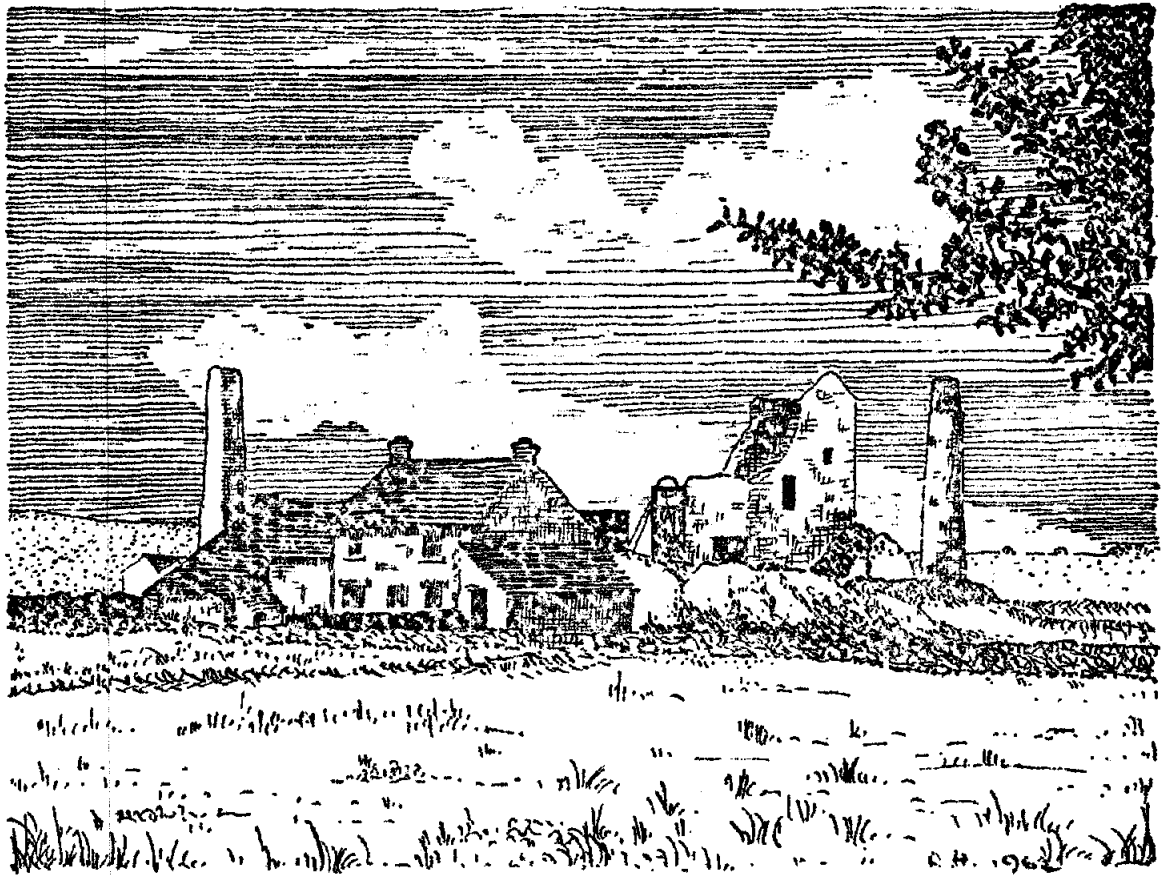


VOLUME 2

DERBYSHIRE MISCELLANY.



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DERBYSHIRE MISCELLANY

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Editorial

This issue of the bulletin has been devoted entirely to the story by Miss Nellie Kirkham of the dispute at Magpie Mine which was thought to be of sufficient general interest to be issued not as a supplement but with the wider circulation of a bulletin.

The cover carries an illustration of the Magpie Mine drawn by our chairman Mr Rennie Hayhurst. The chimney no longer stands but the buildings are in the care of the Peak District Mines Historical Society.

It is hoped to publish the next bulletin in November and this will revert to the usual form.

Report of Meetings

In March the Section held a meeting in Derby, visiting the County Hall. Our thanks are due to Mr W.D. White for undertaking the arrangements, to Mr D.G. Gilman, the Clerk to Derbyshire County Council and to Mr Tilley, the Deputy County Architect who made a long journey in unpleasant weather to be our guide.

Mr Tilley briefly outlined the history of the County Hall explaining that there had originally been two courts, one a criminal court and the other a 'nisi priors' court for civil cases. Due to the recent unhappy increase in crime, the 'nisi priors' court has been converted into a criminal court by the introduction of a dock and the construction of a tunnel leading from the cells to the dock. During the construction of the tunnel, some old plans of the building were found and members had the opportunity to examine them. After a thorough examination of the court, cells, and docks we left with the comforting feeling of having seen it from the right side.

In the less forbidding surroundings of the Bridge Chapel Library we had tea. The Rev. D.H. Buckley then showed us a filmstrip of Derby Cathedral to which he added some comments on his experiences there. The meeting concluded with a selection of slides shown by Mr C.J. Smith to illustrate further changes in Chesterfield.

In May the Section met at Brassington to see a collection of antiquities assembled by Messrs Valance, Bloor, and Radford to whom I take this opportunity to express our thanks. This proved a most rewarding visit and introduced members to a neglected part of the county. After inspecting the collections, which raised a great amount of interest and discussion, we proceeded to Rainster Rocks where some of the finds have been made. On returning to Brassington where members had tea and a further chance to look at the collections, we were conducted round the church, the Vicar related the history and commented on the architecture.

In July Mr G. Green of the School of Agriculture, Sutton Bonnington, gave us the benefit of his knowledge of the Shardlow district. In his introductory remarks, Mr Green drew attention to the number of antiquities in adjoining villages and to the lost 'low' of Shardlow itself. We visited the Cavendish Bridge and hamlet where buildings, which had been used for housing boys of the post-chaise were pointed out to us. We also saw the place where the boats were tied when the river was in flood.

On leaving Cavendish we visited Wilne church after which we took a picnic tea, finally visiting Sawley church. Mr Green recalled that this was formerly a sanctuary church. We are indebted to our guide for a very enjoyable and instructive afternoon.

H.R. Window

MAGPIE MINE AND ITS TRAGEDY

by

Nellie Kirkham

Magpie Mine is on the south of Sheldon, near Bakewell, in the Manor and Liberty of Ashford, and the walls of its ruined grey stone engine house and two chimneys can be seen for miles where they stand up above the green fields with their network of stone walls. Here, over a hundred years ago, occurred a lead mine tragedy.

The ground of the mine is a long strip of land with Red Soil and Maypitts Mines at the east end, and the troubles between these mines and Magpie are still remembered in north Derbyshire and are sometimes talked about as though it all happened only a few years ago.

The disputes started about 1824 and continued for ten years. From the Barmasters Books it was proved that in 1765 John Naylor of Sheldon was in possession of Red Saw (or Dirty Red Saw) Mine, and in the next year lead ore was measured for him here. In 1773 he had 1/24th share in Maypitts Mine, while Thomas Woodruff was named as chief partner, but up to 1784 such trifling amounts of ore were measured that it was later believed it was not mined ore, but was from the old hillocks, and no entries for the freeing of Maypitts Vein could be found in the Barmasters Books.(1) In 1790 Naylor freed Red Soil Vein, so the early title to this was proved, and ore was measured here up to 1801. About 1790 the possession stowes for Maypitts must have been in order for the Barmaster laid out a mine-road from this mine to the highway going to Hunters Mere (2) for the purpose of carrying water to dress the ore. In 1799 a complaint was made against John Naylor and Henry Casson of Red Soil Mine for 'Buddling their slugy ore into a meer or Watering Place situated on Ashford Common.....and suffering their Buddle Sludge to run upon the Grafts Lane and thereby rendering the Water and Grafts unfit for Cattle either to eat or Drink near the place'. They were ordered to have their buddle dams correctly guarded, as they had the right to use the water but not to abuse it.

By 1795 Thomas Woodruff and partners were working Magpie Mine, and in 1801 there was an entry in the Barmasters Book showing that for want of workmanship an old founder called Magpie (the present main shaft is not the Founder Shaft) was dispossessed and given to Joseph Gregory of Taddington, a miner, and he sold it to Peter Holme of Brushfield (above Taddington Dale) for 1/-d. (3)

Maypitts Founder Shaft, by evidence of both sides in the dispute, was open from about 1765-85, then it ran-in, and was not re-opened until 1824, when Magpie were proving their Bole Vein to be very rich eastwardly, and began to sink a shaft and erect a Newcomen engine (called the Fire Engine Shaft in the documents). They spent nearly £1,000, and said that Maypitts only started to re-work their vein when they saw this. Naylor retorted that the engine had been erected 'with the profits of the ore which Magpie had got out of Maypitts Vein'.

The troubles really began in September 1824 when Maypitts miners, working the vein which they called by that name, and later called the Red Soil Vein, struck through to Magpie workings on what they called their Bole Vein. The possession stowes of both parties were looked over by the Barmaster and found to be correct, so it seems as though one must visualise two lines of possession stowes on the surface, close together, in north-of-west to south-of-east direction, roughly along the line of what is now the Bole Vein.

In May 1825 the almost incessant series of Bills and Cross Bills in the Barmote Court began. Maypitts called on some of the Twenty-four (the Jury) to go down this mine, and right along to the Wholes (see diagram) to prove that this was all one vein, and all theirs; they also stated that on May 10, Peter Holmes of Magpie had said to Joshua Hardy, agent for Maypitts, 'that he had come to throw our stoces off', and he and Thomas Oldfield, and Ralph Woodruff, and William Doxey, 'riotously and with force of arms' pulled up the meer stakes (carrying the possession stowes) standing for Maypitts Vein for several meers at the west end of this vein. Maypitts 'quietly' replaced them, and a second time 'violently and with force' the stowes were 'torn up and broken all to pieces'. It was against the lead mining law of the liberty to cut, or pull in pieces, possession stowes.

At a Barmote Court in June 1825, both sides put in Bills, Magpie requiring a verdict from the Jury as to whether they had not the 'senior and best right and title to Bole Vein', and also to prove which was Maypitts Founder Shaft and Vein. Maypitts required the Jury to say whether Magpie had not driven into Maypitts Vein and got ore from it, and asked for their stowes to be restored. The Jury gave the title of the vein in dispute to Maypitts (4) and Magpie was dispossessed of the vein by the Barmaster throwing their stowes off. Magpie then complained that in their Bill they had named Richard Holme to go down Magpie as 'shewer' to the Jury, and that his name was struck out by the Steward of the Barmote, and he did not accompany the Jury down the mines, 'so that Naylor and Co. had the arrangement of the View all their own way'. They also complained that the Jury in their finding made no reference to the directions in Magpie's Bill (i.e. to start at Magpie Shaft) and only went down Maypitts Shaft (which from the documents

is what they did), so, Magpie said, it was a 'partial and not a joint proceeding'.

As was the custom (5) Peter Hdrcs for Magpie then requested the Barmaster to arrest the vein. Maypitts said it was theirs, while Magpie said that they were following a Breck (or Break) Vein from Bole Vein, and which Breck they had already freed. They also said that the so-called Maypitts shaft was not so, and that if this shaft was sunk on Maypitts Vein, as the proprietors claimed, then that vein ranged in another direction to Breck Vein.

September 8, 1825, was the day appointed for the Barmote Court to be held, as they all were, at the House of James Frost, the Devonshire Arms, at Ashford. A Special Jury was called of miners outside the Liberty (6), forty-eight names had been called, each party in the dispute having struck out twelve names. The remaining twenty-four names were written on slips of paper and put in a hat, and the first twelve taken out indiscriminately by the Steward became the Jury. The Steward read out Magpie Bill, which claimed that Maypitts had unjustly entered their ground and carried away 100 loads of lead ore. Maypitts in a similar Bill stated that Magpie had entered what a former Jury had given as their vein, and had removed 100 loads of their ore. (One wonders who really got the 100 loads.)

Counsel had been briefed for both sides. Mr. Denman, Sergeant-at-Law, and Mr. John Balguy for Magpie, with Brittlebank & Son as attorneys. With Mr. Clarke K.C. as Maypitts counsel, and Bradley and Macqueen as attorneys (7) so many outstanding members of the legal world must make this Barmote Court almost unique.

The old arguments were gone through again, Mr. Clarke relying on the verdict of the Jury in favour of Maypitts on June 16, and on the old entries in the Barmasters Books re-measuring ore to the late John Naylor, trying to get round the fact that no entries for freeing the vein could be found, by making scathing remarks to the effect that the Barmasters Books might be lost by a negligent Barmaster. His case was weakened by entries in the Barmasters Books in favour of Magpie, also some of his witnesses were discharged miners from Magpie. Thomas Naylor said that Maypitts men were 'poor working miners with large families' and that they had to encounter expenses 'by contending at law with the wealthy proprietors of Magpye'.

The case took eight hours to try, the Jury retiring for two of them, and this Special Jury reversed the former verdict, and found for the Magpie proprietors, and they were formally invested with the twelve meers in dispute.

A second trial for title was customary, and this took place in October, and brought a second verdict for Magpie. In the course of it, Balguy, for Magpie, called the Head Barmaster, Matthew Frost, 'a wolf in sheep's clothing', so he was attacked by both sides - why, unfortunately, is not explained. Both parties put paragraphs in newspapers, and after the result of the second trial, Maypitts were very annoyed, and in their paragraph said that they were wholly at a loss to know upon what evidence the Jury found a second verdict for Magpie. They expressed annoyance at Denman's speech in which he had said that he was not calling any witnesses for Magpie, but was relying 'upon the weakness of Maypitts case'. The latter said that Magpie had not offered 'the least proof' and that 'a respectable independent' Special Jury had given the vein to a party which had proved nothing, and that the Jury's oath did not only direct them 'to find the truth but told them what rule to go by in this enquiry to ascertain it.... thus in the clearest terms did their oath limit and define their duty'. The verdict was contrary to evidence and Maypitt intended to bring their case before a higher court.

The result of this was that proceedings were instituted against Macqueen and others for a libel on the Jury, but it was settled, each party paying their own costs.

So far as the documents show, there seems to have been peace until 1829, when in February, William Wyatt of Foolow, now the agent for Magpie, freed a Cross Vein which crossed the Bole Vein, and took 33 meers in it. Later they freed a Breck Vein from the Cross Vein.

In the meantime Maypitts took their case to a higher court, and, in the words of their opponents, began 'a tedious suit in Equity' and put Magpie to 'several hundred pounds expense in defending their possessions'. In July 1829 judgement was delivered at Westminster Hall, and Mr. Justice Bayley said that Maypitts, upon their own affidavit, had not made out a 'sufficient appearance of title to support their application' for an injunction against Magpie. He said that Maypitts case was a 'perfect blank' and that Magpie had a valid title, 'met by nothing on the part of the plaintiffs'. The application was dismissed with costs.

The next episode, a dramatic one, occurred at the end of July 1829. Three days previously, Critchlow Brocklehurst (8) had been working in Red Soil Mine, with his son Anthony, sinking a sump (an underground shaft), and getting a little ore as they did so. He did not go down the mine again until between 8-9 p.m. on July 19, when he went down with three others, John and Thomas Naylor and Richard Lindop. Brocklehurst went first, and when he got to the bottom of the Little Sump (see diagram) he discovered that the air-trunks (9) of the mine had

been pulled out for the bottom 18 ft. of this sump, and for 12 ft. along the gate. The trunks were each about 6 ft. long.

In the gate, close to the bottom of the sump, a wall had been built up, and through a hole near the top of it, he saw the light of a candle shining on a man's face, on the other side of the wall, and a man's voice spoke from the other side, shouting 'Keep back', and he recognised the face and voice as those of Jonathon Barker of Foolow, a Magpie miner.

Brocklehurst answered that he would keep back if he could not get forward, and he began pulling stones from the wall until he could get his head through to the other side, but before the hole was big enough for him to get his body through, Barker with one hand laid hold of him by the throat and tore his shirt. Brocklehurst's candle then went out, but on the other side of the wall the candles of Barker and two other Magpie men, Peter Wild and Peter Hadfield, did not go out. Hadfield stuck his candle on the side of the gate, and kept calling 'Keep back'. Brocklehurst 'desired Barker to give over throttling him'. Barker retorted that he was not throttling him, and Hadfield came forward and seized Brocklehurst by the shoulders, trying to push him back, but he pushed forward and succeeded in getting through the wall to the other side and the two Naylor and Lindop followed him, so that the Magpie men, Hadfield and Barker, were between the four Red Soil men.

Hadfield asked 'What are you for?'. Brocklehurst answered that they were 'not come to do them ill'. They were come to their own work', and he and Naylor asked them what they were come there for, and the Magpie men said they were come there 'by their Master's orders'.

Brocklehurst asked them what their master's orders were, and they refused to tell, but said 'you must wait here', and Thomas Naylor then placed his shoulder against Barker and pushed him forward to get him out of the mine, but Barker held fast to the stemples (10) in the roof, so that Naylor could not push him along, and Barker and Hadfield both pushed against Naylor, so that Brocklehurst and the other, older, Naylor, went forward towards the forefield, leaving Naylor and Lindop behind, so that Magpie men were still in the middle of Red Soil men. When they got to the forefield, Thomas Naylor said to the Magpie men, 'Take care for I'm going to begin working, and I shall work where I think proper. Stand out of my gate for I am come here to work, and I will work', and he began filling up the sump which the Magpie miners had opened to come up into the Red Soil workings. It was a sump sunk originally by Red Soil miners, and later filled up by them to stop the Magpie men, after Red Soil had holed through into the Magpie workings below. The hole was about a man's height down it.

Jonathen Barker lowered himself into the sump, so that he stood in it with his feet where they had come in, and his head just above where the sump came up in the gate-floor. Thomas Naylor told him to stand out of the way, but Barker refused, then the two Naylors began to fill in the sump with Barker still standing in it, until they had filled it up to the knee of one of his legs. He kept the other leg raised up.

Brocklehurst said to Barker, 'Come out of it, thou'll be buried', and Barker retorted that he could not get out. Then Brocklehurst began to 'rid the small stuff from about his legs', until Barker was freed. But when he was free he still refused to get out of the sump, and Brocklehurst said 'if that's it, you must take what comes', and Naylor began to fill in the sump again with Barker still in it, and as fast as they put stones in it, Barker ridded it out again, and pulled at Brocklehurst's tool, and told him to strike him, but Brocklehurst did not do so, as he reckoned that was what Barker wanted him to do.

Peter Hadfield then asked Barker to come out, and at length he did so, and then the Red Soil miners filled in the sump, and they told the Magpie men to go out of the mine by the way the Maypitts men had come in. But the Magpie miners said they would go out when they were ready to do so, and Brocklehurst left them in the mine, it now being 10 or 11 o'clock in the morning. (11)

Magpie said that they had built the wall to stop the Red Soil miners who were trespassing into Magpie workings. Red Soil said that the wall was stopping them from going to where they had worked all along.

It was about this time that Magpie accused Maypitts of being dissatisfied with the results of the trials, and said that they 'threw off their old frail covering', and 'rose again' as Red Soil, but that the partnership remained the same. This change is amply confirmed by documents, for, as the Steward of the Barmote said, 'it is well known that Maypitts could not make out a title.....but it is understood that they had got into Red Soil possessions whose title is good'. There is a statement that the workings of Maypitts, Red Soil and Horsteps Mines all communicated with each other, and to all intents and purposes were one mine. From 1827-1834 all ore was measured in the name of Red Soil, and all claims and suits henceforward were under this name. One point remains inexplicable - the main vein under dispute was the same vein. One trouble, and it occurs in many other Derbyshire lead mine disputes, was that the entries in the old Barmasters Books were not sufficiently precise, and one can see this in documents which still exist. (12)

Bills and Cross Bills were put into the Barmote Court, and in August both sides requested the Barmaster to dismiss the Grand Jury from the enquiry, as they had come to no conclusion re the veins which they had been asked to view and diall, and it was agreed that the parties in dispute should meet at the mines and divide the ground in amicable manner, and to name two umpires if they could not agree.

This had no effect. The Jury were dismissed, but no agreement was made, and matters worsened in February 1830 with the usual calling out of the Jury, (a new Jury composed of miners from Ashford Liberty) who found that Magpie were obstructing them by a bunding (see note on stemples) across a sump. In answer Magpie said that Red Soil Shaft gave those miners a convenient way of access to Magpie Breck Vein and Cross Vein which had been judged to belong to Magpie and not to Red Soil. The new Jury fined Magpie £20 for obstruction, and as the bunding was not removed after repeated viewings the Barmote Court, by stages, raised the fines to £140.

In August and September of that year the Jury began to disagree among themselves. The majority of them found that it was Red Soil Vein as far as the obstruction, but some of them considered that further workmanship on the part of Red Soil was necessary before any verdict could be given. On one viewing the Jury found both Magpie Shaft and their Fire Engine Shaft, and also Maypitts Shaft, locked, and they could not go down. Richard Holme was present representing Magpie, and when they asked if they might go down he 'said do what they thought proper', but they did not think it justifiable to break the lock, so they fined Magpie for obstruction.

On one occasion two of the Jury (a Special Jury) reported that Red Soil shaft was in such a bad state of repair that the Jury would be in great danger if they descended it, and they had already been told to put the shafts and gates in repair. Then Red Soil locked the door on the shaft-top, and William Wildgoose refused admittance to the Jury, which the latter said was a 'rebellion against the Body of the Mine', (i.e. the Jury) and they were ordered to leave the coe unlocked for fourteen days. The Jury were refused admission to Red Soil a number of times until the fines which were imposed amounted to £80.

In the autumn of 1830 a great part of the workings were under water, and Red Soil said that this was because Magpie were not working their steam engine. The Magpie obstruction of the bunding in the shaft had not been removed, and the lawyer Macqueen informed the Steward that he had difficulty in stopping the Red Soil men from blowing it up, and that if they did this, 'the parties will then be at what they call Club Law, and some lives will be lost in such a desperate conflict'.

Magpie said that the Duke of Devonshire had absolute power in the manor, and they asked that he should bring the dispute to an end, but the Steward did all he could to keep the Duke out of it. Further viewings, and disputes among the Jury, took place, though at one time two of them went down Magpie Fire Engine Shaft and right through the workings as far as Maypitts Founder Shaft and found no obstruction in any of the sumps or gates. But Magpie's fines were increased. In October 1830, when Red Soil brought a Bill in the Barmote before a Special Jury (13) the verdict was that the fines imposed on Magpie were illegal and contrary to Mineral Custom. The reason for this verdict is not given.

At Easter 1831 both parties were again dissatisfied with the local jury, and the Steward summoned a Special Jury again of 'respectable and intelligent miners' from the neighbouring liberties. Their verdict was that they could not state whether Cross and Breck Veins and Red Soil Vein were one and the same or not until further workmanship by Red Soil, and they specified exactly what should be done if the latter wished to prove their vein, (they did not do it) and until then the title of the veins belonged to Magpie until there was further proof. Calls on juries continued throughout the year, Red Soil changing their attorney several times, and both sides having further fines levied on them for further obstruction such as locking the coe door.

In December 1831, Macqueen, now the Red Soil attorney again, put in a Cross Bill to the Barmote which Red Soil disowned, saying that it had been given to the Jury without their consent, they denied rebellion against the Jury, or that they were liable for any fines, and said their Bill was void. But the Jury refused to attend to anything but the Bill which had been presented, and they set out for the mine, riding up from Ashford. When they got to the mine, the door of Red Soil coe was locked, and the Red Soil miners protested to the Jury, and then the Foreman of the Jury rode off and refused to listen, and others followed him, except five of the Jury and the Barmaster, who stayed on the hillock. Afterwards Red Soil protested that the coe door was only locked for about five minutes, and the Jury could have gone down.

In March 1832 a Special Jury went down by Red Soil Shaft, and dialled, and gave their verdict that the Cross and Breck Veins and Red Soil Vein were separate veins, and that Magpie was in lawful possession of the Cross Vein. In July the next year Red Soil removed an obstruction between the two mines and holed through into Magpie workings and 'laid the way open into the whole of their mine', so Magpie filled up a gate to stop them, at which the Jury imposed a £20 fine on Magpie if the obstruction was not moved in seven days. Various obstructions occurred, and both sides accused each other of breaking into the other's workings. Once when the Jury went down

Magpie Shaft they found George Maltby with ten or twelve other miners who refused to allow them to proceed. The Barmaster brought Bills into the Barmote Court, against Wildgoose of Red Soil for not paying £40 for the costs of Barmote Courts, and against James Barker of Magpie for not paying £160 in fines. With reference to the Magpie fines, the Jury disagreed, the same five of the Jury protesting every time, 'We the undersigned being part of the Grand Jury or Twenty-four do most solemnly declare that the opinion delivered this day by a major part of the Grand Jury is in direct opposition to the Facts of the Case and contrary to the Evidence. We therefore enter this our Protest against the same and beg that in all Courts of either Law or Equity we may be heard against the same'. (14)

During August 1833 there was trouble about blasting in the mines, William Wood, a Red Soil miner, was wounded in the breast by a blast done by Magpie miners. He said it was done deliberately to injure the Red Soil men, and that both parties were good friends before this blast, and used to exchange bread and butter through the hole where the miners had struck together.

About Friday August 30, according to William Wood, Red Soil took straw down and lighted it to drive away the Magpie men, this was on a night shift when he had gone down about 10-11 at night. Later, at Derby Assizes, George Palfryman, Barmote Juror, deposed that afterwards a fire had been found on the Red Soil side of the hole, 2-3 ft. wide, set on a stone, with ashes, and that if Red Soil had wanted to send smoke into Magpie, this was the place. (15) Samuel Houseley, of Sheldon, a Red Soil miner, in the evidence, is said to have lit a fire for two hours, and to have said that he had nearly driven out the Magpie men. Red Soil closed the top of their shaft to keep the smoke down.

On Saturday August 31, four Red Soil miners, Thomas Henstock, Thomas Wager, Joshua Knowles and John Olliver, went down their mine, and found it was clear of smoke, but at the far end of the waggon-gate smoke was coming from the direction of Magpie, up the sump which had the connecting hole in it. They took a waggon load of dirt along the gate to stop up the sump, then they heard a fan blow from the bottom of the sump and smoke came up, and Henstock fell down as if dead. But they all got out of the mine, and told Henry Knowles, the agent, and Red Soil Founder Shaft was closed and sods put over it.

On the next day, Sunday September 1, the Magpie miners went down their mine, coming up again about midnight. Later they said that Red Soil had lit their fire on the Friday 'designedly' and that it was not ordinary firing, and that to remedy this they intended to pull in the waggon gate, so that it would be a barrier between the two

mines. Also, in answer to the smoke from Red Soil, and also to keep them out of Magpie workings, they lit underground fires on their side of the hole, in self-defence, not as a weapon of destruction, but as one of protection, for they believed that if they had not driven back the Red Soil miners, neither the possessions of their employers, nor their own lives, would have been secure, for the Red Soil men could have got possession of the gates above the workings of the Magpie miners, many of whom were working lower down, and by the filling up of sumps, the Magpie men could have been buried alive.

The Magpie miners were accused of taking straw down with them, and a barrel of brimstone, a bottle or jug of 'oil of coal' (petroleum), a pair of smithy tongs and a bar of iron. In their defence the Magpie miners said that all these ingredients would create a disagreeable smell, so that the Red Soil men would have the fullest warning and could not go into unknown danger, and that the materials for the fire were taken down the mine in daylight without secrecy. They argued that the danger was created by Knowles, the agent of Red Soil, ordering their shafts and sumps to be covered over, so as to force the smoke back into Magpie Mine. The first sump of Red Soil Mine was covered over at 3.0 p.m., and previously to this the miners had been able to get to the bottom of this sump without any difficulty.

About 7 or 8 o'clock on Monday morning, September 2, James Wildgoose and Motteram attempted to descend the 2nd sump of Red Soil Mine, but returned to the surface almost insensible, which was proof of the dangerous condition below the sump which had been covered all night. When William Wildgoose, an experienced miner, and a proprietor of Red Soil, went down, apparently only to the top of the first sump, and reported that conditions were not too bad, and other men then went down below the second sump without any precautions being taken to ventilate the works. These desperate attempts were made to try to stop the Magpie miners pulling in the waggon gate which belonged to Red Soil. So many men descended that when the state of the mine was found to be dangerous, they had difficulty in getting out of the narrow passages, and up the narrow shafts, and there was great confusion, so that, as the rescuers found, half-conscious men fell on each other.

There was a lot of subsequent criticism of Henry Knowles for not going down himself, and for allowing his men to do so.

Somewhere about this time, Richard Lindop, who describes this part of the affair, was at the top of the shaft, and he was told that eleven men had gone down (16) to see if the smoke had abated. Soon after he got there James Heathcote and Samuel Ashton came up out of the shaft in a very exhausted condition and distressed state, and they said that

the other miners below were in great distress, and unless they received immediate assistance they would be stifled. So Samuel Housley, Thomas Smith, Thomas Naylor and William Wildgoose, all Red Soil miners from Sheldon, went down the shaft, Richard Lindop following them. At 144 ft. down the shaft they went along the gate leading to the first sump, and in this gate found that Wildgoose had fallen down and was lying on the floor, breathing with great difficulty because of the smoke, which was very dense and offensive, and the sulphur was like blue mist. Thomas Naylor went down the first sump to try to rescue some of the men, and returned to the others almost suffocated.

It was decided that some of them should return up the shaft to the surface to try to ventilate the mine. They went to the top of the Red Soil drawing shaft and threw water down for nearly an hour, hoping that this would clear the air below.

The grandfather of a present day inhabitant of Sheldon was over at Hard Rake Plantation with his young boy at the time of the suffocation of the miners, and he saw women hurrying across the fields from Sheldon towards the mine, carrying pails of water to pour down the shaft. He ordered his boy to stay at Hard Rake, while he ran about half a mile to the mine.

While they were pouring water down the drawing shaft, about five or six men were got out by the climbing shaft, some of them being those who had gone down about 7 o'clock in the morning. Some of them had climbed up into higher workings, and some had lain down on their faces, and 'inhaling moisture from the earth' was believed to have saved their lives, and they were among the last to be got out. One, with great difficulty, managed to get to the surface by himself. By this time, Dr. Reid and Dr. Farnworth, surgeon, had come up from Bakewell, as Thomas Lindop, brother of Richard, had gone down to Bakewell to obtain help.

Thomas Smith carried Samuel Houseley up the climbing shaft of 144 ft. as Houseley looked as if he was nearly dead. Then Richard and Thomas Lindop went down and got as far as the bottom of the first sump, about 240 ft. from the surface, and then went along the gate to the head of the second sump, and when they were about 95 ft. down this, at a resting place, they found the dead bodies of Isaac Bagshawe and Francis Taylor jammed together in the shaft, and down below they could hear someone calling for help; he was in a tight place and could not move because he was wedged by another man. They moved the two bodies and got down to John Taylor and freed him, moving him higher up the sump, past the two bodies. Then Richard Lindop went down again to see if he could aid another man, and he found that it was Thomas Wager; he was dead. It was believed that he lost his life trying to reach

two men lower down. These two men were calling for help, and Lindop could not get past Wager's body in the narrow shaft, without throwing his body down to the bottom, and he could not bring himself to do this. So he shouted to the two men, and found that they were Thomas Henstock and Joshua Knowles, and he could hear them distinctly. They told him that they had no lights and were very cold owing to the water having fallen on them when it was poured down the drawing shaft. They said that they had been nearly suffocated by the smoke, but that now they were feeling better. They had laid down on their faces in a mine passage and believed that this had saved them. Lindop told them that he was going to return to the surface, and that he was going to the top of the drawing shaft, down which lights and ropes would be lowered to them so that they could tie themselves to the engine-barrel (gin-barrel) and then could be drawn up with it.

As he climbed back up the sump, when he was nearly at the top of it, he found his brother Thomas and John Taylor, and they met two Magpie miners, George Sutton and Jonathen Rowland. The two Lindops said that they were 'nearly spent' by now, and the Magpie men said that they had better get out to the top and get more assistance for those still alive below, while they would go on down and try to get out the bodies of Taylor and Bagshawe. The Lindops and Taylor climbed the shaft with difficulty as they were very exhausted, and the doctor told them to go home as they were in bad condition.

A Coroner's inquest was held at Ashford, and a verdict of wilful murder of three men was brought against seventeen Magpie miners, with three others implicated and two, William Wyatt and John Green, as accessories before the fact. There is a local tradition that William Wyatt was smuggled away or he would have been lynched. Later it was stated in the Magpie defence that the coroner did not allow any of the accused to be present, and when they asked for their attorneys, they were not allowed to have a private interview with them, and that they were not allowed to be present while witnesses were heard against them, not even their attorneys being permitted to be present, and that they were never called before the coroner and jury.

They were taken to Derby Gaol, and the case was heard at Derby Assizes on March 22 and 24, 1834, the case being *The King v Maltby and others*, for causing the death of Three Persons by suffocation, in the Red Soil Mine on September 2 1833. (17) It was held before Mr. Justice Littledale, and the Grand Jury dismissed the Bill against seven of the accused, leaving ten to face trial.

Until 1898 the accused was not allowed to go into the witness box, but in this particular case their 'Defence' was read by the Clerk of the Court, and no objection was made by the Counsel for the Prosecution, or by the Judge, the latter, in summing up, reading it

again to the Jury. The document states that this was not customary, so it was inferred that the Judge attached considerable weight to the statement. Their defence was that there was absence of malice, and that the unfortunate deaths of the miners must be attributed to rashness and imprudence on their own part, and also partly to improper orders given to them to descend the mine, when it was known to be in a dangerous state with smoke. As the Red Soil first lit a fire which, even if it was lit for firing, percolated along the waggon gate into their workings, they lit underground fires on their side to drive them back. The act of firing was not in itself necessarily dangerous, and no-one need have died of it if Red Soil had not covered up their shafts and sumps and 'pent up the foul air' trying to drive it back into Magpie workings. Knowles, the agent, should never have allowed the men to go underground until they had ventilated the mine. Also, so many men should not have gone down; the large number of men sent down was a contributory factor in the tragedy, making it difficult for them to get out, 'where one or two can exist in safety, a scarcity of good air would place a greater number in much hazard'. They laid great blame on Henry Knowles, who, they considered, ought to have restrained the men. They had resorted to firing in the mine because the remedy at law was tedious and uncertain, and by the time the law had taken effect, the Red Soil men would have enriched themselves by plundering the ore, and what was left would not have been worth contending for. Had they been able to pull in the waggon gate, it would have established peace.

The summing up took four hours, and Justice Littledale said that if the substances which caused the smoke-damp were those ordinarily used in mines, then the deaths were accidental, but manslaughter if not used with due care. But if the materials were not ordinary, and were used even without intention of causing bodily harm, then it was murder. But it would not be an offence merely to have been in the mine at the time, and if it could not be found out which among them was guilty, there could not be a Bill against any of them. But if it was proved that any one of them had got the materials together, or had expressed approval of the proceedings, then they were guilty. He told the Jury that they could put the charge of murder from them; the charge of manslaughter was difficult, for there was no evidence that these prisoners had actually taken part in the proceedings - he particularly exempted Maltby.

After the trial had lasted two days there was a verdict of Not Guilty for the Magpie miners. (18)

The trouble over the vein continued with Red Soil calling out the Jury, and Magpie still obstructing them by locking the door of their climbing shaft, and at a Barmote on October 8, 1834, further fines were

levied by a local Jury, and the Deputy Barmaster, Richard Heyward, (19) presented a Bill setting out all the verdicts, and the Steward issued a warrant for the seisure of Magpie Mine if the fines were not paid. The execution of the warrant was held up by a 'Protest of Magpie Proprietors' presented by their attorney William Brittlebank to the Steward. This is a 'period piece' as much as is the language of political opponents at the hustings of elections of the time. He reiterated the events back to 1825, and practically all his statements can be proved to be correct by other documents. But when he declaims against the Steward and the Barmaster on points of mining custom, his protest seems to be on less sure ground. (20) By other documents he appears to be justified in saying that Red Soil did not do the further workmanship requested by the Jury to prove their vein, and that Red Soil obstructed the Jury and did not allow them to go down, as well as Magpie. He points out, correctly, that in March 1832 the vein under dispute was judged to be Magpie's, and that the Head Barmaster was on that Jury, so knew all about it, and that Red Soil took no further action for fifteen months, and that Magpie spent hundreds of pounds in working their vein 'in fancied security'. He complains that 'you the Steward' discharged the Jury which had served a year 'for the avowed purpose of terminating the Inquiry', and which Jury had given the vein to Magpie. The Steward answered this by informing Brittlebank that this was a Special Jury, and they had refused to serve any longer, and he had no power to force anyone outside the Liberty to serve. (21) Brittlebank sarcastically continues to the Steward 'Being in some measure conversant with the customs you are doubtless aware' that the Red Soil did not arrest the vein after it had been given to Magpie (thereby by the Custom losing their chance to do so), as they could have done, and made no interruption for 15 months, when their trespass began again, 'neither yourself nor the Head Barmaster can plead ignorance of the facts of the case'. He appealed to the Steward to prevent injustice, and hoped that the issue would not be thrown on the Head Barmaster, for Magpie could not look for relief from 'a subordinate, degenerated into such I admit, as nearly the whole system has likewise fallen from its original simplicity'. As late as March 1833 Magpie had been given possession of the vein, but 'the custom appears to be so little understood by all without exception....the vague and uncertain customs of the mineral field, rendered more so by their being purposely warp'd to serve particular ends'. (22)

A little of his evidence is heresay, as when he says that James Barker was told by the Foreman of the Jury that his fellow Jurymen, with one exception 'had refused to hear evidence' and that 'if all the evidence in the world had been offered they should find for Red Soil', and that the room was a scene of 'complete uproar'. Brittlebank 'impugnes' the recent proceedings of the Grand Jury - the imposing of

further fines on Magpie - as 'acts in violation of the customs' and against the verdict of 1832. Magpie could not obtain justice from the present, or any other, Grand Jury among miners of Ashford Liberty. (One cannot help noting that when the Jury was local they found for Red Soil, and that the more indifferent Special Juries found for Magpie; also pressure was made on Magpie to pay fines for obstruction, while similar fines on Red Soil were not pressed.) The last time Brittlebank was present at a Barmote, he considered that there was a 'design to carry the question by clamour', and 'little as I esteemed the Ashford juries generally I could not have anticipated so open a manifestation of bias and prejudice.....it would have been useless to bring before them any evidence.....if that evidence were in favour of Magpie'.

In a letter from James Barker (November 1833) he says that Matthew Frost, the Head Barmaster, had made himself 'a violent partisan of Red Soil', while the latter mine accused Richard Heyward, the Deputy Barmaster, of being a partisan of Magpie. (23)

Early in December 1833 the Steward sent his warrant to the Head Barmaster, who sent it to the Deputy, and notice was served on James Barker of Magpie. The Barmaster waited the correct ten days, and then, on December 25, attempted to take possession of the mine, but was 'prevented from doing so by a strong force being placed on the Mine by Magpie proprietors who set him at defiance and would have used violence if he had proceeded in the attempt'. The Head and Deputy Barmasters and two of the Jury went to Magpie Mine, where they found four of the proprietors, the agent and about eight miners. Charles Harrison, the agent, gave the Barmaster a letter from James Barker, which gave notice that he had given orders to Harrison to call in force to prevent the Barmaster from seizing the mine in execution of the warrant. The letter stated that this course was being taken because Magpie asserted that the proceedings in the Barmote were 'in direct variance with all established custom' and that they did not intend to permit the warrant to be executed in order that the legality of proceedings in the Barmote Court might be decided in a higher court.

The Steward ruled that he was satisfied with what the Barmaster had done, and that the Barmaster could not be compelled to use force in the execution of a warrant. To proceed further would involve the Lord of the Manor (the Duke of Devonshire) in an expensive suit, and if any 'irregularity had taken place in the Acts of Red Soil the responsibility of irregularity would fall on the Lord, who ought not to be saddled with this'. The Steward knew of no further proceedings in his power, nothing of this sort having ever occurred previously in the manor.

On December 12, Richard Heyward measured nearly 100 loads of ore at Magpie, which enabled them to sell their ore; Red Soil considered that this ought not to have been done, and their counsel, Sergeant Goulburn and Mr. Heathfield of the Equity Court, said that the Deputy Barmaster was 'inimical of the interests' of Red Soil, 'and has shown the greatest partiality throughout the proceedings.....he is the Lord's officer and the Lord is responsible for his acts - the Steward admits this'. Red Soil had changed their attorney again, to Mr. Milnes of Matlock, and he was very angry with the Steward when the latter told him again that he was not involving the Duke, the Barmaster having already applied to the under-sheriff to assist him in the execution of the warrant, but the under-sheriff could do nothing without authority directed to him by the Court of Kings Bench. Red Soil were furious and said that Magpie were trying to force them into expensive suits outside the Barmote Court.

By 1835 the fight seemed to be dying down, although Red Soil was still a separate mine in 1838. In the next year there was a meeting of the Magpie proprietors with the view of forming a company, and they appointed James Paull as agent. The proprietors at that time were members of the Alport Mining Company, and a new era began for Magpie Mine, and at this date, or later, the whole of the mines, as far eastward as True Blue Mine, and including Maypitts and Red Soil, became part of Magpie Mine, and the vein eastwards was worked as Bole Vein.

References

1. Maypitts argued that they were not bound to prove freeing, but when a miner took title to a vein, before he could work it he had to give the Barmaster a freeing dish of ore. Possession stowes (or stoces) were small wooden models of a windlass which had to be set at the end of each meer (29 yards long in this Liberty) of the vein claimed by the miner, whether he freed and worked the vein or not.
2. In the earliest printed articles (1626) for the Liberty of Ashford it was lawful for the miner or washer to carry water from any pool or dam to wash their ore, and for a road to be made for him to the highway. Hunters Mere (Hunterhead Meare) is shown on a map of 1617 by William Senior (Devonshire Collections, Chatsworth), and on a map of the Allotment of the Commons (1767). By the latter date the turnpike road came up Horse Lane from Monyash, past the end of Magpie Mine road to the toll-bar, now a ruin, where the turnpike road continued downhill to Ashford, while to the right Huntersmere Road turns south to join the Monyash to Bakewell road. About 500 ft. from the junction of the Huntersmere Road with the old turnpike, at the parish boundary, is a modern mere; this is about on the south edge of

the site of Hunters Mere, and evidently this was very old as it is a boundary point. On the 1617 map, after the mere, following the Ashford boundary westwards, are Madgehill Stone, Mearstone, Stonylow and Milecross MK. By the old map, in reasonably accurate distance, on the north side of the boundary wall, about 650 ft. west of the new mere, can be seen a large stone, 6 ft. 10 ins. long, built horizontally into the wall; this fits as Madgehill Stone. No stone appears certain as the Mearstone, although 1,350 ft. west of the above meer there is a stone about 3 ft. long built into the base of the wall. For Stonylow and its curious stones see "The Derbyshire Countryside" June 1957. For Milecross MK there is an upright stone in the north side of the boundary wall of the field containing the plantation of Stoney Low, with about 2 ft. of it above ground. There is a Mycross Farm, and Mycross Mine and Veins.

3. The title included six meers of Dirty Red Soil Vein ranging west from its founder, and in 1816 Magpie took a further meer eastwards up to Naylor's Horsteps Mine. From the entries after 1785 it appears as though Naylor had not been working Red Soil Vein westwards towards Magpie, and that at that time Bole Vein (belonging to Magpie) and Red Soil Vein were considered to be separate veins. Also, in a Magpie Reckoning Book (Bag.Col. 410) in 1815 there are many entries re work on a new shaft on Red Soil Vein, widening gates in it (the passage ways in a mine), putting in wind-trunks, etc., so at this date they were working at least part of Red Soil Vein. John Naylor of Sheldon (d.1819) died intestate, so his mining possessions passed to his wife Mary and his son Thomas. The latter worked for Magpie for about five years, sometime before 1824. There also was a younger John.

4. The Jury were local men from the Liberty of Ashford, among them were Thomas Wager of Longstone, a Red Soil miner, a member of a well known mining family. Thomas and William Lindop of Sheldon, others of their family worked for Red Soil. Sam Bagshawe, members of this family worked for both mines. On other local juries were Matthew Brockelhurst, members of his family worked for Red Soil. Matthew Harrison, members of his family worked for Magpie, and George Maltby, who later became the agent for Magpie.

5. The arrest of a mine was the proceeding by which its working was stopped, though usually the miner in possession was allowed to work it upon giving a pawn (one guinea), or security, to the Barmaster. As the Ashford law said 'the first Workman shall work, and the Claimers take the law' the other side then put in their pawn, and the parties then were joined issue. Within ten days a Barmote Court must be held.

6. Among them were many men well known in Derbyshire lead mining. Robert How Ashton of Lose Hill Hall, Castleton, a smelter and lead

merchant. Isaac, and Jeremy Royse (1741-1829), agent for Treak Cliff and Blue John Mines in 1790, well-to-do- property owner, agent for several lead mines and had a lead smelting cupola at Bradwell. Isaac was on the High Peak Barmote Jury. Jos. Wagstaff was probably related to Barmasters of this name.

7. Thomas Denman (1779-1854) was called to the Bar in 1806, and distinguished himself in the defence of the Luddites, and by his brilliance as one of the defense counsel for Queen Charlotte, which earned him the hatred of Geo.IV. In 1819 he became M.P. for Nottingham; in 1822 he was appointed Common Serjeant-at-Law, and Attorney General in 1830, and Lord Chief Justice of the Kings Bench in 1832, and in 1834 became 1st Baron Denman. His grandfather was a surgeon at Bakewell, and Stoney Middleton Hall came into the Denman family in 1761, and land in that area is still known as Denman land. John Balguy of Duffield (b.1782) was a Q.C. by 1846, and became Recorder of Derby, a J.P., a Commissioner of the Court of Bankruptcy and Deputy Lieutenant for Co. Derby. An ancestor built the now-demolished Derwent Hall in 1672. A number of the family were lawyers, and they held extensive possessions in the Peak. In 1810 both William and Andrew Brittlebank were attorneys, later there was a Benjamin Brittlebank who also was an attorney. In 1821 two Brittlebanks were tried for wilful murder of William Cuddie at Winster. The account is not very clear, but William seems to have done the shooting. Cuddie was a Scotch surgeon, aged about 31, who lived at Winster, who fell in love with William's sister who lived with her father at Oddo House. The father (whose name also seems to have been William) and Cuddie quarrelled, and the former sent a challenge to a duel, saying that he would think Cuddie a coward if he refused, but Cuddie replied that he would not fight, but that if Brittlebank thought that he was a coward he would horse-whip him every time he saw him. Cuddie lodged in the next house to Oddo, and one of the William Brittlebanks, when standing sixteen yards from Cuddie, shot him in the stomach with a pistol (worth 5/-d.) and Cuddie died the next day. In these trials in the Barmote there are references to Mr. Clarke K.C., to J. N. B. Clarke, and to his son N. R. Clarke. Burke (Dictionary of Landed Gentry, 1850 edit.) gives Nathaniel Gooding Clarke, K.C., (b.1756) Chief Justice of Brecon and Carmarthen, and his son Nathaniel Richard Clarke, Sargeant-at-Law, both of Handsworth, Co. Stafford. The latter's brother, Charles, was a barrister-at-law at Matlock, and J.P. and Deputy Lieutenant for Co. Derby. Bradley and Macqueen were attorneys at Bakewell. In 1846 there was James Macqueen, Matlock St., Clerk to the Majestrates^(sic). In 1857 John Taylor, attorney, is also given in Matlock St., and both were then Clerks to the Majestrates.

8. Several generations of Brocklehursts worked at Magpie and Maypitts and Red Soil Mines. Ephrium who was a mason, and put the bricks on

the top of one of the chimneys, for the first time was working part way down the shaft on mason's work, when some masonry fell on him, and he was knocked to the bottom of the shaft and killed. This family, the Lindops, Wildgoose, Houseley, Bagshawe and others of Red Soil men were from Sheldon, which makes understandable the local bitterness of 1833 and 1834.

9. In old ventilating systems in the mines there were air-gates, wind-pipes, fangs and wind-trunks. Sometimes a space would be cut down the side of a shaft and along the wall of a gate for conveying air, the open side being boarded and then plastered with clay. Sometimes they were taken along the floor of a gate, sometimes in the roof. Sometimes, as in this case, they were moveable, and often were made of four boards, making a square pipe which varied in size. It is probable that at one time they were made from hollowed out tree-trunks, like old mine-pumps.

10. Stemples were pieces of wood fixed in shafts to help the miners to climb, but also, as in this case, they were pieces of wood fixed about head height on which the miners threw their waste stones. They are a familiar sight in old lead mines, when, walking along a narrow but high and long worked-out rake vein, one passes under stemples (or bunnings) fixed from side to side of the rock walls, with cross-timbers on them, piled high with stones from a few feet in depth to thirty or so feet, the now-rotting stemples making the place dangerous. To fix them, the miner made a hole in the wall, or cheek, of the vein, then opposite, on the other wall, he made a short upright groove. He took a piece of timber, often the branch of a tree a few inches in diameter, its length the width of the vein, and rounded the end (egg-end) which he placed in the hole. The other end of the stemple tapered slightly to a square (head-end) which he placed in the top of the groove, and then hammered it down until the stemple was horizontal and immovable. He called the stemples and cross-timbers bunding or bunnings, which word was also used for a staging or lodgement in a shaft.

11. From the Brooke-Taylor Documents. The conversations are as given in the documents.

12. In the legal opinion of Mr. Goulburn, Sergeant-at-Law, and Mr. Heathfield (January 1834) in consultation by Red Soil, the entries in Barmasters Books were made in a 'loose and indefinite manner', and it was impossible to deduce a clear title from them.

13. Among those serving on the Special Juries were William Melland (1788-1837) of Alport, mine agent and shareholder in many mines, and who served on a number of juries. Jonathen How, who was Barmaster of Castleton Liberty at least from 1835-1860. William Wager, mine agent,

of Little Longstone, who was actively concerned in mines in the Longstone area, and who appears in many of the documents transcribed by Mr. Robert Thornhill. Matthew Frost Jr., it has proved impossible to disentangle every reference to at least three, if not four, of this name. The earliest was on a Barmote Jury of 1714. By 1824-48 a Matthew Frost Jr., Deputy Barmaster, lived at Calver, but the one in the Magpie documents was Head Barmaster for the Liberty of Ashford, yet he was Matthew Frost Jr. At least from 1835-48 a Matthew Frost lived at Baslow, and was Barmaster of the Kings Field of the High Peak, and of the Liberties of Eyam and Stony Middleton. One of them was Barmaster of Castleton Liberty; one of them died in 1843.

14. Signed Jos. and Geo. Palfryman, Anthony Hancock, Geo. Dakin, Reginald Dickson.

15. Fire-setting, to break down the vein, has been used at least since the 2nd century B.C., and continued in use long after gunpowder was used for blasting in mines. Dry wood, or sometimes coal, was lit against the face of the vein underground, so that the fire broke down the rock, and the miners' tools could break it down more easily. It was permitted, as the articles of the Liberty state, 'the Danger thereof is great.....Miners do use to set Fires to get down their Works..... that every such Miner takes a convenient time, and give his Neighbours working near him, or them, timely Notice'. So Palfryman's evidence is not conclusive; it could have been genuine firing.

16. John Oliver, Thomas Wager (killed, aged 41, wife and eight children), and Samuel Ashton, all of Longstone, James Heathcote and Francis Taylor (killed, aged 22, wife and child) of Bakewell, Isaac Bagshawe (killed, aged 40, wife and six children) and John Taylor of Upper Haddon, William Wood, Joseph Knowles, Thomas Henstock all from the neighbourhood of Bonsdale. (I have not traced this; I do not think it is Bonsall, but is some forgotten place name near Sheldon.)

17. Richard Sutton, Jonathen Rowland, Samuel Turner, Abraham Doxey, Benjamin Marsden, Thomas Skidmore, Thomas Ashmore, all dismissed. George Maltby (aged 37), George Sutton (23), Joseph Baker (26), James Goodwin (31), John Bunting (21), Thomas Bagshawe (21), William Stone (21), Charles Harrison (21), Dan Harrison (40), Isaac Goodwin (27) put to the Bar, and charged with murder 'by means of noxious and unwholesome drugs and poisons which impregnated the air where the deceased men were working'.

18. The late Mr. Benjamin Handley of Monyash once told me that when he was a boy he knew an old Magpie miner, Thomas Ashmore (among those released from the trial as not guilty) and that his hair went white in

a night, and after that he always wore a hat and never took it off. He thought that he was Cornish. It is said locally that other Magpie miners were Cornish.

19. Francis Heyward was Deputy Barmaster April 1775 to 21 April 1824 when Richard Heyward was appointed Deputy Barmaster (under Matthew Frost, Head Barmaster) for the Liberties of Ashford, Longstone and Wardlow, Brushfield and Bakewell.

20. The comments of John Charge, Steward, and of the Head Barmaster, on this Protest are also among the Brooke-Taylor documents.

21. John Charge, Chesterfield, was not only Steward of Ashford Barmote, but also of the Barmote Courts of the Kings Field of the High Peak, of Stoney Middleton and Eyam, and of Hartington.

22. He refers to what had been a nearly interminable argument, when earlier, when a vein had been given to Red Soil and the Steward had pronounced that the verdict of a Barmote Jury held valid 'until further workmanship', and Brittlebank wants to know why this also does not hold good in the case of a vein given to Magpie.

23. The laws and customs in all the liberties had always taken a serious view of obstruction to the jury. In this case both mines had obstructed them, on the surface and underground, and the Jury laid fines on both of them at different times, but only in the case of Magpie was a Stewards Warrant issued, and the matter treated as a mineral debt, that is the mine was to be arrested, and sufficient ore and materials withheld to pay the fines.

Bibliography

The Compleat Mineral Laws of Derbyshire (attributed to Steer) 1734. Magpie Reckoning Book. Bag. Co. 410 Sheffield Central Library.
Luxmore Col. Map 27. Sheffield Central Library. A Map of the Allotments of the Commons, and Common Pasture of Ashford and Sheldon 1767.

In private possession:-

Written Defence of the Magpie Miners, Read to the Court, at the Assizes at Derby, 24 March 1834, on the Trial, The King v Maltby and Others. For causing the death of Three Persons by suffocation in the Red Soil Mine on September 2 1833. Printed. In possession of Mr. G. Davis.
Printed paper dealing with the trial at Derby. No title page. In possession of Mr. E. A. Carrington.

Typed copy, undated, 'Red Soil and Magpie Mine. The following account is from Richard Lindop, an intelligent working Miner, living at Sheldon as given before the Coroner and Jury'. Given to me by Mr. C. A. Jones. A very great number of bundles of documents in possession of Mr. Michael Brooke-Taylor which he most kindly allowed me to borrow. They include Barmote Court Bills and Verdicts, directions to the Jury for Viewing, letters, etc.

Altogether the sources were a total of nearly 300 entries, long and short. Map of the Manor of Ashford 1617, in 'Surveys of the Duke of Devonshire's Manors' by William Senior. In the Devonshire Collections, Chatsworth.

Acknowledgments

With grateful thanks and acknowledgment to:-

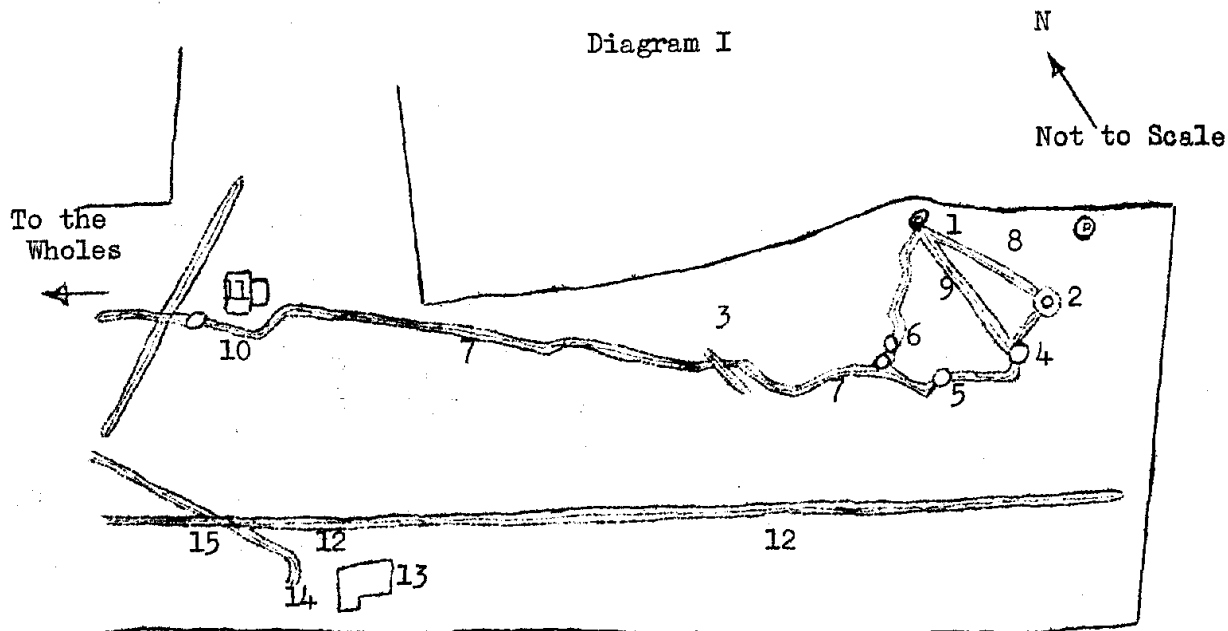
Mrs. Carrington, Mr. F. W. Brocklehurst, Mr. M. Brooke-Taylor, Mr. E. A. Carrington, Mr. G. Davis, the late Mr. B. Handley, Mr. H. V. Hawley, Mr. C. A. Jones, Mr. R. Thornhill, Mr. T. S. Wragg, MBE, TD, Keeper of the Devonshire Collections, Chatsworth, the Sheffield Central Library, and to Mr. D. W. Oliver for drawing the maps.

- 381 - = = Veins or workings
 ⊙ = Shafts to surface on plan
 ○ = Sumps shown on plan

Explanation diagram I.

1. Red Soil Founder Shaft (climbing). Foundations of coe can be seen.
 2. Maypitts Founder Shaft (site of). In this corner of the ground there are a number of slight shaft-hollows, also a small round hummock - grassed over, with harebells and heartsease once when I saw it - which could be a pile of stones over a shaft, but there is no proof of exact position. Horsteps Mine was in this corner.
 3. There is no indication as to how far the Red Soil drawing (gin) shaft was from the Red Soil Founder Shaft, although it is stated that they were separate. Signs of gin-circles on these mounds are indeterminate, but very probable.
 4. 1st sump.
 5. 2nd sump.
 6. 3rd, or Little Sump, a waggon gate at the bottom of this. The Red Soil drawing shaft came down in a straight drop to the waggon gate.
 7. This line is on the 1820's plan. It was called Bole Vein by Magpie, and Red Soil Vein by their opponents.
 8. A gate from the bottom of Red Soil Founder Shaft to the bottom of Maypitts Founder Shaft, and therefore to the top of the 1st sump.
 9. A cross-cut from Red Soil to the bottom of the 1st sump, therefore 96 ft. lower than (8).
 10. Main shaft.
 11. Ruined engine house. Same position 1820's.
 12. Shuttlebark (Shuttlebank) Vein.
 13. Present mine-house.
 14. Magpie coe and old climbing shaft (site of), believed to be Magpie Founder Shaft.
 15. Magpie Vein.
- From a crude plan, and from many descriptions in documents, all from Brooke Taylor documents.

EAST PART OF MAGPIE GROUND
 (FAIR MEER PIECE)



Explanation diagram II

Depths of the Founder Shafts of Red Soil and Maypitts Mines, and the sumps down to the bottom of the 3rd sump are given innumerable times without any appreciable variation, but below this, although much is made reasonably clear in the documents, there are also a number of contradictions.

===== = measurements given in documents,
 - - - - - = measurements uncertain.
 o = places where, at various times, they seem to have holed through to each other.

1. Red Soil Founder Shaft, 144 ft. deep to the first gate out of the shaft eastwards (often in lead mine documents 'eastwards' can mean south- or north-eastwards). The shaft continued downwards for at least 96 ft.
2. Maypitts Founder Shaft, also 144 ft. deep to the gate. Both climbing shafts.
3. Red Soil gin-shaft, exact position uncertain, direct drop to waggon-gate.
4. 1st sump, 96 ft. deep.
5. 2nd sump, 120 ft. deep.
6. 3rd sump, 36 ft. deep in almost all references.
7. Red Soil waggon-gate (but at one time Magpie claimed the west end of it). Every reference except one states that the waggon-gate was at the bottom of the 1st sump.

RED SOIL AND MAYPITTS MINES DIAGRAM II

