

(ref: NYCRO, ZLT)

HR is the owner of an ancient water corn mill situated upon a small Brook (at Great Ayton) that supplies sd Mill with plenty of water during winter. But in summer for many months affords a very short supply in a dry season, not more than sufficient to work the Mill more than 10 or 12 Hours out of 24. When the water is short or run off, H R's Tenant at the Mill puts down his Clough or floodgate, & by the Means of the Mill-Dam he collects a head of Water, (his Dam full) then raising his Flood Gate, this head of water, together with the Stream continuing at same time to flow into it in its usual course keeps the Mill going a good many hours, & when all run off, he repeats the same plan, & knows how long his Dam will be of refilling, he during the same time sends out his Meal thats ready, & fetches in more corn (It may be observed this Mill has been, & is employed in Grinding Corn for the inhabitants of the place &c – and not much as a flour Mill) and Maniages the water & his time & Business with great convenience & regularity, making the best use of both time and water, without interruption, and cou'd at any time by this means have a supply of so much water as to grind a few Bushels of Corn if a sudden pressing occation occurd, he having the sole control of the water under his own management and direction. This was the case & plan of procedure prier to the erection of the New Dam for the Spinning Mill.

It is now upwards to 60 years since JR, the Father of HR, Bought this Ancient Corn Mill with all its rights of water &c of TS Esq., then the Ld of the Manor of Great Ayton, together with another Corn Mill & other premises situated upon the same Brook but a little lower down & supplied by the same water that proceeds from the first Mill. This last mentioned Corn Mill being not so ancient as the first was called the new Mill by way of distinction yet so old that it is apprehended none living knows the Building of it, this New Corn Mill (as it was called) was by JR altered and converted into an Oil Mill for Crushing Rape & Linseed &c, & it is still used as such.

One WR, brother to JR. being the Owner of Freehold Ground laying a little higher up than those Mills & the same Brook flowing through his Ground, had a son, NR, that he wanted to put forward in Business, he (WR) Built a Malt Kiln & Brew house for his said son NR, & he carried on that Business many years, he in process of time he took a dislike to it, & saw meet to discontinue it, the premises then laid empty & unoccupied some years, til the spinning of Linen yarn by Mills was invented, after which, about 14 or 15 years since, NR having a mind to try that Business & that his Buildings might be made usefull, put Machinery for spining yarn into the Old Buildings & diged a reservoir for water a little above in fresh Ground & made a Dam aCross the Brook to turn the water out of its ancient course into this New reservoir and at the lower end of it built another Dam nearly to HR's Ancient Dam head to keep up the water from falling again into its old course, & cut a Race or water course to take the water so raised & detaind in this new reservoir to the Newly erected Machinery for Spinning, & it became a New Spinning Mill. The water after passing through this Mill, falling again proceeds into HR's Dam so that Ultimately HR receives the water (Except ware occation'd by Detention in his New reservoir in dry weather which may be considerable) but in the summer season it has been so much detained, & kept back at times, & from time to time done so, also setten down at inconvenient times & quantitys, so much to the injury and inconvenience of HR's Tenant that after a tryall of about 3 years, an old Tenant then in the Mill left her solely on that Account. HR's present Tenant has experienced the like, or increased inconvenience & Loss by the detention of the water by means of these New Dams.

After this New Spining Mill had been used a few years she was altered from Linen to Cotton Spining, And about 2 years since NR, the Owner died, since then the Mill has become the property of his son-in-law WR, but has not been kept going of more than a year last past. The said WR has lately proposed to alter this same spinning Mill into an Oil Mill to Crush Rape & Linseed & HR the owner of the ancient Corn Mill & Oil Mill as above stated knowing that the

carrying on any Mill, & particularly an Oil Mill that would require more water & the keeping up those Dams, whereby his Tenants has suffered so much loss & inconvenience already is not only continued but be increased, has given WR notice to remove said Dams, that so the water may flow to his ancient Mills at the time in the manor & course it has been used to with no impediment or interruption time immemorial till the Erection of these dams, which WR has refused to do, alledging that tho the course of the water has been altered & it may have been kept back in his late Fathers time by the means of those Dams to the prejudice of HR which was not justifiable, it has not been so done since his Fathers Decease or since the Mill became his. Therefore he having done no trespass by means of said Dams to the injury of HR or his Tenants, HR can have no action against him, neither can he compel him to take away those Dams til he do commit a trespass to the injury of HR or his Tenant, & he WR, further alleges that in case he recomance the working of this Spining Mill, or change her into an oil mill he will only work said mill when there is enuff of water for his Mill to go with the stream & that so soon as through dry weather the water becomes too little to work with the stream he will immediately suffer it to flow over the Dams so that it may flow to HR's Mills without any detention or interruption whatsoever, and so long as he continues to do so HR can prove no injury sustained or trespass done by him, consequently can maintain an action against him, nor cause him to remove his Dams &a. Now HR conceives that in a case like this an Eye must be had to future consequences.

It is about 14 or 15 years since the first erecting this dam or those Dams, or one of them & the other not of so long standing, the Building, not erected on purpose, but as above pointed out, an old one laid useless, And through friendship, kinship & Good neighbourhood NR was permitted to make tryall of the Spining Mill. Tryall & proof being made, that great injury was sustained to HR's property by the keeping up those dams they were remonstrated against, Now HR apprehends that if those Dams which are the groundwork of all the injury sustained, be suffered to remain a few more years, HR will lose the right of first Use & Control of the water, & the same will be gained by WR, this wou'd be a very serious Loss & inconvenience indeed to HR, in the stead of having the power of managing the water & his Business with pleasure to the best advantage as described above in the first paragraph they must be wholly dependent on the pleasure of WR or his Tenant when he will permit the water to pass his Mill, & in case HR's Tenant want to Grind a few Bushels of Corn on any pressing Necessity he will have to ask as a favour, or perhaps be denied too, that that's at present his right. Now if no injury have been done to HR's property by WR through the means of those New dams since he was the Owner of them, theres full proof of much injury sustained by means thereof prier to that, & WR being as it were in his late Fathers Shoes, HR apprehends it is just the same in Effect as if he the Father were living, or as if the injury had been done by WR or his Tenant – it is the Dams that's the Anusance & must be removed, otherwise, immediately on WR's resuming to work the Mill, & so soone as the water becomes scanty, be under the necessity of keeping a person on the spot to watch that they do not detain the water, otherwise it may be detained unknown to HR, or his Tenants, is not this an injury? Moreover if those Dams be suffered to remain on WR's promise not to detain the water he may very strictly observe to do so, til he have gained the first right of the use & control of the water, & then he wou'd commence Master, is not this a very serious injury in prospect, & does not Law or Equity or both provide a means of protection from such approaching injuries!

KEY

JR = John Richardson

HR = Henry Richardson

WR (father of NR) = William Richardson

WR (son-in-law of NR) = William Rowntree

TS = Thomas Skottowe