily remarked that their insistence on this point was delaying the main business of the harbour. The Committee on the same day were "sorry to find what we maturely proposed so industriously misunderstood." They saw no harm in confirming titles even if they were sound: Lowther's refusal to do it seemed only to justify and reinforce the suspicions that they were not. If he would not concede this it would be pointless to continue. Lowther did not reply for a fortnight and on 17 December, John Gale junior stood forward as an honest broker. He gave as reasons for making the new tenure freehold, even without consideration, first the *arcanum imperii* that people could not be compelled to buy confirmation since equity would relieve them if their estates were ever called into question, and they were too numerous not to be able to take advantage of it; further, that this confirmation "would look well and generous and cure all misunderstandings and fix a lasting kindness in the people", who would accordingly comply over contributions to the harbour and levies for maintenance; and finally that all this enshrined in an agreed harbour act would increase Lowther's revenue more than any consideration for confirming titles. He proceeded to reasons for assenting to the parish bill: that Lowther needed to mend the reputation he had spoiled by letting

the Dissenters erect a meeting house, that the Anglican party deserved the greater countenance because they were the more numerous, that parochial government would be no bar to an increased trade and settlement since grievances could be taken from it to the justices of the peace, and that the bill in any case allowed Lowther a veto. The tableau which concluded this piece was of Lowther "(as it were) our Prince, and we his people, each studying the good of both." The words would have stuck in the throat of Gale's grandfather, but since his day the Prince had been sworn to uphold liberty and property and the established church, and the people had been protected by a bill of rights. The younger Gale was moving with the times. In an epilogue he went on to denounce the serpent in the kingdom, William Gilpin: his secret sympathy for the Dissenters and fear that a parish bill would prejudice them, his contrivances to keep the town "cunningly divided" to prevent such a bill and preserve his own "greatness and arbitrary government."

Gale probably had wind of another contribution to the debate emanating from a rival body of nine, who just happened all to be Dissenters: William Atkinson, William Feryes (an unsuccessful candidate in the election), Henry Palmer, Elisha Gale, John Shepherd, John Gilpin (brother of William), Richard Skelton (son of Christopher), Joshua Dixon and Richard Scott junior (son of the colliery supervisor). This seems to have been in Lowther's hands when he at last replied to the Committee on 20 December, referring evidently to these other correspondents as "a great part of the town" who had "insisted that the harbour should in the first place be considered and provided for." He was otherwise conciliatory, claiming that he genuinely wanted to be informed what faults they found with the various tenures, but assuring them that parliament would not act in a case where their authority was not absolutely necessary as it was over the harbour. On Christmas Eve the Committee also climbed down a little: if Lowther would but offer to make the new tenants good titles they and the freeholders would be satisfied to let legal counsel argue whether there were any defects to be remedied. But they asserted that it was only to jeopardise the church that their rivals ("that great part of

the town you now mention") had insisted on making the harbour the only subject of negotiations, "otherwise these very persons would have stickled about the titles as much as any." If Lowther slighted their authority as representatives of their neighbours by listening to this other group they could not continue. By 20 January agreement on this basis seemed to be close. Lowther's counsel had reassured the freeholders and he had given some undertaking to confirm the customary tenures and assurance for his support for the church. On 28 January the Committee put in their estimate of the cost of the harbour works (£1000 equally divided) and the necessary charges for their maintenance, adding the conditions that Lowther was to offer freehold at a ten year purchase and to agree to separating Whitehaven from the parish of St Bees. But now there was another long interval and when Lowther replied on 4 March it was with doubts about the costings and the engineering of the ballast wall, a demand for arrears of anchorage and for an estimate of the numbers who would purchase the freehold. The Committee impatiently urged that these matters could be settled when the Act had been passed on the terms agreed: revenue could always be supplemented when the need arose. Three weeks later Lowther played for time by sending them the paper he had received from the Dissenters. The detail of their proposals, particularly those about the church, reflects their own concerns but the general purport accorded so well with Sir John's own notions that he might be, and doubtless was, suspected of having concerted them. They wanted a separate bill for the harbour alone, ostensibly to avoid delay rather than risk losing the whole bill in a wrangle over the parts. They argued bluntly that the harbour belonged to Lowther and was subject to the laws of the land and it was therefore inappropriate to put it under ecclesiastical law administered by a vestry. Rather it should be in the hands of a body elected by masters and owners with Lowther's concurrence, the executive power to be delegated to him from the Court of Admiralty. There should be no encroachment by the church vestry on the powers of the court leet, the cost of the church and its minister should be charged against the sale of seats, supplemented by a pound rate on the seats according to the

agreement registered with the Bishop, and the accounts should be submitted and passed before the bill went through parliament. They proposed to secure their own perpetual representation on the vestry by making the method of appointment the same as that at St Bees, each vestryman nominating his own successor. To the Committee of Nine this was the last straw. If they were to take notice of "any new proposals of a perverse party," they wrote after a little consideration on 4 April, then they would expose themselves "to be justly censured as persons of no steady resolutions, insincere and trifling and very unfit for your honour to treat about any serious or weighty matter." They called upon Lowther to implement the agreed terms, and with that the parties broke off, shortly to regroup on another familiar battle front, the matter of the price of coal. To salvage something from the wreckage, Sir John issued a public declaration of the evidence he had supplied to the Committee that his deeds conveying freeholds or other titles were good in law: since the fine recovery and deed of uses made in 1664 shortly after he came of age, he had had a fee simple not subject to any settlement. He reaffirmed that he could and would grant freehold estates to any customary tenants who wished for them.<sup>21</sup>

When the negotiations with the Committee began, Sir John maintained (at least publicly) an expectation of returning in a short time to London to take his seat in the new parliament scheduled to assemble at the end of the year, there to introduce an agreed bill for Whitehaven harbour, "the chief end of my coming into the country at this season of the year in order to an act of parliament this sessions", as he irritably reminded the Committee on 6 December. As the proceedings drew out, it was borne in on him that, even if the terms of a bill could be agreed, he himself would be unable to oversee its passage. For most of his adult life he had suffered from intermittent attacks of a complaint he called gout, which while they lasted disabled him from riding a horse or, later, travelling at all, or moving about his house, or writing his own letters. He described his affliction as "a wound to the family", though it was a wound he did not care to advertise widely, "well knowing

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<sup>21</sup> April, undated 1699, D/Lons/W Letter Books, Rough Copies, 1698-1699.

that there are few have any man in estimation longer than he is useful to them, which they will not think one under so great infirmities can ever be."<sup>22</sup> The hand of an amanuensis in his letter of 7 May 1698 indicates a renewed attack, and James Lowther had news of him being again very ill at Whitehaven at the end of September.<sup>23</sup> Pain and impatience with his condition will do much to explain his obstructiveness towards the Committee. In January 1699 he was contemplating with resignation a protracted sojourn amid the disamenities of Whitehaven; "This place I never found very agreeable with my health, not from the climate, but the turbulence of the people, but that will now affect me less than formerly."<sup>24</sup> By the end of the year he had recognised that he would never go south again, and gave instructions to dispose of his London house and remove its contents to the north. In the correspondence of his last six years, his notes of his symptoms are countered with ever more gruesome prescriptions for their relief. The consequences for the historian of Whitehaven are drastic: the long, almost continuous, series of weekly reports from the stewards comes to an end and the intermittently surviving sequence of letters from Gale also. For the last seven and a half years of Sir John's life, any narrative of events at Whitehaven has to be pieced together from a miscellaneous collection of sources whose business was not to record it, and cannot be as full as previously.

Enforced immobility enabled him to attempt a solution to the problem, suspended for a decade, of what to do with his elder son. Christopher Lowther, after a brief and unprofitable attendance at Oxford University in 1686, had entered the Temple and studied Law with little greater benefit. Lameness precluded him from the military career which sustained other gentlemen of similarly modest

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22 J.L. to Lord Lonsdale (addressed as Lord Privy Seal), April 1700 and J.L. to Lady Lowther, 5 September 1705, D/Lons/W Letter Books, Rough Copies January - October 1700, and February 1702-December 1705. For details of the progress of the illness see *Lowther Correspondence*, Appendix J, where it is diagnosed as rheumatoid arthritis.

23 Ja.L. to J.L. 27 September, 1 October 1698, D/Lons/W Correspondence, Box 10.

24 J.L. to Ld. Lonsdale 25 January 1699, D/Lons/W Letter books, 'J.L. vol. 2nd, April 24, '99.' A year later he was writing "for my opinion of the country is not at all altered, for we have here a sea without fish, or at least without industry to take it, and land without corn, but want of health makes all things alike."-1 Jan. 1700, Draft letters, April 1699-January 1700.

intellectual attainments. In November 1688, three days after the landing of the Prince of Orange at Torbay, Sir John, though already deeply dissatisfied with his son, was still ready to nominate him for a seat in the parliament which would surely be called to resolve the crisis of the nation's affairs. But Christopher was fast succumbing to alcoholism and the gambling urge. His father steadfastly refused to the end of his life to pay any of the debts he incurred. After one of Christopher's creditors had sued out an execution against him, rendering him liable to summary arrest and imprisonment, in 1691 he allowed himself to be put under the edifying tutelage of a clergyman in rural Buckinghamshire, the Reverend Henry Maurice, in whose household he remained, with one short interval, from the 26th to the 34th year of his life. Forbidden to see his father, restrained by fear of arrest from returning to London, plied with books of "the lives of great and good men", or with Locke's philosophy, which only "filled him with whimsies", he spent much of his time as a solitary angler, daydreaming of the success that would be his if he might only have a fresh start, suppressing the consciousness of failure and incompetence, increasing less in wisdom than in girth.<sup>25</sup> Drink he intermittently foreswore, but recidivism quickly filled him "so full of chimaeras that he thinks himself enlightened to deal with the greatest sharper he can meet."<sup>26</sup> A later episode, known from Christopher's plea for equitable relief, illustrates the *descensus Averni*, meeting strangers at "The Bunch of Grapes", dicing and drinking for two days on end, without pausing "so much as to pluck off his clothes or to lie down to sleep" and, at the end, a deficit of ninety guineas.<sup>27</sup> In 1696 when William Gilpin and Lord Lonsdale considered a proposal to send Christopher to Whitehaven to live under Gilpin's eye at Flatt, they apprehended just such a danger from the readily available liquor and notorious roving gamesters of West Cumberland, "but above all, if he were not circumspect, that was a place and they a people by whom he

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<sup>25</sup> *Lowther Correspondence* 119, 344, 525, and Christopher's own letters, 205, 542, 574. See also J.V. Beckett, "The Disinheritance of Sir Christopher Lowther in 1701" in *C.W.A.A.S.*, vol. LXXX, 1980.

<sup>26</sup> Maurice to J.L. 6 August 1696, *Lowther Correspondence* 299.

<sup>27</sup> P.R.O. C5 618/74. *Christopher Lowther v Alexander Montgomery*, 31 May 1709.



might be as surely hurt if not undone by bargains."<sup>28</sup> Gilpin's own response to the proposal was a model of graceful diplomacy which does not obscure his very plain aversion to the plan: these other considerations apart, he felt that his household could not afford the style of life which Christopher would require. On the sudden death of Maurice in March 1699, Sir John resolved to send for him and Christopher began a leisurely journey northwards, mortifying his elderly grandmother by his conduct on the way.<sup>29</sup> Gilpin had before this decided to leave Flatt finding, as he had suspected, that life in the household of a baronet was raising too great expectations on his own young family and acknowledging that his wife was unable to manage a more refined establishment. On 1 June, three weeks before the baronet was joined by his heir, he departed for the house of Elisha Gale in the town, leaving his employer to resume housekeeping for himself.<sup>30</sup> In November he left Whitehaven altogether to live on the estate at Scaleby, a few miles east of Carlisle, which he had inherited from his father, believing that he could raise his family more easily there, and frustrated of his hopes of a Customs post; but he returned regularly to hold the manor court, continued to give professional advice, assisted James Lowther in two further acrimonious electoral contests at Carlisle, and was a trustee of the settlement by which in 1701 Sir John finally disinherited Christopher and gave James a life tenure of his estate. For once at Whitehaven, Christopher showed neither inclination nor capacity to become usefully involved in estate or county business (although his father nonetheless had him named of the quorum). After only a year he fled precipitately to London, where he was shortly after arrested and imprisoned for debt. Though his father refused to interpose, a subvention from his former tutor, Dr. William Lancaster, rescued him on this

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28 Ld Lonsdale to J.L. 18 July 1696, *Lowther Correspondence* 294.

29 Lord Lonsdale reproached Christopher that he had heard it "in everybody's mouth that your talking in the manner you did was the occasion of my grand mother's death."-10 August 1699, D/Lons/W Letter books. "Fair copies of letters to and from Sir J. Lowther *et al* August 1700-October 1705." See also J.L. to William Lancaster, 26 September 1700, D/Lons/W Letter Books, Rough Copies Jan-Oct 1700.

30 J.L. to Ld. Lonsdale 20 Feb 1699. A sequence of diary notes, scribbled in cipher, record the sequence of events. "1 June, Sir John began housekeeping. W.G. went last night to Mr. El. Gales. 22 June, C. Lowther came to Whitehaven. 22 August, Housekeeper came this day." D/Lons/W, Collieries, list 2, no 16, "Transactions."

occasion. It was left to James Lowther, after Sir John's death, to buy off Christopher with an annuity of £200 and £54 to pay off further gambling debts.<sup>31</sup>

From October 1700, shortly following this sudden disappearance of the heir to the estate, the trickle of applicants for freehold tenure suddenly turned into a flood: 35 titles were granted in the next five years, several with the proviso that the free rent charge was not to become effective for anything up to seven years. The reason is probably that tenants, satisfied at last by Sir John's declaration of April 1699 that he could convey them a sound title, but observing that he was now elderly and sick, and conjecturing if they did not know it that he had or would make a settlement to disinherit his heir at law, judged that the best opportunity for securing themselves might soon pass, and accordingly took advantage of it, even when not intending to build on their lands at once.<sup>32</sup>

After the interruption of the coal trade in 1689 and a net loss incurred that year, Lowther's colliery profits recovered in the early 1690's, though never to much more than half the record levels of the previous decade. Although the Dublin market was paying the highest prices known probably since 1660, the hazards of wartime voyages, difficulties of exchange and the alternative employment in the government service available both to the ship masters and to their crews were probably restricting the level of sales.<sup>33</sup> In March 1695 begins the surviving series of Quarterly Abstracts of the lost weekly coal bills, from which can be calculated the profit per ton sold over any chosen period. Lowther had for several years intermittently complained of a poor ratio of profit to sale. In 1678 he had cleared 10d a ton, and in 1684 probably little if any less; before the fall in price in 1675-6 the ratio had presumably been even more favourable. In the first year's Abstracts the decline is evident: slightly under 6d a ton cleared over the year. When he received the report on the quarter ending 26 February 1698 showing a balance of

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31 J.V.Beckett, "The Disinheritance of Sir Christopher Lowther in 1701", *C.W.A.A.S.* LXXX, 1980.

32 D/Lons/W Whitehaven, 14 Miscellaneous papers relating to enfranchisements, 1700 -1714.

33 Prior to the war the masters paid a foremastman between 16s and 18s for one voyage, but now paid 27 to 30s, and the masters' own wages had increased in like proportion; J.G. to J.L. 4 and 11 April 1697, *Lowther Correspondence* 353 and 355.

only £17, (implying a profit of less than a penny per ton sold) he wrote William Gilpin three letters in one week. To explain "the great shrink", Gilpin noted first that the increase in debts for coal sold and in the stock of coal on the bank should be added to the balance (increases significant for the quarterly result, and possibly indicative for the longer term, but within the normal operating tolerance observed in the first decade of the Abstracts) and continued, "the rest is increase of the charge more now than formerly. The weekly bills inform you of the particulars."<sup>34</sup> The worst impediment, he thought, was the lack of leaders to move the coal down, and in a second letter he reinforced the point: "The ships always stay (and most commonly stay long) for the coals. But the coals have never yet (since I came hither) stayed for ships; so that the increase of the vent seems to depend only on the increase of the leading."<sup>35</sup> He had perhaps been remiss in not drawing his employer's attention to "the particulars" at the time, but the previous autumn he had been busily occupied with arranging for James Lowther's re-election at Carlisle and with industrial espionage at Parton, and had had often been away from Whitehaven. He may also have preferred not to embroil himself again with John Gale in a matter which was Gale's responsibility. The cause for the latest "increase of the charge" was in fact a decision taken in October 1695 to try to remedy the shortage of coal leaders by offering a bounty of 6d a week for each pack-horse or 1s a week for a cart horse made available for service. As Gilpin later pointed out, it was an inefficient incentive because "all leaders equally receive it though all do not equally lead."<sup>36</sup> Indeed some recipients did not lead at all, for Gale and his brother-in-law Spedding and Anthony Richardson forthwith claimed the bounty, at the higher rate, for their horses employed respectively in the water gin and in coal winding. In fact, an increase in costs amounting to about £35 in a quarter was the only observable effect of the bounty, for sales did not increase until the following midsummer quarter, when the original justification for it - the high cost of fodder in winter - no

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34 W.G. 26 April 1696, *Lowther Correspondence* 279.

35 11 May 1696, *Lowther Correspondence* 281.

36 W.G. 29 June 1696, *Lowther Correspondence* 291.

longer applied. In February 1696, in the shadow of a still rising bank of coal, a second decision was taken (against Gilpin's advice, he claimed) to cut costs by reducing the number of haggars, and hence output, which accordingly fell by 50 tons a week.<sup>37</sup> In July, Gilpin and Lord Lonsdale in consultation agreed that a new effort must be made to raise the price although Lonsdale's recommendation was to stop all difficult and expensive mining until it had succeeded, while Gilpin on second thoughts argued for continuing with it since "the difficulty and charge ... is one of the best pretences and arguments for raising the price."<sup>38</sup> Gale was certain to oppose, Gilpin supposed because of his shares in shipping, though Gale's unhappy memories of his last attempt to raise the price in 1683-4 may possibly have weighed more heavily with him. But Gilpin was beginning to look around circumspectly for alternatives to Gale's omnicompetence in the collieries. At the end of May he queried at the foot of the Abstract why the water charge and tubmen's wages remained the same although a relay of horses had been taken out of the gin, and he encouraged Anthony Benn of Hensingham in a rival bid to operate the water gins at "£20 less than the ordinary charge the last two years, let alone the extraordinary."<sup>39</sup> In October 1696 Gale and Spedding were ousted from this perquisite. This in turn probably did something to ease the scarcity of leaders, for Gale at once put his redundant horses into this employment: on the 10th of January 1697 he virtuously reported that he was leading 40 tons a week with his own servants, "and I am daily studying out a better method whereby to double that sum". He had also set up three leaders with horses and carts.<sup>40</sup> From time to time in this year of exceptional rainfall he also noted with wry satisfaction that Mr. Benn was having difficulty keeping down the water level.<sup>41</sup>

Though he may not have known it, Gale's management was under a much more comprehensive threat. Early in 1697 Gilpin was negotiating with Anthony

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37 W.G. 26 April 1696, *Lowther Correspondence* 279.

38 Ld. Lonsdale to J.L. 18 July 1696; W.G. to J.L. 3 February 1697, *Lowther Correspondence* 294 and 338.

39 W.G. 6 September 1696, *Lowther Correspondence* 302.

40 *Lowther Correspondence* 332. See also 350.

41 14 and 28 February 1697, *Lowther Correspondence* 339 and 342.

Patrickson of Scalegill, a local gentleman with a small colliery of his own, who was Benn's brother-in-law. Patrickson proposed to undertake the leading and sale of all his own coal and all Lowther's output and that of Benn and Robert Blaicklock who were lessees of Whingill colliery, purchasing from them at the pithead. He intended to raise the price to the ships' masters and to overcome any threatened combination with the aid of Blaicklock's portfolio of ship shares. Gilpin thought that Patrickson, "being a very active man, is very proper for so rough a piece of work."<sup>42</sup> However, this project went no further, discouraged perhaps by a falling market at Dublin, where in April 1697, as the plenipotentiaries assembled at Ryswick to wind up the European war and its associated hazards and by-employments, the price of coal dropped to 18s a ton and then to 16s and 15s, which Gale judged scarcely equivalent to 12s before the war because of the increased wages for crew and costs for ships' provisions and rigging and the cost and difficulty of changing the Spanish and other money in which payments were usually made.<sup>43</sup>

Sales were in any case becoming slower, and early in 1698 the gabard owners of Dublin headed by alderman William Painter combined to extract a higher rate for demurrage if the coal remained unsold after a specified period, thereby constraining the masters to sell as quickly as possible at whatever price they could get or have the higher fees reduce their profit.<sup>44</sup> To break this combination against them the masters founded one of their own: they commissioned Gale's eldest son as their agent and despatched him to Dublin to manage the sale of all Whitehaven coal. Once in Dublin, the younger Gale raised the price by 12d a ton, a sum which matched the increase in demurrage. Lowther feared that the gabard owners might not have acted simply by private design but as a result of more general policy by the city, but the younger Gale hoped that on enquiring into the reason for the sudden increase in price, the city of Dublin would recognise the impositions of the gabard

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<sup>42</sup> W.G. 3 February 1697, *Lowther Correspondence* 338.

<sup>43</sup> J.G. 4 and 11 April 1697, *Lowther Correspondence* 353 and 355.

<sup>44</sup> It does not seem to be known whether Painter represented others or had himself acquired a majority of the gabards.

men as prejudicial to trade and regulate their activities accordingly.<sup>45</sup> He was arrested and charged with engrossing and monopolising but defended himself successfully at the Easter quarter sessions. Both sides agreed to resolve the matter by returning to their former methods.<sup>46</sup> However, though the masters had been successful in quashing the gabard monopoly, they had not been able to force a consistently higher price on the Dublin market.

Even before his return to Whitehaven Sir John had gloomily written that "2s 8d per ton is not a price that will bear the waste of steathing",<sup>47</sup> and by the Spring of 1699 he considered the moment opportune or desperate enough to try once more to restore the price to 3s a ton. We do not know if he used Gilpin's argument, that to mine deeper he must raise the price, but he did try to gain the masters' acceptance by insinuating an inability to maintain the volume of coal reaching the harbour unless he raised the price, with a view to tempting the other smaller colliery owners to resume production and thereby supply the masters with "more expedition".<sup>48</sup> Lowther described the masters' rejection of his proposed price as a "combination" and in a many times redrafted letter to Christopher Carleton, a commissioner of the Irish Customs revenue, angled for his support to break it by sending Dublin-owned ships to purchase the coal and to pay the new price for it; taking some pains to play on Dublin's suspicion and resentment of its major source of supply. He explained to Carleton that when the price at Whitehaven had been 3s a ton<sup>49</sup> there had been a dozen collieries working; a point he made knowing full well Dublin's uneasiness at his growing monopoly of the local collieries. At the same time, the ships made ten to twelve voyages a year,<sup>50</sup> providing a plentiful supply of coal, and providing it cheaply: 11-12s in summer and 14s in winter. However, Lowther explained, an

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45 J.L. to W.G. 19 and 26 March 1698, John Gale junior to J.G. 15 March 1698, *Lowther Correspondence* 487, 492, 485.

46 J.G. enclosing a letter from his son, 8 May 1698, *Lowther Correspondence* 515.

47 J.L. to W.G. 11 Jan 1698 *Lowther Correspondence* 433.

48 J.L. to Christopher Carleton, May 1699 (undated), D/Lons/W Letter Books, 'J.L. vol. 2nd Apr. 24 '99'.

49 Twenty years earlier, although Lowther does not say so.

50 "10" in the letter to Carleton has been mis-read as "20" by D.R.H., *Lowther Correspondence*, p.622.

earlier combination had reduced the price to 2s 8d and forced most other collieries to be laid in.<sup>51</sup> Now, Lowther wrote, even though the price at Dublin was no less than formerly, the ships made only four or five voyages a year, preferring to "lie at home til the market rise than cross the seas for a moderate profit."<sup>52</sup> He compared the masters' refusal to agree to his new price with their combination against Dublin in the previous year. Lowther had then recognised the masters' just cause of complaint and their good reason for acting in concert, but now in his letter to Carleton he denigrated it as a combination designed to force a higher price on the city. The tactic with the masters failed for they understood too well the effect of the fixed cost of winding water to fear any immediate interruption of supply.<sup>53</sup> In the week ending the 27 of April the recorded sale to the ships dropped by half. Lowther himself freighted two ships in May in an attempt to break the combination, but did not continue to do so, probably discovering as Thomas Lamplugh had in 1696 that it was simply not profitable.<sup>54</sup> The letter to Carleton was never sent and when Lowther wrote him another the next month, he had evidently abandoned his plan, and the coal trade returned to its earlier level.<sup>55</sup>

Having failed either to negotiate a subvention to maintain the harbour, or to increase revenue by raising his selling price, Sir John had to look for new ways to cut his costs, which came down to ways of reducing or eliminating the water charge, even at the expense of new capital works. The first step was a decision, already taken on 6 December 1698, the day when negotiations with the Committee

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51 Lowther represents that all the other collieries were laid in when the price fell to 2s 8d, and that only one other colliery is working in 1699, and that at a loss, and leaves the reader to infer that no other collieries had worked since the price fell, i.e., since 1676. The losing colliery is probably Priestgill. But on 15 May 1698, Gale had named Piper's and Castlerigg as supplying, and it is clear others had supplied during the 1690's. Possibly Lowther by sleight of hand is excluding summertime-only suppliers.

52 In one draft he wrote "higher than formerly".

53 It was concisely expressed by James Lowther a few years later: "When one is at a water charge one ought to work out as fast as one can." Ja.L to W.G. 12 Sept 1706, D/Lons/W Correspondence, bundle 12.

54 Late in 1696 Lamplugh had engaged two ships for twelve months to carry his coal from Parton to be sold on his own account at Dublin and was visibly embarrassed when the Dublin price fell next Spring. J.G April 1697, *Lowther Correspondence* 355.

55 The draft of the June letter has the same preamble acknowledging receipt of Carleton's letter in March. In the June draft, Lowther says "the bearer Mr. Gilpin" is fully acquainted with Whitehaven affairs and can inform Carleton what has passed concerning the price of coal, and omits the matter about coal price and combination. It is clear from the ships' payments in the Quarterly Abstracts that the new price was not in fact paid.

of Nine encountered their first obstacle, to drive a new level from the Pow at Thicket to drain water from the Prior Band south of the current Howgill works which hitherto had flowed northwards through Howgill and had to be lifted by the gins. Work began at Candlemas 1699 and by the end of the year Thicket level was in operation, and a supplementary race was driven back northwards from it to drain into it the water from the upper seams in Howgill itself. The same year a pit was sunk for a new gin for winding water, deeper than its predecessors and sited, in the light of experience, away from the major dike which shed extra water into the sump of the old gins.<sup>56</sup> Lowther will have anticipated a temporary slump in production as some of the best workmen were diverted from haggling coal to sinking and levelling, and the accounts for 1699 do show a decline in output at Howgill of about 50 tons a week, and also that expenditure there was running at about 3s 4d per ton mined, so that the Prior Band taken on its own was being worked at a loss: this, of course, reflects the investment in the new works. However, the shortfall at Howgill was compensated by increasing the sale at Greenbank, where in May the leaders set about reducing an accumulation of 1608 tons on the bank. Encouraged by an augmentation of  $\frac{1}{4}$ d a load from the end of July, by November they had run it down almost to nothing. Greenbank colliery itself was then laid in and its tried and experienced colliers with their bankman and supervisor, William Nicholson of St. Bees, were transferred to the Howgill area where to sustain both output and profits Lowther began to mine his reserve of easily winnable coal in the Yard Band which did not suffer Greenbank's high cost of leading.

Early in 1700 Gale implemented the next, more audacious stage of the plan he had devised. The original workings at Howgill had encountered a major dyke on the south side which had been bored through in two places to win more coal on the further side. On the 7th of February and 2nd of April Gale and his men stopped up these two holes with rammed clay, thereby impounding more of the water

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<sup>56</sup> J.G. 5 June 1698, *Lowther Correspondence* 535; D/Lons/W unlisted colliery papers, coal works at Whitehaven 1663-1762, "Observations upon the state of the Prior band at the old water gins."



inflow behind the dyke where it rose until it reached the height of Thicket level. This still further reduced the amount of water to be wound either at the old gin still serving Knockmorton pit or at the new, whose deeper workings started production in June.<sup>57</sup>

Sir John's attempt to raise the price of coal, coupled with the simultaneous failure to agree over harbour developments, had an almost inevitable result: the merchants and masters of Whitehaven turned their eyes once again a mile northward, to Parton and William Fletcher. In 1696, William Gilpin described the family as "cut out for dissolution" but by then Lowther had been trying to purchase the manor for twenty years.<sup>58</sup> Thomas Tickell had never believed that Fletcher intended to sell but simply pretended a willingness, for some "underhand" design.<sup>59</sup> Twenty years of arguing, negotiating, moneylending and fair speeches had resulted in the purchase of just one colliery, a half share in another, and Harras Park, a hundred acres of land separate from the main estate which offered no short term prospect for mining. As far as purchasing Moresby itself, by 1691 Lowther had progressed no further than preliminary negotiations for a mortgage of £1500.<sup>60</sup> Tickell had recommended mortgages as the only way to proceed: to provide Fletcher with money "must be the temptation if we had but the knack to hook a good bargain of him."<sup>61</sup> Doing it proved more difficult, even with Fletcher in Carlisle gaol for debt as he was in 1692, "grown fat and very well-liking there."<sup>62</sup> Three years later, John Gale observed that the Fletchers were living in great style at Carlisle, amassing further debts to tradesmen entirely on the credit of Sir John's manifest desire to purchase what they still declined to sell, and recommended sterner measures: "I am confident the lenitives you have hitherto used will never

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57 This plan and its stages of implementation are reconstructed from D/Lons/W unlisted colliery papers, (John Spedding's "Observations upon the state of the Prior Band at the old water gins", compiled in 1713); Collieries list 2, no 15 (on Thicket level); list 2, no 16, "Transactions 1702"; and "Colliery Accounts 1675 - 1723", the quarterly abstracts 1699-1700.

58 W.G. 8 April 1696, *Lowther Correspondence* 276.

59 T.T. 27 June 1678, 17 and 27 April 1679, 12 June, and 31 May 1691, when he described Fletcher as "trifling" with Lowther.

60 T.T., 22 February, 6 May, 2 September 1691; J.L. to William Fletcher, 16 May 1691, enclosure to Tickell.

61 T.T. 23 August 1688.

62 T.T., 21 February 1692.

succeed, and that Mr Fletcher does bubble us all ... sharp corrosives will avail where gentler measures will not ..."63 Hooks or corrosives notwithstanding, Moresby was protected by a strict settlement which entailed the estate on Fletcher's heir and needed a private act of parliament and the consent of trustees to break it. Lowther and Gilpin (though never Tickell) hoped that if Fletcher became sufficiently indebted, the trustees might agree to such an act, and Fletcher let them think this was probable in order to have a willing creditor on hand. The proposal to extend Parton pier had revived briefly in 1686 when William Christian offered Fletcher his aid to get the King's licence to build there at a time when the Catholic Fletcher might have gained royal support, but the masters and merchants of Whitehaven showed no interest: with Whitehaven prosperous and thriving they had no temptation to stray.<sup>64</sup>

In 1695, Thomas Lamplugh of Lamplugh, eldest son of Colonel John Lamplugh who had died in 1689, entered into a partnership with William Fletcher. Lamplugh leased Gunnerdine colliery from Fletcher and the two men began to rebuild a pier at Parton; not upon the site of the 1678 attempt "but upon an ancient heap of stones" originally heaped up to shelter some fishing boats and described as "the old pier."<sup>65</sup> By confining themselves to this particular site, they hoped to evade the terms of Lowther's grant of the foreshore and the Exchequer decree against building a pier without licence. John Gale begged Lowther not to regard the matter slightly, whatever others advised, but work proceeded so swiftly that Lowther scarcely had time to act before Gilpin reported that ships were already loading from the newly-built pier.<sup>66</sup> Although Lamplugh and Fletcher had kept to the old foundation, they had also cut a channel to it to allow passage for ships of

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63 J.G. 11 September 1695, *Lowther Correspondence* 234.

64 In 1680 William Christian received a commission to be Receiver General of the forfeitures of Popish Recusant estates for the northern counties. On hearing of his offer to help Parton in 1686, Lowther commented, "Mr. Christian is conscious to himself that his violence against the Roman Catholics now stands in his way, and would now turn any stone to have it forgot." By 1689 Christian had trimmed his sails again, and was reputed to have "kissed the King's hand and walked with the Queen two miles on foot, on which favours he concludes himself *status quo prius* notwithstanding his forwardness to repeal the penal laws." C.T.B. vol. VI, p.585; J.L. to T.T. 21 December 1686; T.T. 18 June 1689.

65 W.G. 12 September 1695, *Lowther Correspondence* 235.

66 W.G. 13 November 1695, *Lowther Correspondence* 255.

bigger draught, and Lowther claimed this infringed his perpetual injunction; but the Exchequer court to which he appealed, although forbidding further new construction, permitted the "repairs" which had taken place.

Gale put his own construction on this new development of Parton, and the concurrent electoral battle at Cockermouth, raising an edifice of Dissenting conspiracy. Goodwin Wharton, the 5th Lord Wharton's younger brother, stood for Cockermouth and according to Gale gained much support from the Presbyterians; while at Parton, Thomas Lamplugh, an occasional conformist, received their encouragement to rebuild the pier: "he will give them his purse, and they their prayers, and this is the most remarkable sort of bartering now in vogue amongst us."<sup>67</sup> Gale attributed Wharton's subsequent victory to the votes of the Presbyterians and Quakers and described to Lowther the support Lowther's own kinsmen gave: Richard Lamplugh had represented Wharton at the declaration of the poll, while Thomas Lamplugh had laboured "to draw in all the Dissenters", thus ingratiating himself with the Wharton family to engage them as "bulwarks for the defence of Parton pier."<sup>68</sup> Nor was Gilpin excluded from the conspiracy. If Sir John wanted detailed information about Thomas Lamplugh's intentions, he need only ask Gilpin for the two men were "intimate acquaintants."<sup>69</sup> Gilpin did treat the matter of Parton pier with more ambivalence than Gale, though not for the reasons Gale assumed. He endeavoured to dissuade the Dissenters at Whitehaven from signing a petition to support Parton and felt "ill-treated" when some of them reneged after giving him assurances. He still hoped Lowther would shortly be able to purchase the manor of Moresby, and wanted on the one hand to oppose the pier in order to discourage any further mining by Lamplugh, but on the other hand, with

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67 J.G. 27 October 1695, *Lowther Correspondence* 252. A year later he was to present Workington harbour as the site of Dissent: "the best merchants and chiefest Presbyterians here seem extremely addicted to that place. I am afraid the convenience of a fine meeting house here, and the want of one there, will be too weak arguments to prevent it." 20 Dec. 1696, *Lowther Correspondence* 325.

68 J.G. 17 November 1695, *Lowther Correspondence* 256.

69 J.G. 10 Nov. 1695, *Lowther Correspondence* 253.

the purchase at Moresby, the pier would become Lowther's property, and "it may be of more advantage to you to continue the pier than suppress it."<sup>70</sup> - -

William Fletcher died in 1703 and his son Thomas succeeded to the estate which had been kept intact by his father's marriage settlement. He immediately sold Thomas Lamplugh the land adjacent to Parton, a half share in the rights to the pier and all the right to the land at Parton between high and low water, on the supposition that the King had no rights over what he had "pretended" to grant to Lowther in 1679.<sup>71</sup> Since the rebuilding in 1695, Parton had been able to shelter only four or five small ships at a time,<sup>72</sup> but Fletcher and Lamplugh in 1704 sought an act of parliament to enable them to impose a levy on coal sold at Parton to finance further harbour works, a levy which was to fall on the coal owners and not the ship masters. The situation developed almost as a mirror image of the events of 1678-9. Then Sir John had been a member of parliament, resident in London, in reasonable health and able to exert influence and rally powerful friends to his support. William Fletcher had been an impoverished Catholic, with no influence. Now Sir John was a dying man, trapped by ill health in the north and though his son James lived in London, neither of them was a member of the parliaments of 1702 and 1705. Lord Lonsdale, head of the family connection and a figure of national importance in the previous decade, was dead, leaving a confused inheritance and an infant heir more in need of assistance than able to give it. Lamplugh, on the other hand, had a seat in parliament as a member for Cockermouth, and had much support for his proposal.<sup>73</sup> The inhabitants of Parton believed it would increase their prosperity. The Whitehaven masters and merchants, unable to reach an agreement with Sir John over further harbour work at

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70 W.G. 10 Nov. 1695, 26 Jan. 1696, *Lowther Correspondence* 253 and 265.

71 Ja.L. to J.L. 11 Nov. 1704, D/Lons/W, Correspondence box 10a.

72 J.G. 21 February 1697, *Lowther Correspondence* 340.

73 Elections at Cockermouth, which had a burgage franchise, were at this period contested by three interests, belonging to the Duke of Somerset in the right of his wife Lady Eleanor Percy, to Lord Wharton, and to the Fletchers of Hutton in the Forest. In 1698 Goodwin Wharton lost his seat to George Fletcher, who was returned with Somerset's kinsman William Seymour in that election and again in 1700. In December 1701, when Fletcher was chosen for the county, Wharton was returned again with Seymour, but being elected for Buckinghamshire also, chose to serve there, and Thomas Lamplugh was returned in his stead on 19 February. Lamplugh therefore seems to have come in on the Wharton interest.

Whitehaven, viewed the proposals for Parton as a tempting prospect: a harbour paid for entirely by the colliery owners rather than themselves. They renewed all their old objections against Sir John: the insecurity of the customary tenure, the inadequacy of the harbour for the number of ships, the slow loading of the ships whether for want of leaders or of a steath at the harbour side, the size of the coal sacks which they claimed gave them short measure and their abiding fear of a monopoly of the coal trade.<sup>74</sup> It was in vain that James dismissed the anxiety over tenure as "ridiculous inventions" and their complaint of short measure as groundless. He rebutted their complaints of short supply claiming that Lowther could and would supply a much greater quantity of coal if the ships and market would take it, and that war-time conditions were to blame for the problems of slow loading because the ships kept strictly with the convoy and arrived in the harbour together as a great fleet.<sup>75</sup> However, he now began to urge the further expansion of Whitehaven harbour for its own sake rather than as a cynical ploy to divide the masters, as he had earlier suggested it might be.<sup>76</sup>

James had been initially optimistic of their chances of blocking the bill and had set about cultivating "friends" to help their cause. Bishop Nicolson of Carlisle, who ten years earlier as archdeacon had tried to forestall James' election for the city by spreading rumours that he had attended conventicles in London, was now "very obliging" and "wonderfully ready to assist," and the Duke of Somerset, whose electoral interest at Cockermouth might be turned against Lamplugh, was "very civil."<sup>77</sup> James welcomed the election of 1705 as a means of depleting and dividing Lamplugh's financial reserves, especially if Lamplugh were to be petitioned against. He understood the debilitating effect of petitions, having been himself petitioned against in each of his last three elections at Carlisle by his ultimate

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<sup>74</sup> Ja. L. to J.L. 6 and 15 Nov., 18 and 22 Dec. 1705; Ja.L. to W.G. 5 Jan. 1706, D/Lons/W Correspondence box 10a, folder 7 and D/Lons/W Correspondence bundles 12, 12a and 12b.

<sup>75</sup> Ja.L. to W.G. 5 Jan. 1706; Ja.L. to J.L. 18 and 22 Dec. 1705, arch. loc. as above.

<sup>76</sup> Ja.L. to J.L. 20 Dec. 1705 and 21 Nov. 1704, "why should you not for the present amuse the town with the prospect of getting an act for the enlarging your own harbour and either divide them among themselves or spend so much time that this Session may be lost for both." arch. loc. as above.

<sup>77</sup> Ja.L. to J.L. 21 and 25 Nov., 5 Dec. 1704, arch. loc. as above.

successor in the seat, Colonel Thomas Stanwix.<sup>78</sup> Nevertheless, the lack of support from the county gentry and the unwavering allegiance to Parton by the masters made him uneasy. He warned his father that though he had made "a very powerful interest" in London, they could not expect success "if the country [sc. county] in general is on the other side" and that unless Lowther could find some way "to break into the conspiracy of Whitehaven and Parton and your other neighbours, we shall be hard set."<sup>79</sup> James imputed only motives of envy and personal spite to the Parton supporters; men who would disguise their malice under pretence of public good, and county gentry who looked enviously at the prosperity of Whitehaven and what Sir John made by it.<sup>80</sup> He believed he had to hand other means to gain the support of the Commissioners of Customs, and through them, the Parliament. Sir John had recopied into a new dossier the accusations of fraud and smuggling which in 1679 the elder John Gale had lain before the Commissioners of Customs which had inspired the investigations into the Addison's. He had obtained a report prepared in 1704 which delineated the widespread abuse at Whitehaven of the allowance of ships' provisions, and had gathered evidence that the Customs revenue was being defrauded through <sup>the</sup> more generous measure of coal allowed by the coal owners at Parton: for since they gave 28 gallons to a sack instead of the 24 gallons enforced at Whitehaven, and since 16 sacks were still nonetheless taken to make a chaldron, a ship which at Whitehaven would pay duty on 70 chaldron at Parton paid on only 60.<sup>81</sup> James advised his father to warn the masters that unless they withdrew their support from Parton and petitioned the knights of the shire to oppose the bill, he would present evidence of their false entries before the house as proof that they supported Parton, "the better

78 Ja.L. to J.L. 3 March 1705, arch. loc. as above.

79 10 November 1705. He reiterated the point several days later: "If you cannot get a good part of the country to join with you, we run a great hazard of being worsted under pretence of a public good ...", 13 November 1705, arch. loc. as above.

80 Ja.L. to J.L. 11 Nov. 1704, 20 November 1705, arch. loc. as above.

81 Report of Mr. Meine and Mr. Walters about the port of Whitehaven, 1704, in D/Lons/W Whitehaven, unlisted papers, miscellaneous harbours papers 1674-1762; Ja.L. to J.L., 28 November 1704, arch. loc. as above; Gilpin in notes made before 1697 said that Lamplugh gave 26 gallons to a load (Unlisted colliery papers). At the end of the almanac for 1705 is a note (attributed in cipher to John Gale) that the coal owners supplying Parton had committed themselves to give not less than 27 gallons to a load during the period of impost on coals loaded there.

to carry on their frauds and abuses" than they could at the more closely supervised Whitehaven, and "if it draws on any consequences that hurt them, they are the aggressors and may thank themselves for it."<sup>82</sup> The masters remained resolute in the face of his blackmail, reiterating their arguments that harbour facilities at Whitehaven had become completely inadequate and that Sir John's only aim in opposing Parton was his desire to monopolise both the local coal trade and the local harbour facilities, to their own and the county's detriment.<sup>83</sup>

In this re-emerging crisis of his affairs, Sir John compiled the final version of his and his family's apologia. He had acquired a copy of an Elizabethan survey of all the creeks and havens in Cumberland and quoted from it to prove from an independent witness how insignificant Whitehaven had then been: six houses, one small boat, no mariners but only fishermen; and this contrasted with the Whitehaven he and his forbears had developed and nurtured, listing all his developments and presenting them in the light of public benefit rather than his own private gain.<sup>84</sup> He focused first on his development of the collieries, reflected on his pioneering achievements and argued that geological and hydrographical constraints had compelled him to purchase most of the local collieries to expedite his extensive drainage works, that he had thereby recovered workings previously drowned and deemed lost, and so brought benefit not just to Whitehaven but the county at large. For the chapel and the market place, two aspects of the town's growth which had caused him unease when he described it in 1678, he now confidently took the credit. He ignored the inhabitants' part in their history, simply referring to his own expense in renewing the grant for both market and fair. The old chapel had been demolished and he was able to cite his gift of land for both church and burial place, a considerable sum towards the building of the church and a minister's house. He listed as well his other benefactions and achievements; the building of a new school at Whitehaven, his encouragement for St Bees grammar

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<sup>82</sup> Ja.L. to J.L., 18 and 20 December 1705, 3 January 1706, arch. loc. as above.

<sup>83</sup> *H.M.C. House of Lords MSS*, vol.VI, pp.398-402.

<sup>84</sup> *The Case of Sir John Lowther Bart. 1705*, see Appendix D; a copy of the Elizabethan survey in D/Lons/W Whitehaven, Various papers...item 13.

school, the new custom house, the establishment of a much-improved postal service and his subsidy to a local carrier. He briefly reiterated how he had obtained the grant of derelict land and used it for the benefit of the town, and his building of houses for those unable to afford the expense. A description of Whitehaven harbour made a fitting climax: his outlay in repairing and enlarging the pier and harbour, his obliging the masters by removing his salt pans, his use of harbour dues in maintaining the pier. Eighty ships now used it, much to the benefit of Her Majesty's customs; and of the county, by employing their poor; and of the local landowners, because the development had raised the value of their land. Then he proceeded to present his case against Parton, insisting on his own espousal of public good. He pointed out that no colliery owner had ever been obliged to pay a levy on coal sold at Whitehaven, and described the exposed and inferior site at Parton which in bad weather forced ships from there to Whitehaven. He argued that expansion at Parton would detract from Whitehaven because the area could not sustain two ports in such close proximity; and concluded that if parliament passed an act for harbour improvement then it could be nowhere better applied than at Whitehaven, and that Sir John, who had advanced the shipping and trade of the county, "could with most reason hope for it in favour of a town which is in so peculiar a manner his own." But this time the Equitable case so carefully and elaborately maintained did not avail him.

By the end of the year, Lowther's health was declining fast, and it was to William Gilpin, who had returned to Whitehaven at this crisis, that James Lowther reported that although he had been able to engage the support of the Commissioners of Customs, who "are very ready to believe that those of Whitehaven that promote it do for no other end than to carry on frauds and abuses", the members of parliament for Cumberland still firmly supported Parton, and merchants and shopkeepers in London who had any connection with Whitehaven represented many



things to Lowther's prejudice.<sup>85</sup> On 16 January 1706, James received word from Gilpin that Sir John was dying, and hastened away to the north to secure his title to the estate, leaving the bill to the "mercy of parliament", noted Bishop Nicolson of Carlisle, who recorded its progress in his diaries.<sup>86</sup> Nicolson attended Lord Wharton's levée on 2 February and left reasonably confident of "His Lordship's countenancing of Mr James Lowther, notwithstanding that Mr Lamplugh had been (this very morning) before us." Wharton directed Nicolson to bring in the petitions against the bill gathered from the freeholders of Cumberland and citizens of Carlisle. On Friday 22 February, counsel and witnesses for both sides were heard. Gilfrid Lawson of Brayton, who had represented Cumberland in the previous parliament, testified to the counterfeiting of signatures on the petition for the bill at the Cockermouth Quarter Sessions. On the other side, Thomas Addison declaimed against "the monopolising oppressions of the late Sir John Lowther, whose interests in and about Whitehaven were those only that were superior to his own."<sup>87</sup> Thomas Addison had petitioned the Commons for bringing in the bill and was one of the trustees named in it, but was nonetheless admitted as a witness. Wharton and Nicolson opposed the bill with Nicolson noting fifteen out of seventeen J.P.s and Deputy Lieutenants were against it, "and almost all the citizens of Carlisle that could write their names". Lord Mohun (a Junto peer) moved to dismiss it, but Lord Rochester wanted the opinion of the Customs Commissioners, of whose current practice and organisation he had been the author as Lord Treasurer in the 1680s. Lord Wharton, for fear of offending the Duke of Somerset, an important but uncertain ally of the Junto, pressed no further that day.<sup>88</sup> On

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85 Ja.L. to W.G., 1, 5 and 10 January 1706, D/Lons/W Correspondence Bundle 12. The members for Cumberland were Richard Musgrave of Hayton and George Fletcher, younger son of Sir John's erstwhile colleague.

86 *The London Diaries of William Nicolson, Bishop of Carlisle 1702-1718*, ed. Clyve Jones and Geoffrey Holmes, Oxford, 1985.

87 "Mr Justice Addison": Thomas Addison now had a permanent residence in Delahaye Street, Westminster, and was a J.P. for Middlesex. James Lowther had written to William Gilpin that Thomas Addison "talks against my father as bad as any of the people of Whitehaven as if he was the greatest tyrant in the world", 12 January 1706, D/Lons/W Correspondence Bundle 12.

88 "... being willing to let the Bill fall as easily as we could, since the Duke of Somerset seemed to espouse it." On the Junto's problems with "the proud Duke", see G. Holmes, *British Politics in the Age of Anne*, 1967, p.226.

Monday 25 February, the Customs Commissioners gave their evidence and suggested some amendments. Wharton, for unknown reasons, had now left town for his Buckinghamshire house, and Bishop Nicolson moved on his behalf for a committee of the whole house on Thursday or Friday, when Wharton would be present, but it was appointed for Tuesday. On that day the Lords read the bill a second time and a committee of the whole house chaired by Somerset rejected all amendments, either from Nicolson or the Customs Commissioners. The House then read it a third time and carried the bill for Parton Harbour eleven to ten, with Lord Wharton still absent. "Lord Weymouth failed us," wrote Nicolson, "or else we had thrown it out." Thomas Littleton, a principal parliamentary agent of the Junto and old correspondent of James, wrote apologetically of the event, "Never did so unreasonable a bill make so swift a passage through both houses or had so great an interest made to support it; the Duke of Somerset espoused it, heartily."<sup>89</sup> So once again the fate of Parton turned upon the exigencies of national politics, and a month after Sir John Lowther himself departed the world, the project which he had once forestalled by claiming the reward of loyalty from a beleaguered king was revived by a miscalculation in an attempt to conciliate a temperamental grandee.

At the end of 1705, Sir John had mulled over an anonymous paper which outlined a fresh proposal for an act of parliament to provide for the harbour. His draft for a reply makes explicit his suspicion that the authors designed not so much to improve the harbour as to invade the rights which he and his ancestors had enjoyed in it since it was first built.<sup>90</sup> The export of Sir John's coal depended on ships being attracted to an adequate harbour and if the harbour deteriorated, the masters could sail their moveable capital elsewhere, whilst Sir John could scarcely do the same with his collieries. Although he had previously contemplated the possibility of handing control of the harbour to a body of masters, the fear of their "starving allowances" caused him to draw back from a final agreement on each

<sup>89</sup> D/Lons/W Miscellaneous Letters, 1692-1715, Bundle 27.

<sup>90</sup> D/Lons/W Unlisted papers. Miscellaneous harbour papers including plans, 1674-1762. (Paper headed "To Sir J.L. Baronet, The humble representation of etc."); D/Lons/W Letter Books, Rough Copies, February 1702-December 1705, 6 December 1705.

occasion.<sup>91</sup> The problems might in theory have been resolved by a vertical integration of the various interests; if Lowther owned not only the coal mines and harbour but also the ships which carried his coal, but he continued to show little enthusiasm for purchasing ship shares, much less for gaining a controlling interest in two or three ships which Gale and Gilpin advised him was the key to unlock threatened combinations and reduce his dependency on the masters.<sup>92</sup>

It is worthwhile to consider what arrangements were entered into at other harbours in comparable circumstances. To the north at Workington, where collieries also lay adjacent to a harbour, Sir Patricius Curwen in 1662 unsuccessfully tried to sub-lease the local custom on coal in order to divert trade from the newly emerging Whitehaven.<sup>93</sup> The challenge from Workington faltered when the energetic and influential Sir Patricius died without issue in 1664. The manor passed to his brother Thomas and then a half brother Eldred, both of whom died in quick succession, and then devolved on Eldred's son Henry, who followed James II into voluntary exile and did not return until 1696. In spite of its better natural harbour, Workington never developed as a viable alternative to Whitehaven in the seventeenth century. In 1676, Edmund Sandford described it as "a fair haven but not so much now frequented by ships, the colliery being decayed thereabouts."<sup>94</sup> Moreover, there was relatively very little outcrop coal in the Workington area, so that expanding colliery production would have meant incurring the greater cost of deep mining from the start. When John Gale passed on rumours of Henry's plans to improve his harbour and forecast dire consequences for Whitehaven, William Gilpin remained unconvinced and unalarmed, "(i) because Mr. Curwen's genius doth not lend him to such undertakings, (ii) which are of

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91 T.T. 9 Dec 1684.

92 J.G. 2 July 1693, W.G. 3 February 1697, *Lowther Correspondence* 35 and 338.

93 C.S.P. Ireland 1660-1662, pp.626-627; C.S.P.D. 1661-62, pp.340, 596. See also C.B. Phillips, "The Gentry in Cumberland and Westmorland 1600-1665", Unpublished Ph.D. thesis, University of Lancaster, 1973, pp.199-202.

94 Edmund Sandford *A Cursory Relation of all the Antiquities and families in Cumberland c.1675*, ed. R.S.Ferguson, C.W.A.A.S. Tract Series, no.III, Kendal, 1889.

great expence and uncertain profit, (iii) the ground (where this harbour should be) is most of it belonging to the Rectory or to tenants."<sup>95</sup>

The history of development at Saltcoats in Ayrshire bears a similarity to that of Whitehaven. In 1654 it boasted only four small dwellings, but the next 140 years saw an hundred-fold expansion, based on the growth of the coal trade with Ireland and the exploitation of the coal reserves by the Cunningham family. In 1686 Sir Robert Cunningham received a grant from the Scottish parliament to raise money from the sale of ale and beer within the parishes of Steventon and Ardrossan for twenty years, to further the building of a harbour. In 1695, William Gilpin described the harbour as "not very inviting to others", though he believed it capable of improvement and that the district afforded plentiful coal. The coal sold well in Dublin and the Scots had a decided advantage, trading without interference or interruption from the embargoes placed on English ships. In 1705, fifty or sixty ships used it. However, Sir Robert Cunningham withdrew from direct control of the collieries in 1709: "by these expensive schemes he hurt his fortune and was obliged to sell a considerable portion of his estate", according to an eighteenth century observer. A group of local merchants who, as at Whitehaven, had initially been attracted to the area because of the development, leased the pits in 1719 and worked them for twelve years, but the growth of Saltcoats in the first part of the eighteenth century bears no comparison with the growth of Whitehaven for the same period.<sup>96</sup> The reason may have been the technical backwardness which affected all Scottish collieries, itself attributable to the servile status the local owners had imposed on their work people.<sup>97</sup>

Mostyn, in Flintshire, had accessible coal seams close to a natural haven which required no expensive artificial harbour works, but the Mostyn family faced

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<sup>95</sup> J.G. 29 November 1693, W.G. 23 December 1696, text calendared in *Lowther Correspondence* 321 and 326 Annie Eaglesham, *Thesis*, p.202, considers this an accurate appraisal of the obstacles to the development of Workington harbour which emerged in the eighteenth century.

<sup>96</sup> N.M. Scott, "Documents Relating to Coal Mining in the Saltcoats District in the First Quarter of the Eighteenth Century", *The Scottish Historical Review*, XIX, 1922; Makey, *Thesis*, pp.137-144; J.U. Nef *op. cit.*, i, 51; ii, 6, 8, 66, 447. W.G. 13 January 1695. see also 13 March 1695 and J.G. 17 March 1695, *Lowther Correspondence* 180, 192 and 193.

<sup>97</sup> T.C. Smout, *A History of the Scottish People 1560-1830*, 1969, pp.182-183.

more competition from other colliery owners, and backed away from providing the necessary capital to mine and drain deeper seams, preferring-not to embrace the risks, and indeed the Mostyn correspondence leaves the reader almost unaware that the family were colliery owners at all.<sup>98</sup>

At Seaton Delavel in Northumberland, Sir Ralph Delavel also built a pier in the mid century, to facilitate the export of his coal and salt. It was a dry harbour with a flat rock bottom, and suffered the same tendency as Whitehaven to silt up with sand, so Sir Ralph utilised a rill of water coming down from the hills and constructed sluice gates at its mouth immediately above the harbour. When the gates were opened at low tide, the pent up water scoured away the sand and washed the rock "as clean as a marble table". Delavel claimed to have spent £7,000 on making the harbour and the sluice, and according to Roger North, Charles II made him "collector and surveyor of his own port and no officer to intermeddle here." Sir Ralph also obtained a grant of £500 a year for three years in recognition of his expense, but Delavel had no intention of creating a town at the back of the harbour, nor did the nature of its location permit any large scale development.<sup>99</sup>

Sir John Lowther had noted the harbour of Minehead in Somerset as a precedent to follow at Whitehaven.<sup>100</sup> Defoe was to describe it as "the best port and safest harbour in all these counties ... no ship is so big but it may come in and no weather so bad but the ships are safe when they are in." It is not difficult to understand why Lowther regarded it as a suitable model for Whitehaven: an old pier, no longer adequate, was extended by the lord of the manor at his own expense. He subsequently gained two acts of parliament securing the profit to himself for a limited period, and on the strength of this did some further work. Moreover, though the town had received a borough charter in the time of Queen Elizabeth, the government of the harbour was left in the hands of officials chosen

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<sup>98</sup> Makey, *Thesis, op. cit.*, pp.150-6.

<sup>99</sup> *Lives of the Norths*, vol.1, p.176; C.S.P.D. Addenda 1660-70, p.634, undated; C.S.P.D. 1670, p.212; 1678, p.247; C.T.B., vi, 1679-80, p.542. In 1680, the Customs Commissioners appointed deputies to inspect the harbour, *ibid.*, p.616.

<sup>100</sup> D/Lons/W Whitehaven, various papers.... item 20.

by the court leet.<sup>101</sup> James Lowther, probably in answer to a fresh enquiry from his father, reported further on Minehead in December 1705: "I saw Colonel Lutterell today who is parliament man for Minehead and chief trustee there for the harbour ... which is just as yours, a dry harbour, the old part of it built by his ancestors ... he says there is no corporation there but the chief officers of the town are two constables and they make the return."<sup>102</sup> About this time, Sir John publicly proposed making Minehead a model for reform at Whitehaven. He was surprised (but we perhaps are not) to find the proposal given no consideration in the anonymous counter proposals he was receiving at the end of the year.<sup>103</sup>

Sir John always regarded the profitability of his collieries and likewise the carrying trade of the ships' masters as only part of a more extensive, mutually beneficial relationship between himself, the whole town of Whitehaven, and the wider community beyond. He consistently maintained that his collieries brought public benefit, and believed opposition sprang from petty spite rather than genuine apprehension or grievances. Nor could he ever comprehend the masters' unreadiness to join him in promoting industry. As he wrote to William Gilpin, "I question not (from my own experience) of the difficulties and disheartenings you meet with, which is the more shocking where the proposals are for common good and so little of private interest in what's offered .."<sup>104</sup> Neither could he reconcile himself to what he perceived as the town's lack of deference, nowhere better expressed than his response to the masters' rejection of his proposals for the increased pierage dues: "the shortness whereof and the little respect" of their letter made him conclude that he had failed to convey his intentions to promote common good and the growth of trade rather than self-interest. "This treatment to a man not able or used to bear, would soon put an end to a correspondence which so long as

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101 Daniel Defoe, *A Tour Through the Whole Island of Great Britain, 1724-6*, reprinted 1928, p.267..Rev.J. Collinson, *The History and Antiquities of the County of Somerset*, 1791, reprinted 1983, vol. II, pp.26-7.

102 Ja.L. to J.L. 10 December 1705, D/Lons/W, Correspondence, box 10, folder 7.

103 In fact Minehead soon turned into a liability for its owners. When Colonel Lutterell died his estate was heavily encumbered and his son-in-law reported that Minehead was "the rock my father Lutterell founded upon." *House of Commons 1715-54*, ed. R. Sedgwick, vol.II, 1970, p.231.

104 J.L. to W.G. 7 June 1698, *Lowther Correspondence* 536.

you have a landlord will be neither a reproach nor unuseful to you."<sup>105</sup> It must have been disheartening to him to find Richard Senhouse, whom he had done much to accommodate at Whitehaven, and Robert Blacklock and Clement Nicholson with whom he had agreeable and profitable commercial relations in the recent past, standing solid with the Gale and Biglands families on the Committee of Nine. Even small incidents continued to rankle after many years. In 1678, the preliminaries demanded by the *septem viri* included the removal of the salt pans from the harbour side because the smoke and soot damaged the ships' rigging. Lowther assented and removed his operations to the pans at Bransty, comprehended in his lease from the Cocker mouth estate. Tickell quickly squashed his anticipation that the town would express grateful thanks. No-one would be grateful, wrote Tickell, because Lowther had voluntarily agreed to stop working the pans, "whereas a constraint produced by their means had been gratulatory."<sup>106</sup> Almost twenty years later, as he made some rough notes of his achievements, Sir John remembered their lack of thanks, and ruminated on their attitude to him in general: "Note that I had no consideration for removing them, nor thanks for anything I ever did for the town, it being a principle infused in the town by some factious inhabitants, to encourage all the collieries of other mens' and to discourage mine, out of a principle of the old levelling, taught them in the late Civil wars by Craister, Studholme and the committee men of those times."<sup>107</sup> In 1678, he had blamed the "committee men" for obtaining the initial grant of the market and aid in building the chapel, and linked such activities with his loss of authority as a landlord. He referred again to the "levelling principle" in a letter to Lord Lonsdale, when he complained that he could not negotiate for even a small parcel of land without criticism.<sup>108</sup> By the end of the

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<sup>105</sup> J.L. to the masters, 18 October 1684, D/Lons/W, Letter books, Fair Copies, September 1684-January 1694.

<sup>106</sup> T.T., 14 July 1680. Tickell later claimed that Lowther had lost £70 a year by ceasing to work these pans, but in fact the rents show that between 1677 and 1681, they cleared an average of a little over £20 a year: T.T. to J.L., 2 October 1684; D/Lons/W Whitehaven Rentals, Rentals of Sir John Lowther 1666-1705, and D/Lons/D, Estate accounts 1666-1685. They were still in place, if unused, in 1685, but in the last stages of decrepitude.

<sup>107</sup> D/Lons/W Dictionaries and note books, list 1, box 2/list 5, "Collieries".

<sup>108</sup> Appendix A; J.L. to Lord Lonsdale, 11 November 1699, D/Lons/W Letter books, 'J.L. vol. 2nd. April 24, '99'.

century, Sir John felt he faced ingratitude and opposition at every turn, and on 7 June 1702 came the moment to make his resentment felt, when, as the seventeen year old John Spedding recorded, probably echoing the exasperated words of his uncle, the "whole great dam at Howgill broke and drowned supply for Dublin from the best colliery in England." Gale's experiment in hydrodynamics had suffered three previous failures, and though the dams had been immediately repaired and strengthened, the cost of baling out the floodwater at the gins had come to about £175 in eighteen months. This time

"Sir John Lowther would not hearken to any reasons for draining it again, it being then a time of war, and the town and he not fully agreeing upon other matters, he thought it would be more in their power to impose upon him while he wrought at a water charge, and therefore resolved not to dry it again, 'till either the town should own it as a kindness done to them, or till coals were advanced in price, so as the works would bear the charge of winding all the water, without any further hazard in dams."<sup>109</sup>

For the engineers it was 'only another setback: the subterranean waters induced no such panic in the colliers as had the Irish alarms of 1688, and Gale was clearly ready to renew battle at once. Forbidden to do so for economic and political reasons, he instead conducted an orderly and profitable withdrawal from Prior Band, extended over the next 22 months, setting on every available hand to extract coal and winding enough water at the gins to keep the races of Knockmorton Pit clear until, one by one from the bottom upwards, they were worked out. Accordingly in June 1703 the number of employees was nearly 50% higher than two years earlier. Both output and sale for that year exceeded for the first time the levels of 1684, and this at a rate of profit of about 9d per ton sold. Meanwhile Gale, Scott and Richardson were taking careful note of the state in which the works were left and precautionary measures to ensure a ready access which clearly indicate their intention and expectation of returning, all diligently recorded by young John

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109 D/Lons/W Unlisted colliery papers, "Coal works at Whitehaven 1663-1762".



Spedding, the only one of the four who was in fact ever to direct operations there again. Not until the 18th of April 1705 were the gins finally laid in and the water left to find its own level, "which water may hereafter be put out, all things being put into a good posture for doing thereof."<sup>110</sup> For another nine months the waters rose, months in which Sir John Lowther fought his last battle against the Parton harbour bill. On the 15th of January 1706, as his own life ebbed away, the waters reached the level of the Pow, and the Prior Band at Howgill, which for all the difficulties of its latter years had made him a fortune, disappeared from view. In his will he had given directions for a modest funeral, desiring that "my neighbours of Whitehaven only do accompany the corpse without giving my relations or the gentlemen of the country any trouble on this account."<sup>111</sup> On the 17th they attended him, evidently in large numbers, to his burial next to his father at the priory church at St Bees: his steward accounted for £19-18-4 disbursed to five local suppliers for bread, cheese, ale, wine, brandy, tobacco and pipes for the occasion, besides a shilling for repair of the churchyard gate, damaged by the passing throng.<sup>112</sup>

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110 D/Lons/W Collieries, list 2 no 18.

111 Copy in D/Lons/W, Legal Papers, three volumes containing deeds, agreements, leases.

112 D/Lons/W Estate accounts cash books, 1692-1728, fo. 158, 160-162.

## Epilogue

Though the name of Sir John Lowther appears on almost every page of this thesis, it is not his biography and could hardly be so, for his correspondence with his stewards was focused sharply on his, theirs and the town's business and reveals little of other compartments of his life. The matters touched upon intersect little with the substance of his correspondence with his cousin at Lowther or Sir Daniel Fleming of Rydal, and neither even of these reveals much of his private thought on parliamentary concerns. In a sequence of letters in 1673-1674 Sir John reports on parliamentary and other public business to his nearest relatives, but still in a matter as totally detached and self-effacing as in his letters to Tickell. He records addresses of the House for removal of two ministers (Lauderdale and Buckingham) from the king's councils, a resolution to consider grievances before supply, a move to oust the Speaker, a Habeas Corpus bill, and the Catholic marriage of the Duke of York, without an indication of his own view or part in these momentous affairs. On the 10th of February 1674 he wrote to Sir John Lowther of Lowther: "several bills are daily read and votes passed, of seeming great concernment viz, the Army to be disbanded, a bill to make it treason to levy money without act of parliament. Another to establish the Judges' places to be *quamdiu se bene gesserint* and not *durante bene placito* and perpetual salaries etc. but all this your newsletters inform you." He gives no hint of his personal views, but as he means Sir Joseph Williamson's newsletters, their being on that select circulation list guarantees that the Lowthers were not expected to support any of these controversial measures.<sup>1</sup> Other contemporaries were no better informed about his parliamentary stance. In 1679, as the county was being canvassed for the election to the second Exclusion parliament, Thomas Tickell overheard William

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<sup>1</sup> D/Lons/L, Acc 5. Letters 1562-1685; Miscellaneous letters to Sir Daniel Fleming, Le Fleming Papers, C.R.O., Kendal.

Christian vow that he would give £10 for one of Richard Lamplugh's parliamentary speeches, or £15 for one of Sir John's.<sup>2</sup> Yet Lowther was an assiduous committee man, being named to no fewer than 141, but what he contributed to their deliberations is unknown.<sup>3</sup> How often he attended the Court and what <sup>was</sup> his standing there is likewise obscure, though one intriguing shaft of light is thrown by an entry in Bishop Nicolson's diaries. According to Nicolson, Archbishop Tenison recollected that on King Charles' deathbed it was Sir John Lowther of Whitehaven who dismissed the Anglican chaplains come to administer the sacraments.<sup>4</sup> Of his private tastes we know almost nothing at all, though his surviving book lists show a keen taste for Restoration drama.<sup>5</sup> In 1664 he became a member of the Royal Society and served on its Council and a committee which discussed mechanical inventions. He addressed the members on fires in coal mines, various aspects of colliery drainage, the incidence of fresh water springs at Whitehaven and salt-making in Cumberland.<sup>6</sup> Although he ceased attending meetings in the 1680's (a reflection of ill health rather than waning interest) he never tired of relaying London expertise to Whitehaven; from the type of clay best used in pottery making to techniques in building a pier, or sending down plans for a ballast boat, or the latest design in London churches.

Sir John kept records with a diligence surpassing even his family tradition. He instructed Tickell to make a copy of all the rentals and deeds he had at Whitehaven so that they could be bound into a book, and asked him to leave a wide margin on all his letters so that they too could be bound together. It may have been Tickell's letters which Gilpin found at Flatt, and had bound up "believing they may

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2 T.T. to Richard Lamplugh, 3 March 1679 (enclosure to Lowther). Richard Lamplugh was member for Cumberland with Sir John for one parliament only, the first Exclusion parliament which sat from 6 March to 27 May 1679.

3 B.D.Henning, ed., *The House of Commons 1660-99*, 1983.

4 "discovered to the chaplains that no sacrament be given." 12 Nov. 1704, *The London Diaries of William Nicolson*, op.cit., p225.

5 D/Lons/W "Dictionaries and notebooks", "Books" and "Inventory of household goods belonging to James Lowther esquire at Flatt, 1724", which includes a list titled "Books at Flatt, 3 September 1697".

6 T.Birch, *History of the Royal Society*, 4 vols, 1755-7, vol iii, pp 438-439.

be useful to posterity."<sup>7</sup> Sir John clearly recognized the value of preserving correspondence as a record of events and decisions; "for a long succession of time will produce many letters [which] may be useful to posterity."<sup>8</sup> It is our good fortune that Sir John was so usually absent and demanded so much information from his stewards. The material they provided shapes our view of Restoration Whitehaven, and that it is one-sided and selective cannot be denied; but letter by letter Lowther received enough detailed and accurate advice for him to plan and develop an extremely profitable enterprise from a distance, and he was not able to manage conspicuously better when he was on the spot.

Thomas Tickell, having migrated from his family's estate at Ullock near Keswick, and with his shares in shipping, ropemaking and mining, was clearly part of the new commercial enterprise at Whitehaven developing under Lowther's aegis. Yet the continuing and increasing pressure on Lowther's seigneurial power and authority flowing from the new inhabitants, new wealth and new developments which Lowther so readily encouraged, are nowhere more clearly articulated and regretted than in Tickell's letters, where his acidulous virulence against Robert Biglands, William Atkinson, Thomas Addison or William Christian charts the changing milieu, and the frustrated hopes of deference and gratitude. The content of his letters reflects his own ambivalent position, as a man eager to make the most of the commercial opportunities, yet dependent on demonstrations of deference and loyalty to keep his employment. Sensitive to the state of trade, commerce, industry and the value of property, he had sound instincts in judging what was the exact rate of fines the old tenants would settle for, how much would have to be paid for a colliery and whether it would be worth it, which made him a valuable servant. Beyond this horizon his talents were limited. He was no lawyer (and but an indifferent Latinist) which made keeping courts hard, and his address to persons of

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7 J.L. to T.T. 13 Oct 1677, 20 May 1679, 14 Aug 1688; W.G. 9 Feb 1698, *Lowther Correspondence* 456. Tickell himself suggested a register, "to preserve our knowledge in the collieries to give light to those that come after." 26 Aug. 1691.

8 J.L. to T.T. 21 Feb 1686. Lowther in this instance was not referring to his stewards' letters but to preserving yet another correspondence which he planned to initiate with Richard Jackson, schoolmaster of St Bees.

higher station from outside the local Cumbrian community was fumbling and uncertain, quite lacking the self-assurance of William Christian or Thomas Addison, with whom such dignitaries preferred to consult and to lodge. Even on home ground the appearance of a strong-willed woman easily threw him off balance. His own wife was colourless and (a little demeaning to his own gentility) illiterate. Face to face with the obstructive demands of Mrs Wybergh, Mrs Johnson, Mrs Radcliffe, Isabella Wilkinson or the widows Benn and Aery, Tickell preferred to fold his tent and steal quietly away. Because he was much less sure of himself both socially and professionally than either Gale or Gilpin, he regularly furnished a mass of additional detail which the other two men felt under no compulsion to provide. In turn, Tickell's gadfly persistence in getting Lowther to obtain him a position in the customs elicited from Lowther much more information about the tortuous process of patronage than Gilpin's restrained requests. The fumbling continued to the end: he died in December 1692, intestate. His widow gave a handsome church bible worth £5 in his memory, his family quarrelled over his inheritance and his grandson Thomas, the friend of Joseph Addison, wrote elegant, if minor, verse, a fit occupation for the gentility Tickell strove so hard to obtain for his family.

William Gilpin foreshadows the professional, full-time steward of the eighteenth century: a man of law, conscientious and meticulous in accounting, collating and analysing. He patiently unravels for his employer the undercurrent of Whitehaven affairs: in what way Thomas Addison's advice about the ropery might be self-interested, why Ebenezer Gale so assiduously pursued an act of parliament to make Whitehaven a parish and why Lowther need have no qualms about the employment of a piermaster but should agree to the masters' choice. Yet Gilpin's style and demeanour jarred at Whitehaven. Elisha Gale, one of the Dissenters who expected his countenance, expressed it as "your common and ordinary way of banter and grimmacy" in a letter which castigates Gilpin as a tyrant and an oppressor, self-seeking and subservient to the Lowther interest, lost to any freedom

of speech and action, snared by the necessity to gratify a great man, a steward who has failed by neglecting to give proper advice; and condemned by Gale with tongues of wrath: "Great men might and would do much more good than they really do were they but well advised, the want of which we all labour under and have been bleeding inwardly."<sup>9</sup> This was under the regime of James Lowther, with whom Gilpin, if few others, seems to have had a genuine rapport. Others, more detached than Gale, observed no such hardening of Gilpin's character nor of his attitude towards Dissent. Ambrose Barnes records that Thomas Story, the Quaker, was "courteously and freely entertained" by Gilpin at Whitehaven in 1717, and again at Scaleby in 1723, "in great friendship, and, dining there ... had conversation to mutual satisfaction, and edification in some points, especially about war and temporal government; and the difference between Christ's kingdom and the kingdoms of men."<sup>10</sup>

Gilpin in some ways was the inverse of Tickell: somewhat out of his milieu in Whitehaven, where his sharp mind and occasional sharp tongue easily made him enemies. Nor was he so adroit a business man. Gilpin believed in the virtue of trade but his whole professional training had distanced him from it nor had he a finely tuned sense of the profitable, or even feasible enterprise. The customs post which Lowther had fruitlessly long sought became his in 1707, when he became Controller at Carlisle.<sup>11</sup>

Though fewer letters from Gale survive, he represents best the spirit of Restoration Whitehaven. Gale had a keen business instinct and carefully integrated his interests in colliery management, leading and shipping. Though his response to Lowther's insistent suggestions concerning local industry was that "my invention is very barren in that kind", it is more likely that his lack of interest in Lowther's proposals stemmed from his sense that they would as yet show little profit.<sup>12</sup> His

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9 endorsed as "El Gale's railing letter, undated, probably 1709. D/Lons/W Correspondence, bundle 12.

10 *Memoirs of the Life of Mr Ambrose Barnes*, ed. W.H.D. Longstaffe, *Surtees*, vol.50, 1867, p.144.

11 C.T.B. XXI 34 and 294, 26 and 27 May 1707.

12 28 March 1697, *Lowther Correspondence* 350.

technical achievements in the collieries have been largely overshadowed by those of his nephew Carlisle Spedding in the eighteenth century, but it was under Gale's direction that the first deep mines were constructed and drained, often using machinery which he helped design and construct. When the main dam burst at Howgill, he devised and directed the attempts to repair the breaches and their failure should not detract from the practical ingenuity involved. His practical skills are attested independently of his work in the collieries. When the pump of the new well sunk to supply Flatt Hall with water did not work, it was to Mr Gale, before ever he had any management of collieries, that Tickell turned for help. It was his suggestions for strengthening the newly-extended pier to preserve it from storm damage, and his energy in seeing them carried out, which first commended him to Sir John, while he was still one of the opposition. By the 1690's he possessed a set of screws "for screwing and raising ships onto the stocks", which were put out to hire and travelled as far afield as Ireland for salvage work: at his death in 1716 he left half the profit of future hirings to Francis Yates for as long as he remained minister at St Nicholas' church, and one third thereafter to his successor.<sup>13</sup> Lowther recognized the advantages of Gale's "working fancy" and overlooked, and expected Gilpin to bear with, a great deal to retain his services.<sup>14</sup> Gale clashed with James Lowther almost immediately after Sir John's death: on his return to London James' letters to Gilpin invariably contain complaints of Gale's methods and the amount of his employer's money Gale kept as cash in hand. By November James had decided that Gale must be replaced, though he was not finally dismissed until 1707.<sup>15</sup>

Throughout his life, Sir John Lowther had defended a decaying seignery in the growing, prosperous mercantile community of Restoration Whitehaven; not, as he repeatedly declared, for the sake of incidental revenue, which was of small and decreasing account to him, but to preserve a right; partly because the better his right

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13 L.R.O. Probate Records, Copeland deanery.

14 7 Dec. 1686.

15 D/Lons W, Correspondence, bundle 12.

was established, the greater would be its value to sell, should he or his heirs choose to yield it at last; but partly also for the deference, agreeable to his rank and dignity, which he was rather too ready to suppose such a right would assure to him and his interests in any contention with the inhabitants, -"some command there", to adopt a phrase which his grandfather had applied to a very different manor in a previous age.<sup>16</sup> So it is that his early admittances, which he drew up himself, concluded, as had his father's, by requiring the recipient "in all things to behave himself as a dutiful tenant"; that he could "propose not profit by more than a twenty penny fine, only to keep them in better,"<sup>17</sup> that he expected to be able to buy property in the manor without competition; and was outraged to be suspected of engrossing the coal trade when he bought up other local collieries. He was encouraged to persist by Thomas Tickell, a perpetual Greek chorus anxiously foreboding the decay of seigneurial authority: who when faced with the "continued malice of these seditious miscreants" urged that "such indomitable spirits must and ought to be governed with bit and bridle."<sup>18</sup> In the face of reality, however, the unbusiness-like words were soon dropped from the admittances, the tenants were prepared to negotiate for more than a twenty penny fine but insisted on a legal settlement of it; stewards became increasingly pessimistic of the chances of obtaining property by any other means than making the highest bid, and the ship-owners persistently favoured other suppliers to maintain competition with the Lowther collieries. The underlying problem, to which he only ever found piecemeal, partial solutions, was how to retain decision in his own hands while affording the townspeople sufficient and acceptable assurance that their property and interest were secure under his aegis if "they were but respectful as they ought to be."<sup>19</sup> As he reviewed the list of tenants who had joined their names to Thomas Addison's Chancery suit he expressed surprise to his steward that John Knipe, a carpenter at Greenbank colliery, and "such as are daily workmen and others that have more immediate dependence

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16 *Surtees* 191, p.45

17 J.L. to T.T., 4 June 1667.

18 T.T. 1 Sept.1684.

19 7 March 1671.



should proceed this way. I need not direct you, but think you may reduce many of them to their duty."<sup>20</sup> However much Lowther continued to invite deference he grew increasingly pessimistic about the likelihood of receiving it, from even far down the pecking order. While pondering how to reduce the charges of his landscaping at Flatt he wrote to Tickell, "I could wish for example's sake as well as saving charges the seamen and colliers would one day a week give their help gratis, it would show good will though it cost as much in drink, but if it fall not naturally, no matter."<sup>21</sup> The obverse of command was favour and gratification, but those who would no longer be commanded would not be grateful for favours either.

Command was gradually decaying into mere proprietorship, with its paltry reserved rents and fixed fines, but the Lowthers themselves were not in a declining way. Sir John Lowther was astutely adventurous and professionally well-advised in the development of his collieries. He had been flexible enough to accommodate himself to new, more purely commercial ways of conducting business. He was always ready to grant land for building to anyone who could build; without, in particular, any discrimination against religious dissenters, and this policy undoubtedly helped the town to prosper and buoyed up Sir John's own profits along with it. As he relinquished command he increasingly used his wealth instead to obtain his ends. James Lowther wrote of Parton (as indeed he wrote about everything and everyone) in truly excoriating terms: "Nothing could be more malicious than the several proceedings of the people of Whitehaven both in my father's and my time with respect to Parton harbour, and therefore it behoves all that come to my estate to consider what the most hellish envy and malice can suggest and so provide against it."<sup>22</sup> But in fact Sir James soon acquired the predominant financial interest among the users of Parton by buying more of the local collieries, so that its fortunes came to depend on his traffic rather than the other way around. Although he too faced combinations of the ship-owners, his

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<sup>20</sup> J.L. to T.T. 16 Feb. 1678.

<sup>21</sup> 23 Jan. 1686.

<sup>22</sup> D/Lons/W Estate Memo Books, Sir James Lowther's "My Advice to those that come to my estate at Whitehaven."

control of the sources of supply and the mechanised efficiency of his colliery operations was such that in the end he could be sure of taking whatever price the Dublin market could pay. Not the most diabolical envy or the most satanic malice would prevent James Lowther from achieving his final fame as the richest commoner in England.<sup>23</sup>

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<sup>23</sup> According to Sir John Clerk in 1731 - W.A.J. Prevost, ed., "A Journey to Carlisle and Penrith in 1731" in *C.W.A.A.S.*, vol. LXI, 1961.

## Appendix A

### Sir John Lowther's description of Whitehaven, 1678.

This roughly drafted document includes a number of insertions and re-phrasings. I have given what appears to be the latest version of it, though the sections enclosed in square brackets were crossed out and not replaced.

The manor of St Bees formerly belonging to the monastery there till the time of Henry 8th and dependent upon St Marys at York as appears by the charter, did consist of a desmesne and customary tenants, and had also within it a small creek of the sea called Whitehaven, where was three or four small cottages, a little pier in shallow water built with some wooden piles and stone rubbish thrown in amongst them, to which did belong three or four small barks of about eight or ten tons each. There was also remaining the foundations of [a] small ruined chapel. In this condition the manor of St Bees was purchased by Sir John Lowther's ancestors, who about the year 1635, designing some improvement of the same, and for the vent of the coals found therein, erected at their own charge a new stone pier in deep water, being a wall of near 300 foot long, 30 foot height and 30 foot breadth, which has afforded that convenience for shipping, that now there is above 30 ships belonging to the same, divers of them of very good burthen, which pay to Sir John Lowther every voyage a small duty for anchorage, imposed at the pleasure of his ancestors upon the building of the pier, but is very inconsiderable; and the town consisting of 80 or 90 of the best built houses in all that country, where is also erected a new chapel and custom house and a market granted them. The chapel was erected about the year 1646, by means of some public moneys obtained from the Committee for Sequestrations, and though it be small and not consecrated, yet it so accommodates the town that seldom do either they or the villages near them use the parish church, which is three miles off, bad way.

The market also was obtained in the late times from the Protector upon a petition of the inhabitants in Sir John Lowther's minority, and confirmed after the King's Restoration; the first grant at the charge of the inhabitants, or by moneys obtained in the same manner as the chapel was built, some of the Committee men and sequestrators being officers in the custom house and having houses in the town, whence the inhabitants have ever since very ill born the authority of a landlord; the second ~~grant~~ at the charges of Sir John Lowther<sup>\*</sup>, who is Lord of the Soil, occasioned by Sir John Lowther's desire to facilitate the passing thereof

\* yet as well the latter as the former is a grant to the inhabitants to hold a market and not to Sir John Lowther

least the owners of the adjoining markets should obstruct the confirmation as they did the first grant, and knowing withal the soil being his a market could not be held without his consent and, accordingly, de facto he receives the toll.

About the year 1664 some patentees for derelict lands and encroachments upon the sea by inquisition find the pier, 4 salt pans, 17 houses of the town etc. to be encroachments upon the sea, whereupon Sir John Lowther to quiet his title, to what he before esteemed parcel of his manor, took a grant from the King of the said pier and of all the soil to the low water mark.

Sir John Lowther's ancestors and his guardians in his minority and himself thus possessed of the manor, of the pier, of a small waste whereupon most part of the town now stands, and of the soil betwixt the flux and reflux of the sea whereon the rest of the town is built, did in order to the building of the said town grant small parcels of the said waste and shore from time to time to several persons whereon to build houses which accordingly they did, not having from the said Sir John Lowther, his guardians or ancestors any other conveyance than a copy or admittance to hold to them and their heirs according to the custom of the manor, which method continued from the building of the pier, till about 1674 three of the most busy of the town came to Sir John Lowther to let him know that they understood their estates were not good in law, and desired new estates, promising it should be kept secret from the rest of the town. Whereupon Sir John told them he did never intend if there were any defect that either he or his posterity should take advantage of it, for provided the incidents of a customary estate could be preserved to him, he did not care how well all the rest were secured to them and, accordingly, offered them a lease of 1,000 years, with a proviso not to alien without licence, as in the case of customary estates. They rejected it and tendered him heads of what they desired, and afterwards a draught of a deed and last of all exhibited a bill in Chancery to enforce a conveyance of some new sort [of] estate; sometimes pretending, though not in the bill, that the custom of the manor is broke by reason of a deed betwixt Sir John Lowther and the old customary tenants, where in lieu of an arbitrary fine, twenty five years rent is agreed to be taken thence forward, but chiefly insisting that having built, and paid a valuable consideration it ought to be to them and their heirs in fee.

[Sir John Lowther's answer, not yet put in, sets forth that what estates they contracted for they do enjoy, that neither rents nor fines are to be accounted a valuable consideration, both being very insignificant and the fine shows the nature of the estate rather to be customary than otherwise.]

Anno 1677, the owners of ships at Whitehaven, by a letter to Sir John Lowther, set forth that the pier is insufficient for the shipping belonging to the place;

Sir John desires in his answer to know what they would have done designing to get an act of parliament for an imposition upon commodities imported and exported in order to the enlargement and safety of the harbour, they without returning any reply for some months, agree amongst themselves to levy 6d per chaldron upon all coals exported, and depute seven persons for collecting the same, till the sum of £400 be raised. Accordingly, a good part thereof is raised and the rest in prospect and then they write to Sir John requiring an addition to the pier of 70 yards, which they estimate at £1,500, expect Sir John should with the help of their £400 undertake the work and grant them several new privileges which they demand upon the penalty of erecting another pier in another manor about a mile distance; [not offering any consideration particular to Sir John for the same, but rather expecting from him that all the neighbours who have collieries adjoining should have equal privilege with himself] which they think themselves enabled to do or to carry on anything else they shall agree in, for that having filled the harbour with their own shipping, all strangers forbear to use the same, as they formerly did when the place had fewer belonging to it, which is much to Sir John Lowther's prejudice now they can set what price they please upon the coal owners and make combinations and confederacies not practicable heretofore when strangers carried on the greatest part of the trade.

arch. loc. D/Lons/W Whitehaven, Various papers ...item 20.

## Appendix B

### The Wybergh Family

"To have to deal with a clamorous, obstinate pauper is no small matter."<sup>1</sup>

The financial position of the Wyberghs had continued to deteriorate steadily since 1640.<sup>2</sup> On 4 January 1643, Thomas Wybergh II sealed a curious document, revocable in case he should be restored to health. It granted four trustees, their executors and assigns, for the term of 50 years from the date of his own death, if his nine young<sup>er</sup> children named therein should live for so long, a rent charge of £95 a year out of St Bees in trust to pay stated annuities to the named children and a cousin, and also his share of the Bishop's rent, and the Curate's stipend, and £40 a year to pay off the mortgage of the Sandwith and Coutherton tithes. The deed was at best ill drawn, so that, for example, the annuities and trust could strictly be held to cease on the death of the first annuitant, not the last (as Sir John Lowther himself later maintained), and since the trustees were charged with total disbursements of £155-13-4d against their rent of £95, it is strange that they could be induced to seal, and the suspicion must be that there was a collusive intention that they should not in fact pay the annuities. Sir John later claimed that the deed was meant to protect the

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<sup>1</sup> J.L. to Lord Lonsdale, 19 July 1685, D/Lons/L Correspondence: letters 1630-1729.

<sup>2</sup> Apart from the correspondence, the greater part of the evidence upon which the following section rests is drawn from five sources in the Lonsdale archives whose full archival locations I shall abbreviate as follows: "Commonplace" - D/Lons/W Registers, containing (in inverse order) the Bill of Complaint of 1655 and depositions of the Sandwith Coutherton tithes suit, the 1663 Decree in the Sandwith and Coutherton tithes suit, the full Bill exhibited in 1682 by Mary and Thomas Wybergh and the defendants' answers; "Brief" - D.Lons/W St Bees, Brief in Action between Mary Wybergh et aliis and Sir John Lowther, containing a summary of the Wybergh Bill with marginalia, and sundry depositions; "Notes" - D/Lons/W Register of deeds (undated) containing Sir John Lowther's notes for his answer to the Wybergh Bill of 1683; "Depositions" - D/Lons/W Commonplace book.1660's-1680s, beginning "emery and oil...", containing Sir John's own rough notes of the depositions, occasionally containing extra detail; "Procs" - D/Lons/W St Bees, book of proceedings between Thomas Wybergh and Sir John Lowther, 1665-1673, containing records of the distresses at St Bees; "Clifton" - D/Lons/L Clifton 1/17. "Wybergh v Lowther", containing copies of various encumbrances on the Wybergh estate at Clifton and St Bees and their discharges.

estate from sequestration in the Civil War, but if so why did not Wybergh (like Sir Christopher Lowther a year later) convey the whole estate rather than a rent charge out of it, and why did he not include Clifton too? In January 1643, when the Royal party was in the ascendant, it is likely that he felt less threatened by sequestrators than by Susanna Powers, whose Chancery proceedings to have her own rent charge duly assigned were to conclude in an order for payment and for arrears of £257 early in 1645. Although he lived another four years, he never revoked the deed. At his death in February 1647, his heir, the third Thomas, was still under age.

The Wyberghs took the Royalist side of the Civil War and later mythological history attributed their ruin to this, but in truth the composition of £130-13-4d for their sequestrated estates was the least of their debts. In May 1646 the Committee for Sequestrations granted possession of the St Bees lands to Susannah Powers until arrears of £370 on her annuity were paid off. In October Thomas Wybergh with the aid of Scotch troopers evicted her; reinstated by the county Committee she was deprived again in 1648 during the Duke of Hamilton's invasion. The sequestrated estates for which the Wyberghs had not yet compounded were in the hands of the Drury House trustees who, on 30 October 1651, granted her an order for £320 arrears and the continuing annuity. In December 1651 the annuity terminated with her death but the order for the still unpaid arrears was renewed in January 1654 to her administrator Jacob Willett, a financial agent of the Interregnum governments.<sup>3</sup>

Thomas Wybergh II died in 1647 and Sir John Lowther II of Lowther promptly took steps to foreclose on the mortgage of the manor of Clifton.<sup>4</sup> He took the general fine although the new Wybergh heir was formally lord. The Wyberghs retained the Hall and the demesnes but by 1654 they had borrowed a further £140-10-2d from Sir John on a new mortgage on three of the demesne

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<sup>3</sup> Calendar of Committee for Compounding, pt iv, p.2435; "Clifton" - The case of Mr Jacob Willett.

<sup>4</sup> *Surtees* 191, p.85.

closes. At St Bees, Sir John Lowther of Whitehaven's feoffees took possession of the Sandwith and Coutherton tithes for a short time but by 1651 the twenty-three year old Thomas Wybergh III was again taking the profits without making any payments on the mortgage. He had at last managed to pay his composition fine, just in time to save the estate from being sold, and then set about a little private sequestration, at the expense of his elderly relative Francis Dacre, freeholder and customary tenant of St Bees. He invaded lands and a coalmine held by Dacre and his sister of St Bees school and when Dacre sued him in Chancery in 1652, demurred on the grounds that Dacre had not subscribed the engagement to the Commonwealth. Thomas Wybergh also resumed his grandfather's habit of not paying his share of the fee-farm rent. Somehow also he seems to have avoided paying Jacob Willett.

Nonetheless, he was still unable to satisfy his immediate occasions for money. In August 1656 he entered into a statutory recognizance for £400 to Dr Peter Barwick and in October for \$180 paid him by Barwick he sold an annuity of £30 out of the revenues of St Bees payable to Barwick's brother Nicholas, in trust for, and for the lifetime of, a third brother Dr John Barwick, a noted Royalist agent. The statute was probably to secure and the annuity to consolidate an earlier unrecorded loan used to pay the composition fine. Four months later, for £162-10s paid him by Thomas Wharton of Grays Inn, he sold a further annuity of £25, secured by another mortgage of Clifton and payable for the lifetime of Wharton's son.<sup>5</sup> The two negotiations were collusive, for Wharton had stood as security for John Barwick on his release from prison under the Commonwealth, and was to act on his behalf dunning Wybergh for payment. Both belonged to Westmorland gentry families.

At the end of 1657, Wybergh married Mary Salkeld, one of the three co-heiresses of Thomas Salkeld of neighbouring Brayton. The marriage portion was

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<sup>5</sup> Exactly what he mortgaged at Clifton is not clear: the Wyberghs still regarded not just the Hall and the demesnes but the whole manor as theirs.



substantial - £1,000. There was of course a settlement, as everyone must have known, though Sir John, doubtless for form's sake, later claimed to be ignorant of it. There is no reason to doubt Mary's later claims that her jointure was £90 a year out of the revenue of St Bees, to be made up out of Clifton if it was insufficient; or her comment that her husband afterwards sold her own £1,000's worth of land <sup>6</sup>

In May 1665 the feoffees had exhibited a bill in Chancery to compel Wybergh to redeem the Sandwith and Coutherton tithes. To give a better colour to their plea they made the claim, surprising in view of recent history, that Thomas Wybergh II had died possessed of a personal estate of over £1,000, which would be more than sufficient to satisfy their claims. At this particular date, the security was probably devalued because of the threat that all tithes would be abolished and was therefore much less considerable than the redemption money. The case made no progress until after the Restoration, but the final decree of February 1663 awarded Sir John Lowther £1,020 in principal and accumulated interest on the mortgage, and since this was reckoned to be twice the value of the security, Wybergh, if he would not or could not redeem it, was decreed to pay all the profits he had received for the last ten years, reckoned at £500, as well as surrendering the tithes. He surrendered the tithes and to secure the new debt, which Sir John abated to £450, mortgaged Clifton Hall and demesnes by a forty year lease to Christopher Teasdell, Lowther's cousin and agent for his Westmorland estates, who forthwith re-leased them on condition that Wybergh pay the £450 by five instalments. But nothing had changed: Wybergh failed to make the first payment due in February 1664 and at the August assizes that year Teasdell obtained a verdict against him in an action of ejectment. At the same assizes, Francis Lowther of Penrith obtained judgement on a penal bond into which Wybergh had entered at an unknown date some years earlier, in respect of yet another loan for a mere £80. After the verdicts there was a pause for several months as the Lowthers and the authorities summoned up courage and as Francis Lowther took his judgement to London and

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<sup>6</sup> "Commonplace".

used it to prosecute Wybergh to an outlawry, thereby disabling him still further for the conflict to come. It was clear that the Wyberghs were not going to yield possession easily. Indeed when Anthony Wybergh, Thomas' younger brother, the occupant of Clifton Hall, was served with the action of ejectment, he drew his sword upon the process server and was "endangered to have run him through, but that he was caught hold upon by one or two standing by. And then he fell upon the said Wilson, beat him and threatened his death." At last at the Easter Quarter Sessions of 1665, the deputy sheriff of Westmorland, Thomas Gabetis, assembled a party of a hundred, including the Justices of the Peace and Deputy Lieutenants of the county and twelve men armed with muskets, and led them to the partly-ruined pele tower at Clifton, which was defended by John and Anthony Wybergh, and five or six others. The brothers drew their swords and threatening to have "heart's blood", barricaded themselves inside and fired a pistol through the window. The sheriff finally climbed in through another window and after a further altercation the brothers were disarmed. Even after this, it was only when they "scorned to find any sureties" for their good behaviour that the justices "were forced with some contest to carry them to Appleby, to the gaol". Possession was duly given to the lessee of ejectment, who was of course a man of straw. This did not protect him from the wrath of Thomas Wybergh, riding hastily over from St Bees, who pursued him over hedge and ditch to his own door, then threatened to bring twenty men and put out the occupants of the tower or burn the house over their heads.<sup>7</sup> "They are a fright and a terror to most of the country in those parts about them. And the people are so frightened and terrified that they are afraid to complain they are wronged, least a greater mischief befall them." So certified the Deputy Lieutenants

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<sup>7</sup> Why had Thomas not been present to defend possession of the house himself? The Quarter Sessions were by statute to be held in the week after the close of Easter, that is, in 1665, in the week beginning Monday 3rd April. On 1st April Thomas Wybergh was forty mountainous miles away at Egremont attending on Sir William Dugdale, Norroy Herald, to certify his family's pedigree and coat of arms. Such things mattered more even then to some than to others. Christopher Teasdell had not appeared at Dugdale's visitation of Westmorland and had been disclaimed, while Thomas Gabetis, though accorded the rank of esquire freely in his lifetime and on his epitaph, seems never to have felt a need to acquire a coat of arms to support it. *Pedigrees recorded at the Herald's Visitations of the Counties of Cumberland and Westmorland*, ed. Joseph Foster, Carlisle, 1891.

and Justices of the Peace, who had been unable to get either their own warrants for the Wyberghs' good behaviour executed, or even a special *supplicavit* issued out of Kings Bench.<sup>8</sup> The bitter culmination of this part of the story is not mentioned in the subsequent formal proceedings between the two families. In 1682 Lowther wondered whether to bring it up in court but seems to have thought better of it: "That A[nthony]W[ybergh] was supposed to destroy several of the goods of Mr Teasdell and was afterwards hanged."<sup>9</sup>

Lowther had hardly gained possession of Clifton when he was himself threatened with eviction by Thomas Wharton, who claimed that Clifton had never been redeemed from him. Both Barwicks and Whartons now presented their full respective claims: that they had obtained judgements in 1662 against Wybergh for non-payment of their annuities and that despite this they had collected from him neither the sums adjudged to them nor any subsequent payments. In June 1667 Lowther finally paid £250 to each party for the assignment of these judgements and of the original recognizance to Peter Barwick. He now had a good title to the Clifton estate for the next thirty-six years but it stood him in £950 of money paid down plus accumulating interest and legal costs, of which he had to borrow £250 from Sir John Lowther II of Lowther, and for his security delivered him Barwick's recognizance, on the understanding that he was not to use it against St Bees unless he were evicted from his share of Clifton. Against St Bees Sir John of Whitehaven himself intended to use this statute. In March 1668 he wrote to Tickell that he was now ready to extend St Bees, and with the example of Clifton still fresh in his memory instructed him, "There will be need as there was at Clifton to keep it with 3 or 4 resolute persons, that these persons must be supplied with provisions..." Then he added soothingly as a general might, watching the battle from a safe distance: "I would not have you engaged in anything you have not a mind to, but think the contracting with some fit persons and the contriving a way can have no

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8 "The humble certificate of His Majesties Deputy Lieutenants and Justices of the Peace", copy in "Commonplace".

9 "Notes".

inconvenience in it, and I doubt not but if we once have possession he will soon come to terms".<sup>10</sup> Tickell wrote back at once, volunteering to supply all the provisions necessary, but suggesting that Christopher Teasdell took charge, as he lived nearer to the sheriff of Cumberland and could engage men from that side of the county rather than unwilling local men. Tickell did accompany Richard Lamplugh, Teasdell and the sheriff to take the house, but not until August. Wybergh had fled, his wife and children only left in a "naked house" with all the goods and most of the furniture removed to avoid their seizure. That spirited woman held them up at the door with "bitter opposition". The sheriff broke open the door, but her tears and her children about her so moved him that he allowed her to stay on until Martinmas.<sup>11</sup> Tickell was to report later that it took six men to keep safe possession, which cost £3-3s a week "besides other charges".<sup>12</sup>

The following February Wybergh obtained restitution in Chancery and regained temporary possession pending further negotiation. But he was now in extremis and in February 1670 Lowther finally brought him to terms by articles between them dated February 1670. It was agreed that Wybergh in all owned £1,550, covering the original debt under the decree of 1663, the purchase of the Barwick and Wharton encumbrances, the costs of the possession of Clifton and St Bees and other legal costs, payments made by Lowther to avoid distresses for Wybergh's fee farm rent and presumably interest on all of these; that in consideration of £850 of this Wybergh would convey absolutely his lands in St Bees except for the abbey house, garden, stable, dove-cote and small tithes; and to secure Sir John against any further encumbrances on these lands (Willett was no doubt in mind) and further to secure repayment of the residual £700 of debt and

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10 10 March 1668.

11 T.T. to J.L. 24 August 1668

12 20 November 1668. Tickell's disbursements on Wybergh's estate from November 1666 to October 1670 come to £246-8-4d and includes such items as "paid to the high sheriff for giving possession at St Bees ... £20," paid 4 men to hold it 3 weeks ... £6... paid counsel for a trial at Carlisle ... £7-6-3d ... paid for locks and keys and nails, etc. ... 5s2d." For the same period, Tickell noted that he paid out £165-11-8 1/2d more than he received in rents from Wybergh's land. D/Lons/W Estate accounts, 1666-1681.

accruing interest at the rate of £60 a year he was to convey Clifton and the small tithes conditionally, but to enjoy any profit in excess of £60 a year himself.<sup>13</sup>

Lowther also agreed to let Wybergh have land at St Bees worth £10 a year but neither could agree on the land to be conveyed, with Lowther insisting that Wybergh take land close to the house and Wybergh demanding land of his own choice, and in particular naming Rosco and Benhow: the land with coal. In the summer Lowther travelled north to negotiate personally and finalize the agreement but was frustrated by Wybergh, who refused to keep appointments or seal the indenture of the sale of St Bees. As Lowther returned to London, he instructed Tickell to retake possession of the house at St Bees and have Wybergh arrested, offering £5 to whoever would capture him: on second thoughts in a postscript he raised this to £10, and according to a reported remark of one of the bailiff's servants he later advanced as high as £20.<sup>14</sup> From the safe distance of London, he suggested that they might easily lure Wybergh outside the house by siezing the pigeon cote. (This pigeon cote though a few years later reported to be ruinous and not worth repairing, remained something which the Wyberghs were very determined to keep and their supporters amongst the local gentry anxious to retain for them. It had perhaps had symbolic significance as a feudal perquisite). But men sent by Teasdell refused to stay, a local man claimed to be too sick to help and the man finally engaged to keep possession of the house refused to work part-time in the colliery as arranged for fear of Wybergh's attacks if he ventured outside. No-one could or would catch and arrest Wybergh, in spite of Tickell's further offer of 10s and his rapier to encourage them. When Wybergh fired his pistol at the three who attempted, Tickell could find no further volunteers.<sup>15</sup> It must have been a relief when Wybergh removed himself to London and Tickell in turn became the safely remote tactician giving Lowther specific instructions on how to arrest Wybergh at "Mr Mill's House, the Cock and Dolphin in Grays Inn Lane, in the

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13 "Brief" and "Commonplace".

14 J.L. to T.T., 5 September 1670 and "Depositions".

15 T.T. to J.L. 12 September, 26 September, 30 October 1670, 30 January 1671.

chamber over the kitchen which is one pair stairs high on the right hand through the hall and was usually in bed towards noon being not well in an aguish distemper...by which discovery if you imploy some subtle person you may attach him".<sup>16</sup> In the end it was this aguish distemper which carried him off in March 1671, in this same room and lodging house in distant London, utterly ruined, with the bailiffs at the door, outlawed and possibly also excommunicate.<sup>17</sup> His sister Ann deposed "that on his deathbed he said "Sir John Lowther had broke his heart" and "that Sir John Lowther said he should be a loser by his death."<sup>18</sup> If he really said it his assessment was probably sound. Although the danger of violent conflict was now removed, the unsealed articles could not be executed and no further legal proceedings could be instituted against the ten year old heir until he came of age. Moreover there was now a widow who could press a rival claim on the estate for her jointure. Tickell reported a local assessment on 2 May: "Mr Radcliffe said briskly that 'twas God's providence that Wybergh was dead for his widow would have her dower and his heir the estate, that being his sense of that writing [that is, presumably a copy of the marriage settlement] in his custody of which you have the copy."

Meanwhile at Clifton Christopher Teasdell could get no-one to farm the lands for two years after he had entered into possession. After three farmers agreed to a lease, Anthony Wybergh met one of them in Penrith market and "with his foot threw a dog in his face telling this witness he would teach him to farm". Another reported that for the first year after gaining possession, Teasdell spent more money on keeping possession than he got from the land,<sup>19</sup> and even after that the annual value which had been £115 some years before the troubles was reduced to £60 or £70, partly by neglect and dilapidation, partly because of the uncertainty of farming so contentious a property. Sir John was obliged by the articles to accept a farmer

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16 20 March 1671.

17 Wybergh was excommunicated on 16 October 1663, with numerous others, for not appearing to answer to articles and interrogatories touching the salvation of their souls, and reformation of ways and faults discovered in the late visitation. Borthwick Institute V. 1662-3 Visitation Papers.

18 "Commonplace" and "Depositions".

19 Depositions of Thomas Browne and Winter, "Commonplace".

nominated by the Wyberghs if he would bid £60 or more and since performance of the articles by the Wyberghs was all that he sought, he was anxious to keep within them himself, so when Mary Wybergh produced a bid of £100 for the farm, Teasdell gave notice to the farmers in occupation who thereupon sold their stock, but the Wybergh's nominee never appeared and the old farmers continued and were remitted a year's rent to re-stock.<sup>20</sup>

Mary Wybergh's first move was to bring an action of ejectment for St Bees at the Carlisle assizes in 1671 to recover the jointure she claimed under her marriage settlement, but Tickell reported it was held that non-payment of the King's and Bishop's rents had destroyed her claim through her jointure, although the judge planned to speak to Lowther in London to "entreat his kindness" to the widow.<sup>21</sup> She tried again the next year but her counsel withdrew the case in court. She then followed the judges on their circuit to Appleby and so importuned them that they asked Sir John Lowther of Lowther "to write unto you in charity to allow her maintenance chiefly because she brought a great portion to Wybergh", but when he informed them that before she was married she had asked Colonel John Lamplugh what estate Wybergh had, and "he freely and honestly told her it was not valuable to pay his just debts though he should sell both St Bees and Clifton to the uttermost penny", the judges "declined her clamour".<sup>22</sup> Mary also exhibited a Chancery bill but it made no progress.<sup>23</sup>

Lowther professed himself ready at any time to perform his side of the articles reconveying the Abbey house, small tithes and land worth £10 a year which would sufficiently provide for her and her children if she would likewise perform them by sealing the indenture of sale, but this she steadfastly refused to do. Faced with this obduracy, Lowther wrote to Tickell,

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20 Deposition of Christopher Teasdell, "Brief".

21 3 September 1671.

22 T.T. to J.L. 18 September 1672.

23 "Brief", fo. 3.

"Mrs Wybergh is still in town but deserves no compassion; for the children I would have you put into Mr Radcliffe's hand £5 to be by him weekly disposed of to their best advantage, you may take from him an acquittance expressing the ends for which it is paid though I think that acquittance will never reimburse me, but that I must pay it is my own wrong; however being their mother takes no care I will and I put it into his hands because I hear he has been helpful unto them".<sup>24</sup>

A year later when Tickell asked for further directions about maintenance Lowther commented sourly, "I hope that they who uphold the mother in her obstinacy, will also provide for the children".<sup>25</sup> Further discussions a year later still came to nothing and it was only in February 1679 that Lowther began to pay a regular annual amount for the family maintenance, instructing his steward to keep a careful record. A detailed receipt signed by Thomas Wybergh IV in 1682 lists payment of £42 in 1679, £30 in December 1679, £30 in November 1680, £30 in 1681, £25 at Easter 1682, £50 in September 1682 - in all £207.<sup>26</sup>

In January 1683 Thomas Wybergh the heir now of age joined with his mother in a fresh approach to Chancery. Their bill, more than 12,000 words long, occupying over 150 folios in the original and 41 pages of Sir John Lowther's transcript, was a comprehensive assault on every conceivable weak point in Sir John's position, and was supported with depositions taken out at four separate hearings, recalling events of up to fifty-four years previously. The leviathan lumbers shapelessly past, but a certain logical articulation is with an effort discernable. The plaintiffs first rehearsed the deed of annuities of 1643, and alleged that the annuities had never been paid and that the plaintiff Thomas had purchased their right from John and Ann Wybergh, last survivors of the younger children, but was unable to claim either the arrears or the remainder of the term, as

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<sup>24</sup> 16 November 1674.

<sup>25</sup> 23 November 1675.

<sup>26</sup> D/Lons/W Stray papers re Whitehaven Estate, "Wybergh minority payments by trustee Sir John Lowther of Whitehaven, Ratification 15 September 1682.



allowed by the deed, because George Lamplugh, executor of Francis Radcliffe, the last survivor of the trustees, who held the instrument itself and had power to act under it, had been suborned by Sir John to release the rent charge to him, to void Mary's jointure and the payments due to Thomas. This was probably intended first to establish a claim to equitable jurisdiction, since the plaintiffs were without remedy at law against the trustees, second to pre-empt any move to void the jointure using the deed, and third to set the colour of the whole case that Sir John had all along conspired to get into his own hands any claim against the Wybergh estate. Sir John in his answer asserted that the deed was "void in law and inconsistent in itself" and that it could not affect his case, but he had certainly instructed his steward to prevent George Lamplugh from delivering it up to Wybergh, and to promise to save him harmless from prosecution.

The bill proceeded to the Wybergh's account of the marriage settlement and jointure, and to the previous history of their tenure at St Bees, including the mutual indemnification for the fee farm rent, and then turned to the Barwick and Wharton encumbrances, which were certainly prior to Mary's marriage. The case here was (as it had to be) that the debts on the Wharton and Barwick annuities had been cleared, or very nearly so, before Sir John bought in the securities and that he had in any case not paid any such amounts as he claimed to purchase them, and that Lowther, "out of a desire to swallow up the premises did seek out every person that he could hear had any encumbrances...and then procured assignments thereof to be made to him."<sup>27</sup> Against this Sir John could produce documentation of his dealings with Wharton and Barwick and witnesses to it. The theme of conspiracy was thus reasserted, and to it was added a second, of swindle and fraud, to be much magnified in the next section of the bill, on the mortgage of Sandwith and Coutherton tithes. The Wyberghs hoped to have Chancery's own decree of 1663 overturned on the grounds that the mortgage had been almost paid off and the security was worth more than was due, yet still "the mortgagee had principal and

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<sup>27</sup> "Commonplace".

interest and the mean profits too", and that Sir John had obtained the decree by "manifest fraud and collusion" and by surprise, and that "he contrived how to make the said Thomas Wybergh pay the £1,520 which was originally but £400 over again". It followed, of course, that no such amount as £1,550 could have been truly owing in 1670, as expressed in the articles, to which Thomas Wybergh was held to have assented only under duress, without any proper account rendered, or else tempted in his extremity by the lure of an immediate cash advance of £100, which latter allegation seems from the correspondence and Sir John's apprehensive note on the point to have been true. Moreover, the £850 consideration in the indenture for sale was a gross undervaluation of St Bees and that in any case it had not been duly paid (since the indenture did not express the debt which was thereby to be cancelled). And as to arrears of fee-farm rent, which Sir John claimed to have paid himself, and to have become thereby further entitled to St Bees under the mutual indemnification of 1604, any such expenses of his were more than covered by the value of the distresses which, it was insinuated, he had taken or caused to be taken for his own benefit and afterwards sold at an undervalue. The plaintiffs roundly concluded by demanding satisfaction for all the money paid Lowther in excess of his due, repossession of all the lands in question, and the surrender and cancellation of all mortgages, securities and incumbrances.

So far the allegations: proving them was another matter. In his answer, his notes on the bill and the subsequent depositions and his interim correspondence, Sir John showed no anxiety about the attempt to overturn the 1663 decree: he rested entirely on the record of the court, much of which, including relevant interrogatories and depositions, he had transcribed. His dealings with the Barwicks and Whartons were fully documented, (even if his witnesses could not depose to interrogatories demanding whether they had actually seen him pay over the money) and his steward could prove precisely what money had been paid for fee-farm rent, what profits had been received out of the premises, or what had been the proceeds of sale of distrained goods. He averred that an account had been

delivered to Thomas Wybergh at the time of the articles, but rather than offering to submit another, seems to have supposed the court would find the total credible. He proved by witnesses that at that time Wybergh had had friends, relatives and counsel present to support him, so could hardly have been under duress. He observed that in the course of their bill opponents had given the inconsistent values of £90 or less, £220, and £400 for the annual revenue of St Bees; and to their imaginative supposition, resting on the testimony of local yeomen and sailors, that the coal prospects made it worth £10,000, he could oppose the report of his colliery supervisors that the mines were drowned.

On only one point (besides the £100 inducement to sign the articles) does anxiety show: Sir John could expect the court to take notice of the jointure, no matter how rigorously he could prove the debts. So he laboured to show that the settlement had been made pending the case over the tithes, and that he had no notice given him and no knowledge of the jointure even at the time the articles were drawn. This is what he might have called "an exception of counsel", and in fact untrue, since his papers contain a bill of his own addressed to Lord Chancellor Clarendon, and therefore before November 1667, praying that Thomas Wybergh III be compelled to suffer a recovery of St Bees because Lowther now had reason to suppose him only tenant-in-tail. Although the heir did not claim in his bill that his father had been unable to convey to Sir John as purported by the indenture of sale because he was only life tenant under the marriage settlement, yet a troop of Wybergh friends, relations and servants were ready to depose the truth of this. The document itself was alleged to have been lost in a fire in a lawyer's chambers in London. It had been extant in 1672 and had been produced at the assize cases and quoted in Mary Wybergh's Chancery bill, and there Sir John maintained Wybergh had been claimed to be not tenant for life but tenant in tail, and Richard Lamplugh who had been shown the deed at the time was ready to corroborate this. The Wyberghs did not examine the lawyer who had conducted those cases for them and

Sir Wilfrid Lawson, who had made the marriage and been informed there was a settlement was unable to depose to this feature of it.

In July 1683, Tickell reported the county rumours concerning the case to London. The widow Atkinson who boarded the schoolmaster and some pupils in the Abbey house believed she would be evicted because of "some late advantages" Thomas Wybergh had gained in court, though Tickell reassured her that nothing ever happened that quickly in Chancery. County talk at Whitehaven and Penrith claimed that Lowther was likely to lose both money and land, though Tickell remained unmoved. "Time will let them see their errors I hope and recompense their joys with heaviness."<sup>28</sup> Lowther and Tickell discussed strategy, suitability of witnesses and payments for the commissioners taking evidence in the case. The commission moved from Egremont to Cockermouth and to Penrith gathering details.

Chancery was not in the event called upon to assess the tortuous claims and the mass of evidence. Counsel for both sides had told Thomas Wybergh that there was nothing in the depositions that could touch the decree or the articles and Lowther was able to report to his steward, "...I was prevailed with to quit scores, let him immediately into Clifton, and to purchase the tithes and £10 p.a. at much more than they are worth, but for quiet I was satisfied and they I think well pleased."<sup>29</sup> In lieu of his obligation under the articles, Lowther was to pay £500, with Mary Wybergh having the money if she agreed to seal the documents. If she refused, he would pay the money to Thomas after her death. She did refuse and demanded annual maintenance and a house worth £40 a year besides the £500. Nor would she allow Tickell to view documents and deeds concerning the estate. Lowther and Tickell exchanged letters of exasperation, with Lowther particularly concerned to discover the effect of her continuing presence at St Bees, "for I consented to so much money to remove her."<sup>30</sup> Tickell's reply confirmed his

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28 T.T. 9 and 23 July 1683.

29 8 July 1684.

30 J.L. 18 August 1684.

worst fears. "Her vicinity in the town where she is, is vexatious enough to all, if it were at the Abbey it would be worse, by her frequent trespasses on your lands with all her living creatures, the checking whereof would exasperate her usual whinings into open railings, by which ways she makes herself very unacceptable to all degrees of society but much worse to such as occupy those lands late Wyberghs" (of whom Thomas Tickell was one).<sup>31</sup> In his next letter he had to report that at the concurrent archiepiscopal visitation of St Bees Sir John had been cited by persons unnamed for not paying procurations and letting the chancel of the priory church fall into disrepair; which, occurring just as the Wyberghs were quitting their own share of rectorial responsibilities, was surely a Parthian shot from their doughtiest representative.<sup>32</sup> Lowther could only rely on pressure from her family and advisors to induce her to behave properly as a dutiful supplicant, so that in turn he "might the freelier do the family all good offices."<sup>33</sup> To Jeffrey Wybergh, her brother-in-law, he promised that he would agree to let her live on at St Bees "provided she receive this indulgence towards her as she ought to do."<sup>34</sup> He wrote in a similar vein to her son, underlining his expectations of what he saw as proper behaviour rather than her "unhandsome and indiscreet way of proceeding ... I would willingly be a friend rather than an adversary but if she will have it otherwise it is not my fault."<sup>35</sup> When she did agree to sign and then asked him to manage the £500 for her, he responded,

"As to the leaving in my hands the money I am to pay you I take it very kindly that you are willing to correspond with me after so great differences, and I do assure you had you always been of that mind, I had more disposition to do you good than you can imagine, for it troubled me

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31 T.T. 26 August 1684.

32 T.T. 1 Sept 1684. An office was indeed promoted on 4 September on the score of the chancel, but a second hand (Chancellor Watkinson's?) has added the instruction "Make no excom." Borthwick Institute, V. 1684-5 Court Book.

33 J.L. to T.T. 2 September 1684.

34 J.L. to J.W., 18 September 1684, D/Lons/W Letter Books, Fair copies September 1684-January 1694.

35 J.L. to T.W., 16 September 1684. *ibid.*

that I would not allow you more than I did without doing it in my own wrong."<sup>36</sup>

A week later Thomas Tickell at last gained access to her strong box. He reported a very meagre haul; and <sup>of</sup> what he thought to be the most interesting document, the original grant to Challoner, Lowther had long since owned his own copy.<sup>37</sup>

Since his grandfather's purchase in 1630, the Lowthers had known very well what they wanted from the manor, and it had little to do with the tithes of Sandwith which two years after their surrender Sir John sold off to the neighbouring Curwens of Rottington, still less with those of the remote and impoverished Couthertons, which he tried to sell or exchange but could not. He would surely have been content to leave to the Wyberghs the share they retained after 1635 but for the inconvenience of sharing responsibility for the fee farm rent with perpetual insolvents. As they fell deeper into this debt he could do little else in justice to himself but try to recover out of their lands. A confrontation witnessed at the crisis of the affair in 1670 by William Nicholson, a St Bees man who managed Lowther's Greenbank colliery, affords a neat epitome: he "heard the complainant Mary complain to the defendant that he had stripped them of all their estate, to which the defendant answered you have had my money and if your husband will come to a fair accompt and pay me he shall have it again."<sup>38</sup> Yet he could not escape obloquy. As his steward pointed out a year later when the arrears of Thomas Patrickson presented a similar problem, "if I should distrain, rumour will be that we intend to pursue and undo them like Wybergh in which if I do will by sober men be rationally imputed to their neglects though vulgarly to our rapine."<sup>39</sup> When the 1683 suit commenced Sir John privately reckoned that he was still £400 short of complete reimbursement for the Wybergh debts and to concede possession of Clifton was therefore in his eyes to write off a considerable loss.<sup>40</sup> As Sir John

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36 J.L. to M.W., 28 October 1684. *ibid.*

37 6 Nov. 1684.

38 "Brief", fo. 7.

39 T.T. 7 November 1671.

40 Deposition of Richard Lamplugh, "Brief".

wrote to his cousin, Sir John Lowther of Lowther, later Lord Lonsdale, "to have to deal with a clamourous obstinate pauper is no small matter."<sup>41</sup>

As to the Wyberghs, their attempt to purchase a second manorial lordship at St Bees had clearly overstretched their rather slender resources from the first, and in the seventeenth century they exhibit the classic symptoms of declining gentry. Litigation over St Bees ended in 1684, but the parallel suit for the manor of Clifton against Sir John's cousin at Lowther was fought to the bitter end in Chancery, and from there taken on appeal to the House of Lords, where the family's claims were finally dismissed in 1699.<sup>42</sup> Yet the decline was not terminal. The Wyberghs retained Clifton Hall until 1919 and in 1738 erected an armorial plaque in the north aisle of the parish church to commemorate the redemption of their estate there. In 1713, from this modest base, Thomas Wybergh secured a marriage for his heir, yet another Thomas, which brought with it another inheritance in Burton, Warcop and Ormside near Appleby, expressed in further armorial pretensions in those places. Probably it was the son who became town clerk of Appleby and took up residence there, and in 1715 once more exhibited his family's inclination for a desperate struggle against odds by trying to defend the town with a handful of militia against the invading Jacobite army, while his colonel, Lord Lonsdale, and all other sober gentlemen skulked in the hills. But if he lost yet another battle, he at least chose the side which won the war.<sup>43</sup>

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41 19 July 1683, D/Lons/L Correspondence: Letters 1630-1729.

42 *H.M.C. House of Lords Mss.* n. 5, vol. II p.282, no. 1354, Wybergh v. Lonsdale.

43 R.C. Jarvis, *Jacobite Risings of 1715 and 1745*, Carlisle, 1954, p.171. Wybergh's parole to his captors is in C.R.O. D/Wyb, confirming that he was the man.

## Appendix C

### Sir John Lowther's Instructions to Thomas Tickell, 19 June 1666.

1. Make all your return of money payable to Mr George Perryer at the Sun in Lothbury, London, and send the bills to me.
2. Of all dangerous debts require better security or sue them immediately.
3. Such as place their coal sacks upon the shore in tide time, either cut their sacks or sue the trespassers.
4. Sue such as get stones without licence.
5. If steathing of coals be not likewise forborn upon notice they likewise must be sued.
6. All land lying near this town I am desirous to buy, particularly Hodgson's Croft and one Benn's estate already offered to sale. Others there are about Corkickle.
7. Deal also (if the land be not be had) for the coals in those small parcels about Corkickle, proffering rent when coals can be got.
8. If any should prove refractory upon the water, distress for ballast casting, sue such upon the statute.
9. Suffer nor allow any, to get stones nearer the pans than the rock reserved for myself but of this side contract as you see fitting not allowing any to get stones longer than one year (or some times less) by virtue of one bargain.
10. Cause William Atkinson to give David Hamilton the arrear of pierage and press David to collect them, as also at the least 12d upon each ship unlading in the road.
11. Observe well the course of the sea as to the gathering of sand beds near the harbour and, principally, the great sand bed. And also what charges do appear to be wholly occasioned by dressing the harbour by the salt pan scores.
12. Let a labourer bestow a day's time in searching exactly the foundation of the harbour that we may know its depth underground.
13. Know out of Thomas Jackson's books who take coals of us, and who do not, and speak to them accordingly.
14. Endeavour to procure out of Scotland some fir trees fit to transplant, at least get the seed thence of Norway and send it to Sockbridge.
15. Get the steath walls heightened two or three foot at least.
16. I would have a court kept constantly and that as soon as may be both to keep order and prevent nuisances, and prohibit the keeping of any swine, at least their going abroad.



17. Agree with Richardson that the Preston tithes be brought to Preston.
18. Procure some farmers to undertake the filling of all our steaths, at five pecks and a half or six pecks to the load, which they will do at the ordinary rate both winter and summer if they have constant employment.
19. Peruse Thomas Jackson's books once a fortnight or once a month at least, give me an abstract thereof, and him the best information you can.
20. Contract with any about building in the line, 14 yards deep 'twill be at 7d a yard, and in that 32 deep about 9, backline something cheaper, and let me know what you have drawn them to a head, I shall give you an answer.
21. In about Candlemas let there be some small parcel of runtish oaks at Corkickle cut and spring them.
22. The grindstone quarry is not let to the best advantage, consider how to improve it.
23. If you see any opportunity of joining with any tradesman to advantage, employ me about £100 that way.
24. In the tax of the royal aid the feefarm is chargeable, at £20 per annum is 10d to every purvey. One year expired Christmas last wherein was 20 purveys raised, now with the additional aid there is 36 raised for two years.
25. If any workman will undertake the quarry in the harbour let me know either at present or next spring.

arch. loc, D/Lons/W, Correspondence, bundle 40.

## Appendix D

### The Case of Sir John Lowther, Bart.

The case of Sir John Lowther, Bart. And of the inhabitants of the town of Whitehaven, county of Cumberland, in relation for laying a duty on coals for making a harbour at Parton, a small creek within a mile of the said town.

In the year 1561 (as appears by a survey of the shipping and trade of the county of Cumberland, then taken by virtue of a commission under the Great Seal) there were no houses at Whitehaven but six; no shipping, but one small pickard of eight or nine ton; (and only one of ten ton in the whole county), no mariners but fishermen; nothing exported, but herring and cod-fish, nothing imported but salt. Sir John Lowther's ancestors were the first that set themselves to introduce a trade by sea in that county; and by building a pier, and some ships at Whitehaven, they made some advances towards it.

Nevertheless, the town was still very small, till Sir John Lowther applied himself with great charge and industry to raise it. The country adjacent afforded coals, sufficient for a staple export, but a great part of them were in the hands of several small freeholders, and being not to be wrought without great and expensive levels, which must run through several peoples' lands (and draining all that were upon the rise), would enable those who were not at the charge, to undersell and ruin those who were so that the working of them under these circumstances was impracticable; and they were lost to the owners, and to the country, till Sir John Lowther endeavoured, by purchasing the several interests, to reduce them into one hand.

He introduced the art of carrying on levels and of working what was under level by engines, a thing unknown in that country before. He laid out considerable sums of money in repairing the old and building a new pier at Whitehaven, besides an addition to it, which the inhabitants desired leave to make at their own charge. He also enlarged the harbour and deepened it. He took away several salt pans of his own, (that were very beneficial to him) because they annoyed it. And has no other assistance to defray the expense, but a small duty upon keelage, which is paid as an acknowledgement of his being Lord of the Manor and proprietor of the soil of the harbour; all which duty and more he lays out in the necessary repairs of

it. He also obtained at his own charge the renewal of a fair and market for the inhabitants, which had been granted in the times of usurpation.

He got a grant of the derelict ground there for building and made estates of inheritance upon easy terms, of proper ground plots to all persons that had a mind to build: and did himself build for the poorer sort who were not able. He gave large plots for building a church, and for a churchyard, for a burial place; and for a house for the minister besides considerable sums which he has also given for the buildings. He built also a school for grammar, navigation and mathematics upon his own ground and solely at his own charge. He built a customs house, obtained a post office to be established three days in the week, gave a salary to encourage a common carrier from London. By his encouragement and interest, the school of Archbishop Grindal's erection at St Bees (in the neighbourhood of Whitehaven) being under declension was retrieved and made to answer the intention of the pious founder, to the great benefit of the whole country.

And to the end, he might be the better enabled to carry on the designs which he had formed for the advancement of the said town and the trade of the country: and in consideration of the benefit which the country had received by those his endeavours and that it might not be in the power of others to supplant and frustrate the effect of his undertakings, King Charles II in the year 1678 made him a grant of all the land between the high and low water marks for two miles eastward of Whitehaven, under a yearly rent to the Crown, which rent he pays.

By those and divers other benefactions and encouragements, great numbers of people have been drawn to bring their effects; to settle and to build houses at Whitehaven, and to carry on<sup>a trade</sup> there. And the town is now advanced to that degree as to own about eighty sail of ships, of a considerable burthen; a great many whereof are employed in the plantation and other foreign trades, whereby her Majesties Revenue in several branches is improved, and the whole country adjoining much benefitted by the employment of great numbers of poor, and advancing and taking of the native products and raising the value of land.

But, though Sir John Lowther's estate (as lying nearest) is proportionably more improved than those which lie further off, yet considering the great charges he has been at, the advantages which he might justly propose to himself from his endeavours are hitherto chiefly in expectation, and he believes it is very allowable for him to have some regard to his own interests in an undertaking which is so apparently beneficial to others: and to secure those fruits of his labours wherein the public is the greatest sharer.

In the year 1680 Mr Fletcher (father of the petitioner for the bill) attempted to build a pier and make a harbour at Parton near the low water marks upon the

ground conveyed to Sir John Lowther by King Charles the Second's grant, having some land near adjoining which he was in hopes to improve by building if he could draw over some of the shipping and inhabitants from Whitehaven (a thing altogether impracticable if Sir John Lowther's encouragements had not first brought them so near to his hand). This attempt did for a while put the improvements at Whitehaven to a stand; for several persons who had purposed to bring their effects and to settle there became apprehensive that the interest of trade would be distracted, and lost betwixt those two places, and withdrew themselves from both. Whereupon the then attorney general (at the relation of Sir John Lowther) exhibited his English bill in the court of Exchequer against the said Mr Fletcher and others his accomplices, setting forth the ill consequences of such an attempt to the revenue, to trade, to the right of Sir John Lowther, and of the persons who had settled at Whitehaven and to the interest and benefit of the country in general; and (after the defendant's answer) the matter coming to be heard, the court prohibited the said Mr Fletcher by a perpetual injunction. And in Hilary Term anno [blank] it was explained by the court, that that injunction did not extend to the repairing of a little old pier at Parton (to which Mr Fletcher claimed a right by prescription) so long as he confined himself to the ancient foundation. Whereupon the said old pier was repaired and the said Mr Fletcher and the petitioners for the bill, have ever since, and still do, enjoy the same without any disturbance from Sir John Lowther.

And peoples' minds being quieted, they set themselves to build houses and to promote trade at Whitehaven more vigorously than before; and the affairs thereof prospered considerably. And there is reason to believe if the said inhabitants meet not with discouragement, the good effects of their industry will daily increase. But the bill now brought in for making a new pier at Parton (in a different place from the old one) and for charging the owners of coals for that purpose, is a sensible discouragement, being injurious: 1. To Sir John Lowther by preventing the growth of Whitehaven and thereby frustrating the prospects he may reasonably be allowed to have of improving his adjoining estate; by invading his property, granted to him by the crown; by derogating from a right that has been settled by law; and by subjecting him (who is also the principal owner of coals in the parts adjacent to Parton) to tax for erecting a pier there (for the private interest of the petitioners for the bill) whilst they, and all other owners of coal, from the first erection of the pier at Whitehaven, have been and are free to ship off their coals from thence without paying anything. 2. It will be prejudicial to the inhabitants of Whitehaven, who upon the encouragement aforesaid, have laid out their money in building houses there, which upon diverting the trade and business of the place will sink in value, and as it can have no other effect but drawing away one part of the inhabitants, and

leaving the necessary charge of the harbour, church etc. upon those that remain. 3. It will be prejudicial to trade in general by distracting it into smaller channels than are necessary for its preservation; and 4. Consequently, it will be prejudicial to the interest of adjoining country. 5. It will be likewise a charge upon the crown by making it necessary to multiply officers without any increase of trade, and without hopes of preventing all that running of prohibited and uncustomed goods which will be the natural effect of having <sup>two</sup> ports so near one another. And it will not only be prejudicial in these respects but also useless in all others for:

i) Parton being upon an open and dangerous shore and exposed to a high sea and but little sheltered by any land, is not capable of any good security and if it were, the flashes, and foul grounds that are about it will always render the attempts to put in there in bad weather dangerous, whereby it will be least useful when there is most need for it; so that the bill will effect nothing but destroying a good harbour at Whitehaven without any prospect of making a tolerable one in its stead.

ii) The trade and interest of the country doth not require it. The coal trade can only be pretended, but the collieries which supply nine parts of ten of the exportation in that part of the country adjoining upon Whitehaven and can be brought down as fast as the ships (and faster than the foreign markets) will take them.

And the increasing of the sales at Parton, can only diminish those of Whitehaven, without enlarging the trade in general; and therefore the bill will serve only to improve one private interest at the prejudice of another, without advancing the public good. When there is greater demand abroad or a less supply at Whitehaven, the aid of an act of parliament may then be requisite, not before,

And if the trade and shipping of the country happen to increase, the harbour at Whitehaven is more proper and by reason of its natural advantages more capable of being yet further enlarged and secured and at much less charge than any other place in that county, and especially than the creek of Parton, which could be of little use at all if the harbour at Whitehaven were destroyed, since it will be always necessary (as the practice is at present) in storms to put in first at Whitehaven, and there to wait for the opportunity of fair weather for going to Parton. And since the attempts of building a bridge at Lambeth, and a town at Jarrow late, met with no encouragement least the one should prove prejudicial to the inhabitants of London, and the other to those of Newcastle; and since the law will not allow a new fair or a market though it have the most specious pretence of public good, if (upon an ad quo damnum) it interferes with an old one in the neighbourhood, it is humbly hoped the parliament will be equally tender of setting up one harbour to rival another, especially where there is nothing but a private interest to be supported by

it. And if the owners of coals, in other places, where they have had the convenience of creeks for exporting of them, have made such securities as might bring shipping thither for that purpose, at their own charge, or by voluntary contribution without the assistance of an act of parliament, as at Cullercotes, Seaton Delavel, Blyth etc in Northumberland, the petitioners for the bill ought to content themselves with the like.

And for these reasons, it is humbly hoped, that no encouragement will be given to a bill of so extraordinary a nature. But if the occasions of trade and shipping require the aid of an act of parliament as it can nowhere in that country be applied to better purpose than at Whitehaven; so it is presumed that Sir John Lowther who can give such an instance of his advancing the shipping and trade of his country may with most reason hope for it in favour of a town which is in so peculiar a manner his own.

arch.loc. D/Lons/W Whitehaven, Various papers...item 10. Another copy in Whitehaven, Unlisted papers, miscellaneous harbour papers 1674-1762.

Appendix E

The Yield of Lowther's Collieries 1666-99 <sup>1</sup>

(1) 'Profitt of Collieryes' 1666-92

'Colierys abt. Whitehaven managed by Thomas Jackson cleared, viz.:'

	£	s.	d.
From Jan. 27 1665/6 to Mar. 22 1666/7	428	11	8
„ Mar. 22 1666/7 to Mar. 20 1667/8	261	5	0½
„ Mar. 20 1667/8 to Mar. 27 1669	328	1	7¼
„ Mar. 27 1669 to Mar. 26 1670	457	13	7¼
„ Mar. 26 1670 to Mar. 31 1671	370	12	4¼
„ Mar. 31 1671 to Mar. 29 1672	450	9	3
„ Mar. 29 1672 to Mar. 14 1672/3	234	14	4¼
„ Mar. 14 1672/3 to Mar. 13 1673/4	401	15	1
„ Mar. 13 1673/4 to Nov. 20 1674	533	6	2½
„ Nov. 20 1674 to Apr. 2 1675	165	1	8¼
	£3,631	10	10½
'Oct. 25 1672 Tho. Jackson paid in account for coales sold in Hensingham colliery'	5	0	0
	£3,636	10	10½
'In 9 years and 9 weeks time'			
'Collierys by Henry Addison cleared, viz.:'			
'From Apr. 2, 1675 to Jun. 30	173	11	9
„ June 30 to Aug. 18	43	2	6
and by ditto account 383 tuns coales'	57	15	4½
	£	274	9 7½
'Collieries by Mr Bettsworth, steward, cleared:'			
From Aug. 18 1675 to Aug. 16 1676	433	16	2½
„ Aug. 16 1676 to Aug. 8 1677	350	3	6
„ Aug. 8 1677 to Jan. 31 1677/8 'Lanc. Branthwaite managed for Mr. Lamplugh, collierys cleared'	207	5	3
'From Jan. 31 1677/8 to Jan. 29 1678/9 Lanc. Bran[thwaite], steward for Mr Lampl[ugh, as agent for Lowther], cleared'	568	6	6½

<sup>1</sup> D/Lons W, Unlisted Colliery Papers, Coal Works at Whitehaven, 1663-1762. Reprinted from *Lowther Correspondence*, Appendix D, with permission.

'From Jan. 29 1678/9 to Feb. 19 1678/9 L. B. cleared for Mr Lam.'		£	s.	d.
		188	10	0½
'In three years and a half's time cleared'		£1,748	1	6½
1679 May 21 cleared in 13 weeks, L. Branthwaite, manager		172	19	6
Aug. 20	" " " "	142	10	1½
Nov. 29	" " " "	8	7	4½
Feb. 18	" " " "	28	13	7
[Total 1679 £352 10s. 7d.]				
1680 May 19		9	15	8
Aug. 18	" " " "	425	18	8
Nov. 7	" " " "	186	6	0
Feb. 16	" " " "	201	13	5
[Total 1680 £823 13s. 9d.]				
1681 May 18		218	18	8
Aug. 17	" " " "	285	14	0
Nov. 16	" " " "	117	13	4
Feb. 15	" " " "	32	2	4
[Total 1681 £654 8s. 4d.]				
1682 May 17		17	4	6½
Aug. 16	" " " "	200	6	5½
'In three years and a half cleared'		£2,048	3	10½
		£	s.	d.
1682 from Aug. 16 to Sep. 13		101	11	4½
more in debts		126	19	0
L. Branthwaite brings in more debts to the same time		9	2	8
		£ 237	13	0½
'From Sep. 13 1682 Mr J. Gale, steward:'				
1682 Dec. 13 cleared in 13 weeks		15	7	4½
Mar. 14	" " " "	46	9	3½
[Total 1682 £517 0s. 8½d.]				
1683 Jun. 13		112	3	4
Sep. 17	" " " "	169	7	1



				£	s.	d.
	Dec. 12	"	"	160	14	0 $\frac{1}{4}$
	Mar. 12	"	"	257	2	9 $\frac{1}{4}$
	[Total 1683 £719 7s. 2 $\frac{1}{2}$ d.]					
1684	Jun. 11	"	"	309	17	3 $\frac{1}{4}$
	Sep. 10	"	"	803	8	0 $\frac{3}{4}$
	Dec. 10	"	"	378	16	6 $\frac{1}{2}$
	Mar. 11	"	"	151	18	7
	[Total 1684 £1,644 0s. 5 $\frac{1}{2}$ d.]					
1685	Jun. 10	"	"	194	18	7 $\frac{1}{2}$
				£2,600	12	11 $\frac{1}{2}$
	Dec. 9 <sup>1</sup>	"	"	347	6	6 $\frac{1}{4}$
1685/6	Mar. 10	"	"	215	0	8 $\frac{1}{4}$
	Jun. 4	"	"	368	11	4 $\frac{1}{2}$
	Sep. 8	"	"	510	4	6 $\frac{1}{4}$
	[Total 1686 £1,441 2s. 9 $\frac{1}{4}$ d.]					
	Dec. 8	"	"	309	17	4 $\frac{3}{4}$
1686/7	Mar. 9	"	"	150	1	11 $\frac{3}{4}$
	Jun. 8	"	"	362	3	11
	Sep. 7	"	"	446	2	1 $\frac{1}{4}$
	[Total 1687 £1,268 5s. 4 $\frac{1}{4}$ d.]					
	Dec. 7	"	"	392	7	5 $\frac{1}{4}$
1687/8	Mar. 7 <sup>1</sup>	"	"	228	1	7 $\frac{1}{4}$
	Jun. 6	"	"	369	5	4 $\frac{3}{4}$
	Sep. 5	"	"	330	11	4 $\frac{1}{4}$
	[Total 1688 £1,320 5s. 10d.]					
	Dec. 5	"	"	204	9	1 $\frac{1}{2}$
1688/9	Mar. 6	"	"	39	2	0 $\frac{1}{4}$
	Jun. 5	"	"	36	14	8
	Sep. 5	"	"	15	12	11 $\frac{3}{4}$
	[Total 1689 £295 18s. 9 $\frac{1}{2}$ d.]					
				£	s.	d.
	Dec. 4	Lost in 13 weeks		47	11	1 $\frac{1}{2}$
1689/90	Mar. 5	Lost in 13 weeks		44	6	8

		£	s.	d.
Jun. 4	Lost in 13 weeks	42	16	10 $\frac{3}{4}$
Sep. 4	Lost in 13 weeks	36	3	0 $\frac{1}{2}$
[Total lost 1690 £170 17s. 8 $\frac{3}{4}$ d.]				
Dec. 3	Cleared in 13 weeks	53	16	9 $\frac{3}{4}$
1690/1	Mar. 2 " " " "	123	10	5
	Jun. 3 " " " "	160	12	10 $\frac{3}{4}$
	Sep. 2 " " " "	286	3	6
[Total 1691 £624 3s. 7 $\frac{1}{2}$ d.]				
Dec. 2	" " " "	153	15	2 $\frac{3}{4}$
1691/2	Mar. 2 " " " "	302	19	9
	Jun. 1 " " " "	160	14	1
	Aug. 31 " " " "	203	8	11 $\frac{1}{2}$
[Total 1692 £820 18s. 0 $\frac{1}{4}$ d.]				
Nov. 30	" " " "	165	9	9

(2) *Quarterly Colliery Accounts 1693-8.*

		Coals			Dr.			Cr.			Ballances			
		£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	
March 1	Prior Band	376	18	1 $\frac{1}{2}$	543	12	0							
1692/3	Green Bank	36	10	6	7	5	9							
	Lattra	25	6	1	5	1	4	117	4	4 $\frac{1}{2}$				
June 7	P.B.	386	5	8 $\frac{1}{2}$	674	7	8							
	G.B.	41	9	1	5	8	6							
	L.	29	7	11	1	5	0	223	18	5 $\frac{1}{2}$				
Sept. 6	P.B.	473	7	9 $\frac{1}{4}$	860	11	8							
	G.B.	70	11	7 $\frac{1}{2}$	3	17	3							
	L.	34	13	10	3	2	10	288	18	6 $\frac{1}{4}$				
Dec. 6	P.B.	396	6	4 $\frac{1}{2}$	560	12	9							
	G.B.	23	11	10 $\frac{1}{2}$	10	6	3							
	L.	29	11	11	3	2	2	124	11	0				
		Total 1693										£754	12	4 $\frac{1}{4}$
Febry. 28	P.B.	434	11	8 $\frac{1}{2}$	745	3	7							
1693/4	G.B.	29	2	0	7	4	6							
	L.	34	7	6	2	16	6	257	3	4 $\frac{1}{2}$				

						£	s.	d.
May 30	P.B.	472	13	4½	765	10	6	
	G.B.	23	2	9½	7	7	3	
	L.	45	10	4	3	15	6	233 6 9
August 29	P.B.	464	6	8½	789	16	11	
	G.B.	77	19	0	5	16	9	
	L.	49	10	0	0	8	2	204 7 0½
Nov. 29	P.B.	422	16	5	590	15	8	
	G.B.	31	15	9½	9	19	9	
	L.	45	13	8	3	19	10	104 9 4½
Total 1694						<u>£799 6 5½</u>		
Febry. 27 1694/5	P.B.	463	16	4½	640	19	11	
	G.B.	41	19	11	11	18	3	
	L.	43	10	6	2	15	0	106 6 4½
Added to this Ball. by Mr Gale						1 4		
May 29	P.B.	435	4	4	649	12	6	
	G.B.	71	13	10½	6	18	6	
	L.	45	2	7	1	13	6	106 1 8½
August 28	P.B.	449	11	4½	646	0	10	
	G.B.	57	13	0½	6	12	0	
	L.	43	2	3	3	16	8	106 2 10
Nov. 27	P.B.	430	16	1½	671	10	9	
	G.B.	31	9	5½	16	17	9	
	L.	31	5	9	3	0	2	197 17 4
Total 1695						<u>£516 9 7</u>		
Febry. 26 1695/6	P.B.	415	10	8	460	13	3	
	G.B.	26	11	6½	15	9	6	
	L.	21	2	5	4	6	2	17 4 3½
May 27	P.B.	393	0	7½	500	16	0	
	G.B.	35	14	4	10	2	3	
	L.	36	3	5	3	12	3½	49 12 2
August 26	P.B.	481	10	1½	758	0	6	
	G.B.	42	15	8½	10	5	3	
	L.	47	5	4	0	19	0	197 13 7
Nov. 25	P.B.	429	9	4½	611	4	5	
	G.B.	27	0	7½	16	14	9	
	L.	27	15	5	1	6	8	145 0 5
Total 1696						<u>£409 10 5½</u>		

								£	s.	d.	
Febry. 24	P.B.	472	16	0	679	7	1				
1696/7	G.B.	30	8	2	16	0	3				
	L.	24	19	4	1	10	6	168	14	4	
May 26	P.B.	533	19	2	791	1	3				
	G.B.	38	16	10½	7	6	0				
	L.	27	11	11	0	16	8	198	15	11½	
August 25	P.B.	549	17	7	918	7	3				
	G.B.	80	9	3	2	10	3				
	L.	45	5	2	0	14	6	246	0	0	
Nov. 24	P.B.	502	7	11	760	2	4				
	G.B.	34	6	5½	6	1	3				
	L.	45	11	5	1	3	2	185	0	11½	
		Total 1697						<u>£798</u>	<u>11</u>	<u>3</u>	
1697/8											
March 23	P.B.	634	13	4½	953	13	6				
17 weeks	G.B.	41	15	5½	8	3	0				
	L.	42	10	7	2	1	2	244	18	3	
June 22	P.B.	515	4	2½	874	16	5				
	G.B.	89	18	4	21	17	9				
	L.	32	12	11	1	4	10	260	3	6½	
Sept. 21	P.B.	513	6	0½	839	18	1				
	G.B.	65	19	11	3	12	3				
	L.	36	16	5	0	16	2	228	4	1½	
Dec. 21	P.B.	491	9	7½	699	13	0				
	G.B.	38	8	10	11	15	8				
	L.	46	6	10	1	2	8	136	6	0½	
		Total 1698						<u>£869</u>	<u>7</u>	<u>11½</u>	
								63	10	3	
								92	0	8½	

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## CUMBRIA RECORD OFFICE, CARLISLE AND KENDAL

D/Hud 6.1. Whitehaven Port Books 1677-1685

The archives of the Earl of Lonsdale, cited as D/Lons/W and D/Lons/L  
Le Fleming Papers (At Kendal)

Q11 (Quarter session petitions) 1692 Midsummer no. 3, Robert Walker and  
Pickering Fox, impressed sailors

Q11 1694 Midsummer 13-15; 1695 Easter, James Marr

Q11 1694 Epiphany no. 22, Richard Troughton, poor relief

Q11 1711-12 Christmas, petition of Elizabeth Jackson, poor relief

Q11 1712 Michaelmas no. 22, petition of Widow Steele, poor relief

Q11 1694 Epiphany no. 25, Petition from the Whitehaven Dissenters

## COCKERMOUTH CASTLE

Leconfield Archives D/Lec/81 (available through the Record Office at Carlisle)

## BORTHWICK INSTITUTE, YORK

V. 1662-3 Visitation Papers

## LANCASHIRE RECORD OFFICE, PRESTON

Probate Records, Copeland Deanery

## OFFICIAL PUBLICATIONS

Calendar of the Committee of Compounding

Calendars of State Papers, Domestic

Calendar of State Papers, Foreign

Calendar of State Papers, Irish

Calendars of Treasury Books

Calendars of Treasury Papers

Commons Journals

Great Britain, House of Commons, Sessional Papers, 1820 (28), Report of the  
Commissioner of Charities, vol. VI (Cumberland)

Journals of the House of Lords

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*The Case of the Inhabitants of the Town and Port of Whitehaven . 1695*

*The Case of Sir John Lowther, 1705*

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