

## The Beldi Hill Trial

In 1738 the trustees of the Wharton estate sold the manors of Healaugh and Muker to Thomas Smith for £10,500, however they retained the mineral rights on 'all wastes and commons'.



In 1742 Smith leased Beldi Hill to brothers John, Thomas and Ralph Parkes and Leonard Hartley for 21 years. After sinking shafts they realised pumps would need to be installed so instead drove Parke's Level westward from Swinnergill to drain the workings. The level took 3 years to cut the Sun Vein and cost £300. This level also drained the Wharton Swinnergill mines but the trustee's refused to pay towards the cost.

By 1751 the Parkes brothers had no further use for Parke's Level; as it drained some of the Wharton shafts they asked the Wharton Estate for some contribution for the maintenance of the level. The Wharton Estate refused so Parkes damned up the level and turned water into a shaft that flooded the Swinnergill mines and caused roof falls in the mines. And so began the bad blood between the Parke's and Wharton mining companies.

In 1764 the Wharton mines passed to Lord Pomfret 2<sup>nd</sup> through marriage, and in 1767 the Parkes Company sublet 10 meers of ground to John Scott and Richard Metcalfe. They soon struck a rich vein and so paid royalties to both Smith and Parkes Company; however Lord Pomfret claimed that the land, Crackpot Hall Out Pasture, was part of Muker common and so all royalties should be paid to him and not Smith. Meanwhile Smith maintained that the land had always been fenced off from the waste land and was part of Crackpot Hall farm land which belonged to him.

In 1769 Lord Pomfret obtained an injunction, pending trial, which decreed that all monies earned by Scott and Metcalfe had to kept in a bank account until the outcome of the trial.

Meanwhile Pomfret's men began sinking shafts within the disputed 10 meers of land which prompted Parke's men to attack Pomfret's men, throwing them into a hush gutter and they then filled the shafts in. Pomfret's men resumed work on them a week later and Parke's men responded by flooding them. Fights erupted when they subsequently broke through into Scott and Metcalfe's workings.

Smith owned a smelt mill at Old Gang beck and Pomfret's men repeatedly destroyed the water supply and the smelters had to resort to taking the bellows home each night to prevent them being vandalised. Pomfret's men then seized Smith's second smelt mill at Spout Gill and £2000 worth of ore held there. Fearing Pomfret's men may also attempt to seize ore from the Beldi Hill mine site; Scott and Metcalfe moved 520 tons to Crossgreen, Hartlakes and Calvert Houses farm buildings. The weight of the ore caused the cowhouse walls to burst outwards at Calvert Houses and they were never rebuilt.

In 1770 the Assize Court in York ruled in Smith's favour but Lord Pomfret was not satisfied and took the case to the Court of King's Bench at Westminster and again lost. In 1772 he appealed to the House of Lords three times in two years until the final verdict ruled that the Crackpot Hall Estate lay outside the wastes of the manor and the mineral rights belonged to Smith. Pomfret was ordered to pay £400 to Smith, the cost of the trials bankrupted him and he was imprisoned in the Tower of London for debt.