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**DOCUMENT RELATING TO DISPUTE OVER OWNERSHIP OF  
GRINTON MANOR**

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Barker, Esq. Healaugh.

**ATTORNEY GENERAL VERSUS WHARTON**

Mercury 25th. die February

Whereas Sir Edward Northey Knt. her Majties. then Attorney Generall by and as the Relacon of Reginald Marriott, Esq. plts did in Mchas Terme in the fourth year of her now Majties. reigne Exhibit their English Bill or Informacon agt. the Right Honble. Thomas Lord Wharton now Earle of Wharton and the Honble. Philip Wharton Esq. now commonly called Lord Winchindon Sr. Solomon Swale and others Defts. herby setting forth that his late Majty. King William the third being seized in fee in right of his Crowne of all those Mines and Veines of Lead as well open as to be found within the Manor of Grinton and the Territories Fields wasts and Moores thereof and parlrly of Harkaside Whittaside and Grinton how and the Moores and Wasts thereof or thereto belonging did by his Lease under the Seale of this Court dated the 18th. Augt. in the Eighth year of his Reigne grant the same premisses to George Tushingam Gentn. for 31 years at the yearely of Twenty shillings and a tenth part of the clear profitts arising out of the said Mines that Sr. Solomon Swale having gott into the possession of the said Mines and claiming title thereto the Relator in the name of the said Tushingam about Eight years agoe brought his Ejectment and upon Tryall thereof recovered possession and afterwards there was a Tryall at Barr wherein the Relator had another Verdict and had ever since worked the Veins at Harkahill and Grinton How and been in quiet possession thereof and paid the yearly Rent and the tenth to the Crowne amounting to very great Sumes of money that Tushingam was only a Trustee for the Relator and had since assigned to him that the defts had lately entered on at Harka Moor at Harka hill at Grinton how and laid Claime to the Mines there and disturbed the Crowne and the Relator and pretend to be seized of the Mannor Helaugh and that the said Harka Moor, Harka hill and Grinton How and all the Mines and the viens therein are parcel of the said Mannor of Helaugh and not of the Mannor of Grinton and pretended to sett out and ride the boundaries of the said Mannor of Helaugh and have taken in a great part of the Mannor of Grinton and the Moores and wasts of the same and particularly of Harkaside Whittaside Grinton How and Harka hill or part thereof and laid Claime to the said Mines demised by the Crowne and forbid the Relators workman to work further therein and offered to indemnify them if they would work for Defts and though they had not taken in the Mouth of the Mine then in [26] working by the Relator at Grinton how yet they had sunk a Shaft upon the same Veine and near adjoining to the Relators Shaft and designe thereby to distract

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and disinherit the Crowne and Relator in their Right that the Mannor of Grinton Extends from the Mannor or Lordship of Ellerton on the East and Haverdale Beck on the West and from the River Swale on the North and to beyond the High Garle on the South adjoining to the Duke of Boltons Mannr. there and no part of the Mannor of Helaugh does lye within these boundaries but the Crowne and relator are duly entitled to all the Mines within the same and that for time immemorial Harkaside Whittaside Harkahill or Moor Whitta & Summerlodge and Grinton how are all within Grinton Mannor and within the Territories and fields of Grinton and part of the Wasts and Moores of the same and were formally part of the possessions of the late dissolved Monastery of Bridlington in the said County of Yorke that the deft. the Earle of Wharton under Colour of some houses or freehold or Copybold Estate in or near Harkaside pretends his Mannr. of Helaugh Extends and takes in Harkaside and the Wasts therof and claims the Mines there and endeavours to conceal and confound the boundaries of the said Mannrs. of Grinton at Helaugh whereas he nor any of his ancestors ever laid Claims to any such Boundaries or to any Seignory or Lordship within the said Mannr. of Grinton or the Moores or Wasts thereof or to any Mines open or not open in or upon the same or in Harkaside Whittaside Park Whitta or Grinton how until Two Months before the Exhibiting of the Bill by riding the boundaries aforesaid Wherefore tha the Defts might answer and discover the premis and that the boundaries of the Mannor of Grinton and Helaugh and the Extent of the mines and Veins Leased to the Relator might be sett out and ascertained and the Crowne and Relator quieted in the posion and working of the said mines and the testimony of their Ancient Witnesses preserved and the Attorney General on the behalfe of the Crowne and Relator be relieved was the scope of the said Bill or Informacon to which said Bill or Informacon the said deft the Earle of Wharton being served with a Letter and his said Sonn with process of this Court appeared and answered and the said Earle of Wharton by his Answer said that Philip Lord Wharton his Father was in his life time and for Sixty years before his death seized of in the Mannor Swaledale and of Helaugh als Helaw ala Reyth in Swaledale within the Ancient Boundaries whereof there were as he believed and doubted not to prove divers Villis Townships and Hamletts with divers Moors Wasts and Comons therto belonging and distinguished from each other and in particular the Vill of East Grinton West Grinton and Harkaside and that the defts father quietly held divers demesne Lands Rents Services Royalties priviledges and properties in Harkaside at West Grinton and the Moores Wasts and Comons thereto belonging and that the Servants therof paid their Rents performed their suits at Services at the Courts held for the said Mannr. and that the Copyhold Tenant who held by Cobby of Court Roll of the Mannr. of Helaugh in Swaledale or Reyth as also the freehold and Leasehold Tenant did all along enjoy right of Comon or other profitts upon the Moores Wasts of Harkaside and West Grinton Separate and distinct from the Moores Wasts [27] and Comons of East Grinton that the defts father on or before Defts Marryage seiced the said premises on Deft for Life remainder to his first and every other Sonn in Tayle Male and that the said Philip Wharton is the only Sonn and Intituled to the Remr. of

the premises after defts death under the 2nd Settlement and the defts Father dying seized about ten years since the deft did some short time afterwds enter upon the premises and hath ever since enjoyed the same and hath heard that the Vill of East Grinton hath been sometimes by the Owner thereof called a Mannr Deneyed that to his knowledge or beliefe the Towns and places called West Grinton and Harkaside and the Moores and Wasts thereto belonging and particularly the place where the defendant caused a shaft to be digged or any part thereof is parcel of the Mannr. of Grinton or East Grinton but that the same were and had been enjoyed by deft and his ancestors and their Tenants distinct from the said pretended Mannor of Grinton or East Grinton knew not that the premises in the Informicon were part of the possessions of the Monastery of Bridlington but believed that Monastery was seized of the Vill of East Grinton and some particular Tennants within the said Vill and also right of Comon in Whiteside Harkaside and Grinton Hoe or some of them knew not that King William the third was seized of the Mines or Veines of Lead in the Informicon but believed he made some Grant of diverse Lead Mines to Tushingam and refered thereto when produced Beleived there were suits between Relator or his Trustee and Sr. Sol Swale and that the Relator had some Verdict against Sr. Sol but insisted that he being no party to such suits nor his right in queon therein the same was noe ways affected thereby Beleived after the said Tryalls the Relator proceeded to work the Mines and Veins at Harkaside or hill and the Mine or Veine at Grinton How and continued to worke for some time on the Harkahill but then desisted Beleived the Relator had not quiet possion therof nor knew what rents he had answered to the Crowne confessed that there being divers Mines and Veins of Lead within the Moores and Wasts of East Grinton and other places to which the Relator pretends Title and he having wrought the Mines called How Groves in and through the Wasts of Grinton called the How and very near to the utmost Extent thereof whereof boundaries thereof divide the same from the wasts of Harkaside and West Grinton into which Deft is instituted did in affermance and ascertaining his right give dirous to disturb the Relator from working there on and for riding the said defts boundaries of Harkaside and West Grinton and afterwards his Agents did by his order sink one or more Shafts pitts or groves near the mouth of the Mines working by the Relator at Grinton how and near the Relators Shafts there but said the same was sunk within the bounds of the defts Estate that in riding the Boundaries they took in Harka hill and Harka Side Moore but no other of the places in the Infornacon nor anything except the lands, Moores and Wasts of Harkaside and West Grinton to which he claims title knew not that Harkaside and West Grinton and the Moores and Wasts therof were part of the Mannor Grinton and believed the Boundary proper contained no more than the Mannor of Helaugh or the defts Estate Denyed the River [28] Swale was a boundary either to the Mannor of Swaledale or Mannor of Helaugh and Setts forth the boundaries and doubted not to prove that the same extend as well to the South as North side of the River Swale but said he could not set forth the boundaries of the Mannor of Helaugh different and distinct from the Lordshipp of Swaledale nor what Claims his Ancestors made to the Moores of West Grinton or Harkaside or either of them nor

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how often or where they have dugg the Mines nor had he dug any since the Estate came to him but hoped that the same should not prejudice his right he and his ancestors having other valuable mines generally open in other parts of Swaledale or Helaugh and continuall enjoyment of other profitts within the Moors and Wasts of Harkaside and West Grinton that deft Philip Wharton by his ancestor said he was an Infant and Sonn and Heir of the other deft the Earle of Wharton and has such had or might have some Title or Interest in the premises as Tenant in Tayle or otherwise under some Settlement made by his Father or Grandfather and hoped that the Court would take care to prove his right and Interest so as he might not be deprived thereof or debarred therefrom by any proceeding in the Cause and submitted to the Court that afterwards the defts the Earle of Wharton and his Sonn Philip Wharton Exhibited their Bill against the Relator Marriott and others to the effect of their Answers and her Majesties Attorney put in his Answers to the said Bill and the said Relator put in his Answers thereto to the Effect of his Bill and Replicons were filed in both Causes and all parties rejoined and the said Causes being at Issue divers witnesses were Examined on both sides in the said causes and their deposicons duly published and the said causes being in the paper of Causes came to be heard this present day in the Serjants Inn Hall in Fleet Street before the Right Honble. Sir Edward Ward Knt. Lord Chief Baron Sr Thomas Bury Knt Mr. Baron Price and Mr. Baron Smith three other Barons of the Court Whereupon opening of the said Bills and Answers by Counsel on both Sides and on reading of diverse Records and of diverse deposicons of witnesses on both sides taken in the said causes at hearing Sr. Thomas Parker Knt one of her Majesties Serjeants learned in the law Sr. Edward Northey Knt Mr Serjeant Cheshire Knt Serjt. Wynne Mr. Conyers Mr. Ellrick Mr. Dodd Mr. Phipps Mr. Scroope and Mr. Evard of counsel with the said Relator and hearing Sr. Thomas Powes Knt her Majesties first Serjeant at Law Sr. James Montague Knt her Majesties Sol Generall Sr. Joseph Ickill Knt Mr. Serjt. Hooper two other of her Majesties Serjeants learned in the law Mr. Robert Eyre one other of her Majesties Council learned in the Law Mr. Serjt. Pratt Sr. Simon Barcourt Mr. Bridges Mr. Turner Mr. King Mr. Lechmere Mr. Denton and Mr. Bendloe of Council with the Defts and on debate of the matter It is this day ordered by this Court that the matters in question be refered to a Tryall at law on a feigned accon or Informacon to be brought in this Court in the Queens Remembrancers Office as of last Terme in the name of Sir Simon Barcourt Knt her Majesties late Attorney Generall against the defendent Thomas Earl of Wharton upon these two Issues (viz) Whether the place or places where the Shafts lately Sunck or wrought by the said Earle of Wharton in the Wasts or [29] Moores of Harkaside or West Grinton or any and which of them be parcel of the Mannor of Grinton or the Mannor of Helaugh Secondly whether the Wasts or Moores of Harkaside or West Grinton or any at what part thereof are or is parcell of the Mannor of Grinton or the Mannor of Helaugh into which Accon or Informacon the said Defendt is to appear and plead so as Issue my be joyned and ended as of the last Terme and so as the same my be tryed at the Barr of this Court on Fryday the seaventh day of May next by a Specall Jury of the County of Yorke and to that end the Sheriff of the said County of

York is to bring in the Freeholders Book upon Oath and attend the Deputy Remanbt. of this Court with the same who thereout is to name Eight and forty and each side is to strike out twelve and the remaining four and Twenty are to be returned by the said issues and the deposicons of such Witnesses taken in these Causes as are dead or not able to Travell are to be read and made use of at the said Tryall And it is further ordered by the Court by and with the consent of all parties that the Jury in the mean time have a view of the places in question and that John Hutchinson Surveyor named by the Relator and Leonard Brackenbury Surveyor named by the defendent the Earle of Wharton doe make a Mapp of the Whole Estate in question with all the known places or markes but without setting forth the Claims of either party plaintiff or deft and that the said Mapp be delivered to the Jury at the time of the view and that the same view be had upon Thursday the two and twentieth day of April next at the teim of the Clock in forenoon of this same day by the six first Jurymen or by so many of the said six and as many more of the said Jury as shall be present at the said view and they are to be moderately enterynained at the Queens Arms in Richmond at the Equal Charge of the Relator and the defendent and it is further ordered by the like consent that Sir Hugh Smithson Barrt. and Thomas Dickinson Gent on the part of the Relator and Thomas Wharton Gent and Thomas Gill Gentleman on the part of the Earle of Wharton doe shew the places in Queon to the Jury at the time of the view but no Evidence is then to be given to the Jury by either side these causes are to be continued in the paper of causes to be further heard after the said Tryall be had as aforesaid.

Maud D.R. Ruee

Note:

Case lasted 3 years leaving the Crowns rights confirmed, Marriott left in possession. Marriott meanwhile bought a share of the Grinton Manor.

Document c1706. Has been variously dated, 1705 Jennings and 1707 Raistrick.

Mercury – Wednesday