

## WESTMORLAND ABOUT 1670 BY COLIN PHILLIPS

### *Topography and climate*

This volume prints four documents relating to the hearth tax in Westmorland<sup>1</sup>. It is important to set these documents in their geographical context. Westmorland, until 1974 was one of England's ancient counties when it became part of Cumbria. The boundaries are shown on map 1.<sup>2</sup> Celia Fiennes's view in 1698 of '...Rich land in the bottoms, as one may call them considering the vast hills above them on all sides...' was more positive than that of Daniel Defoe who, in 1724, considered Westmorland 'A country eminent only for being the wildest, most barren and frightful of any that I have passed over in England, or even Wales it self.' It was a county of stark topographical contrasts, fringed by long and deep waters of the Lake District, bisected by mountains with high and wild fells. Communications were difficult: Helvellyn, Harter Fell, Shap Fell and the Langdale Fells prevented easy cross-county movement, although there were in the seventeenth century three routes identified with Kirkstone, Shap, and Grayrigg.<sup>3</sup> Yet there were more fertile lowland areas and

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<sup>1</sup> TNA, Exchequer, lay subsidy rolls, E179/195/73, compiled for the Michaelmas 1670 collection, and including Kendal borough. The document was printed as extracts in W. Farrer, *Records relating to the barony of Kendale*, ed. J. F. Curwen (CWAAS, Record Series, 4 & 5 1923, 1924; reprinted 1998, 1999); and, without the exempt, in *The later records relating to north Westmorland*, ed. J. F. Curwen (CWAAS, Record Series, 8, 1932); WD/Ry, box 28, Ms R, pp.1-112, for Westmorland, dated 1674/5, and excluding Kendal borough and Kirkland (heavily edited in J. Scott, *The Westmorland hearth tax*, ed. N. Ramsden (Cumbria Family History Society 1998); and two documents from CROK, Kendal Corporation Archives, WS/MB/K, HMC bdles, A9, dated 1674/5 and 1675 for Kendal and Kirkland.

<sup>2</sup> Though subject to minor alteration in 1895 and 1911 (F. A. Youngs, *Guide to the local administrative units of England. Vol. 2: northern England* (London, 1991), p. 462), the boundaries are conveniently marked on Ordnance Survey, 'One inch map', seventh series, sheets 79, 82, 83, 84, and 90.

<sup>3</sup> *Fleming-Senhouse papers*, ed. E. Hughes (Cumberland Record Series, 2, 1961), p. 4.

valleys, especially the catchment of the River Kent to the south of the central mountains, and to the north the valley of the Eden.<sup>4</sup>

Structural geology and glaciation have combined to divide much of the county into highland tops and valley bottoms, and complicate any relationship between solid geology and soil formation. Before the glaciations of the Quaternary period started, the central dome of the Lake District, involving the western side of the county, and the faulting, which helped to produce the Pennine scarps in the east of the county, had created the drainage pattern. Glacial erosion, and perhaps more importantly, glacial deposits and alluvial deposition, modified these fundamental structures. Where the ground became waterlogged, peat developed at both low and high altitudes.<sup>5</sup> The solid geology of the Ordovician, Silurian, and Carboniferous strata give abundant rough stone for building, with the Permo-Triassic rocks in the Eden Valley providing a softer but dressable stone.<sup>6</sup>

It can be a harsh climate in Westmorland, with high rainfall, low temperatures, late frosts and snow making communications<sup>7</sup> even more difficult and shortening the growing season. The Helm Wind, a sudden, viciously cold wind, is especially powerful in late spring although it may blow at any time of year. Cumbria's rainfall is the highest in England: the area around Appleby might expect around 40 inches a year, and Grasmere around 95 inches, rising to 120-130 inches on the exposed high

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<sup>4</sup> See Terrain map

<sup>5</sup> G. Halliday, *The flora of Cumbria* (Lancaster, 1997), p. 8; J. Boardman, *Classic Landforms of the Lake District* (Sheffield, 1996), pp. 13-8. The solid geology is covered by B. J. Taylor, *et al.*, *British regional geology: northern England* (4<sup>th</sup> edn, reprinted; London, 1978); and N. Aitkenhead, ed., *British regional geology. The Pennines and adjacent areas* (4<sup>th</sup> edn; Keyworth, 2002).

<sup>6</sup> *The journeys of Celia Fiennes*, ed. C. Morris (London, 1947), p. 198.

<sup>7</sup> In 1664 Sir Philip Musgrave excused his absence from London because snow blocked Stainmore pass (*CSPD 1664-5*, p. 49).

fells.<sup>8</sup> Sir Daniel Fleming<sup>9</sup> in his meteorological observations conducted in the 1690s noted snow or sleet falling at Rydal on 29 days in 1690 and 43 days in 1691. Similar observations conducted at Rydal over a 40 year period up to 1970 averaged 23 days and it is probable that the seventeenth century was colder than today.<sup>10</sup> Farming, housing and, no doubt, society in Westmorland evolved as a response to the rocky terrain, extensive moorland, the grey, wet climate and long winter. It is against such a background that the following analysis of these documents is set.

### ***Government, society and economy***

The central mountains of Westmorland split the county into two lowland areas, but also divided the county administratively.<sup>11</sup> The frontpaper map shows the main administrative divisions. Unusually, Westmorland had an hereditary sheriff, at this time Lady Anne Clifford, Countess of Pembroke, who acted through her undersheriff. The assizes were held annually in the county town, the borough of Appleby,<sup>12</sup> the only corporate town in the northern part of the shire. The administrative division of Westmorland was most apparent in the activities of the quarter sessions: although

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<sup>8</sup> J. Thirsk, (ed), *The Agrarian history of England and Wales*, vol 5(1), 1640 -1750, p.4.; A. B. Appleby, *Famine in Tudor and Stuart England* (Liverpool, 1978), p. 18; [www.metoffice.gov.uk/climate/uk/stationdata](http://www.metoffice.gov.uk/climate/uk/stationdata)

<sup>9</sup> Except for Sir Daniel Fleming and Sir Nathaniel Johnson the titles here used are those current in the 1670s.

<sup>10</sup> G. Manley, 'Sir Daniel Fleming's meteorological observations at Rydal, 1689-93,' *CW2*, 77 (1977), p. 125. For discussion of evidence for weather aberrations at this time see *The general crisis of the seventeenth century*, ed. G. Parker and L. M. Smith (London, 1978) p. 7.

<sup>11</sup> Much of what follows comes from a manuscript description of Westmorland by Sir Daniel Fleming of Rydal, first published in the nineteenth century (see Hughes, *Fleming-Senhouse papers*, pp. 3-5), though Fleming's work looks (HMC, 12R7, p. 77) to have been the basis of the Westmorland entry in R. Blome, *Britannia* (London, 1673), p. 234.

<sup>12</sup> The make-up of the borough of Appleby differs in the hearth tax documents. See Hughes, *Fleming-Senhouse papers*, p. 17; House of Commons, BPP, 1835, XXV, p. 19; N&B, 1, p.342; Youngs, *Northern England*, pp. 460-1, 757.

under one commission of the peace and one *custos rotulorum*, the justices acted in essence as for two counties.<sup>13</sup> Those justices resident in the north sat very infrequently in the south of the county and vice versa. The clerk of the peace normally handled business for the north of the county and his deputy dealt with the south, producing parallel sets of records.<sup>14</sup> The north of the county was the barony of Westmorland, called the Bottom of Westmorland. It was made up of two wards, East ward and West ward,<sup>15</sup> and divided into constablewicks. The south of the county was the Barony of Kendale, known as the Barony. The borough of Kirkby Kendal was the only corporate town in the south.<sup>16</sup> It was here that county quarter sessions business for the Barony was routinely carried on. The Barony comprised Lonsdale ward and Kendal ward and their constablewicks. The documents printed in this volume were, with few exceptions, arranged by the constablewicks of both parts of the county. The county was also partitioned ecclesiastically, for the Bottom was in the Diocese of Carlisle while the Barony was in the Diocese of Chester. Each diocese was divided into parishes, a number of which were subdivided into chapelries.<sup>17</sup>

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<sup>13</sup> C. M. L. Bouch and G. P. Jones, *The Lake Counties 1500-1830* (Manchester, 1961), p. 162. For other such arrangements see J. H. Gleason, *The justice of the peace in England 1558-1640* (Oxford, 1969), pp. 103-4.

<sup>14</sup> The earliest surviving are the separate indictment books for Appleby and for Kendal sessions, CROK, Westmorland Quarter Sessions records, WQ/I/1 and 2. A dispute arose in January 1674/5 when the justices in the Bottom attempted to hold the general sessions only at Appleby (HMC, *I2R7*, p. 115, discussed by C. S. Colman, 'The Cumberland and Westmorland Musgraves, c 1500-1700: aspects of their political careers within the emerging British state' (Unpublished PhD thesis, Keele University, 2005), pp. 261-72), the settlement of which changed attendance patterns.

<sup>15</sup> Middle ward, between the East and West wards, though still recognised in 1606, had fallen into desuetude (N&B, 1, pp. cxx, 13).

<sup>16</sup> Hereafter referred to as Kendal.

<sup>17</sup> For chapelries see Youngs, *Northern England*, pp. 459-67.

Whereas estimates suggest the population of England had increased by some 68 per cent between the start of Elizabeth's reign and 1675,<sup>18</sup> figures for Westmorland suggest an increase of barely a fifth (Table 1, Ai). Even that rise was spread unequally around the county: the Bottom increasing by 30 per cent, compared with only 7 per cent in the Barony. The increase in the Barony is broadly comparable (Table 1, B) with that in Furness, while the Bottom shares the trend of population change found in Cumberland. Growth must have been underway by 1563 for it was later curtailed by heavy mortality recorded in the parish registers from 1587 into the 1650s. As a result, the number of farmsteads in some areas declined in the seventeenth century.<sup>19</sup> Even so, fifty years before the hearth tax, the perception of the Westmorland's justices was of a dense population, with many people concentrated in the valley bottoms.<sup>20</sup> Using the acreage for the whole county from the first decennial census, roughly 34,500 people lived on 488,000 acres in the 1670s (see maps 3 - 6).

These estimates of the changing levels of Westmorland's population are heavily dependent on the accuracy of the sources used.<sup>21</sup> The higher number from the hearth tax documents is preferred for households are not likely to have been invented. That number also compares well with two contemporary estimates of c.1689 derived from hearth tax sources (Table 1, C), although as comparisons with

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<sup>18</sup> E. A. Wrigley and R. S. Schofield, *The population history of England 1541-1871* (Cambridge, 1981), p. 528.

<sup>19</sup> Appleby, *Famine in Tudor and Stuart England*, pp. 95-132; Wrigley and Schofield, *Population history of England*, appendix 10; A. J. L. Winchester, 'Wordsworth's 'Pure Commonwealth'? Yeoman dynasties in the English Lake District, c. 1450-1750', *Armitt Library Journal*, 1 (1998), p. 108.

<sup>20</sup> J. Thirsk, *The agrarian history of England and Wales, vol. 4, 1500-1640* (Cambridge, 1967), p. 25.

<sup>21</sup> I have not used here the Chantry certificates of c. 1548, the Protestation returns of 1641, the Compton census of 1676, and the Marriage Duty Act returns for 1695. They survive for only parts of the county and count some or all people, rather than households.

poor law records show, the 1674-5 figure undoubtedly omits poor people.<sup>22</sup> The 1563 figure used here (Table 1, Ai) discounts the unlikely figure of 1750 households (Table 1, Aii) for Kendal [town?] in 1563, and replaces it with a figure of 600 households in Kendal borough in 1576. Did the hearth tax men of 1675 and the clergymen of 1563 define and count a household in the same way? Perceptions of the household may have changed over a century. By comparing the number of households one can avoid the problem of whether the number of people in a household in 1675 was the same as in 1563. Did the tax collector of 1675 and the clergyman of 1563 make the same decision to include or exclude poor households in their documents?<sup>23</sup>

The agriculture of Westmorland and of most of England at the time of the hearth tax may have been depressed. Certainly this was the view of Sir John Lowther of Lowther (born 1606) in 1669, who commented on ‘low rates of all commodities as catle sheep corne wooll that the tenants wee had, manie failed, and turned upp ther farmes’.<sup>24</sup> Lowther’s ordering of items reflects priorities in Westmorland farming,<sup>25</sup> cattle being more important than sheep in the probate inventories of yeomen. Surprisingly this ranking was more pronounced in the higher areas than in the ‘bottoms’. Gentry estates also bought and sold cattle, and lowland estates rented out

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<sup>22</sup> C. B. Phillips, ‘Town and country: economic change in Kendal, c. 1550-1700’, in *The transformation of English provincial towns 1600-1800*, ed. P. Clark (London, 1984), p. 128 n30.

<sup>23</sup> *The diocesan population returns for 1563 and 1603*, ed. A. D. Dyer and D. M. Palliser (BARSEH, 31; Oxford, 2005), p. 91. See also pp. 65, 75, 91.

<sup>24</sup> *Lowther family estate books, 1617-1675*, ed. C.B. Phillips (Surtees Society Publications, 191, 1979), p. 188.

<sup>25</sup> Unless otherwise indicated, these paragraphs are based on Bouch and Jones, *The Lake Counties*, pp. 97-108; J. D. Marshall, ‘The domestic economy of the Lakeland yeoman, 1660-1689’, *CW2* 73 (1973); C. B. Phillips, ‘The gentry of Cumberland and Westmorland 1600-1665’ (Unpublished PhD thesis, Lancaster University, 1973), pp. 145-52; Thirsk, *Agrarian history, vol. 4*, pp. 2-28; Evans and Beckett, ‘Cumberland, Westmorland, and Furness’, pp. 3-29; A. J. L. Winchester, *The harvest of the hills* (Edinburgh, 2000), pp. 18-23.

grazing (agistment). The sheep flocks of Cumbrian yeomen averaged about fifty, but might range upward to more than 200. Nicholas Fisher, esquire, of Stainebank Green had hundreds of sheep worth £104 in 1666, and the gentry often let estates stocked with sheep. Local and national demand for Westmorland wool rose as the seventeenth century progressed benefiting the wool markets of Ambleside and Kendal.<sup>26</sup>

Wool production stimulated rural industry in Westmorland. In the Kendal Barony dispute (below) some tenants stressed how important cloth was to their income.<sup>27</sup> Kendal was an important cloth making and trading centre ('Kendal cottons' were a woollen cloth), while water-powered fulling mills in the town's environs gave rural cloth finishers a significant role in the industry. Troutbeck, Kentmere, Longsleddale, Hugill, Staveley, Strickland Roger and Ketel, Skelsmergh, Crook, Winster, Bradleyfield, Underbarrow, and Crosthwaite all contained shearmen who combined cloth with farming. The manufacture of old drapery Kendal cottons continued in the second half of the seventeenth century, probably contracting towards Kendal away from the earlier centres of production around Grasmere. There were national and international markets for this cloth at the time of the hearth tax. After about 1640 linsey-woolsey stuffs were made in Kendal town.<sup>28</sup>

Stocking knitting was a late arrival in Kendal, but in the north of the county, around Kirkby Stephen, it was established by 1670. North Westmorland weavers no doubt contributed to the local textile trade in Penrith noted by Celia Fiennes in 1698. It provided work for single women such as five female 'lanisters' from Newby Stones

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<sup>26</sup> But see TNA, Chancery proceedings, bills and answers, C10/546/33, 34.

<sup>27</sup> J. Scott, 'The Kendal tenant right dispute 1619-1626', *CW2*, 98, (1998), p. 175.

<sup>28</sup> Phillips, 'Town and country', pp. 102, 110-17.

who were proposed for exemption from the hearth tax in 1673.<sup>29</sup> Nevertheless rural textile workers in Cumbria were far from ubiquitous: Marshall found that only about a third of yeomen's families were spinners, split evenly between wool and hemp.<sup>30</sup> Such work was only marginally more frequent amongst widowed and single women outside his samples.<sup>31</sup> There were rural leather workers too, but the main location for leather working in the county was Kendal.

Food grains and animal fodder were widely grown. Sir John Lowther of Lowther, on the hills between Ullswater and the river Eden, grew oats, bigg (barley), wheat, and peas, and some production beyond the needs of the estate was sold. At nearby Bampton the rich yeoman, Henry Baxter, had a plough, cattle, sheep, and hay, corn, and straw worth £30 in his December 1674 probate inventory, while in the Eden valley at Long Marton John Birckbeck had two oxen and a plough, cattle and sheep, and still, in May 1675, a little corn and hay.<sup>32</sup> South of the central mountains in upland Longsleddale, a yeoman farmer might have eight customary acres of arable, mainly oats. In the southwest of the county at Lyth, one yeoman had five acres of meadow and six acres of oats in 1671, and in Preston Patrick in the southeast of the county, another yeoman had double that acreage of arable in 1672. Many farmers kept a pig, as did townsmen although one sizeable herd of pigs is known at Milnthorpe in 1672. There were also cash crop orchards feeding apples into Kendal market.

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<sup>29</sup> Hughes, *Fleming-Senhouse papers*, p. 17; Morris, *Celia Fiennes*, p. 198. For examples of weavers see CROC, Carlisle wills, John Spedding of Bolton (pr 1673), and Robert Langstaffe of Asby (pr 1675). TNA, E179/ 348.

<sup>30</sup> Marshall, 'Lakeland yeoman', pp. 195-6.

<sup>31</sup> A small but statistically random sample of Kendal deanery probate records 1660-1700 included twenty-four females of whom 40 per cent were involved with yarn.

<sup>32</sup> CROC, Carlisle wills.



Many of these producers worked in common fields. The parcel of land sold by John Ayray in 1660 may, in fact, have been an enclosure within 'the [common] fields of Askham'. There are references to 'fields' implying common cultivation in Clifton, Hackthorpe, and Newby Stones.<sup>33</sup> In the south of the county common field cultivation continued in the Troutbeck valley and at Rydal<sup>34</sup> However, Gregory King's sketch of Kendal in 1665 (plate 21) suggests enclosed land around Kendal, noted later by Celia Fiennes in 1698.<sup>35</sup> Manorial lords owned most of the county, though there were a number of non-gentry agriculturalists who held land by freehold tenure. Manorial tenants claimed freehold estates (that is, estates of inheritance called tenantright) in their customary lands. Two aspects of customary tenure had been especially problematical in the century before 1670. Landlords claimed that their customary tenants were merely tenants at will, and, or, tried to push up negotiable entry fines within manorial custom. The resulting litigation was expensive for those involved, and engendered a sense of insecurity for many more tenants and householders.

If upheld, tenancy at will would negate the old manorial customs and allow lords to lease land at negotiable rents and in variable quantities. On the other hand, the tenants' claim to hold by tenantright meant that they would continue to pay rent at old, uneconomic levels for their ancient holdings. The landlords' claims were given impetus by the union of the English and Scottish crowns in 1603 whereby the customary obligation of tenants to serve in border warfare ended and so, it was argued by the crown and others, should customary tenure. By 1611 litigation to end

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<sup>33</sup> CROC, D/Lons/L/5/1/3/164 (Ayray to Ayray, March 1660); L/5/1/36/55 (Newby Stones); Phillips, *Lowther family estate books*, pp. 92, 94, 116, 136, 183, 236.

<sup>34</sup> M. A. Parsons, 'Pasture farming in Troutbeck, Westmorland, 1550-1750, CW2, 93 (1993); M. L. Armitt, *Rydal*, ed. W. F. Rawnsley (Kendal, 1916), pp. 59, 101, 327.

<sup>35</sup> Morris, *Celia Fiennes*, pp. 190-2.

tenantright in Cumberland and Northumberland had made some progress,<sup>36</sup> but not in Westmorland.<sup>37</sup> A Star Chamber court case went against the crown and local landlords in 1626, and customary tenure on the crown estates of the Marquis and Richmond fees in south Westmorland was upheld.<sup>38</sup> But the issue was decided in favour of landlords in Cumberland in 1632. Lady Anne Clifford won, eventually, over her lands in north Westmorland between 1649 and 1657 (a decision which may have helped to provoke the Kaber Rigg plot of 1663,<sup>39</sup> see below). The nature of customary tenure was still an issue in south Westmorland in 1656 and cases of this nature persisted into the next century.<sup>40</sup>

Negotiable, or 'arbitrary', entry fines were common amongst the varied manorial customs of Westmorland. A son succeeding his father paid an entry fine with perhaps one or both of those generations paying another fine at the death of a lord. All such fines were a multiple of the ancient rent. Unless the custom of the manor fixed the multiplier at a 'certain' level, it was the multiplier which was negotiable, though case law had long ago decided that the multiple must be reasonable. The 1626 judgement on tenantright (above) had suggested that remaining arbitrary fines be made certain, but this was not done, and there were protracted suits about arbitrary fines on the south Westmorland gentry estates of the Bellingham (1656-1665) and the Duckett (c 1662) families, and in the north of the county on the manor of Bleatarn (late 1660s).<sup>41</sup> Other lords had long ago agreed customs and made fines certain: in 1613 Lord Wharton and his son had received £377

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<sup>36</sup> Summarised in Phillips, 'The gentry', pp. 131-2.

<sup>37</sup> TNA, Chancery proceedings, bills and answers, C2 Jas I, B30/22; C5/605/133.

<sup>38</sup> Scott, 'The Kendal tenant right dispute'.

<sup>39</sup> Colman 'Musgraves', p. 214.

<sup>40</sup> Phillips, 'The gentry', pp. 131-2; R. T. Spence, *Lady Anne Clifford* (Stroud, 1997), pp. 140-5; TNA, C5/398/180.

<sup>41</sup> TNA, Chancery decree rolls, C78/1602, no. 18; Chancery proceedings, bills and answers, C5/41/49; N&B, 1, pp. 616-8.

and £935 for making certain tenure and fines on his manors of Long Marton and Shap.<sup>42</sup> A more secure way for the tenants was for the lord to sell them his customary interest and in effect enfranchise them. Sir Thomas Strickland of Sizergh enfranchised many of his customary tenants in this way in the 1670s. Such settlements had been made in the sixteenth century and were to continue into the eighteenth century.<sup>43</sup>

Landowners exploited their woodland for iron smelting, often in conjunction with providing bark for tanning leather. Three water-powered bloomery sites working c 1670 sold iron to local smiths, but iron was also shipped south to Preston.<sup>44</sup> Lead may have been worked at this time around Hartsop, near Ullswater, where in 1696 two Newcastle men leased a mine.<sup>45</sup> It was certainly being worked along the Pennines, for Sir Philip Musgrave left two lead mills in his will of 1677, and lead worth £130.<sup>46</sup>

Urban economic development in the county was limited to Kendal; the other corporate town, Appleby, being significant as a parliamentary borough, rather than a centre of trade and industry. Kendal was the centre of the Westmorland cloth industry and its market ensured supplies for a significant leather industry. Its mercers, grocers, lawyers, medical men, inns, courts, grammar school and clergy

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<sup>42</sup> CROC, Earl of Lonsdale's Mss, D/Lons/L, survey lists, Long Marton box, bdlle 9; Shap box I, bdlle 21.

<sup>43</sup> Bouch and Jones, *The Lake Counties*, p. 96.

<sup>44</sup> C. B. Phillips, 'The Cumbrian iron industry in the seventeenth century', in *Trade and transport. Essays in economic history in honour of T. S. Willan*, ed. W. H. Chaloner and B. M. Ratcliffe (Manchester, 1977), pp. 22, 27 (Fell Foot and Hackett), and (for Milnthorpe) B. G. Awty & C. B. Phillips, 'The Cumbrian bloomery forge in the seventeenth century and forge equipment in the charcoal iron industry', *Transactions of the Newcomen Society*. 51 (1981), p. 28.

<sup>45</sup> S. Murphy, *Grey gold* (Tanworth in Arden, 1996), p. 2. The lessees, Sir Nathaniel Johnson and Robert Jopling, were involved in the Westmorland hearth tax. See, E. Parkinson, 'The Administration of the Hearth Tax in Westmorland', below.

<sup>46</sup> CROC, pr 1677; N&B,1, p. 4.

made it a shopping, social, and administrative centre for south Westmorland, parts of north Lancashire and north-west Yorkshire. Its established connections with Newcastle, Hull, and London ensured that it was not isolated from the rest of England. There were mere market towns at Ambleside, Burton-in-Kendal, and Kirkby Lonsdale (ranked second town in the county by Sir Daniel Fleming) in the south of the county, and at Brough, Kirkby Stephen, and Orton in the north.<sup>47</sup> Albeit on a modest scale, Westmorland manufactures of the hearth-tax period found their way into national and international markets, while its cattle farmers fed animals into national marketing chains.

Marshall has shown the credit-worthiness of the Cumbrian (not just the Westmorland) yeomanry, and pointed to small numbers of wealthy yeomen. Amongst the gentry families some prospered (notably Lowther, but also Musgrave and Fleming), while others coped well (Strickland of Sizergh, Sandford of Askham) or less well (Philipson of Calgarth) with debt. The wealthy in Kendal between 1660 and 1700 left personal estates of £1,000 and more, and there were modestly wealthy shop keepers in Appleby, Kirkby Stephen, Kirkby Lonsdale, and Burton-in-Kendal.<sup>48</sup>

The political situation in Westmorland when the new hearth tax was introduced in 1662 was, if we believe the more prominent gentry, unsettled. In the Barony in the 1650s men from the corporate town of Kendal had eclipsed the traditional gentry rulers in county affairs. At the same time in the Bottom, Appleby

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<sup>47</sup> *The Cambridge urban history of Britain, 2, 1540-1840*, ed. P. Clark (Cambridge, 2000), pp. 111-114, 123-129; Phillips, 'Town and country', p. 100; Hughes, *Fleming-Senhouse papers*, pp. 5-10, 16-19; Morris, *Celia Fiennes*, p. 191.

<sup>48</sup> Phillips, 'The gentry', chap. 8 and pp. 312-42; *idem*, 'The corporation of Kendal under Charles II', *Northern History*, 31, (1995), p. 175.

never enjoyed the county-wide influence of Kendal.<sup>49</sup> In the north two great noble influences were apparent: Lord Wharton, who had been strongly Presbyterian in the Civil War, and Lady Anne Clifford, the hereditary sheriff of Westmorland, whose under-sheriff continued in office from 1651.<sup>50</sup> At the Restoration in 1660 Sir Philip Musgrave, the Cumbrian royalist leader in the Civil War, set a markedly Anglican policy of local government, deeply sensible of threats from dissenting participants in the 1650s regimes. The Restoration removed the Kendal men from county affairs, and put the gentry back in charge. The gentry ‘purged’ adherents of the ‘usurper’ from Kendal corporation and, after prolonged negotiation, adjusted local taxation procedure to move some liability from the rural areas onto Kendal. Expelled survivors of the 1650s regimes were easily branded as religious dissidents in the 1660s, but, in reality, few, if any, were politically active enough to engage in such events as the Kaber Rigg plot of 1663.<sup>51</sup> One of the alleged goals of the plotters was to end ‘chimney money’,<sup>52</sup> for, as said in an assize deposition of July 1662, ‘there was many in England would fight in blood to [their] knees’ before the hearth tax act was passed.<sup>53</sup> Notwithstanding such language, it has been suggested that the total number of Westmorland individuals involved in the Kaber Rigg event was twenty-one.<sup>54</sup> Interestingly, both the Michaelmas 1670 document and the county document for 1674-5 referred to a handful of ex-parliamentarian officers by rank.

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<sup>49</sup> C. B. Phillips, ‘County committees and local government in Cumberland and Westmorland 1642-1660’, *Northern History*, 5, (1970), pp. 55-7; *idem.*, ‘Corporation of Kendal’, pp. 160-1.

<sup>50</sup> Spence, *Lady Anne Clifford*, p. 142.

<sup>51</sup> Phillips, ‘County committees’, pp. 60-4; and ‘Corporation of Kendal’, pp. 161-6, 170-1; P. D. Clarke, ‘The sectarian “Threat” and its impact in Restoration Cumbria’, *CW2*, 88 (1988). The most recent account is Colman, ‘Musgraves’, chap. 4.

<sup>52</sup> *CSPD 1663-4*, p. 352.

<sup>53</sup> Colman, ‘Musgraves’, p. 207; Northern circuit assize deposition of Robert Roberson of Loweswater TNA, ASSI45/6/2/90.

<sup>54</sup> F. Nicholson, ‘The Kaber Rigg plot, 1663’, *CW2*, 11 (1911), pp. 228-231.

Of the dissenters it was the Quakers who attracted the most attention from magistrates, alarmed by their stands on principle. In the north of the county Sir John Lowther of Lowther could be severe on them,<sup>55</sup> and in the south Sir Daniel Fleming was even more stringent. At the Westmorland assizes in 1665, 150 people were indicted for nonconformity (or less than 0.5 per cent of the estimated population in 1675). Evidence gathered by Lowther, relating to five weekly meetings at ‘Strickland’ between 7 August and 4 September 1665, involved eleven men and twenty women from ten communities (between 1.5 and 3 per cent of the people in the households in these areas in the Michaelmas 1670 assessment). So the proportion of the county’s population involved was not large.<sup>56</sup> Nonetheless, the political effect was to allow magistrates to convince themselves that religious diversity represented a threat; and that fear allowed some, such as Sir Daniel Fleming, to make their name known in government circles in London by their alarmist reports.<sup>57</sup> In fact, the few plotters in the Kaber Rigg rising were easily suppressed, the Dumfries rising in southern Scotland in 1667 found no support in the county, and by 1671 Sir Daniel Fleming reckoned that Kendal was ‘prudently governed’.<sup>58</sup>

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<sup>55</sup> CROK, WQ/I/2, 20 July 1664.

<sup>56</sup> C. M. F. Ferguson, ‘Law and order on the Anglo-Scottish border 1603-1707’ (Unpublished PhD thesis, St Andrews University, 1981), p. 80. HMC, *Manuscripts of the Earl of Lonsdale, 13<sup>th</sup> Report, Appendix 7* (London, 1893), pp. 91-2. See also *The Compton census of 1676*, ed. A. Whiteman & M. Clapinson (BARSEH, 10; Oxford, 1986), pp. cxxiii, 626-7, and Colman, ‘Musgraves’, pp. 203-8.

<sup>57</sup> Fleming’s letters are in *CSPD*, and HMC, *12R7*, especially p. 44.

<sup>58</sup> HMC, *12R7*, pp. 42-4; Hughes, *Fleming-Senhouse papers*, p. 8.

**THE ADMINISTRATION OF THE HEARTH TAX IN WESTMORLAND BY ELIZABETH  
PARKINSON**

The proposed new tax on hearths and stoves, as mentioned above, was introduced in the summer of 1662.<sup>59</sup> The tax receipts were anticipated to make up a shortfall of around £200,000 per annum in order to bring the royal income up to £1.2 million a year. This was the sum parliament had calculated that the King needed to run the country. In reality the expected yield of the hearth tax was a hopeless over-estimate resulting in numerous legal and administrative changes in an effort to reach this target. More will be said on the varying yields of the tax later.

The tax levied a sum of one shilling twice a year at Lady Day (25 March) and Michaelmas (29 September) on each hearth and stove within every dwelling with some specific exemptions. Payment was to be made by the occupier, or if the property was empty by the owner, according to a list of named householders with the number of their hearths. Several different administrations were tried, some more than once, during the life of the tax from Michaelmas 1662 to Lady Day 1689. These included unpaid local government officials headed by the sheriffs, professional tax collectors, private agents or farmers and finally a commission.<sup>60</sup> Only for two periods between Michaelmas 1662 and Lady Day 1666, and Michaelmas 1669 to Lady Day 1674 were the lists required to be returned to the Exchequer and it is these which have survived in varying numbers for each county at the TNA, or elsewhere, providing a

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<sup>59</sup> 14 Car. II c.10 An act for establishing an additional revenue upon His Majestie his heirs and successors for the better support of his and their crown and dignity. The act received the royal assent on 19 May 1662.

<sup>60</sup> C. A. F. Meekings was the first to identify these different administrations which he outlined in *The hearth tax 1662-1689, exhibition of records* [London, 1962], and discussed in *Dorset hearth tax assessments, 1662-1664* (Dorchester, 1951).

valuable source of historical data.<sup>61</sup> Westmorland is one of the few counties with surviving lists from outside these periods, namely 1674-5.<sup>62</sup>

### *The sheriffs' administration Michaelmas 1662 to Lady Day 1664*

The first hearth tax act placed the management of the tax on a county basis and in the hands of the local government officials, the petty constables, high constables and sheriffs.<sup>63</sup> During the summer of 1662 each petty constable had to compile a list of all **liable** hearths from self-assessments made by the householders and these had to be returned to the clerk of the peace. Each list from every constablewick or constabery was then combined into a county list to be enrolled in parchment and signed by three justices and then returned to the Exchequer. A second copy of the list was retained at local level. Provision was also made for the recording and enrolment of any change in hearth numbers in the subsequent collections.<sup>64</sup> At the first collection of Michaelmas 1662, each petty constable had to collect the money according to the list and return it to the high constable who returned it to the sheriff for remittance to London. Tight time limits were laid down for returning the money for each stage of the process from taxpayer to petty constable to high constable to sheriff and finally to the Exchequer allowing sixty days in all, for which expenses were allowed.

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<sup>61</sup> The best guide to the surviving county records is J. S. W. Gibson, *The hearth tax and other later Stuart tax lists and the association oath rolls* (2<sup>nd</sup> edn; Birmingham, 1996).

<sup>62</sup> There is also a collector's book for Worcester dated 1678-80 at TNA E179/260/13 and transcribed by C.A.F.Meekings, S. Porter and I. Roy, *The hearth tax collector's book for Worcester 1678-9*, (Worcestershire Historical Society, new series 11 1983) and some Warwickshire records for Michaelmas 1679-80 and Michaelmas 1682-1684, TNA E179/259/11 parts 1 and 2 and E179/375/1 and Warwickshire Record Office, QS11/6,60-3.

<sup>63</sup> 14 Car. II c.10 in J. Raithby, ed., *Statutes of the Realm* ([London] 1819) or online at [british-history.ac.uk](http://british-history.ac.uk).

<sup>64</sup> 14 Car. II c.10, s.14. These documents were known as schedules of variation.



This system lasted for three collections, although by April 1663 the government was already so dismayed that less than half of the first collection had reached the Exchequer that it tried to re-structure the management. Parliament, however, only agreed to a tighter assessment procedure which was laid down in the 1663 act passed on 27 July 1663.<sup>65</sup> Under this revised procedure, the petty constables had to search the houses with two substantial inhabitants to check the householders' self-assessments and then they had to record **all** hearths and householders whether liable or not. This list was then subjected to an additional check by the high constable and two justices before being returned to the clerk of the peace for enrolment by the justices and then returned to the Exchequer. This complicated assessment procedure was only applicable to the Lady Day 1664 collection because by now the very low yield of the tax forced parliament in 1664 to agree to the King's demands for a change in management of the tax.<sup>66</sup>

### *The first receivers' administration Michaelmas 1664 to Michaelmas 1665*

The second revising act passed on 17 May 1664 replaced the organisation of local officials with a system of professional receivers for each county, who were appointed by an Exchequer Commission under oath.<sup>67</sup> The receivers were required to give securities proportionate to the tax yield in their area, so the Commission exerted some control over their actions. The administrative areas were also streamlined merging the county boroughs into their surrounding county, apart from Bristol. Complicated

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<sup>65</sup> 15 Car.II c.13 An additional act for the better ordering and collecting the revenue arising by hearth money. The act was passed on 27 July 1663.

<sup>66</sup> By September 1663 less than half of the anticipated 1663 Lady Day collection had been received and there was still 30% of the first collection outstanding See TNA E401/1935-6.

<sup>67</sup> 16 Car. II c.3 An act for collecting the duty arising by hearth money by officers to be appointed by His Majesty.

instructions were issued for compiling the lists of householders, which included, after a house search, noting which houses were empty, changes of tenancy and also changes in hearth numbers since the 1662 list. In cases of non-payment, distraint could now be issued within an hour of demanding the tax.<sup>68</sup> The petty constable was still required to issue the distraint but legally he had no responsibility for collecting the money. The increased responsibility of the receivers was met with an increased poundage of one shilling per pound as against seven pence per pound for all the local government officials including the clerks of the peace.

Many of the receivers were appointed in July 1664 but by the time they had appointed their teams of collectors and issued them with instructions and appropriate lists, the Michaelmas 1664 collection was overdue. Thus they collected for Michaelmas 1664 and Lady Day 1665 together. At this stage the government was in urgent need of cash to prepare for hostilities against the Dutch so it mortgaged the proceeds of the 1665 collections as surety for two £100,000 loans from the City of London. The first was raised in June-August 1664 and the second in November 1664-January 1665.<sup>69</sup> Unfortunately the professionalized management of the tax did not produce the expected increased in yield, in part hampered by the incidence of plague. As the war situation worsened early in 1666, the government desperate for cash and with no prospect of obtaining further loans changed the management of the tax yet again.

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<sup>68</sup> T. Arkell describes these instructions in 'Printed instructions for administering the hearth tax' in *Surveying the People* ed K. Schürer and T. Arkell (Oxford, 1992) pp. 38-64. The revised distraint procedure is stipulated in clause 2 of the 1664 Act 16 Car.II c.3.

<sup>69</sup> For more details on the loans see C. A. F. Meekings, 'The City Loans on the Hearth Tax, 1664-1668' in *Studies in London History*, ed. A. B. Hollaender and W. Kellaway (London, 1969) .

### *The first farm Michaelmas 1666 to Lady Day 1669*

This change involved farming the tax to a consortium of London businessmen who managed London and Middlesex themselves but sub-farmed the rest of the country.<sup>70</sup> The Grand Farmers paid an advance of £250,000 and an annual rent starting at £145,000, out of which most of the advance and the rent would be recouped. The advance was made and spent between January and May 1666 though the patent for the farm was not issued until 30 March 1666.<sup>71</sup> Thus the farmers were appointed to manage the tax just when the Lady Day 1666 collection became due but it took several months to set up the sub-farming areas with their officials and to draw up lists of taxpayers. Meanwhile in some areas the receivers had started collecting. When the farmers took over in April 1666, about £140,000 of the City loans (plus interest) was still unpaid so it was agreed that the sub-farmers should continue the Lady Day 1666 collection paying the money into the Exchequer and also returning the paperwork there.<sup>72</sup> Outside circumstances did not help the farmers, for the Fire of London in September 1666 both destroyed their office and many of the buildings, thus reducing receipts in the capital. In addition, the taxpayers across the country became less keen to oblige the tax collector, who to them appeared to be collecting for his own profit, and this was coupled with a general dissatisfaction about the management of the country's finances. As a result, in some places riots ensued.<sup>73</sup> The

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<sup>70</sup> The consortium was headed by Sir Richard Pigott, Perient Trott and Humphrey Beane with other persons including Sir Robert Vyner; see Meekings, *The city loans on the hearth tax*, p. 347.

<sup>71</sup> TNA, Patent rolls, C66/3074.

<sup>72</sup> Meekings, *The hearth tax 1662-1689*, exhibits in case 4.

<sup>73</sup> M. J. Braddick, *Parliamentary taxation in seventeenth-century England* (Woodbridge, 1994), pp. 252-69.

unpopularity of the tax was further fuelled by talk in parliament of its abolition.<sup>74</sup>

The farmers and sub-farmers on the other hand needed to impose the law strictly in order to make any money. In the end the situation was unworkable so the farm was revoked after the Lady Day 1669 collection.<sup>75</sup>

### ***The second receivers' administration from Michaelmas 1669 to Lady Day 1674***

A year went by with no collection of the tax. Eventually in March 1670 the government decided upon another form of direct collection under a second set of receivers, but this management was more centralised. The receivers were supervised by a hearth money office in London which was directed by two experienced agents, Richard Sherwyn and William Webb. Furthermore the Treasury Lords kept a close watch over the accounts. The county management was streamlined by further reducing the number of administrative areas to 35 (probably the number used in the farm) and introducing a system of graduated poundages to take account of thinly populated areas.<sup>76</sup> The system of county duplicates returned to the Exchequer was reinstated and formed the basis as before, for the accounting procedure and for calculating the arrears of the tax, which had then to be collected. In most places, new county officials were appointed although one or two of the sub-farmers were retained as receivers of other areas.<sup>77</sup> Instructions were again issued to the receivers but

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<sup>74</sup> C. D. Chandaman, *The English public revenue* (Oxford, 1975), pp. 86-7.

<sup>75</sup> The contract was for a five-year period with an option to surrender after three years at 1669 Lady Day.

<sup>76</sup> The scale of poundages taken from the accounts was 1s.6d for London and Middlesex and 2s for Cumberland and Westmorland. These poundages accounted for some 10% of the receipts compared with about 6% under the earlier receivers and 3% under the sheriffs. See [C. A. F. Meekings], *Analysis of hearth tax accounts, 1662-1665* (List and Index Society, 153, 1979) and *Analysis of hearth tax accounts, 1666-1699* (List and Index Society, 163, 1980).

<sup>77</sup> The two Welshmen Richard Gwyn and Bevis Lloyd who sub-farmed Somerset between Lady Day 1666 and Lady Day 1669 returned to Wales to manage the tax in

unfortunately no copies have survived. With two collections overdue the government was keen to expedite the collections Michaelmas 1669 to Michaelmas 1670 as quickly as possible. However, the compilation and subsequent delivery of the lists to the Exchequer took much longer than expected so that the auditing of these accounts was delayed by a year until the spring/summer of 1671.<sup>78</sup> All these delays caused additional problems, for taxpayers are less keen to pay up for overdue collections and also for arrears assuming the latter were leviable.<sup>79</sup>

***The second and third farms Michaelmas 1674 to Lady Day 1679 and Michaelmas 1679 to Lady Day 1684 and the Commission Michaelmas 1684 to Lady Day 1689***

The replacement in June 1673 of the Treasury Commission by Lord Treasurer Danby meant another management change for the tax. Danby's preference was for farming rather than direct collection of taxes, because with proper safeguards he felt it gave the collectors a better incentive to continually increase their efficiency, which poundages and a strict Exchequer audit under direct collection did not. In addition, the continual problem of delayed return of the money to the Exchequer could be overcome by payment of an advance.<sup>80</sup> Danby himself never used the term 'farm' because he was fearful that parliamentary opposition could question the legality of the farmers' patent as indeed occurred in 1666.<sup>81</sup> In public official documents, the

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1670 while Robert Hollinshed who sub-farmed Shropshire became receiver for Lancashire in 1670. See E. Parkinson *The establishment of the hearth tax 1662-1666* (List and Index Society, forthcoming) and Meekings, *Analysis of hearth tax accounts, 1666-1699*.

<sup>78</sup> Meekings, *The hearth tax 1662-1689*.

<sup>79</sup> S. 3 of the 1664 Act, 16 Car.II c. 3 stipulated that no arrears shall come due to His Majesty after the space of two years from 24 June 1664.

<sup>80</sup> Danby's preference is set out in a pamphlet entitled *The answer of the Right Honorable the Earl of Danby to a late pamphlet entitled, An examination of the impartial state of the case of the Earl of Danby* (1680).

<sup>81</sup> Chandaman, *The English Public Revenue*, pp. 91-2.

officials were referred to as managers or commissioners.<sup>82</sup> The patent was signed in June 1674 with the contract taking effect from Michaelmas 1674 and most of the advance of £125,000 being paid before the Michaelmas 1674 collection was due.<sup>83</sup> Provisions were made for defalcations for plague, fire and removal of the tax. The contract was negotiated for five years with Abraham Anselme, John Perry and Edward Buckley, three London businessmen.<sup>84</sup> It was under closer scrutiny than the previous farm with no sub-farming. A central hearth office was set up in Throgmorton Street, London, with further local offices from where teams of sub-collectors were managed. With no survey of hearths ready to use, the money was collected according to a list prepared by the second receivers, while the justices were required as before to sign appropriate exemption certificates at the Quarter Sessions. With the Exchequer having little to do with the administration of this farm, not much is known about its management except here in Westmorland.

In August 1678, in spite of parliamentary opposition and before the end of the second farm, Danby was able to negotiate a third farm for another five years from Michaelmas 1679 to Lady Day 1684 with another group of city financiers including Anthony Rowe, Nathaniel Johnson, Cornwall Bradshaw, Robert Nott and Thomas Duck.<sup>85</sup> Nathaniel Johnson was a merchant adventurer of Newcastle upon Tyne and was knighted by 1681.<sup>86</sup> There was to be an initial minimal rental of £162,000 payable half-yearly and an advance of £150,000 at 6 per cent interest. The rent however was not fixed. If the revenue, payable annually, exceeded the rent by more

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<sup>82</sup> *London Gazette*, no. 1328 for 8/12 August and no. 1329 for 12/15 August and the proclamation at TNA, State papers, various, SP45/12 p. 323.

<sup>83</sup> TNA, C66/3158.

<sup>84</sup> The indenture was signed on 13 June 1674 and the conditions were for an advance of £125,000 bearing interest at 6% and a yearly rental of £151,000.

<sup>85</sup> TNA, C66/3203; *London Gazette*, no. 1414 for 5/9 June 1679.

<sup>86</sup> F. W. Dendy, ed., *Extracts from the records of the Merchant Adventurers of Newcastle upon Tyne* (Surtees Society Publications, 101, 1899), pp. 295, 310.

than £26,000, then the surplus was to be paid into the Exchequer. As before provisions were allowed for defalcations and for allowing Treasury access to the papers of the farmers, who agreed to return a perfect survey of hearths to the Exchequer in 1680.

With such access the Treasury realised that the farmers were making undue profits so in 1685 the administration was returned to a system of direct collection under a commission, which also managed the excise. The commissioners were the last administrators of the tax, for William and Mary in 1689 repealed the tax as a measure of gaining popularity.<sup>87</sup>

### ***Exemption***

No exemption clauses were included in the original 1662 bill which was also vague on whether liability fell on the owner or the occupier. During its passage through parliament the MPs decided that the occupier should pay the tax and owners were only liable for empty houses. The Members also added hastily some badly-worded exemption clauses which caused problems throughout the life of the tax. The first clause allowed automatic exemption for those hearths in dwellings not paying rates to church and poor because of the 'smallnes of the estate' and not because the landlord paid them.<sup>88</sup> A second exemption clause allowed exemption to those hearths in buildings whose annual rent was twenty shillings or less and where the occupier had possessions not above the capital value of £10. Such people required a certificate signed by the minister and at least of one of the churchwardens or overseers of the

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<sup>87</sup> 1 Wm and Mary c.10. An act for the taking away the revenue arising by hearth money passed on 24 April 1689.

<sup>88</sup> T. Arkell gives a clear explanation of the problems over exemption in Schürer and Arkell, eds., *Surveying the People*, pp.49-64 and 'Understanding exemption from the hearth tax' in *Houses and the hearth tax: the later Stuart house and society*, ed. P. S. Barnwell and M. Airs (Council for British Archaeology, Research Report 150, 2006), pp. 18-21.

poor and certified by two justices and this was valid for one year.<sup>89</sup> In practice there was much overlap between the two categories causing confusion as to who should be certified. The use of a different set of officials to manage the exemption procedure introduced an unnecessary field of dispute between them and the collectors. There was further confusion because the money was collected according to constablewicks or constableries or townships, whereas the exemption procedure was organised according to the parishes.

There was also a third exemption clause which allowed exemption to those hearths in any almshouse or hospital (except those with an annual income of over £100 a year) and those in any 'Blowing house and Stampe Furnace or Kiln or any private Oven within any of the houses hereby charged'.<sup>90</sup> Poor drafting of this clause did not make it clear that smiths' forges and bakers' ovens were liable thus creating a fertile areas for dispute. The conditions for non-liability were tightened in the 1664 Act whereby any dwelling previously classed as liable or one with more than two hearths could not be exempted unless it became ruinous. Also, those landlords who sub-divided their properties after 1663, so as to reduce the annual rental below the twenty-shilling threshold for exemption were themselves made liable for the tax.<sup>91</sup>

### *The diversity of the lists*

The identity and numbers of the exempt may or may not appear on the county duplicates. The law stated that the Michaelmas 1662 lists should record only the liable while those for Lady Day 1664 were to note both liable and not liable in two parallel

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<sup>89</sup> At first these certificates were written on small pieces of paper, one for each exempted householder. Later group certificates were used which listed all the exempt from one parish.

<sup>90</sup> 14 Car.II c. 10, s.19.

<sup>91</sup> 16 Car.II c.3, s.6.



columns. For the compilation of the Michaelmas 1664 to Michaelmas 1665 lists, the receivers were to use a mix of both Michaelmas 1662 and Lady Day 1664 copies but the muddled instructions, which did not match the accompanying form, resulted in a variable recording of the not-liable.<sup>92</sup> Sometimes they were listed including the alms-people. With the divided responsibility of the Lady Day 1666 collection and the resulting delayed return of the money, many of these lists record who had paid what and those who had still not paid rather than the number of hearths.

For the lists covering the Michaelmas 1669 to Lady Day 1674 collections, the recording of the exempt is variable. By now the increasingly centralised management of the tax had resulted in the receivers issuing printed certificates to the justices for recording the not liable. In the county lists, the exempt may be noted as ‘discharged by legal certificat’, ‘under the value and poor’ or ‘receive alms of the parish’ or they may be mentioned in just numerical terms or not at all.<sup>93</sup> The delayed start to the second receivers’ administration meant that the clerks were compiling the lists for the Michaelmas 1670 collection after the money had been collected and such lists also represented the money collected for Michaelmas 1669 and Lady Day 1670. Most of these lists were delivered to the Exchequer between May and November 1671.<sup>94</sup> By this time the next duplicates for the 1671 collections were due. This shortage of time no doubt influenced some of the clerks in preparing much shorter schedules of variation for the 1671 collections, recording merely the increases and decreases of hearths since the previous list. It no doubt also explains why many of

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<sup>92</sup> See note 12.

<sup>93</sup> For examples of the differing layout of these duplicates see E. Parkinson, *The Glamorgan hearth tax assessment of 1670* (South Wales Record Society, 10, 1994) and D. Hey, C. Giles, M. Spufford and A. Wareham, *Yorkshire West Riding hearth tax assessment Lady Day 1672* (British Record Society (Hearth Tax Series, vol. 5), 121, 2007) and *Nottinghamshire hearth tax 1664:1674*, ed. W. F. Webster (Thoroton Society Record Series, 37, 1988).

<sup>94</sup> Meekings, *The Hearth Tax 1662-1689*.

the names of the exempt are omitted since their names were already recorded on the exemption certificates and there was no need to write them twice. For the collections Michaelmas 1672 to Lady Day 1674 a varying number of duplicates were produced by each county. Generally the last two collections for Michaelmas 1673 and Lady Day 1674 were accounted for together, with Exchequer duplicates arriving in London during 1675.

Lists of named householders with the number of their hearths appear very straightforward but such information cannot be taken at face value. In theory, the name should refer to the occupier but in practice if the property was empty it may be the landlord or the owner. Generally the hearth number represents a single building but it may refer to a part of a sub-divided house or even hearths in several buildings. The completeness of each list also varies for a multitude of reasons such as the diligence or confusion of the compilers, the changes in the law and the timing of these changes. Furthermore such differences may not be consistent within one county. There is no single way of testing the comprehensiveness of a list, but comparison with others of different dates or with surviving parochial records of the same date may throw some light on the level of omissions.

### ***The yield of the tax***

The net annual yield of the tax under the sheriffs was about £115,000 while under the first receivers from Michaelmas 1664 to Michaelmas 1665 the yield fell to £112,500. Under the first farmers from Michaelmas 1666 to Lady Day 1669 the yield to the government fell even further to £103,000. By the time of the second receivers things were looking up for the net annual yield reached £145,000. A similar figure of £144,500 was reached by the second farmers which increased again to £157,000 for

the third farmers and reached £216,000 under the commission. Thus at the end of its life, the yield of the tax had at last exceeded the original 1662 assessment of around £80,000 per collection.<sup>95</sup>

### *The administrators of the tax in Westmorland*

The hereditary sheriff, Anne, Countess of Pembroke, employed as her under-sheriff in Westmorland Thomas Giabetis who was responsible for all four of the sheriffs' collections from Michaelmas 1662 to Lady Day 1664. With only one official, rather than the two to three generally involved elsewhere, the money was paid to the Exchequer relatively quickly and about 95 per cent of that assessed was returned.<sup>96</sup> This may not be due entirely to efficiency, for ease of collection depends upon the strictness of the assessment, which itself was dependent upon the influence of the justices in granting exemptions. Here again the county is in a favourable position for the survival of the large Fleming archive gives us a glimpse of the activities of one justice and his approach towards the granting of exemptions.<sup>97</sup>

The receiver appointed to manage the collections from Michaelmas 1664 to Michaelmas 1665 was John Warwick. He was probably a relative of Sir Philip Warwick, the MP for Westminster who was secretary to the Lord Treasurer

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<sup>95</sup> Chandaman, *The English public revenue*, pp.316-22.

<sup>96</sup> Westmorland was one of ten counties to complete all four of the sheriffs' collections by 8 May 1665. See E. Parkinson, *The establishment of the hearth tax 1662-66* (List and Index Society forthcoming) and Meekings, *Analysis of hearth tax accounts, 1662-1665*.

<sup>97</sup> WD/Ry boxes 28, 31, 32, 34 and 38, also HMC, *12R7*. The survival of the Fleming correspondence may give us an exaggerated idea of Sir Daniel's prominence in local affairs but London contemporaries spoke of him as 'the most accomplished justice of the peace in the northern counties.' (A. Fletcher, *Reform in the provinces. The government of Stuart England* (London, 1986), p. 147 and J. V. Becket, 'Sir Daniel Fleming and the gentlemen of England', *CW3*, 3 (2003), pp. 127-38.

Southampton.<sup>98</sup> The choice of a trusted relative to manage the tax in a county far removed from London would be a wise move to ensure loyalty in an area previously prone to anti-royalist plots.<sup>99</sup> The sub-farm of the tax, for the collections from Michaelmas 1666 to Lady Day 1669 was let to George Williamson. He had acted as receiver for the neighbouring county of Cumberland and now became sub-farmer for both counties. He is described as ‘of Bridekirk’ Cumberland and his brother was Sir Joseph Williamson, an under-secretary of state and founder of *The London Gazette*.<sup>100</sup> No doubt because of this influence, George was able to retain the administration of the tax under the second receivers, an unusual occurrence.<sup>101</sup>

In order to undertake the task he made a joint obligation to the Exchequer of £18,000. His sureties were Nicholas Foster of Stonegarthside, Cumberland, Richard Duckett of Kirkby Kendal in Westmorland esq and William Ked junior of St Clements Danes, Middlesex, merchant taylor.<sup>102</sup> George Williamson was responsible for the first of the lists transcribed in this volume, that for the collections Michaelmas 1669 to Michaelmas 1670.<sup>103</sup> The delayed start of the second receivers’ administration with the need to collect some of the duty retrospectively is shown by Fleming’s payment ‘for my year’s hearth money due at 25 March 1670’, dated 19

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<sup>98</sup> *DNB*; B. D. Henning, *The history of parliament, The House of Commons, 1660-1690*, 3 (London, 1983), p.674-7.

<sup>99</sup> R. L. Greaves, *Deliver us from evil: the radical underground in Britain, 1660-1663* (Oxford, 1986), pp. 6, 159-206.

<sup>100</sup> Marshall describes Sir Joseph as a ‘methodical’ bureaucrat and ‘*de facto* head of the Restoration governments’ intelligence system’ in A. Marshall, ‘Sir Joseph Williamson and the conduct of administration in Restoration England’, *Historical Research*, 69 (1996), pp. 18-41.

<sup>101</sup> See note 20.

<sup>102</sup> TNA, Treasury, Warrants, early, T51/36, fo. 181.

<sup>103</sup> The document includes from the north of the county the name of the vicar of Bampton who was dead by 1 March 1668 /9; while from the south William Jennings of Stricklandfield is included and he was dead by 1 July 1669, which may indicate transfer of records from one administration to another (B. Nightingale, *The ejected of 1662 in Cumberland and Westmorland* (Manchester, 1911), p. 1214; WRW/K, Jenning’s inventory of 1 July 1669).

August 1670, covering the Michaelmas 1669 to Lady Day 1670 collections.<sup>104</sup> George Williamson died in 1672 before accounting for any of his collections. Thus on 8 December 1674 the accounts for all seven of his collections from Michaelmas 1669 to Michaelmas 1672 were declared in his widow's name, leaving just £15 in arrears.<sup>105</sup> Thomas Addison 'of Whitehaven' was appointed his successor in February 1673, a man with entrepreneurial interests.<sup>106</sup> He managed the collections from Lady Day 1673 until Lady Day 1674. Interestingly, one of his securities was provided by the same individual as that for Williamson, namely William Kidd [or Kedd] of St Clements Danes, Middlesex.<sup>107</sup> No doubt such an arrangement facilitated any late remittance of money occurring after Williamson's death.

The patent for the second farm was signed in April 1674, as revealed in a London newsletter.<sup>108</sup> The commissioner appointed to manage Cumberland and Westmorland was Nathaniel Johnson of Newcastle upon Tyne.<sup>109</sup> By October 1678 he was a signatory to the indenture setting up the third farm.<sup>110</sup> He was the administrator responsible for the production of two of the three remaining lists transcribed in this volume, the survey of Westmorland in 1674-5 and the survey of the

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<sup>104</sup> WD/Ry, box 119, Sir Daniel Fleming's account book, 1656-88.

<sup>105</sup> Meekings, *Analysis of hearth tax accounts 1666-99*, p. 30.

<sup>106</sup> C. B. Phillips, 'The Cumbrian iron industry in the seventeenth century', in W. H. Chaloner and B. M. Ratcliffe (eds.), *Trade and Transport. Essays in economic history in honour of T. S. Willan* (Manchester, 1977), pp. 4, 18; *The correspondence of Sir John Lowther of Whitehaven 1693-98*, ed. D. R. Hainsworth (BARSEH, 7; Oxford, 1983), p. 671; *CTB*, IV, p. 69.

<sup>107</sup> Apart from his own surety and that of Kedd, the remaining sureties were provided by John Miller of Westminster esq, and Thomas Denton of Warnell, Cumberland. *CTB*, IV, p. 69.

<sup>108</sup> WD/Ry, HMC, letters, no. 1514 dated 28 April 1674.

<sup>109</sup> WD/Ry, MsR p.107 where he signs as commissioner. Also WD/Ry/HMC letters nos. 1573 (8 January 1674/5, 1582 (1 February 1674/5) and 1615 (6 April 1675).

<sup>110</sup> *CTB*, V, p. 1151.

borough of Kendal with Kirkland.<sup>111</sup> The list of exempt was produced under the jurisdiction of Kendal corporation. The Westmorland survey is found in one of Fleming's notebooks and from his letters we learn that he had asked for a copy of the survey, much to the irritation of the officials.<sup>112</sup> Early in the surveying process Johnson's correspondence with Fleming was conciliatory in tone but by January 1675 the surveyors were complaining about the justices' opposition to their activities. By July 1675 he was very critical of the justices' tolerance towards the fraudulent, temporary walling-up of hearths and their refusal to accept the evidence of his officers.<sup>113</sup> The friction between chimney men and justices was characteristic of the 1670s as shown by the increasing hostility to the tax in parliament. The MPs, drawn from the same class as the justices, resented the increasing government control over the localities, in particular the stricter application of the hearth tax statutes. They attempted to obstruct any changes in hearth tax law. Between October 1669 and January 1681 ten bills were introduced into the Commons for 'the more easy collecting the duty' or 'for regulating the abuses committed by the chimney men' but to no avail.<sup>114</sup>

The officials responsible for compiling the 1674-5 survey were headed by John Railton, a Carlisle man, appointed by the agents as their deputy to survey and collect in Cumberland and Westmorland.<sup>115</sup> Robert Jopling was also appointed surveyor and he worked with Railton and two others in Westmorland, Richard Bell and Reynold Harle, the latter two doing most of the surveying. The Commission to

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<sup>111</sup> WD/Ry Box 32, Sir Daniel Fleming's notebook MsR; the Kendal town lists are in CROK, WS/MB/K, HMC bdles, A9.

<sup>112</sup> WD/Ry, HMC letters, nos. 1560 and 1571.

<sup>113</sup> HMC, 12R7, p. 120, no. 1642 (30 July 1675) This document is noted as missing from WD/Ry.

<sup>114</sup> P. Styles, 'Introduction to the Warwickshire hearth tax records', *Warwick County records: hearth tax returns*, ed. M. Walker (Warwick, 1957), 1, p. xcii.

<sup>115</sup> Cumbria RO, WD/Ry Box 32, file 5. Commission dated 27 March 22 Chas II.

survey was issued on 5 November 1674.<sup>116</sup> As a result, Johnson conceded that the tax for the Michaelmas 1674 collection would have to be collected according to the ‘old’ survey because the farmers’ view was not complete.<sup>117</sup> Their survey however was completed by 25 March 1675 which was no mean feat during a northern winter. Since the farmers were paying to manage the tax, they needed an up-to-date assessment producing the maximum amount of money as soon as possible. Their unfamiliarity with Westmorland may have led the new surveyors appointed from London to differ the order of places in this list with its division into the Bottom and Barony compared with the 1670 list.

The borough of Kendal’s copy of the survey was handed in to the Kendal borough quarter Sessions by Jopling and Bell on 14 January 1675, earlier than the Westmorland survey. Its layout of columns showing the numbers of chargeable hearths (no), walled-up hearths (w:up), new and those headed as ‘po’ (poor?) provides a detailed analysis of hearth numbers although there are no figures in the ‘po’ column.<sup>118</sup> The fourth list, printed as appendix II to this volume, records those certificates allowed by Mr Jopling and others before the mayor of Kendal, and dated 19 July 1675. Perhaps this document provides the details for the ‘po’ column in the Kendal survey because such detail could only be completed in consultation with the justices.

## **WESTMORLAND IN THE HEARTH TAX DOCUMENTS BY COLIN PHILLIPS**

### ***The surveys of 1674-5 of the county and the borough of Kendal***

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<sup>116</sup> WD/Ry, HMC letters, no. 1571.

<sup>117</sup> WD/Ry, HMC letters, no. 1582.

<sup>118</sup> CROK, WS/MB/K, HMC bdles, A9. The inclusion of details about walled up hearths is an indication that the numbers of wallings-up were being closely scrutinized. Many of the letters show that the officials felt that too many of the wallings-up were false.

Compared to the surveys of 1674-5, the Michaelmas 1670 return for Westmorland is most useful for the information it gives on exemption from the hearth tax. The later surveys contain more households, and more households with multiple hearths, and therefore give the more accurate picture of Westmorland in the 1670s; these differences are summarised in Table 2.1. The survey documents and process deserve some detailed consideration, not only because of the relative rarity of such documents, but also because of the differences between the surveys and the Michaelmas 1670 return. Elizabeth Parkinson has described, in the section above, the administrative structure which created the surveys, identified the main officers and pointed to the tensions between hearth-tax officials and county justices.

The survey for the borough of Kendal survives in its expected place, in the borough archives, for it was handed in for the quarter sessions of the town by two of the farmers' officers on 14 January 1674/5.<sup>119</sup> In contrast, the survey of the county has survived outside its administrative context because it was made as a private copy. It is in one of Sir Daniel Fleming's notebooks which he called Manuscript R. Such documents would be expected amongst the papers of the tax farmers, but little of these survive for localities. Soon after the start of the farm, Fleming had given the farmers notice that he intended to keep a close eye on their work by asking for a copy of the survey.<sup>120</sup> He was well aware that a privatised management would try to interpret the law more strictly which could not only cause difficulties for some householders but could also undermine the local power of the justices. There is no clear indication of when the copy was written into Manuscript R: the two hands used look contemporary. Two possible provenances can be suggested for Fleming's copy of the survey: either the surveyors made it for him, or Fleming himself had it made

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<sup>119</sup> CROK, WS/MB/K, HMC bdles, A9.

<sup>120</sup> WD/Ry, HMC letters, no. 1560.



from the copy which the surveyors had promised to hand in for the county quarter sessions.<sup>121</sup> In either case, some care was evidently taken to correct the text. The names of householders are listed together with their hearths for which they were liable and the list is signed by the officer, here acting as a surveyor, and by the constable.

Manuscript R and the Kendal survey come from an earlier stage in the taxation procedure than the Michaelmas 1670 document. That document lists the householders, with the number of their hearths in separate columns, one for those who paid, and one for those exempt. The names of the exempt come after the names of those who paid, and the majority of the unpaid were further described as 'discharged by certificates'. The 1674-5 surveys list those householders, with their number of hearths, whom the surveyors considered liable; the surveys say nothing about exemption, for decisions on that would be made at a later stage in the taxation procedure.

In Fleming's copy, the order of the entries does not expressly reflect county administration. In contrast to the Michaelmas 1670 document, the county's usual division into the Bottom and Barony, and then into wards, is not explicit in the 1674-75 document, though there is a significant grouping by barony and ward. If the ordering of Fleming's copy was not the work of his own copyist, it is worth considering whether the omission of explicit county administrative structures in ordering the collection areas signalled a deliberate independence from the county justices, or, as Elizabeth Parkinson has suggested, simply the unfamiliarity with Westmorland of the new, London appointed, tax officers. Independence is certainly indicated by the omission of Kendal from Fleming's copy, for Fleming was not a

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<sup>121</sup> WD/Ry, HMC letters, no. 1571.

justice there. In contrast, in the receiver's Michaelmas 1670 document the borough was included with the Barony.

The survey did not begin until after the commission to survey was issued on 5 November 1674.<sup>122</sup> It is not obvious, from Manuscript R, how the surveying was done. The collection areas are not explicitly identified by ward or barony, though many (but not all) of the places in Lonsdale ward in the Barony are coupled with the word Lonsdale.<sup>123</sup> In fact, the initial ordering of Manuscript R might follow the report of the surveyor Robert Jopling to Sir Daniel Fleming on 8 January 1674/5 that they had surveyed Cumberland and most of the market towns in Westmorland.<sup>124</sup> These market towns could include the first two collection areas in the copy survey, Kirkby Lonsdale and Burton-in-Kendal in Kendal (both surveys undated); Appleby, Brough, and Kirkby Stephen were surveyed on 28, 30, and 31 December 1674; and Ambleside on 4 January 1674/5. Jopling had surveyed all but Ambleside, and his work occupies the first ten pages of Manuscript R. Then comes a group surveyed by Bell, beginning with the market towns of Ambleside and Orton but followed by a group of places from both East and West wards on pages 11-18. Places in Lonsdale ward, excepting the market towns of Kirkby Lonsdale and Burton-in-Kendal, run from p. 18 to p. 26 of the manuscript. There is no indication of the change to Kendal ward on p. 26, but on p. 27 the word Kendal is used. Places in Kendal ward follow to p. 60. On that page the transition to the West ward of the Bottom of Westmorland is not marked at all, nor is that on p. 79 to the East ward. The surveyors split a ward

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<sup>122</sup> WD/Ry, HMC letters, no. 1571.

<sup>123</sup> Pages 109-12 of the copy do provide an index of collection areas by ward, but are in a different hand from the two hands used for the copy survey and look to be Fleming's own private tool (though not in his hand). There are some differences between the place-names in this index and the place names of the collections areas in the survey.

<sup>124</sup> WD/Ry, HMC letters, no. 1571.

between them and, for those areas which are dated, the entries run by surveyor's name and then in date order. Thereafter the order in which collection areas were copied up was probably determined by the order in which collection area lists were bundled up by the surveyors. It may be that the date of survey of collection areas for which no date is given can be extrapolated from the dates of surrounding entries in the manuscript for collection areas covered by the same surveyor. The date on a survey most likely records the day on which the surveyor finished writing it up. It seems unlikely that Robert Jopling was actually surveying Winton (in north Westmorland) on the date on the survey, 14 January, because on the same day he was delivering a fair copy of the survey of Kendal (in south Westmorland) to the town's corporation. Jopling's claim (above) to have surveyed 'most of' the market towns in Westmorland' by 8 January would carry some weight if he had by then surveyed the largest of them, Kendal, even if he had yet to make out a fair copy.

Most of the surveying of Westmorland was done by Richard Bell and Reynold Harle, while Robert Jopling (thirteen areas) and John Railton (three) only surveyed a minority of collection areas. Additionally, Jopling and Bell jointly surveyed Kirkby Lonsdale, and Harle and Bell jointly surveyed Drybeck. The latest date given for a survey was 25 March 1675, so the county was surveyed between late December 1674 and early the following spring. In January Jopling expected that a duplicate of the whole would be ready for the Easter sessions in April 1675.<sup>125</sup> This timetable has implications for the way in which information was gathered and therefore for the accuracy of that information.

If, between late December and late March, there were, roughly, eighty working days to cover 144 collection areas, the two main surveyors were moving

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<sup>125</sup> WD/Ry, HMC letters, no. 1571.

pretty fast in short days and potentially inclement weather. Of course some areas had few but scattered houses, whilst others had many houses close together. Whether the surveyors entered all the houses, as they were entitled to, is unclear, but the survey's standard phrase was 'viewed and numbred'.<sup>126</sup> They may have accepted data given by householders to the constables.<sup>127</sup> The Westmorland justices were putting some pressure on the officers of the tax farmers in January 1674/5 by insisting on using 'the old survey' to collect the tax due at Michaelmas 1674 until the new survey was perfected.<sup>128</sup> That instalment was paid to Jopling as collector by 4 March 1674/5 when the constables produced their own copies of lists made according to the 'old survey'.<sup>129</sup> Such copies evidently existed for most of the county, and could, at the least, have informed the survey by Jopling and his colleagues. On the other hand, the higher number of hearths in the 1674-5 survey,<sup>130</sup> compared with the Michaelmas 1670 return, together with the surveyors' complaints about walling up of hearths, reports of refusals to accept the tax liability of kitchen and brewhouse hearths, and continued opposition to the chimney men in complaints to quarter sessions into 1676, suggests they were diligent.<sup>131</sup>

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<sup>126</sup> Arkell, 'Printed instructions for administering the hearth tax', p. 42.

<sup>127</sup> WD/Ry Box 32, folder 5, has an undated document signed by some the residents of Loughrigg and Rydal constablewick stating their number of hearths. Sir Daniel Fleming has written on the numbers of hearths for others (perhaps residents of Rydal rather than Loughrigg).

<sup>128</sup> WD/Ry, HMC letters, no. 1582, 1 February 1674-5.

<sup>129</sup> HMC, *I2R7*, p. 117. This document is reported missing from WD/Ry.

<sup>130</sup> See transcript of Fleming MS R (CROK WD/Ry, box 28, MsR)

<sup>131</sup> WD/Ry, HMC letters, no. 1577 15 January 1674/5; WD/Ry, Box 119, Sir Daniel Fleming's account book 1656-1688, *sub* 20 July 1675; WD/Ry, Box 32, file 5; HMC letters, no. 1694 (5 January 1675/6); CROK, WQ/I/3, Kendal indictment and order book, 17 April 28 Chas II, 1676 (damaged for Michaelmas 1675, Hilary 1675/6, and Summer 1676 sessions).

Alongside the surveyor, the other crucial official in the survey process was the local petty constable.<sup>132</sup> The relationship between the surveyors and constables was reportedly co-operative in early March 1674/5. Only five surveys did not give the name of a constable and since three of these did not name a surveyor either, the absence of a name may be a result of the copying process rather than absence on the day. At least thirty constables were not assessed for hearths in their own constablewick.<sup>133</sup> Bell, Harle, and Jopling were responsible for such surveys, so if the surveyors were guilty of leniency towards constables, all but Railton were involved in the game. Did constables take advantage of office to avoid paying tax? Did sons act as constables for elderly fathers, or was the constable's property let out whilst he lived in a nearby constablewick?

### *The impact of the 1674-5 survey*

From 1662 to 1675 the number of taxable hearths in Westmorland had fluctuated (Table 3). The number peaked in 1664 (Table 3. 5) but thereafter declined to a low point (Table 3.11) under the second receivers, from which it had just begun to recover by the end of their regime at Lady Day 1674. The 1674-5 surveyors' figure, in round terms 10,500, was the highest known total of hearths. If, in 1675, the proportion of exempt hearths allowed continued at the 20 per cent rate shown in the Michaelmas 1670 assessment (that is at 2,100) there would be 8,400 taxable hearths. Thus the efforts of the 1674-5 surveyors would add some 1,500 taxable hearths to the previous highest level (Table 3.5, 6) and some 2,800 to the 1674 low (Table 3.11). Even if the

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<sup>132</sup> In Beetham the constable and deputy constable, in 'Witherslacke, Meathop, and Ovah' the deputy constable, and in Brougham and in Langdale (Grasmere parish) the overseer, authenticated the survey. Cliburn, Crosby Garrett, Drybeck, and Sandforth all named two constables. Only the constable authenticated the survey of Brampton.

<sup>133</sup> Inconsistencies of surname spelling might add a few areas to this total.

proportion of exempt hearths after 1674-5 were to reach the 31 per cent recorded in 1664, then the surveyors would still be adding to the chargeable number. These figures, though hypothetical, show the significance of the 1674-5 survey and the importance of quarter sessions in determining the number of exempt heads of household. It may be that before 1670 no new properties were to be exempted, but complaints against the Westmorland justices suggest that they did not necessarily follow this instruction.<sup>134</sup> The new tax farmers were aiming to increase their revenue firstly by including more households, and, secondly, by maximising the numbers of hearths in taxed households. These higher figures underlie the animosity between the collectors and at least some of the local gentry in 1675.<sup>135</sup> Along with the Worcester collectors' book for 1678-1680, the Westmorland figures provide evidence from provincial sources to corroborate Chandaman's conclusion from the London books of the tax farmers that, nationally, the second farm of the tax began an increase in the assessed value of the hearth tax.<sup>136</sup>

The tax farmers' first aim, to raise revenue by including more households, seems to have been achieved, to the tune of some 1,700 more in 1674-5 than in 1670 (Table 2.1). A comparison of the two documents suggests that this was a real increase and not the result of document damage, omission, or changes in local government units. Table 4 lists some apparent differences and omissions which do not, however, account for the excess of some 1,700 households in 1674-5 over 1670. There are three concerns about the coverage of the documents. First, the four documents printed here refer to local government units which were called

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<sup>134</sup> Arkell 'Understanding exemption from the hearth tax', p. 18.

<sup>135</sup> R. S. Ferguson, *The history of Westmorland* (London, 1905), p. 225, reports suggestions that in Cumberland in the 1660s magistrates opposed the chimney men to curry favour for parliamentary elections.

<sup>136</sup> Chandaman, *The English public revenue*, pp. 100, 106-9; Meekings, Porter, I. Roy, eds., *Hearth tax collectors' book for Worcester 1678 – 1680*, pp. 10, 11, 28.

constablewicks.<sup>137</sup> However, the concluding ‘breviat’ of the Michaelmas 1670 document lumped together as constablewicks some of the units listed separately in the document, while some of the constablewicks in that same document were divided into apparently separate constablewicks in the 1674-5 survey. While it seems clear, therefore, that most of the local government units used in the documents were constablewicks, the status of some of the units in both documents is open to question, and instances are discussed in Table 4 and its accompanying notes.<sup>138</sup> Because of this doubt about the status of units, the term ‘collection areas’ is used in the rest of this introduction. Second, there was understatement in Michaelmas 1670, for no exempt are recorded for forty-three areas. It may, of course, be that there were none. Exemption certificates from 1673 which are available for these forty-three collection areas total 658 households. It does not follow that these exempt of 1673 can be added to the Michaelmas 1670 listings, merely that the sum of the 1673 exemptions might indicate one dimension of the lower total of Michaelmas 1670. Third, comparison with contemporary and modern sources listing local government divisions suggests that the documents printed here include virtually all Westmorland.<sup>139</sup>

Taking all the variations and differences between the documents outlined in Table 4 into account, 110 collection areas were common to both. Of these, nine

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<sup>137</sup> See transcripts of E179/195/73 & Fleming MS R (CROK WD/Ry, box 28, MsR). In the 1674-5 survey some constablewicks used place names as sub-headings.

<sup>138</sup> For other minor changes in local government areas at this time in relation to the poor law, see J. V. Beckett, ‘Westmorland’s book of rates’, *CW2*, 77, (1977), p. 129.

<sup>139</sup> TNA, State papers, domestic, Charles I, SP16/388/7-50, report of constables and overseers, 1637; CROK, WD/Ry petty sessions roll, 1661; WD/Ry, box 34, List of townships in East and West Wards; CROC, MSS of Dean and Chapter of Carlisle, Machell MSS, vol. I, p.160B; L. A. S. Butler, *The Cumbria parishes 1714-1725 from Bishop Gastrell’s Notitia* (CWAAS, Record Series, 12, 1998); N&B, 1; 1831 census; Youngs, *Northern England*, pp. 459-67.

collection areas recorded more entries in Michaelmas 1670 than in 1674-5,<sup>140</sup> and three had the same number of entries. Ninety-eight showed increases of recorded entries in 1674-5 over 1670, ranging from one to forty-seven, and averaging fourteen per collection area.

The tax farmers' second way of increasing revenue was to raise the number of hearths taxed per household. Table 3 suggests that the crown receivers had begun to do this by the end of their regime, and that the 1674-5 survey represents a powerful continuation of that trend, as Table 2 shows. An increase in the number of taxed hearths per household between the Michaelmas 1670 and 1674-5 documents can be demonstrated by identifiable households at each date. Such differences can be found in more than fifty collection areas (Table 5). Of course, in some cases, more hearths could have been added to improved houses by 1674-5.<sup>141</sup> It is also not impossible that changes in family circumstances may have divided a property, with some hearths going to another occupier, thus reducing the 1674-5 total of hearths in a few cases. Twenty-one of the differences in numbers of hearths were in the range from three to six, which implies some major concealments in Michaelmas 1670.

The argument so far has credited the zeal of the 1674-5 surveyors with raising the number of households and the number of hearths. A number of alternative explanations need to be considered: one could be that population increase between 1670 and 1674 raised the number of households. Such an explanation does not sit easily with the evidence in Table 1 which associates increasing population pressure more with the Bottom of Westmorland than with the Barony. However, as Table 2 shows, it was the Barony which showed the larger proportional increase in households

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<sup>140</sup> These nine areas were shared between the surveyors Bell and Harle who did most of the surveying work.

<sup>141</sup> Cf J. V. Beckett, M. W. Barley, and S. C. Wallwork, 'Introduction', in *Nottinghamshire hearth tax*, ed. Webster, pp. xix.



by 1675 on the 1670 level. Another explanation could be that the 1674-5 surveyors changed their definition of a household compared to that used in the Michaelmas 1670 document thus increasing the number of households. Were this to be the case, there would presumably have had to be a larger number of multi-hearth households in 1670 than shown in the Michaelmas 1670 document. A third alternative is that more houses were built between Michaelmas 1670 and 1675. While there is some evidence of building work (thirteen instances in Michaelmas 1670, five in 1674-5 in the county, fourteen in Kendal) in the hearth tax documents, and some references to 'new' houses in the probate sample, it is hard to interpret these few examples as a building boom. Surviving dated houses, tabulated from the RCHME inventory by Machin, do indicate new builds or rebuilding work in the 1660s and 1670s, reaching a peak in the 1680s and 1690s.<sup>142</sup> In the probate records and title deeds consulted, most relevant references are to additional rooms and hearths rather than new houses (and so new households). A few additional hearths were certainly installed by 1675, but it is possible that the higher number of hearths and of multi-hearth houses in 1674-5 could be the inclusion, for the first time, of hearths in kitchens and brewhouses. Certainly the surveyor Robert Jopling complained to the justices of the Barony about locals who objected to paying tax on such hearths because they had not previously been charged.<sup>143</sup> It seems unlikely that more industrial hearths were included because only fifteen are expressly mentioned in the survey. On the evidence available, the higher numbers of households and of hearths by 1675 look to be the result of increased administrative efficiency.

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<sup>142</sup> R. Machin, 'The great re-building: a reassessment', *Past and Present*, 77 (1977), pp. 35-7.

<sup>143</sup> WD/Ry, HMC 1577, 15 January 1674/5.

Tax evasion and tax avoidance impacted most forms of Stuart taxation, making it difficult to separate political opposition to a tax from a general resentment of taxation.<sup>144</sup> Precedent and challenge at law were normal ways amongst the gentry of fighting one's case: the quarter sessions were the arena which they dominated, so to challenge there the legality of the authority and actions of the tax officers was routine process. The Excise Duty was a survivor from the days of the civil war, invented by the parliamentarians and disliked by those who, like Fleming, had suffered from the war. The receiver (George Williamson) of another new tax, the hearth tax, was also the receiver for the Excise. Although quarter sessions still had a role to play, the use of a receiver put the administrative machinery of hearth tax collection outside the ranks of the gentry; thus adding to their resentment. Even Sir Joseph Williamson, writing from London in support of his brother, had to be judicious in his criticism of Westmorland opponents of the hearth tax. Furthermore, if such taxes were not levied by traditional officers on the traditional form of wealth, namely land, then they could not be assessed by established means. In Westmorland the gentry's agreed mode for raising county and national taxes was the 'book of rates', a strong precedent, not least because it pre-dated the civil war, but of no use for the hearth tax.<sup>145</sup> Hearth tax officers criticised the gentry for allowing walled-up hearths to escape taxation and for the number of households which they exempted. With their leniency in applying exemptions for the less wealthy, the Westmorland magistracy thus supported the lower levels of their county's society against the tax. But, in the Michaelmas 1670 assessment, only magistrates in the south of the county supported tax evasion: forty householders with two hearths and fifteen with four or

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<sup>144</sup> M Braddick, *The nerves of state: taxation and the financing of the English state, 1558-1714* (Manchester, 1996), pp. 155-88.

<sup>145</sup> Beckett, 'Westmorland's book of rates', p. 129.

more hearths, wanted to evade tax on seventy-nine hearths under construction, hearths taken down, and hearths walled up.<sup>146</sup> These householders were scattered across the south of the county widely enough to represent a gesture of defiance against the tax and its officers by taxpayers and magistrates alike. Again, in 1675 and 1676, it was the activities of the magistrates in the south of the county which were condemned by the tax farmers.<sup>147</sup> The hearth tax, with its lists of named individuals from across the land, was a classic representation of the growing power of the state. However, in south Westmorland, the main embodiment of the state, the magistracy, did not welcome the spread of state power if they did not control it.

### ***The hierarchy of society observed in the hearth tax documents***

It might be expected that those with the most hearths were the wealthiest, and *vice versa*. Insofar as lists of hearths reflect wealth, the Michaelmas 1670 document portrays Westmorland's society of 5,000 or so households as largely homogenous: 4,125 households had one hearth, and 666 had two. Only 345 households had three or more hearths. Some 1,200 households in the returns were accepted as too poor to pay the tax and all but forty of these had one hearth; they are considered in more detail below. Though the number of multi-hearth houses was roughly double in the 1674-5 documents, the same picture is apparent: 5,010 one-hearth households dominated the return compared to those with two (1,116) and three or more (707) hearths. Most householders were male: only 15 per cent of households in 1674-5 were headed by females. Just under half (46 per cent) of these women had never been married, and there were slightly more single women heading households in the Bottom (53 per

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<sup>146</sup> The survey of Kendal, January, 1674/5 contains a column for the numbers of hearths walled up, but the survey of the county makes no mention of walled-up hearths.

<sup>147</sup> Cf Chandaman, *The English public revenue*, p. 101.

cent) than in the Barony (47 per cent). A lower proportion of households was headed by women in 1670 (11 per cent), when single women were a noticeably smaller proportion (21 per cent) of women heads of households in the Barony than in the Bottom (45 per cent).<sup>148</sup> At both dates those who wrote the documents recorded a little more detail in this social sameness by giving some rural heads of household a status title (usually 'Mr', 'Mrs', 'esquire', or 'Sir', plus minister or vicar for clergymen) although they were guilty of some economy in the rural areas, not recognising the status of some minor gentry, clergy, and lawyers and estate officers where they might have done. They were apparently more frugal in 1674-5 than in 1670. Conversely, the compilers may have been relatively generous with titles for the townsmen of Appleby and Kendal in 1670 (but not in Kendal in 1674-5). Combining these unacknowledged status holders, absentee peers and gentry, (but deducting multiple references to the same person, owners from without the county and corporate townsmen), gives a total of 191 'titled' families in the Michaelmas 1670 document, and 180 in 1674-5.

The status groups used in the following tables are straightforward as regards peer, baronet, and knight.<sup>149</sup> Following seventeenth-century descriptions of England's hierarchical society by such writers as Sir Thomas Wilson or Gregory King, esquires (a term used in these hearth tax documents), came below knights, then came gentlemen (not used in these documents) or 'Mr' (used in these documents). In Tables 6 and 7, the status group 'gentry' includes esquire families, those called 'Mr' who can be judged to be landed gentlemen, some given no title but who evidently

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<sup>148</sup> Do the differing proportions of single-women heads of household indicate a difference in the gender balance of the populations, or is it merely a reflection of the administration and recording of the tax?

<sup>149</sup> What follows is based on Phillips, 'The gentry', pp.7-40. Sir Thomas Strickland of Sizergh (still the family home) was represented by his steward Mr Thomas Shepherd in these documents, but is given here as a knight.

were landed gentlemen, and women called 'Mrs' and given as head of household in the documents. The group 'Mr' comprises the rest of those called 'Mr' or 'Mrs' in the documents, unless they can be identified as clergy, legal men, or physicians.

Table 6 shows the range of numbers of hearths and the number of families in each status group, and Table 7 looks at this more closely for the 'gentry' and 'Mr' status groups. The ranges of hearths clearly overlap between the categories in the hierarchy set out in Table 6. The median and average values in the more detailed analysis in Table 7 show that, in spite of overlapping numbers of hearths, the 'gentry' enjoyed some distinctiveness in the documents of both dates. Their average number of hearths exceeded those of 'Mr' families, and of families with more than two hearths but no title. The 'Mr' group at both dates was difficult to distinguish from the untitled group in terms of numbers of hearths. Some of the untitled were tradesmen in market towns, others were the non-gentry lessees of manor houses, but the implication of the relatively large numbers of hearths attributed to these householders in terms of social status requires elucidation.

Table 6 summarises the entries for titled families in the documents. Anne Clifford, Countess of Pembroke spent much time in Westmorland,<sup>150</sup> though Lord Wharton lived in the south of England.<sup>151</sup> If some of the major gentry were absentees (Sir John Lowther of Whitehaven had extensive estates in the county, but spent most of his time in London;<sup>152</sup> Sir Thomas Strickland did not live at Sizergh), they kept a careful eye on their Westmorland affairs and estates. Others, like Sir Daniel Fleming, were normally resident. In Michaelmas 1670 the Bottom had all the peers and baronets, but the majority of the 'gentry' were located in the Barony, and this

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<sup>150</sup> Spence, *Lady Anne Clifford*, chaps 8 and 11.

<sup>151</sup> *Oxford DNB*.

<sup>152</sup> *Oxford DNB*.

distribution remained true for 1674-5. Some collection areas were devoid of a big house or any resident gentry.<sup>153</sup> Gentry society in seventeenth-century Westmorland was generally mobile and in the short span between 1670 and 1675 there were arrivals and departures amongst the families in these upper levels of Westmorland society. In the Kentmere valley the gentry Gilpin family's lands passed through a female, Bridget Nicolson;<sup>154</sup> in the Lune valley the London merchant Thomas Godsolve bought enough of the Ward family property to set himself up as a landed gentleman.<sup>155</sup> In the Bottom, the lawyer Thomas Fletcher was accumulating holdings at Little Strickland which gave him gentry status.<sup>156</sup> The large parishes meant that there was no clergyman resident in many of the collection areas. The Bottom had two-thirds of the clergy in Michaelmas 1670, and three-quarters in 1674-5, a distribution which reflects the parochial structure of the county. Those families styled 'Mr', and who cannot be identified as clerics or lawyers, appear as a more transient group in the hearth tax compared to the 'gentry'. Between 18 and 30 per cent of the 'Mr' group of Michaelmas 1670 can be identified in the 1674-5 document. About a quarter of the 'Mr' group in 1674-5 can be traced back to 1670, but at that stage only 9 per cent were given the status of 'Mr'.<sup>157</sup> In Michaelmas 1670 the Barony had the majority of the 'Mr' status group, but there were more of them in the Bottom than in the Barony in 1674-5. Overall, there were more families with a status title in the Barony than in the Bottom in 1670, but this position was reversed in 1674-5.

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<sup>153</sup> Winchester, 'Yeoman dynasties', pp. 90-92.

<sup>154</sup> N&B, 1, p. 137.

<sup>155</sup> J. Foster, (ed) *Pedigrees recorded at the heralds' visitations of the counties of Cumberland and Westmorland* (London [1891]), p. 53; WYAS, Upton Mss, box 1, bdl 8, Morland and Ward, 20 July 1704; CROC, Carus-Wilson of Casterton, WD/CW, unlisted deeds.

<sup>156</sup> CROC, D/Lons/L, survey list, Thrimby and Little Strickland box, bdl 5, 'Thomas Fletcher's estate 1670-82'.

<sup>157</sup> For similar suggestions of social mobility see Beckett, Barley, and Wallwork, *Nottinghamshire hearth tax*, p. xx.

Numbers of hearths offer an impression of relative wealth but it is difficult to equate this impression with absolute wealth. Two tentative attempts to link hearths to absolute wealth follow, one using gross probate inventory values, and one using the valuation of customary tenements with which to set a general fine. The houses were real estate and so not normally eligible for valuation amongst the personal estate totalled in probate inventories. A clear agreement between probate value and number of hearths, then, is unlikely. From a sample of 568 probate records,<sup>158</sup> 158 rural probates (that is, excluding Appleby and Kendal residents) can be related to entries in the hearth tax documents printed here. Those with the most hearths had the highest median and average values (Table 8.1), but householders with one hearth had the highest probate values in the table. Although 55 per cent of one-hearth household inventories were valued at less than £50 (Table 8.2) the range of probate values for one-hearth households was very wide. The valuation of customary tenements for a general fine on four manors belonging to Sir Thomas Strickland survive for 1668,<sup>159</sup> but these show (Table 9) a low (0.6) correlation between valuation and number of hearths. Since these fines were related to customary rents, the suggestion that numbers of hearths equated with customary rents seems unlikely, at least on these

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<sup>158</sup> The whole sample comprised: 149 from CROC, Diocese of Carlisle probate records, microfilm, 1669-1680 for north Westmorland; plus 227 from CROC microfilm of Diocese of Chester, Archdeaconry of Richmond, probate records, Kendal Deanery, excluding Kendal borough and Kirkland (WRW/K). The manuscripts of these microfilms are in the Lancashire Record Office, Preston; plus 34 for Kendal borough (LRO, WRW/K); plus 114 from LRO, Diocese of Chester, Archdeaconry of Richmond, probate records, Lonsdale Deanery (LRO, WRW/L). In what follows, microfilm documents from Kendal deanery are noted as WRW/K, but documents from Kendal deanery examined as manuscripts at the LRO are noted as LRO WRW/K, both followed by the year of probate.

<sup>159</sup> Hincaster, Natland, Sedgewick, and Stainton (Sizergh Castle MSS, Cumbria).

manors.<sup>160</sup> Tables 8 and 9 indicate that a simple equation between one-hearth households and relative poverty must not be made.

### ***Households in the Westmorland hearth tax: fuel and some general considerations.***

#### *1. Fuel*

Fuel was a vital necessity for everyone, and maintaining supplies of fuel was crucial to all levels of society. However, as one of the striking features of the Westmorland hearth tax is the predominance of single-hearth households, it is necessary to consider throughout any discussion of fuel whether so many single-hearth households existed into the 1670s because the supply of fuel was constrained.

The main fuels were wood and peat: in the probate sample ‘peat’ which they also call ‘turves’ was the fuel most frequently inventoried although chaff could have specialist cooking uses.<sup>161</sup> A generic term for fuel was ‘fire elding’, or just ‘elding’. ‘Peats and fire elding’ may imply a non peat fuel.<sup>162</sup> References to ‘coles’ were unusual. There are a few references to fire wood: Francis Hunter of Kendal had ‘fire wood and peats’ in 1675.<sup>163</sup> The need to keep peat dry and protected from frost meant it must have been stored under a roof.<sup>164</sup> The quantity of fuel in hand was never given in the sample of inventories consulted for this study. Peat was mostly

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<sup>160</sup> R. W. McDowall, *Studies in Architectural History*, ed. W. A. Singleton, (2 vols; 1954, 1956), 2, p. 2, quoting S. H. Scott, *A Westmorland village* (Westminster, 1904), apparently p. 28.

<sup>161</sup> J. H. Martindale, ‘Toast dogs, frying pans and peats’, *CWI*, 13, (1895), p. 419; T. Machell, *An antiquary on horseback*, ed. J. M. Ewebank (CWAAS, Extra Series, 19, 1963), p. 14; D. W. Woodward, *Men at work. Labourers and building craftsmen in the towns of northern England, 1450-1750* (Cambridge, 1996), p. 222.

<sup>162</sup> But R. S. Dilley, ‘Some words used in the agrarian history of Cumberland’, *CW2*, 70, (1970), p. 196 links elding to peat.

<sup>163</sup> WRW/K, pr 1675.

<sup>164</sup> WRW/K, Henry Skyreing of Preston Patrick, pr 1670, Edward Fisher of Bradleyfield, pr 1669; LRO, WRW/L, Jane Walker of Killington, pr 1670. Winchester, *Harvest of the Hills*, p. 131.



valued in combination with manure and sometimes other items, so the probate sample provides only some 30 valuations of peat. No doubt quantities varied seasonally, but on average people had peat worth 99d, with the median value being 60d, in a range from 4d to 720d. Using a price of 30d per thousand turves for the 1660s for peat bought at Hull, the median value in the Westmorland sample represented 2,000 turves in stock, or five for every day of the year.<sup>165</sup> But how many turves did they need for a day? Another way of looking at the volume of fuel needed is the bequest by the gentleman Anthony Knipe in 1652 to his servant Thomas Lickbarrow who was to enjoy rent-free for life the message in which he lived and one day's work of peats.<sup>166</sup>

As Thomas Machell pointed out in 1692, neither peat nor wood were available everywhere,<sup>167</sup> so that there must have been a fuel market. Manorial court regulations on the cutting and use of peat have been interpreted as necessary to protect a commodity under consumer pressure. But they need not be interpreted as such. In a market context manorial communities felt the need to protect their peat resources from outsiders, and to control use by tenants and cottagers to restrict sales to outsiders. Sir John Lowther of Lowther was pleased when he had purchased all the parts of the manor of Helton because he had acquired 'sole command for common and

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<sup>165</sup> Woodward, *Men at work*, p. 224. Presumably Westmorland peat values would have included a smaller element for transport costs, so that numbers of turves in hand would be higher.

<sup>166</sup> TNA, Prerogative Court of Canterbury, registered wills, PROB11/222, f.136, will dated 1 Feb 1651/2. Winchester, *Harvest of the hills*, p. 132, notes a three day maxima for peat digging on one manor.

<sup>167</sup> See the scattered present day locations of peat in Sedgewick (R. R. Furness and S. J. King, *Soils in Westmorland*, I (Harpenden, 1972) p. 9), and on a regional scale the useful map in Winchester, *Harvest of the Hills*, p. 127. There are moss names on *Thomas Jefferys historic map of Westmorland, 1770*, ed. B. P. Hindle (CWAAS, Record Series, 14, 2001), and A. Eccles, 'Catalogue of estate maps in the Westmorland Record Office' (1974) lists eighteenth- and nineteenth-century maps of mosses. Appendices 4 and 5 of D. Hodgkinson, E. Huckerby, R. Middleton, and C. E. Wells, *The lowland wetlands of Cumbria* (North West Wetlands Survey, 6, Lancaster, 2000), pp. 265-317 identify moss sites and give some evidence of (undated) peat cutting.

turbary'. The nearby Askham tenants took too much of the peat supplies shared between Askham and Lowther manors. Nevertheless with careful management, he thought Lowther's supplies would last forever.<sup>168</sup> Customary manorial controls on easily and visibly depleted wood were more necessary, though the presence of extra dues (greenhew) for rights to use wood for fuel suggests income generation as much as restriction on consumption. After the Restoration, one manorial steward was anxious to curb tenants' practices which had grown up during the 'late troubles', and which damaged landlords' rights.<sup>169</sup>

The market in fuel meant that moss could be treated like a mine and bequeathed, bought, sold, or rented. Peat could be sold to all comers so those without moss rights could buy the fuel.<sup>170</sup> Gentry sold wood off their demesne for fuel. One example of this suggests both a sufficiency of peat resources and the limits of demand for wood. Sir John Lowther was only able to sell underwood off the demesne to tenants in 1673 because '...this was soe wett a Somer that noe earth fewell could be gott'.<sup>171</sup> Fuel scarcity seems unlikely to have restricted householders to only one hearth.

'Peats and coles' appears in some inventories, but references to 'coles' on their own were, with one exception, for brewing and smithing.<sup>172</sup> There was, in any case, little coal in Westmorland for exploitation so wood and peat were the fuels available for tenants and sub-tenants. Thin mineral coal seams were mined in the

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<sup>168</sup> Phillips, *Lowther family estate books*, pp. 70, 237.

<sup>169</sup> A. Bagot, 'Mr Gilpin and manorial customs', *CW2*, 62 (1962), pp.240-42; N&B, 1, p. 51. Gilpin's text is damaged.

<sup>170</sup> WRW/K John Nealson of Heversham, pr 1670, Edward Rowlandson of Crosthwaite pr 1671; LRO, WRW/L Thomas Ayray of Firbank, pr 1679; Chris. Hirdson of Lupton, pr 1673. Cf. Winchester, *The Harvest of the Hills*, p.128, who, however, notes the existence of a fuel market.

<sup>171</sup> Phillips, *Lowther family estate books*, p. 255.

<sup>172</sup> LRO, WRW/K, Nathaniel West, pr 1671; LRO, WRW/L, Richard Ward, pr 1679; CROC, George Yaire, pr 1675.

Carboniferous Yoredale facies around Lowther and near Kirkby Lonsdale, and in a very small outcrop of the Middle Coal Measures near Brough, but they were limited in volume and geographical extent.<sup>173</sup> There are, however, inventories which mention ‘grates’. The Revd Francis Higginson of Kirkby Stephen, some distance from from Brough, had two grates which implies the use of coal as a fuel.<sup>174</sup> In later Stuart England ‘grate’ was a relatively new word emerging into general use in the English language and there is increasing evidence from other parts of the country that it is associated with the use of coal.<sup>175</sup>

## **2. General considerations**

A distinguished corpus of work on the vernacular architecture of the county (and Cumberland) is led by R. W. Brunskill,<sup>176</sup> Susan Denyer,<sup>177</sup> and Blake Tyson.<sup>178</sup> What follows is more concerned with the use of space than with structures, and makes considerable use of title deeds and probate inventories. Inventories are a challenging source in the context of buildings. Irritatingly, many Cumbrian ones (perhaps more so in the diocese of Carlisle than in Chester diocese) did not specify rooms, and, in a hearth context, combined all the fire irons together in one or two entries. Where rooms were specified, there are no grounds for thinking that appraisers (prisers) ‘invented’ them, even if they used grand-sounding ‘modern’ names such as ‘dining

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<sup>173</sup> Phillips, *Lowther family estate books*, pp. 7, 32, 106, 237; CROC, Henry Wharton of Winton, and Elizabeth Waller of Winton, pr 1675, WRW/L, Leonard Walker, pr 1676; TNA, Exchequer, certificates as to the sale of crown lands, E121/5/2-46.

<sup>174</sup> CROC, pr 1673.

<sup>175</sup> M. Spufford, ‘Chimneys, wood and coal’, in *Houses and the Hearth Tax*, ed. Barnwell and Airs, pp.22-32.

<sup>176</sup> His latest book is R. W. Brunskill, *Traditional buildings of Cumbria* (London, 2002).

<sup>177</sup> S. Denyer, *Traditional buildings and life in the Lake District* (London, 1991).

<sup>178</sup> For example, B. Tyson, ‘Twenty cruck buildings at Skelsmergh, Kendal, c. 1600’, *CW2*, 100, (2000).

room'. On the other hand, they may have omitted rooms in which the deceased owned no goods. Neither should the appraisers have included in a room goods not owned by the deceased. This is important when judging the use to which a room and its space were put: for example, if someone else owned the beds and bedding in a room they would be omitted, and so the listed contents might give a false impression of the room's use. Finally, any inventory used here has been read in conjunction with its will, where it exists.<sup>179</sup> In spite of these reservations, inventories can still offer contemporary evidence of the use of space in hearth-tax houses.<sup>180</sup>

Two oft-cited later commentators used room names not commonly found in inventories.<sup>181</sup> The earliest known local descriptions of small houses, by James Clarke (1787) and Mr Hodgson (1825), date from a century and more after the hearth tax, but can still offer useful insights. Clarke and Hodgson both had their own agenda in recounting building plans which they portray as old but going out of use.<sup>182</sup> They described a house (see figure 9) entered by a door into a passage called the hallen or hallan, which passed through the building behind the hearth. From the hallan a side door gave access into another passage called the mill-doors or mell, and so into the main living room, the [fire]house. The mell was separated from the [fire]house by a stone or wood partition called the heck, with the main fireplace on the other side of the heck from the mell. Opposite the fire place was the door to a chamber, the bower

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<sup>179</sup> *The probate records of Lichfield and district 1568-1680*, ed. D. G. Vaisey (Staffordshire historical collections, 4<sup>th</sup> series, 6), p. xxi; P. S. Barnwell, 'Houses, hearths and historical enquiry', pp. 177-9.

<sup>180</sup> L. Weatherill, *Consumer behaviour and material culture in Britain, 1660-1760* (London, 1988), esp. pp. 6-19.

<sup>181</sup> J. Clarke, *A survey of the lakes of Cumberland, Westmorland, and Lancashire* (2nd edn; London, 1789), pp. xx-xxi; Mr Hodgson, 'Westmorland as it was', in *The remains of John Briggs* (Kirkby Lonsdale, 1825), pp. 201-3, 228, 229.

<sup>182</sup> Denyer, *Traditional buildings and life in the Lake District*, p. 65, thinks Clarke coined the term hallan, while A. Green (*County Durham hearth tax assessment 1666* (British Record Society, 119, 2006), p. lxxxix) warns against nineteenth-century views of early-modern housing.

or parlour, where the head of the house usually slept.<sup>183</sup> There was also an ambry or pantry. On the other side of the hallan there was often access to the downhouse.<sup>184</sup> The downhouse could have various functions and was usually open to the roof. Both Clarke and Hodgson were vague about first floor rooms, though Clarke referred to a loft. Hodgson suggested a social division in building plans incorporating single hearths: his 'yeomanry' had a downhouse, but below them his 'peasantry' occupied inferior houses without a downhouse, and with the entrance door in the gable wall directly into the mell. From this terminology, only downhouse, [fire]house, hallan, and parlour are retained by modern architectural historians, who recognise the downhouse as a room, though Brunskill reports it as characteristic of only the eastern half of Westmorland. Hodgson's 'peasant' model seems to be Brunskill's two-unit house plan.<sup>185</sup>

Other documentary sources of the period besides inventories and deeds offer insights into the construction of smaller houses around the time of the hearth tax. The travel notes of the Rev. Thomas Machell, a younger son of the Machell of Crackenthorpe gentry family, are especially helpful. Machell's report of 1692 that '...the houses in Rydal are all of stone...', implies that elsewhere houses were not of stone,<sup>186</sup> yet supports William Green's etching of the stone-walled house called Hart Head (or Hartshead, plate 12), assessed at one hearth in 1670 and 1675, which documents suggest was still in its seventeenth-century form when Green drew it at

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<sup>183</sup> One inventory, of Edward Burroughs (LRO, WRW/L, 1679), included a 'melling loft'; and one inventory, of Margaret Moon of Whasset (WRW/K, 1670), referred to a 'bower'.

<sup>184</sup> Or an entry door, if the downhouse was walled off, Brunskill, *Traditional buildings of Cumbria*, pp.68-70.

<sup>185</sup> Brunskill, *Traditional buildings of Cumbria*, pp. 64-70.

<sup>186</sup> Machell, *An antiquary on horseback*, pp. 133, 149.

Rydal in 1822.<sup>187</sup> Gregory King's drawing of Kendal in 1665 had a structure built of stone with one chimney in the foreground.<sup>188</sup> The Triassic rocks of the Eden valley provided workable stone which could be laid uniformly in walls. Brunskill and Denyer have emphasised how skilled use of the Carboniferous, Silurian or Ordovician rocks, plus cobble, available in most of the county, produced walls with a recessed mortar core. But the results were strange to visitors unused to such strata. When Celia Fiennes in 1698 wrote (probably of Hartsop) of the 'lazyness of the people' who lived in houses of 'stones piled together' and no plaster 'within or without' she may have been deceived by the use of a mortar core in the wall construction, or by early examples of the watershot technique.<sup>189</sup> Other materials and techniques were less widely used, if at all. Brunskill wonders if clay structures, which survive on the Solway Plain (but not in Westmorland) from the time of the hearth tax, may have been more widespread. Timber-framed buildings, or parts of buildings, survive in Kendal from this period. Historians of vernacular architecture in Westmorland seem clear that sods were not used for building walls, and bricks were not in common use at this time. Thus when in 1673 Sir John Lowther of Lowther unsuccessfully attempted to make bricks from local clays in north Westmorland he had to fetch brickmakers from Carlisle.<sup>190</sup>

Timber crucks may, however, have provided the structural members for many buildings. Each pair of crucks formed a 'principal' truss,<sup>191</sup> and so the simplest construction would have a cruck truss at either end (four crucks, two principal trusses)

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<sup>187</sup> Armitt, *Rydal*, pp.331-3.

<sup>188</sup> College of Arms, London, C.39, Westmorland Church Notes, between pp. 14 &15.

<sup>189</sup> Morris, *Celia Fiennes*, p. 196; Denyer, *Traditional buildings and life in the Lake District*, p. 155.

<sup>190</sup> Brunskill, *Traditional buildings of Cumbria*, pp. 159-60, 190; RCHME, *Westmorland*, pp. 125-29; Phillips, *Lowther family estate books*, p. 254.

<sup>191</sup> Machell referred to them as 'principals'.

and consist of one bay. An additional pair of crucks extended the building to two bays, and so on. The hearth tax documents tell us nothing of crucks or bays, but manorial surveys and other manorial documents give details, specifying the number of bays, or of crucks, in each building. Manorial custom provided timber for house building and repair. From the manorial lord's point of view, such wood should come from the building tenant's own grounds, though more liberal views of timber rights were expressed.

If some contemporary constructions drew the epithet of 'sad little hutts' from Celia Fiennes a quarter of a century after the documents printed here, she nevertheless noted that they were roofed with slate. Evidence of the existence of slate roofs comes from the use of moss to 'stop' them against draught and damp.<sup>192</sup> For corporation properties in Kendal, stopping was regular maintenance work and, doubtless, it was in ordinary houses too. Roofs may not, however, always have been slated. There are good grounds for accepting the slates in William Green's etching of the Hartshead house at Rydal (plate 12) as typical of this area in the hearth tax period, for Machell commented on the use of a common slate quarry there.<sup>193</sup> Conversely, he noted that in north Westmorland, in Kirkby Stephen, the houses, though well built from stone out of a local quarry, were mostly thatched, despite a good slate quarry some three miles away, and listed a thatcher amongst the village craftsmen in Kirkby Thore.<sup>194</sup> Some people in the south of the county thatched at the time of the hearth tax: the 1677 inventory of Richard Shaw of Whinfell (one hearth in 1674-5) listed

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<sup>192</sup> For example, Sir Daniel Fleming paid for the mossaing of his house on 30 November 1669, WD/Ry, box 119, Sir Daniel Fleming's account book, 1656-88.

<sup>193</sup> Machell, *An antiquary on horseback*, p. 149.

<sup>194</sup> CROC, Machell Mss 1, p.539; 3, p. 185.

‘brackens for thatch’ with manure and valued the lot at five shillings.<sup>195</sup> The foreground of Gregory King’s drawing of Kendal in 1665 probably represents a thatched roof rather than an irregularly slated one.

Stone walls and slate roofs gave protection from the weather, but warmth came from the one hearth. Celia Fiennes when commenting on ‘sad little hutts’ remarked that they must have been cold, but the nature of the chimney hood used in the seventeenth century meant that a first-floor loft, through which the smokehood passed, was at least warmed. Such a loft was an obvious place to store grain, and warmed first-floor space slowly became the principal bedroom. The Royal Commission’s published inventory often makes reference to original windows. Some early glazing survives, but shutters were no doubt common. Machell in 1692 reported that there was no window glass in Crosscrake chapelry in south Westmorland, but in Kendal in 1677 James Braithwaite of Stricklandgate included the glass in a conveyance of his one-hearth house.<sup>196</sup> Kings’s drawing of a Kendal property with no windows in a long wall suggests internal gloom, but it does fit some interpretations of vernacular architecture: the houses might have few windows on one long side. The buttery would be outside the firehouse with perhaps only a ventilation opening.<sup>197</sup> Occupiers, even of one-hearth houses, such as Robert Gibson of Barbon, yeoman, and Robert Saule of Burton-in-Kendal, husbandman had candlesticks in their inventories;<sup>198</sup> these men could have purchased candles in Burton-in-Kendal or in

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<sup>195</sup> Two inventories valued ‘ling’, that is heather, with peat. Perhaps it was a cooking fuel or kindling, but it could also have been for thatch (LRO, WRW/L, Brian Ridiall of Casterton, pr 1672, and Robert Hardy of Barbon, pr 1673).

<sup>196</sup> CROK, Arnold, Greenwood MSS, WD/AG, Braithwaite to Rowlandson 1 March 1676/7.

<sup>197</sup> Denyer, *Traditional buildings and life in the Lake District*, pp. 55-61; Brunskill, *Traditional buildings of Cumbria*, p. 67.

<sup>198</sup> LRO, WRW/L, Robert Gibson, pr 1670, Robert Saule, pr 1678.



Kendal. Lanterns were not unusual in inventories and Denyer points out how widely rushlights, called sieve, were used.

***Households in the Westmorland hearth tax: households with one hearth***

One-hearth households formed a substantial majority in the hearth tax documents printed here. This hearth served for cooking and to provide warmth. In the south of the county some mapped areas had enough houses with more than one hearth to stand out in a county otherwise dominated by one hearth householders at Michaelmas 1670 (map 7). In 1674-5 (map 8) one-hearth households were less dominant in the south than in the north. Since, as we shall see, some single-hearth households lived in buildings which had been divided, one cannot automatically assume that each household lived in a separate building, although the majority may have done. In pre-hearth tax times many English houses had one hearth situated against a wall at one end of the main room of the house; the wall might be an external gable, or might back onto an internal passage. The main room was variously named the firehouse, the bodysted of the house, the house, or the hall in Westmorland wills, probate inventories, and title deeds. The smoke from the fireplace was carried up and out by a timber and plaster smoke hood (or firehood), and the remains of a small number have been recorded in Westmorland.<sup>199</sup> The smoke hood passed through any upper floor, providing some heat for any chamber or loft over the firehouse. The

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<sup>199</sup> By the later seventeenth century smokehoods might be built of stone (A. Menuge, 'The How, Hartsop, Patterdale with Hartsop, Cumbria' (English Heritage. Architectural Investigation, Reports and Papers B/021/2003), p. 11). A development from the smoke hood was the construction of a chimney stack which might not involve the removal of the beam which had supported the hood, and so might retain a discreet area around the heat source. This paragraph draws heavily on S. Pearson, *Rural houses of the Lancashire Pennines* (London, 1985), pp. 128-30, on the authorities in notes 176-8 above, on P. S. Barnwell, 'Houses, hearths and historical enquiry', pp. 178-9, and on RCHME, *Westmorland, passim*.

hood fitted into a cap at the apex of the wall (plate 7), and sat on a timber beam called a bressumer. The space under the smoke hood, which was lit by a window usually in the side wall of the firehouse, could be virtually closed off from the rest of the firehouse by a high-backed wooden settle. The firehouse, indeed the whole building, may originally have been of one storey, open to the roof. At some point a first floor was inserted, perhaps over part, but eventually over the whole property. Some one-storey (ground storey only) houses survive from the period.<sup>200</sup> But two-storey houses were evidently common. The probate sample used here has 137 entries which record at least one room,<sup>201</sup> and seventy-seven of these refer to an upper story by the word 'loft'. Another thirty-seven refer to one or more chambers, two explicitly on an upper floor. Though not necessarily on an upper floor, chambers would be typically rooms with full-height walls whereas lofts would be largely under the roof with very low side walls. Both might have windows. A parlour chamber would be a chamber above a parlour. The presence, or absence, of other ground-floor and first-floor rooms marks out the more elaborate houses from the less elaborate structures, and these rooms are considered in the sections on houses which follow.

Ten rural inventories in the probate sample with named rooms can be linked to rural one-hearth houses in the 1675 survey. They suggest more than one type of plan and could contain examples of both of Hodgson's models (above). The 1676 inventory of Rowland Turner of Burton-in-Kendal listed a parlour chamber, chamber over the house, little back chamber, parlour, buttery, house, stable, and seller.<sup>202</sup>

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<sup>200</sup> Denyer, *Traditional buildings and life in the Lake District*, p. 54. This is difficult to detect in probate records: the inventory of a householder with no first floor will read much like that of a deceased whose first floor contained no goods that were inventoried!

<sup>201</sup> For the probate sample see above and table 8.

<sup>202</sup> Various permutations are possible, and one needs to know whether Turner had a buttery chamber which was not in the inventory.

'Back' implies some form of extension to the property, and the inventory also suggests improvement by using the word chamber, as opposed to the earlier, or unimproved, loft in a house which evidently had a first floor. Three inventories refer to low chambers, whilst a will for a fourth house has both low and high chambers. Whether the descriptors low and high positioned ground-floor rooms in relation to a hallan, or indicated ground and first-floor rooms is unclear. The will of the owner of Foulstones in Lupton in 1679 lists an extensive suite of first-floor lofts: melling loft, buttery loft, parlour loft, loft over hall, and kitchen loft, showing improvement by infilling the roof space. One-hearth houses could be substantial buildings as demonstrated by those which survive today, albeit in modernized form, including Foulstones which was extensively altered in the eighteenth century. Another survivor is Beckstones Farm in Patterdale, described by Denyer as a longhouse, that is with a byre instead of a domestic downhouse: it had one hearth in the 1675 survey.<sup>203</sup> Evidently, one-hearth householders might occupy a range of rooms in good quality structures.

The survival into the 1660s and 1670s in Westmorland of houses planned with only a hearth in the firehouse, using a chimneyhood, much like those described by Clarke and Hodgson, may provide an architectural explanation for the preponderance of one-hearth households in the tax documents here printed, but there are other factors to be considered. In the section above on fuel, the impact that fuel supplies and landlord's rights over wood might have on the number of hearths in a house has been discussed and the conclusion reached that fuel scarcity seems generally unlikely to have restricted householders to only one hearth. The evidence that manorial lords and their juries limited the number of hearths to one in their

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<sup>203</sup> Denyer, *Traditional buildings and life in the Lake District*, p. 66.

tenants' houses seems to apply only to cottages on the waste and to the taking in of sub-tenants, and not to the provision of additional heating in customary tenements.<sup>204</sup>

In 1560 customary courts at Ambleside and Windermere sought to limit hearths in cottages apparently in reaction to sixteenth-century population growth, whereas by the mid-seventeenth century communities had accepted the expansion of housing.

Indeed, by the 1670s some contraction of population, and of housing, might have taken place. Nevertheless, after the Restoration in 1660 the same manorial steward who was concerned about recent erosion of landlords' rights over wood (above), claimed that the size of a tenant's house should be limited in relation to the size of the tenement. By 1675 in the constablewicks of Ambleside, Applethwaite, Troutbeck, and Undermillbecke (that is, Ambleside and Windermere referred to above) 27 per cent of households had more than one hearth. In the county as a whole, Applethwaite was amongst the constablewicks with the highest (top quartile) proportion of multi-hearth houses.

The hearth tax documents themselves suggest that in some cases the number of one-hearth households might have increased because multi-hearth houses had been split into one-hearth units. There were several reasons for this. Some owners split tenements between people of different surnames, apparently for profit.<sup>205</sup> In 1674-5 the new vicar of Shap had split the two-hearth vicarage. At Kirkby Stephen both the widow Wharton, and Francis Sanderson seem to have split their two-hearth properties into separate single-hearth units.<sup>206</sup> In Ambleside, James Fisher had two apparently

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<sup>204</sup> Bagot, 'Mr Gilpin and manorial customs', pp. 242-3; Winchester, *The Harvest of the Hills*, pp. 124-5.

<sup>205</sup> But with no exemption from their tax liability. Is it the case that names linked by 'pro' in Manuscript R involve a landlord connection?

<sup>206</sup> Neither they nor their 'tenants' appear elsewhere in the list.

single women as tax payers.<sup>207</sup> William Bowman of Firbank had three tax payers, one of whom paid for two hearths, on that property.

Income was not the only reason for subdividing a building. A family which lived in a multi-hearth house might, as changing circumstances arose in the progression of its normal lifecycle down the generations, divide the house to accommodate more than one household, rather than acquire additional property. Another lifecycle influence on the number of single hearths could be the strong rights which widows enjoyed under manorial custom. Many widows received the whole customary real estate for their chaste widowhood, others received a half or a third, according to the different customs.<sup>208</sup> There are plenty of references to testator husbands following such customary provision, though husbands might give their wife an estate for life, certainly if they owned freehold rather than, or as well as, customary property.<sup>209</sup> In any of these circumstances, widow or eldest son and eventual inheritor of such a multi-hearth property might live in a second house, or widow and son might divide the property.

The evidence in the hearth tax returns of sub-division of multi-hearth properties between siblings, widows and widowers (thereby creating single-hearth households) is likely to come from consecutive entries with the same surname, for unmarried siblings would share their surname, as would widows and their sons and unmarried daughters. In both the 1670 and 1674-5 documents about 15 per cent of

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<sup>207</sup> A James Fisher paid tax on two hearths at another location in Ambleside.

<sup>208</sup> N&B, 1, p. 113 (Grayrigg, also TNA, C5/41/49), and 616-18 (Bleatarn); manor of Rydal, CROC, WD/Ry, original Ms T, p. 12; for the Richmond fee, south Westmorland, Bagot, 'Mr Gilpin and manorial customs', p. 238; for Crosby Ravensworth; TNA, C78/446, no.16, C78/1205, no. 7; for the barony of Barton, TNA, Exchequer, depositions by special commission, E134/ 12 Chas I, Mich. 30.

<sup>209</sup> In addition to those discussed below, see will of Michael Whightman of Brough (CROC, pr 1675) or John Stephenson of Powley (CROC, pr 1674).

entries had the same surname as the next or previous entry.<sup>210</sup> The entry under Arnside in 1674-5 of Rich Johnson, followed by Rich Johnson junior, followed by Rich Johnson senior, shows that not all sequential entries necessarily represent two generations.<sup>211</sup> Four people with the surname Whitehead (Oliver, Tho[mas], Mar[garet?] and Geo[rge] ) each had one hearth in four consecutive entries in Orton Park. In the unlikely event that all sequential surname entries in the 1675 survey involved the division of multi-hearth properties, one-hearth households would still comprise almost two-thirds of the total. Furthermore, not all provision for siblings and widows involved division of a house. The will of Henry Jopson of Regill required his brother to maintain their sister for her life in his house, which suggests it was not divided.<sup>212</sup> The 1674-5 hearth tax survey provides only one explicit example of widow and son co-habiting in a two-hearth house: widow Skireing and her son in Lupton.<sup>213</sup> Agnes Wilson of Lambrigg Head was offered an annuity for life of seven pounds plus one half of her husband's personal estate if she gave up her claims to dower and widowright.<sup>214</sup>

Some single-hearth occupiers, who might have used resources to add an additional hearth or build anew, instead acquired extra single-hearth houses to provide for family members. The will of Thomas Fleming of Rydal allowed his daughter-in-law Margaret Fleming to live in '...the ould house where she now dwelleth...' on his tenement. This old, second house was, presumably, inferior to his present dwelling; but in 1674-5 both had one hearth. In the probate sample, Thomas Fawcett of

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<sup>210</sup> 12 per cent in Furness (TNA, E179/250/11).

<sup>211</sup> Furness had nine explicit cases where father and son occupied the same house, plus three instances involving people of the same surname.

<sup>212</sup> WRW/K, pr 1673.

<sup>213</sup> Thirteen out of 2 084 entries in Furness gave a male occupier '*et mater*' (TNA, E179/250/11).

<sup>214</sup> LRO, WRW/L, Thomas Wilson of Lambrigg Head, pr 1675.

Casterton had one hearth in the survey, yet his will refers to two houses.<sup>215</sup> His gross inventory value of £114 indicated a degree of wealth. Fleming and Fawcett, and others like them, in a property market flexible enough to permit the ownership of multiple houses, did not choose to add additional fireplaces to their residence or acquire a larger property. Fawcett used the additional property to raise portions for his young children, while at Rydal, Fleming's imperative was clearly to provide separate dwellings for as many members of the family as possible.

One-hearth households may appear superficially similar, but divisions amongst them were apparent to contemporaries and are even more apparent to historians. Contemporaries recognised some of the one-hearth householders as too poor to pay the tax. This was an assessment of the relative poverty of those they exempted from the tax. All but forty of the 1,196 exempt householders in the Westmorland document of Michaelmas 1670 had one hearth (map 9). Exempt households comprised 28 per cent of one-hearth households: that is 32 per cent exempt in the Bottom, and 21 per cent exempt in the Barony (map 10).<sup>216</sup> Seventeen north Westmorland collection areas had more than 50 per cent of their one-hearth households exempt from the tax at Michaelmas 1670.<sup>217</sup> One of these concentrations was Appleby town, and the market towns of Great Brough and Kirkby Stephen also

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<sup>215</sup> The survey has a Thomas Fawcett of Fellgate with one hearth, but there was more than one Thomas Fawcett in the area.

<sup>216</sup> In other Cumbrian areas the proportions of one-hearth households exempt in assessments varied between 65 per cent in Leath ward in Cumberland, and 42 per cent in Furness. A note of caution is necessary on these comparisons for the documents are all of different dates, and so different conventions may have been applied to exemption by the justices of the peace (TNA, E179/90/76 (Leath ward) and for Furness E179/250/11).

<sup>217</sup> The picture of exemption is imperfect, for forty-three collection areas had no exempt listed. Yet twenty-eight of these areas listed their exempt in separate documents dated 1673. The mapping of the exempt is made more difficult by the fact that the map units sometimes amalgamate collection areas which recorded exempt and those which recorded no exempt.

showed a cluster of such properties. The others were all rural townships and twelve of them had 90 per cent or more one-hearth houses. Five of the Barony collection areas had more than 50 per cent of their one-hearth households exempt and only one of these had 90 per cent or more one-hearth houses. Although the proportion of the exempt who were female was roughly constant across the two halves of the county, one difference between the exempt of the north and the south of the county is apparent: single women comprised a half of exempt women in the north, but less than a third in the south.

Although one might have expected those with one hearth to have the least wealth, Table 8 shows that those who can be identified in the probate sample enjoyed a wide range of wealth. Inventories linked to the 1674-5 survey range from £1 to £771 (even if the wealthiest, Robert Stevens of Newby, did record building materials in his probate inventory). The manor of Rydal illustrates something of the diversity of the single-hearth house and household. Whilst some of the Rydal tenants struggled to keep their holdings going in the 1660s and 1670s, three who also enjoyed income generated from non-agricultural activities left personal estates with values substantially in excess of the median value of the 1675 rural sample.<sup>218</sup> This countywide probate sample included people with one hearth but substantial wealth who evidently had chosen not to invest their resources in increasing the amount of heat available in their homes. One-hearth households were a very diverse group indeed and, the exempt aside, the number of one-hearth households cannot be used as an indicator of poverty.

### *Households with two hearths*

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<sup>218</sup> WRW/K, David Harrison, 1676 & 1679, and Thomas Fleming, 1673.



The south of the county had proportionally twice as many two-hearth households as the north in the Michaelmas 1670 document, with significant concentrations in some mapped areas (map 12), but two-hearth households formed 16 per cent of households in the rural county in 1674-5, more or less evenly split between the Bottom and the Barony, as map 13 illustrates. Most of the following analysis relates to the 1674-5 survey, since it records the higher numbers of two-hearth houses.<sup>219</sup>

A second hearth could be located either on the ground or first floor of a two-hearth house and a number of these still survive.<sup>220</sup> Compared to the main hearth of the firehouse little has been written about second hearths or fireplaces. If the second hearth was in a kitchen, and so on the ground floor, it might be similar in form to the firehouse hearth. Parlour and first-floor fireplaces whether in two- or three-hearth houses would not have been in firehoods.<sup>221</sup> As plates 4 and 5 show, the surround of such a hearth could be decorated, and the example at Askam was patterned in a manner not dissimilar to carving on the wooden press cupboards of the region.<sup>222</sup>

Thomas Harrison at Glencoyne in Patterdale (Glenridding) had two hearths in 1670 and 1674-5. One of his hearths (if not his ironwork!) is pictured on the back of the dust cover of this volume (see also plate 6). His property contained a downhouse with a through passage behind the main fireplace. It survives, with additions, but there is no probate inventory close in date to the hearth tax documents. There were two chimney stacks, one for the firehouse, the other indicating that the downhouse

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<sup>219</sup> From the probate sample, twenty-seven rural individuals with two hearths can be linked to hearth tax documents; nine of whose documents list rooms.

<sup>220</sup> RCHME, *Westmorland*, eg. pp. 14-5, 24, 112, 137 (Joseph Booth d. 1659 was a minor gentleman), 178.

<sup>221</sup> Thanks to Sarah Pearson for this information.

<sup>222</sup> J. Wrench, 'Westmorland press cupboards' (unpublished MA thesis, University of Lancaster, 2006), *passim*.

had a hearth, presumably for kitchen purposes. Surviving plaster work of 1629 implies a degree of prosperity, though suggestions that such work elevated Glencoyne to the level of gentry housing are probably wide of the mark.<sup>223</sup> The nature and presence of iron fire gear in inventories shows that at least some Westmorland kitchens were certainly used for cooking, such as those of Jane Cornthwaite of Heversham or James Cookson of Troutbeck.<sup>224</sup> They may additionally have been used for brewing. James Bainbridge of Firbank had two hearths at Michaelmas 1670 and in 1674-5, and his second hearth was probably in the parlour, which the furniture suggests was used both as a sitting room and as a bedroom.<sup>225</sup> His inventory of 1677 gave a classic description of the firehouse: 'Tables forms and chairs in the body of the house. Rackencrooke tongs girdle and brandrith speete and fyre vessels of iron, 3s-4d'.<sup>226</sup>

None of the householders so far discussed were given a status 'title',<sup>227</sup> but in the 1674-5 survey nineteen status families, including nine clerics, occupied two-hearth households. One was a gentry widow, Mrs Susan Neveson in Morland, who had half her husband's estate at his death in 1664; her eldest son had a six-hearth property.<sup>228</sup> Another, Mr Christopher Petty, marks the social boundary between gentility and the yeomanry. In 1689 the Petty arms which the herald Sir William Dugdale had disallowed at his 1665 visitation of Westmorland, were erected over one

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<sup>223</sup> RCHME, *Westmorland*, p. 194; Denyer, *Traditional buildings and life in the Lake District*, p. 65; J. H. Palmer, *Historic Farmhouses in and around Westmorland*, ed. W. T. McIntire (Kendal, 1949), p. 49.

<sup>224</sup> WRW/K, pr 1670 and 1671.

<sup>225</sup> 'Sitting room' and 'bedroom' are modern terms not used in the inventories, but 'dining room' is a contemporary term.

<sup>226</sup> LRO, WRW/L, pr 1677.

<sup>227</sup> See above.

<sup>228</sup> CROC, MSS of Dean and Chapter of Carlisle, Machell of Crackenthorpe papers, vol. 6 no. 3; Fleming MS R (CROC WD/Ry, box 28, MsR), Mr Jo: Neveson.

of the fireplaces in Orton Old Hall.<sup>229</sup> The Petty family had acquired the hall apparently between the Michaelmas 1670 document and the 1674-5 survey, which credited it with two hearths. The house has been dated to the early seventeenth century, and described by RCHME as ‘comparatively little altered’, though some fireplaces have been added since 1674-5.

### *Households with three hearths*

Table 7 shows that in the 1674-5 document only a minority of those with three hearths enjoyed the title of ‘Mr’ or were gentry. Including lawyers and clerics, twenty-six out of 246 rural householders with three hearths had a status title. The Michaelmas 1670 document shows a quarter of three-hearth householders with a status title. A dozen individuals can be linked to three-hearth houses, and their probate documents give a social status for seven: one gentry, one ‘Mr’, and five yeomen. Most rural three-hearth householders were yeomen. Most rural three-hearth houses were in the south of the county at both dates: roughly a third were in the north.

The three-hearth houses (all in the Barony) which can be linked to probate inventories which recorded rooms were certainly more elaborate than those with two hearths. Some of these more complex houses included rooms described as ‘old’, as in the inventory of George Mawson of Whitwell, yeoman.<sup>230</sup> It referred to a kitchen, used for cooking, rather than the hearth in the house, and went on to list an old kitchen and its loft. The new kitchen had a hearth with all the usual iron fittings, but also, and unusually, an iron oven, valued at five shillings. According to the

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<sup>229</sup> Curwen, *North Westmorland*, p. 200; RCHME, *Westmorland*, p. 189; Nightingale, *The Ejected of 1662*, p. 1209.

<sup>230</sup> WRW/K, pr 1673.

Michaelmas 1670 document, Mawson had two hearths, with a third listed as 'unerected'. His heir was surveyed with three hearths in 1674-5. Some of the elaboration of three-hearth houses was definitely new in the 1670s. Mr Robert Hallhead had one 'new' loft in his house, and the older loft had become a bedroom. The contents of his parlour indicate a sitting room, with window curtains, but he still cooked in the hall [firehouse]. Other inventories also suggest modernisation in progress. Richard Middleton of Casterton, a yeoman, retained a fire with the rackencrook left in place in the hall, but the cooking seems to have been moved to the kitchen (or were the gridle and brandreth just kept there?), serviced by a buttery and milkhouse. He had beds in the lofts, one of which must have been warm for it was called the chimney loft. Another loft was specifically called the servants' loft. He also had a low chamber. Middleton's appraisers did not mention a parlour, but Richard Turner, another Casterton yeoman, had one in a house in which he had been converting lofts into chambers. His appraisers unhelpfully grouped his iron gear altogether in the [fire]house, but they did mention a grate there, which would probably not have been used for cooking.<sup>231</sup> William Fell of Dryslack had a parlour, a buttery, a milkhouse, and a seller, and fires in the kitchen and [fire]house. Upstairs were four lofts and, perhaps, the kitchen chamber.<sup>232</sup> These were all men of substance, with inventory values, respectively, of £274 (Hallhead), £257, £565, and £309. Middleton had another property in Lupton, as well as books worth £2-13s-4d, a clock in the hall, and six silver spoons, so that his wealth indicates modest comfort if not luxury.

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<sup>231</sup> See above, under 'fuel' for coal seams in this area.

<sup>232</sup> Hallhead, WRW/K, pr 1678; Middleton, LRO, WRW/L, pr 1676; Turner, WRW/L, pr 1675; Fell, WRW/K, pr 1679.

### *Households with four and five hearths*

The occupiers of houses surveyed with four or five hearths in 1674-5 were a socially wide-ranging and mobile group. There were a number of recognisable but minor gentry with four or five hearths, such as Robert Scaife of Winton. But Thomas Barker of Casterton, who had five hearths, was not a gentleman; he was a husbandman. Estate papers show Barker lived in Casterton Hall, part of which he leased from Edward Wilson of Dallam Tower, esquire. It may, therefore, not be surprising that two decades later, Machell was to describe the hall as ‘an old ruinous building now only fit to take a farmer’.<sup>233</sup> In Clifton, north Westmorland, Thomas Workman and Thomas Robinson, Sir John Lowther’s tenants of the Hall, with five hearths, were no doubt outranked by Mr Rowland Burrough, the graduate rector, though he only had three hearths.<sup>234</sup> Nevertheless, there were a dozen or so clerics and lawyers with four or five hearths. The social mix was further complicated by four- and five-hearth houses (twenty in all) in the market towns of Ambleside, Brough, Burton-in-Kendal, Kirkby Lonsdale, and Kirkby Stephen, not all of which were inns. John Kelsicke of Ambleside, for example, with four hearths, had shop goods and book debts amounting to £145 out of the total of £235 in his inventory, yet he was called a yeoman and was evidently an active farmer.<sup>235</sup>

Architecturally the forms of four and five-hearth houses were just as varied as the social mix of householders outlined above suggests. The yeoman William Bethome’s house had the classic firehouse, parlour, and buttery.<sup>236</sup> The hall and

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<sup>233</sup> CROK, WD/CW, unlisted lease, 21 January 1674/5; Machell, *An antiquary on horseback*, p. 27.

<sup>234</sup> For Burrough, see Nightingale, *The Ejected of 1662*, p. 1240, and for Clifton Hall, Phillips, *Lowther family estate books*, p. 254.

<sup>235</sup> WRW/K, pr 1683.

<sup>236</sup> Bethome did not appear in Michaelmas 1670. He married in 1673 Jennett, widow of Stephen Field (*Marriage bonds... preserved at Lancaster*, ed. J. Brownbill (Record

parlour were recorded as sitting rooms, with beds in their respective lofts, though the hall loft also stored malt. A kitchen with a storeroom loft over it had been added to this basic plan, and there was a puzzling ‘outloft’. The kitchen had all the iron fire gear for cooking.<sup>237</sup> Some of the four- and five-hearth houses had ‘new’ facilities. The head of the ancient but minor gentry family of Machell of Crackenthorpe (four hearths in both documents) had carried out alterations to his house in 1663.<sup>238</sup> The Rev. John Hutchinson of Morland was surveyed on five hearths and his inventory listed a ‘new’ house and a ‘new’ chamber, as well as a kitchen, plus the traditional [firehouse] hall, parlour, and buttery; instead of lofts, there was a best chamber and a little chamber. Hutchinson was an active farmer who boosted his income by moneylending and leased tithes from the Dean and Chapter of Carlisle, which may well have paid for his new constructions. Other probate inventories suggest alteration and modernization, but without using the word ‘new’. In the remote centre of the county in Bretherdale, Christopher Atkinson, a prosperous yeoman farmer with four hearths, styled most of his first-floor rooms “chambers”, with only the, presumably, unimproved, room over the kitchen meriting the term loft. This kitchen loft was used to store a chest next to the chimney<sup>239</sup>. At Watercrock south of Kendal, an elderly alderman of the town had modernised his hall into a sitting space, though the parlour was still the best bedroom and first-floor rooms were called lofts, not chambers. The kitchen was clearly the cooking room and one of the two lofts probably provided warmth for storing meal.<sup>240</sup> The two kitchens in the house of William Shepperd of

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Society of Lancashire and Cheshire, 74, 1920), p. 32). Field called himself ‘gentleman’ in his will, see WRW/K, pr 1672. Bethome was surveyed with four hearths in 1674-5, but Field had only been taxed on two at Michaelmas 1670.

<sup>237</sup> WRW/K, Stephen Field, pr 1672.

<sup>238</sup> RCHME, *Westmorland*, p. 72.

<sup>239</sup> CROC, Christopher Atkinson, pr 1685; John Hutchinson, pr 1678/9.

<sup>240</sup> WRW/K, William Guy, pr 1683.

Field End in Patton also suggest modernisation. His inventory listed an entry, great chamber, [fire]house (fire), study, larder, buttery, buttery loft, kitchen (fire), kitchen loft, and lower kitchen.<sup>241</sup> He was charged with three hearths in 1670 and five in 1675, though his inventory of 1676 locates only two.

In 1674-5 the number of five-hearth households per rural collection area ranged between four and one; of four-hearths between nine and one, and of three-hearths between fourteen and one. Thirty-four rural collection areas had 10 per cent or more households with three to five hearths. Three of these were the market towns of Kirkby Stephen, Kirkby Lonsdale, and Ambleside. All but four of the remainder were in the south of the county. Thomas Machell noted a lack of manor houses in part of south Westmorland, including some of these areas, suggesting a lack of oversight by manorial lords. One might have expected that less intrusive lordship would have facilitated accumulation by tenants, perhaps resulting in the construction of larger non-gentry houses. In fact, the manorial lords of the rural collection areas where three-to five-hearth houses comprised 10 per cent of the stock were more likely to be local gentry than the lessees of absentee noblemen or the crown. Amongst these 10 per cent collection areas there were manors where lordship had atrophied due to changing lordship and/ or ancient enfranchisement, for example Temple Sowerby in the Bottom, or Killington in Kirkby Lonsdale parish in the Barony, but other similarly weakened manors did not have 10 per cent of their housing stock with three to five hearths.<sup>242</sup> An example is Dufton, in the Bottom, where Thomas Denton in 1688 noted a lack of gentry. Dufton was leased out by the Earl of Arundel, and in 1674-5 it had one three-hearth and, one five-hearth household, amounting to four per

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<sup>241</sup> WRW/K, pr 1676.

<sup>242</sup> See above.

cent of its fifty-seven households.<sup>243</sup> Weak lordship did not always result in a high proportion of households with larger numbers of hearths.

### *Households with more than five hearths*

All the peers and major gentry, forty-nine families in all, had more than five hearths,<sup>244</sup> as did a further nine families styled 'Mr' or equivalent. Five of these fifty-eight were owners or occupiers of more than one large house. Another fifteen rural halls, castles and one vicarage were in the hands of non-gentry tenants or unidentified occupiers. More than five hearths were also recorded for eleven residents of market towns and nine professionals. A further nineteen rural householders with more than five hearths, no doubt examples of upwardly mobile individuals, were accorded no social status; all but two of which were in the Barony. Altogether, in 1674-5, there were more land-owning families (thirty-five) with a status title and a large house situated in the south of the county than in the north (twenty-three), but the north had all the baronets and peers.<sup>245</sup> Those in 1674-5 with more than nine hearths on map 19 include the peers, but also newcomers to the ranks of the gentry, one occupier whose status is unknown, and two leaseholders. Eleven more established members of gentry society (baronets, knights, and esquires) also appear. The picture presented in

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<sup>243</sup> Thomas Denton, *A perambulation of Cumberland 1687-1688*, ed A. J. L. Winchester and M. Wane (Surtees Society Publications, 207, 2003), p. 409; N&B, 1, pp. 357-8. Mr Reynold Dobson, with five hearths and also surveyed at Drybeck, was presumably an estate officer. I cannot identify the three- and seven-hearth owners; the incumbent had two hearths.

<sup>244</sup> An obvious exception was Sir Philip Musgrave, Bt, whose house in Little Musgrave, surveyed with four hearths, was one of his two Westmorland houses. The major one, Hartley castle, was omitted from the 1674-5 survey, but at Michaelmas 1670 had been returned with ten hearths. His main seat was Edenhall in Cumberland (Hughes, *Fleming-Senhouse papers*, pp. 19, 53).

<sup>245</sup> Cooper identified from the hearth tax, 1662-75, an average of 9 hearths per 'Esq' household, 14.4 hearths per 'Kt' and 'Bt' household and 12.1 per JP household in Westmorland; in N. Cooper, *Houses of the gentry, 1480-1680* (Yale, 1999), p.6.



map 18 for Michaelmas 1670 is much more conservative, with only one newcomer to the upper levels of landed society represented.

From the surviving buildings, Pevsner noted that some new gentry building took place in Westmorland in Elizabeth's reign, including work at Levens Hall (plate 000), and again in the eighteenth century. But he remarked on only two houses rebuilt or at least re-styled during the period of the hearth-tax, and they were from the 1680s.<sup>246</sup> The 1692 tour of south Westmorland by the antiquarian Thomas Machell found many old-fashioned gentry properties. The later seventeenth century, therefore, appears to have been, with some exceptions discussed below, largely a time of alteration rather than major construction by the gentry, who seem already to have installed numerous hearths.

Fortifications, relics of the pre-1603 era of Border warfare, remained a noticeable aspect of large houses, and this might have led Machell to characterise some properties as old-fashioned. At Wharton Hall in the Bottom, a curtain wall completed the surround of the courtyard. It was the seat of the absentee Lord Wharton who had thirty-one hearths in 1674-5 (twenty-nine in 1670). The Royal Commission inventory helps us to date the house in Machell's sketch: one part was built c.1400 and nothing of significance was later than the mid sixteenth century. The hall was still lived in, but Machell called one room in the older block the 'dining room', indicating that there had been some modernisation.<sup>247</sup> Grayrigg Hall in the Barony was another old house, described as ruinous a century later and as 'a strong old building in a quadrangular form, adapted more for defence than for convenience'.

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<sup>246</sup> N. Pevsner, *The buildings of England: Cumberland and Westmorland* (Harmondsworth, 1967), pp. 27, 31, 33, 36-7, 222, 241, 269. Cf. Cooper, *Houses of the gentry*, p. 237.

<sup>247</sup> RCHME, *Westmorland*, pp. 240-2; CROC, Machell MSS, 3, p. 202; CROC, Mr Hugh Warton, pr 1685 (which contains virtually nothing about rooms).

But Grayrigg too was not entirely immune from modern influences: in 1662 the parlour and great chamber were represented as sitting rooms, there was a modern sounding colour-named room, the green chamber, and a 'new chamber'. Sizergh castle, a house of the absentee Strickland of Sizergh family was taxed in their steward's name on twenty-two hearths in 1670 and twenty-three in 1674-5 (the most hearths in the south of the county). It retains its pele tower to this day, so it is no surprise that Machell identified some old-fashioned aspects, noting that the kitchen was open to the roof. But even rooms fitted out for servants about 1618 were given chimneys, and Pevsner was impressed by the plaster work and by the chimneys in rooms of Elizabethan date.<sup>248</sup> Machell's notes on Nether Levens Hall referred to rooms with modern names: a dining room, withdrawing or Lady's chamber and a Green Chamber, but he also commented that it was an 'old low sort of building with a low ceiled chamber'. Denyer suggests that its massive sixteenth-century chimneys (plate 9) were a status symbol.<sup>249</sup> Before moving to London Sir John Lowther of Whitehaven had, in 1662, created a new dining room and added, as well as repaired, chimneys at Sockbridge Hall in the Bottom (ten hearths in 1671, twelve in 1674-5). It also retained its pele tower.<sup>250</sup> The grandest fortifier of the period was Anne Clifford, Countess of Pembroke, whose feudal power was emphasised by her restored castles at Brough (plate 14) and Appleby (twenty four and forty hearths, respectively, at both dates) and Brougham (thirty hearths Michaelmas 1670, omitted in 1674-5).

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<sup>248</sup> I. Goodall, 'Privacy, display and over-extension: Walter Strickland's rebuilding of Sizergh' *The Antiquaries Journal*, 82 (2002), pp. 31-3, 40; Pevsner, *Cumberland and Westmorland*, p. 27..

<sup>249</sup> CROC, Machell MSS, 2, p. 179; Machell, *An antiquary on horseback*, p. 72; Denyer, *Traditional buildings and life in the Lake District*, p. 157.

<sup>250</sup> B. Tyson, 'Building work at Sockbridge Hall, its farmyard and neighbourhood, 1660-1710', *CW2*, 83 (1983), pp. 107-8.

Some houses no longer had any defensive aspect by the early seventeenth century and remaining towers at others were subordinated to more recent work. Calgarth Hall in Windermere dated back to the fourteenth or fifteenth centuries but it was extensively rebuilt around 1600 with decorative plasterwork which can be dated to c.1635. It may be some of this work described as ‘chimney pieces’, to which Machell referred in his approving 1692 description of the wainscoted ‘dining room’. A dining room was not recorded in 1665 in the inventory of John Philipson of Calgarth, esquire, though he did have at least one heated bedroom, and fires in his brewhouse and kitchen.<sup>251</sup> Sir Daniel Fleming seems to have modernised Rydal Hall gradually after repairing the damage done during the Civil War. He was recorded as having eight hearths in both the Michaelmas 1670 and 1674-5 documents. He inserted a loft over the hall, wainscoted in 1657, and, later, added a wainscoted loft over the kitchen. A parlour chimney was constructed in 1658 using ‘freestone’ which was shipped up Lake Windermere. At least one of the wainscoted ‘chambers’ had a fireplace. Windows were glazed, and walls, perhaps loft ceilings too, lathed and plastered, reducing heat loss through the slate roof (which Fleming paid to have stopped with moss at intervals). He built ‘houses of office’ in 1665, and, finally, a balcony chamber was wainscoted in 1670. Fleming also rendered the outside of the house in two stages. If none of this was architecturally remarkable, Sir Daniel paid attention to the immediate landscape of the house, choosing to spend money on building a glazed and wainscoted summer house in the ‘garden’, rather than on more rooms or fireplaces.<sup>252</sup>

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<sup>251</sup> LRO, WRW/K, John Philipson, pr 1665. Philipson owned a second house which also had a heated bedroom. His son was surveyed for eight hearths, but only four can be identified in the inventory.

<sup>252</sup> Armitt, *Rydal*, pp.567-9, 577-8, 584, 586-7; *The memoirs of Sir Daniel Fleming*, ed R. E. Porter and W. G. Collingwood (CWAAS, Tract Series, 11, 1928), p. 87;

By 1675 the modern houses were Lowther Hall and Acorn Bank, both in the north of the county.<sup>253</sup> Sir John Lowther (d.1637) had built a wing between the old towers of Lowther with a five bay façade and a central doorway, topped by a dome, which must have been a striking sight in the Westmorland of the 1630s. In the 1650s and early 1660s Sir John (d. 1675) extended and elaborated Lowther Hall, making the house much more uniform (plate 18). Some rooms were to contain chimney pieces made of marble. More mundane were his 1664 repairs to the smoky chimney of his own chamber in the old tower, presumably one of the seventeen hearths he was taxed on in 1674-5 (fifteen Michaelmas 1670).<sup>254</sup> Machell's sketches of Lowther Hall c.1682 are now the chief record of a house which was pulled down in the 1690s. Machell was more enthusiastic about Acorn Bank (nine hearths in 1670; ten in 1674-5), presumably lauding work probably of the 1670s and now attributed to William Thackeray. Machell referred only to a dining room and parlour, 'the outside of which is red freestone well wrought and polished ...[in] the Tuscan manner'.<sup>255</sup> The great hall, with its massive hearth of c 1630 (plate 3), is in an older style.

Such up-to-date architecture was unlikely to be seen at some of Westmorland's greater houses simply because their owners, though content to pay the tax rather than sublet, were non-resident, and left their houses un-renovated. Sir

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RCHME, *Westmorland*, pp. 201-2 (which perhaps gives less significance to Fleming's work than Armitt does).

<sup>253</sup> Brampton Hall is said, N&B, 1, p. 363, to have been re-built c. 1660. Tarn House, Ravenstonedale, built for the clerk of the peace, is dated to 1664 (Pevsner, *Cumberland and Westmorland*, p. 31).

<sup>254</sup> CROC, Machell MSS, 3, p. 45; Phillips, *Lowther family estate books*, pp. 242, 250; M. H. Port, 'Lowther Hall and Castle', *CW2*, 81 (1981), pp. 123-24. Cf Cooper, *Houses of the gentry*, pp. 237-9.

<sup>255</sup> CROC, Machell MSS, 1, p. 540. Cooper, *Houses of the gentry*, pp. 234-7. Fleming (1671) might refer to Thackeray's work, and/ or to that of 1656 (Hughes, *Fleming-Senhouse papers*, p. 21); see also RCHME *Westmorland*, p. 226. Dr Adam Menuge tells me that a fireplace possibly contemporary with Thackeray's work is almost completely obscured by later alteration.

William Dalston of Dalston (Cumberland) lived in Yorkshire, but, according to Machell, kept the distinctively oblong Smardale Hall and its towers (plate 15) habitable in Westmorland. Other greater houses, not occupied by major gentry families, offer testimony to the timeless processes underlying the aggregation of estates: good economic fortune, opportune marriage, or biological accident. The Lowthers of Lowther had accumulated, amongst others, the manors and halls of Cliburn (empty in 1674-5), Hackthorpe, Maulds Meaburn, and Yanwath (all leased in 1674-5).<sup>256</sup> The younger branch of the Bellingham family, originally settled at Gaythorn Hall, had inherited the main estate at Levens in south Westmorland, so Gaythorn was leased in 1674-5. Another five large houses on lease similarly account for non-gentry entries with more than five hearths in the Bottom of Westmorland.

One family who marked the boundary between the undoubted gentry and families whose status was less certainly established was the Bainebridge family at Hawkin Hall. That family failed, in fact, to make the transition into the upper levels of Westmorland society. Their house was a c 1600 modern construction built on the proceeds of mercantile and professional wealth. With six hearths in 1674-5 and three chimney stacks (plate 19), the family clearly enjoyed warm space in five living rooms and chambers (plus a kitchen).<sup>257</sup> The appraisers of Miles Hodgeson of Kirkby Lonsdale were so impressed with his business and farming interests that they called him 'gentleman' his £668 inventory.<sup>258</sup> But he was an innkeeper whose premises

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<sup>256</sup> Phillips, *Lowther family estate books*, pp. 106, 130, 134, 140.

<sup>257</sup> Machell notes the house as built in 1674 (CROC, Machell MSS, vol. 2, p. 236). Thomas Bainbridge's potentially useful probate records (LRO, WRW/L, pr 1675) cannot be produced. However, N & B, 1, p. 258, and RCHME, *Westmorland*, p. 172, suggest an early seventeenth-century date for the house, though RCHME noted that some previous elements possibly survived, and also referred to late seventeenth-century woodwork. The genealogy in R. P. Brown, 'Bainbrig of Hawkin, Middleton, Westmorland', *CW2*, 24 (1924), pp. 129, 134, does not support Machell.

<sup>258</sup> LRO, WRW/L, pr 1683.

could easily contain the eight hearths the surveyor credited to him. Nevertheless, some of those with the status of 'Mr' and more than five hearths were undoubtedly rising in society. Mr Miles Archer had nine hearths at Oxenholme, his family wealth founded on trade in Kendal and on efforts in the parliamentary cause in the civil wars. An Archer went on to become a justice of the peace around 1700. Another fourteen rural households in the Barony with more than five hearths cannot be linked to large landowners and seem to be evidence of upward social mobility.

Seven clerical houses had more than five hearths, including the non-conformist centre run by the Rev. Richard Frankland at Natland, near Kendal.<sup>259</sup> Brough and Kirkby Stephen were vicarages, the others rectories. Machell approved of the building work of the Rev. William Wilson at Windermere (Bowness) rectory, while it is clear that at Kirkby Stephen the Rev. Francis Higginson lived in some comfort. The hall, used as a sitting room, had a grate, the study a loose grate, implying the use of coal. The cooking was done in the kitchen, and there was a brewhouse and a buttery. There were two chambers for bedrooms, and a bed in his study, a closet for Mrs Higginson, and a chamber for the servants. Surprisingly the buttery contained 'china plates' together with a clock and a looking glass to grace his house.

### ***Households in the borough towns of Appleby and Kendal***

Kendal and Appleby were distinctive as the only incorporated boroughs in Westmorland. The built-up areas of Kendal, the borough with its 'suburb' of Kirkland, were, in 1674-5, quite unlike the rural collection areas; Appleby, on the

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<sup>259</sup> F.Nicholson and E.Axon, *The older nonconformity in Kendal* (Kendal, 1915), p.123.

other hand, was less distinct. Kendal's constablewicks each had less than 50 per cent of households with one hearth; a level found in only eight rural areas. Although Kirkland had a higher proportion of one-hearth households, Kirkland and the borough combined still produced a proportion under 50 per cent. In Appleby, one-hearth households (at 63 per cent) were more common. At the opposite end of the spectrum, Kendal and Kirkland together ranked third in the percentage of households with three or more hearths, and Appleby ranked sixth. Kendal householders varied between having one and nine hearths and Appleby householders between one and eight (omitting the Castle), whereas nineteen rural areas had households with more than nine hearths. However, Kendal borough had more than twice as many householders as the largest rural collection area, whereas a handful of rural areas were bigger than Appleby.

In Appleby in the 1674-5 survey, three-quarters of the twenty-nine households with three or more hearths were on the main street, Market Street. One of the largest of these, with six hearths, was occupied by Ann Becke, who died a year after the survey.<sup>260</sup> With backside and streetside parlours, a third parlour where she slept, and lots of beds in the lofts, this property may have been an inn. It must have been a little old-fashioned, for the first-floor rooms were in lofts rather than chambers.<sup>261</sup> Becke's own bedroom (parlour) contained a grate. There were two more grates inventoried with the cooking irons and a kitchen. With evidence of brewing, and the presence of a mysterious cauldron, the inventory might, unusually, account for all six hearths in the survey! Next to Anne Becke in the survey, and an appraiser of her inventory, John Armstrong had four hearths, and Becke's other neighbour in the survey had three. But Appleby had a very complex layout of burgages with one-hearth

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<sup>260</sup> CROC, Ann Becke, pr 17 February 1675/6.

<sup>261</sup> College of Arms, London, C. 39, Westmorland church notes, between pp. 14 & 15.

households intermingled with larger holdings on Market Street. No doubt some of the single hearths were on the backsides of the bigger properties (and King's drawing, plate 20, shows some backside chimneys) or they may have occupied parts of buildings.<sup>262</sup> Appleby had no economic function beyond its market, and in 1671 Sir Daniel Fleming described its buildings as 'mean', qualifying that with a note 'of late much amended', presumably an acknowledgement of the restoration and building work carried out by Lady Anne Clifford at castle, church, and hospital.<sup>263</sup> The RCHME's Westmorland volume indicates that much of present-day Appleby was rebuilt or built after the seventeenth century,<sup>264</sup> though there is some evidence of rebuilding work there in the 1660s.<sup>265</sup>

Kendal's street pattern, already ancient by the time of the hearth tax, still survives today. From the centre Finkle Street, becoming Stramongate, struck east, and bridged the river Kent. On the west side of the river, Stricklandgate ran from the north into the centre of the town and continued south as Highgate which became Kirkland where it crossed the Blindbeck stream. However, Kendal and Kirkland differed significantly from each other. Kendal was a corporate borough. The manor of Kirkland was contiguous with Kendal and contained Kendal's parish church. If, on these grounds, Kirkland was urban, its proportion of one hearth households (at 73 per cent in 1674-5) made it look like a rural collection area in the hearth tax survey. Kirkland's proportion of households with three or more hearths placed it in the middle of the rank of such rural collection areas. Furthermore, the lord of the manor of Kirkland was a major gentry landowner. Kirkland was joined with Kendal in the

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<sup>262</sup> B. Tyson, 'Two Appleby houses in the eighteenth century: a documentary study', *CW2*, 85, (1985), pp. 199-201.

<sup>263</sup> Hughes, *Fleming-Senhouse papers*, p. 17.

<sup>264</sup> RCHME, *Westmorland*, pp. 12-4.

<sup>265</sup> Mrs Carleton's house, Tyson, 'Two Appleby houses', pp. 194, 199-201.



1674-5 survey in line with the post-restoration taxation agreement concluded between county and borough. Regardless of this change, some contemporaries had felt that Kendal corporation was extending its writ into Kirkland when it could, but while the corporation drew up a list of the exempt in its three constablewicks, it did not list those for Kirkland.<sup>266</sup>

In the borough, each of the three gates was a constablewick, all of which included the areas behind and between the main streets. Stramongate had the lowest percentage of single-hearth households of the three. Highgate and Stricklandgate both contained a part of the town known as Fellside, lying on the higher ground to the west of the main north-south street and described by other sources as poor. Both had higher proportions of single-hearth households than Stramongate. On the other hand, Stricklandgate had the highest proportion of households with three or more hearths. A list of the exempt for Kendal in 1674-5 survives (appendix II), and this indicates that Stramongate had the largest proportion of exempt and Stricklandgate the least.<sup>267</sup> These proportions suggest that Stricklandgate was the wealthiest of the three constablewicks in the borough of Kendal.

Kendal properties, many of which were of the typical urban, burgage form with narrow street frontages and long plots to the rear, also provided work space for manufacture, trade, and the professions, and were suitable for people of some social standing. All maps from the time of Speed's in 1610 indicate this burgage plot layout. Gregory King's drawing of 1665 (plate 21) suggests houses with multiple

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<sup>266</sup> CROK, WS/MB/K, HMC, A12.

<sup>267</sup> As one might expect, some of the names on the list of exempt appear to be the same as names in the survey. Counting or omitting these duplicate names does not alter the rank order of the proportion exempt in each of the three townships.

chimneys and multiple storeys.<sup>268</sup> From the RCHME's 1936 inventory two buildings can be dated to the sixteenth century, and thirty-four to the first seventy-five years of the seventeenth century. They are of two and three storeys with seven having apparently *in situ* plasterwork, stones or fitted furniture dating between 1644 and 1661. Others are dated after 1675.<sup>269</sup> These sources concur with the numbers of multi-hearth houses in the hearth tax records, and suggest that houses of a complex layout were common.

Furthermore, the probate inventories of the 1670s indicate the more developed house layouts suggested by architectural historians,<sup>270</sup> though such developments evidently began before that decade. The mode of entrance to Kendal houses is unclear: some inventories refer to an 'entry' or 'entry passage', or 'porch', usually by reference to a loft over it. The use of the word chamber was not unusual. In inventories of the 1670s 'new' work included one new house on the edge of the town, one new house and one partial rebuild in the centre of town, and the fitting out of new lofts in two houses. Kitchens, although not unknown in the 1630s,<sup>271</sup> were now common if not ubiquitous. The inventories of the 1670s also indicate changes in the use of rooms. Some, but not all, inventories with a kitchen indicate that the cooking fire was there rather than in the firehouse. A few houses had a 'dining room'. Two parlours had fireplaces, and there were parlours furnished solely to sit in. Decoration

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<sup>268</sup> College of Arms, London, C. 39, Westmorland church notes, between pp. 14 and 15.

<sup>269</sup> RCHME, *Westmorland*, pp. 125-29.

<sup>270</sup> What follows is based on the probate inventories, LRO, WRW/K, of John Cowper, pr 1679, Wm Fenton, pr 1678, Helen Fisher, pr 1672, William French, pr 1677, Anthony Hudson pr 1678, Thomas Jackson, pr 1679, Christopher Jopson, pr 1675, William Pennington, pr 1671, Alan Pricket, pr 1672, Thomas Sleddal, pr 1674, James Sutton, pr 1673, John Towers, pr 1677, Richard Towers, pr 1668, Richard Towers, pr 1672, Robert Towers, pr 1672, Anthony Wharton, pr 1671, Alan Wilson, pr 1672, and William Woodburne, pr 1676.

<sup>271</sup> LRO, WRW/K, Robert Atkinson, pr 1637; Miles Burkitt, pr 1632; Stephen Newby, pr 1634; and John Nicholson, pr 1636.

was changing: some inventories had rooms identified by colour scheme; though decorative plasterwork dating from before the hearth tax still survives.<sup>272</sup> These characteristics indicate a more up-to-date use of space in some multi-hearth Kendal houses of the 1670s. In contrast, other inventories suggest a more old-fashioned layout. First-floor spaces are described as lofts, rather than chambers, even when the inventory contained a supposedly modern kitchen. One household slept in chambers but still cooked in the firehouse. Another had a grate in a loft used as a bedroom and grain store: a rare mention of a heated first-floor room. Parlours were bedrooms. It was the professional men and the trading elite who displayed the more modern use of space. The lawyers, especially, lived in houses with coloured rooms with specific function like an office or a dining room, with closets, and with enough space devoted to stairs to warrant their mention in the inventory.<sup>273</sup> On the other hand, manufacturers' inventories, even of men of enough substance to be mayor, displayed more limited change and tended to use first-floor space for work, even when a separate workhouse also existed.

At the north end of Stricklandgate on the east side, there was a group of large houses, of which the building shells and internal decorations of some still survive today. As Table 10 shows, the hearth taxes of Michaelmas 1670 and of 1674-5, and a return for a Marriage Duties Act of 1695, list the names of the occupiers, indicating

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<sup>272</sup> RCHME, *Westmorland*, pp. 125-29, nos 11, 40, and query 60.

<sup>273</sup> RCHME, *Westmorland*, pp. 125-29, dated four surviving staircases to the seventeenth century, nos 19, 24, 26, and 28. Numbers 32, 59, and 64 indicate surviving staircase projections. Stairs were not, however, confined to the trading and professional elite, for the houses of the shearmen Henry Atkinson and Roger Fenton had contained stair heads a generation earlier in 1630s Kendal (LRO, WRW/K, pr 1630 and 1638, respectively).

little change over a quarter of a century.<sup>274</sup> This is confirmed by wills and title deeds. The location of these households was marked by the construction of Sandes Avenue in 1887, when the deeds of the northernmost house (belonging in 1695 to Nicholas Dawson) passed to the town corporation, and by the fact that the Blackhall, (the southernmost of the group) is still there today (plate 23). North of the Blackhall, the house occupied by Thomas Middleton had belonged to Alderman James Simpson in 1674-5.<sup>275</sup> Also to the north the Barrow family's premises had an entrance porch and seventeen rooms when the shearman Christopher Barrow died in 1681. Some modernisation had certainly taken place as an 'old' house was listed, but the only evidence of up-to-date room use in the domestic quarters was that the [fire]house was recorded as a sitting room and the kitchen had the necessaries for cooking. Hall and kitchen accounted for only two of the four hearths on which Barrow was surveyed in 1674-5. The house was one of the few inventoried with three floors but all the upstairs rooms were called lofts, one without an obvious purpose, three expressly devoted to the shearman's work.<sup>276</sup> Henry Singleton, shearman, father of John, lived in the house north of Barrow by 1679.<sup>277</sup> In 1692 his house at his death also had a porch and contained fourteen rooms including a dining room, a hall with a range of furnishings which suggest that it was a sitting room, and a kitchen with cooking irons. But the parlour remained a bedroom, and the first floor comprised one bedroom in the porch loft and four workspace lofts. In 1695 the shearman Nicholas Dawson had the most northerly property shown in Table 10, and its title deeds show it to have been

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<sup>274</sup> However, title deeds for the properties occupied by Towers and Middleton in 1695 imply that the property occupied by Barrow was to the north of that occupied by Towers (KCD, bdle 657, Towers to Noble, 9 December 1690).

<sup>275</sup> Simpson had bequeathed it to William Curwen, who still owned it in 1703, so Middleton was a tenant (KCD, bdle 657, Curwen to Worthington, 6 April 1703).

<sup>276</sup> LRO, WRW/K, pr 1680.

<sup>277</sup> The 1674-5 survey shows Richard Ducket, Singleton's predecessor, was taxed for two houses, and he presumably lived in the other house when he died in 1686.

sub-divided in the 1670s. Dawson purchased the separate parts in 1683, and when he died in 1707 his fourteen rooms included one loft inventoried as 'new'. The house also contained such modern features as a kitchen, a dining room and a third storey with a garret.

'Under one roof' as one deed put it;<sup>278</sup> the occupiers of the Dawson's divided property had one hearth each in 1674-5, and one of them was exempt from the hearth tax. But divided properties were not necessarily split into single-hearth dwellings, for the Blackhall, at the southern extremity of the portion of Stricklandgate represented in Table 10, was divided into one occupied house with six hearths, and another, empty, house with five hearths in 1674-5. By 1695, the previously subdivided Dawson's house (at the north) and the Blackhall (at the south of the houses illustrated) were no longer subdivided. However, one property towards the centre of the group remained divided, and one of the one-hearth properties of 1674-5 remained, indicating that twenty years after the time of the hearth tax survey, this predominantly wealthy area of the town still retained some social mix. More than three centuries on, the surviving buildings represent only the wealthy of the hearth tax era. Two of these structures, albeit re-fronted, date from at least the sixteenth century, and the inside of a third also can be dated to the sixteenth or seventeenth centuries, while one survivor is an early eighteenth century replacement of two seventeenth-century buildings. The other burgage plots are largely filled by modern service and retail premises.

The Dawson, Singleton, and Barrow properties, and those of their neighbours, were all on large burgage plots. The Dawson burgage had had a smithy, perhaps the outhouse of the 1707 inventory. Barrow had an 'old' house on his property, a cow

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<sup>278</sup> KCD, bdle 43, Noble to Dawson 28 May 1683.

house with a hayloft, and enough room behind them to erect tenters for drying cloth. Did his 'old' house count as a backside house, a term in common use in Kendal for a century or so before the 1670s? Richard Towers had personal property in a backside house on his burgage in 1667. This last example suggests that backside houses lay at right angles at the rear and were not a separate building at the backside of the burgage plot like Barrow's 'old' house. It was new building on the backside which Kendal corporation, when it was worried about in-migration, always tried to prevent. In Table 10, perhaps the premises in 1695 of William Gurnell were a backside house of the older sort which had survived after 1670. But backside houses were not necessarily housing for the poor: Gurnell was not noted as poor in 1695, though in 1674-5 his predecessor, William Ashridg, was exempted from the tax. A cordwainer Edmund Hartley of Highgate, who died in 1677, was taxed on two hearths in 1674-5 for his backside burgage and the inventory shows that it was a house of simple layout with a hall, buttery, and parlour, with lofts upstairs. A freeman shoemaker, with a gross inventory value of £84, Hartley was by no means poor.

A number of Kendal buildings had galleries at the time of the hearth tax, according to title deeds and wills, but so far as is known, this was not the case in any of the properties in the group of buildings represented in Table 10. Some of these galleried buildings were major inns like the King's Arms in the centre of the town. Mid-century, this had been a sufficiently large building for the shops within to be conveyed separately and individual shops were, certainly, held by tradesmen there in 1674.<sup>279</sup> A 1698 conveyance of '...Those two small shops or offices in the gallery...' probably relates to the Green Dragon Inn, and indicates some uses to which

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<sup>279</sup> CROK, Miscellaneous deposits, WDX/890, Forth to Forth, 14 December 1674.

these galleries were put.<sup>280</sup> In 1866 the local writer John Whitwell, reporting the demolition in 1822 of the last of the town's galleried buildings, described them as '...old oaken-frame fronted houses, with galleries at the front, after the style of the streets of Chester, and like unto which formerly, many of the shops in Kendal were built'.<sup>281</sup> Nothing suggests the presence of Chester's street-like rows in Kendal; it would seem rather that the galleries were confined to single buildings. Whether these individual shops or offices opening onto a gallery were heated is unclear.

Galleried constructions, three-storied houses and backsides, help to differentiate the houses of Kendal from those of rural Westmorland (though timbered spinning galleries were not unknown in the countryside). There may have been more timber-framed buildings in the town than in rural communities. The RCHME schedule for Kendal certainly noticed ten surviving buildings at least partly constructed with timber frames rather than just rubble.<sup>282</sup> Backside houses gave a greater population density in town. Yet houses in Appleby and Kendal-Kirkland also shared many characteristics with larger rural houses at the time of the hearth tax, noticeably in the appearance of kitchens, the specialisation of room functions, and the use of an upper floor even if only in rooms called lofts. Kendal, certainly, did not have the same proportion of one-hearth houses as did rural Westmorland, yet in the town the simple pattern of firehouse, parlour, and buttery, with lofts over, could have two hearths, as in the case of Edward Hartley. That the townsmen put an extra hearth in such a house raises the question as to why so many, proportionately, of their rural neighbours had not done the same.

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<sup>280</sup> CROK, WD/TW, Thomson and Wilson, solicitors, Thompson *et al* to Harrison, 24 December 1698.

<sup>281</sup> J. Whitwell, *The old houses of Kendal* (Kendal, 1866), p. 17. For Chester's rows see *The rows of Chester*, ed. A. Brown (London, 1999).

<sup>282</sup> RCHME, *Westmorland*, pp. 125-29.

## *Conclusions*

The documents in this volume enable us to contrast two administrative processes. For Michaelmas 1670 the record is one of limited financial success by crown appointed receivers, and so the document understates the numbers of hearths in the county, and, to a lesser extent, the number of taxable households. For 1674-5 the private farmers of the tax (in the second farm of the hearth tax) strove to designate more families as taxable, and succeeded in recording more hearths for many households. It may be that the records of the central administration of the tax farmers show that Westmorland's justices of the peace whittled away at both these numbers, but unless we accuse the surveyors and constables of fraud in 1674-5 they had certainly discovered more hearths than were taxed in Michaelmas 1670. If more local records of the tax farmers were available, like those for Westmorland and for Kendal, and for Worcester, a better picture of their operations would emerge. Nevertheless, the 1674-5 records published here suggest that hearth tax records deposited in The National Archive may understate the numbers of hearths in households, and as a consequence in houses.

The documents printed here suggest that, at first sight, Westmorland was a relatively poor area characterised by a high proportion of one hearth houses. In 1671 80 per cent of households had one hearth, a proportion rising to 90 per cent in the northern half of the county. While it has not been the purpose of this introduction to make a comparative study with other counties, it is noteworthy that similar proportions appear in Furness and in east Cumberland. That proportion is rather higher than in Durham (70 per cent), and Staffordshire (70 per cent), and much higher



than in Kent (36 per cent).<sup>283</sup> In the 1674-5 document the proportion of one-hearth houses (excluding Kendal) fell to 73 per cent. Evidence presented here of probate valuations and of the numbers of houses owned by individuals, shows, however, that one-hearth householders were a highly diverse group, and that to equate one hearth with poverty would be wrong. Of course some one-hearth householders were poor, and overall at least a fifth of them were recognised as such by contemporaries and exempted from the tax. This proportion compares favourably with many other parts of the country.

Whatever estimate we make of the prosperity, or otherwise, of one-hearth householders, the preponderance of such households is clear and needs explaining. If it is to be explained by the survival into the 1670s of an older style of building, then the issue is why such an older style had not been replaced to the extent that was evidently the case in, for example, Kent. If multi-hearths required the use of chimneys, then there is enough evidence that contemporaries knew about chimneys on gentry houses, and certainly those in Appleby or Kendal. There may have been a social conservatism at work which welcomed small family groups around the peat-fired hearth, screened-off under a firehood. In addition, some households may have been unable to fund the construction of more hearths, but, as probate records show, other households certainly had resources available.

The social hierarchy revealed in these documents is seen through a limited perspective. There is no mention of yeomen, of husbandmen, or of labourers amongst the heads of household, though the use of 'Mr', 'esquire', and 'Sir' is

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<sup>283</sup> See histograms for Durham and Kent, and E. Grogan (Trans.), *Exchequer, Lay Subsidy Rolls (Hearth Tax), 1666* (Staffordshire Historical Collections, 44 (1921), pp.41-173; 47 (1924), pp. 47-258; 49 (1927), pp.155-242; 51 (1929), pp. 1-79; and P. Laithwaite, ed., *Hearth Tax for Lichfield* (*ibid*, 60, 1936).

present. While the major gentry were present in both 1670 and 1674-5, those of the status of 'Mr' were a much more transient group, suggesting a fluid society. Another clue to a mobile society lies in the numbers of heads of household accorded no social status, but credited with the same number of hearths as their social superiors. A little evidence suggests that most houses with three and four hearths were occupied by yeomen. Probate evidence can, however, be linked to the hearth tax to suggest that many yeomen lived in one-hearth households. However wealthy these yeomen were, it is difficult to blame low numbers of hearths on the tenurial disputes of the period, or to link enfranchisement of customary holdings with larger numbers of hearths per household. It is equally difficult to see manorial courts, or their landlords, by 1670 restricting the numbers of hearths that people could construct. The established gentry mostly lived in houses with more than five hearths. Some, however, lived in houses with fewer hearths, while there was a small but significant number of households enjoying the same numbers of hearths as the gentry yet lacking their social status: further evidence of a fluid society. A small number of gentry houses were new or had modern extensions. In rather more cases, and also in Kendal, there is probate evidence of the use of space being modernised by the 1670s, with such room names as dining room appearing. Such modernisation must stand alongside Machell's descriptions of many old-fashioned gentry houses. It would seem, then, that the documents published in this book reflect both change and continuity in Westmorland housing and society.