

Rights of Turbary and grazing allotted to Orton people on what was perceived as Raisbeck land was a real issue of contention. The dividing line between the manors was defined by the documents as running.."*..from the top of Powson Knott....to Bland House, Chapple, Coatflat and into the Lune river.*"

" It is said that the two commissioners Burn and Gibson have conveyed their estates in Orton for the purpose of qualifying themselves to proceed under the Act of Parliament.....and thereby have appropriated part of the Raisbeck Common to the proprietors of Lands within the Township of Orton."

" On the Sunday next after the Execution of the award, a notice was proclaimed in the Churchyard at Orton after Divine Service, that the several persons interested in the Inclosure(sic) of Orton Common might attend at one Bownas's publick house in Orton the next day to see their allotments."

Raisbeck people were not allowed to see the notice.

" None of the Raisbeck people attended save one Mr. Whitehead, who was permitted to see the plan but he had no ticket given him of his Allotment, as the others had who attended."

By this long and wordy legal document, those people of Raisbeck affected by the 'Inclosures' declared their intention to resist them, and, effectively to sue the Manor Court of Orton for restitution of rights of access to commons and wastes and rights of Turbary.

The document was signed by John Overend; Leonard Scaife; Robert Bowness; Richard Capstick (his mark); James Whitehead; George Fothergill; Robert Burry; John Wharton; Gerrard Lang; Edward Taylor; William Bowness; Matthew Laycock.

" The commissioners were so much affected and confounded by the objections that they stopped any further proceedings for upwards of 5 years."

The Trials and Tribulations of Richard Capstick

As can be seen from the signing of the legal document, Richard Capstick could not read or write and could not, therefore, have understood any written communication to do with the allocation of land under the Enclosure Act.

He had bought land from the Rev. George Bownas with considerable Turbary rights on Raisbeck Commons. The commissioners awarded the whole of Capstick's Turbary to one John Bownas of Orton, brother of George Bownas from whom Capstick bought it in the first place.

Capstick had no notice of the award and, on May 10th., 1779, he went to dig peats as usual. John Bownas tried to send him away but Capstick continued to dig peats until he had his usual amount.

Bownas then made a fence only 18yds. in length across Capstick's usual and Common road to his Turbary. To get to his turves, now dried, Capstick and another landowner, one Matthew Laycock, *"very peaceably and quietly in the daytime, pulled down only, a sufficient part of the fence across the road, to let Capstick's Cart through, and afterwards Capstick led some of his peats and Turfs home, but John Bownas took and led away the greatest part thereof."*

Capstick and Laycock were prosecuted and spent a fortnight in Appleby jail. However, because the road in question across which the fence had been made was held to be a *" publick road"* leading from Orton and Raisbeck to Brough and other places, Capstick was deemed to be within his rights to make sufficient opening to get his cart through. Following the judgement the fence was taken down altogether but Richard Capstick did not get his peats back.