

LEAD ORE TITHE

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The payment of tithe on lead ore was greatly resented by Derbyshire lead miners and troubles connected with it occurred particularly throughout the 17th century, although tithes in general had been resented long previously. Towards the end of the Saxon period, payment of general tithes had practically ceased, and by the time of Henry II the Pope intervened in order to re-establish the ancient practice.(1)

The revolt against lead ore tithe which came to a head in the 17th century appears to have originated in the previous century. In the 1530's, at the Dissolution of the Monasteries, laymen became possessed of tithes to a far greater extent than formerly. In 1580 it was said that in truth 'tythes weare given by the myners for prayers to be made for them evening and morning,' and in early times tithes had a religious object. When they were paid to laymen they became a hated tax for which the miner could consider he got nothing in return, and he extended his resentment to the clergy. Besides this aspect, there was a 16th century mining reason which altered the situation according to the miners, and at least by 1579 full tithe of lead ore was not being paid in the parish of Bakewell.

From the earliest times tithes were regarded as payable for the support of the church. By 901 the legal obligation of tithe was established by law. There was a long list of titheable materials attributed to Edward the Confessor, in which no minerals were mentioned, and other lists followed, these being set out by the Council of the Church, laymen not being present, and, 'as the power of the Church increased, so did the list of titheable matters'.

Tithe was legally described as 'the 10th part of the increase yearly arising and renewing from the profits of lands, the stock upon lands, and the personal industry of the inhabitants', and was 'payable for the maintenance of the parish priest by everyone who has things titheable if he cannot show a special exemption',(2) but many tithes passed into the hands of monasteries.

Like so many things, from a simple beginning it became very involved. Personal tithes were those arising from labour and from the industry of man, like the tithe to be paid on mills and fishing, and in 1622 there were arguments as to whether lead ore tithe was a personal tithe or not.

Quarries, stone, slate, coal, turf, lime, limekilns, and minerals were excluded from tithe unless it was paid by Custom, because they did not 'yield a yearly increase by the Act of God'. But for a long time it was claimed that lead ore 'grew and renewed itself in the vein' and that therefore it was titheable. This may be a relic of the Roman occupation,

for many Romans thought that metals grew like plants. Later the clergy changed this claim to the theory that mines took ground which otherwise would have produced crops which were titheable. In 1733 the legal mind pronounced that 'Mines are only chargeable by Custom for they are of the substance of the Earth and not an annual Increase.....when anything is tythable only by custom, it may be exempted from Tythe by Custom.....Tythe of Ore is not payable, but by Custom.....therefore of Common right no tythes are to be paid of Quarries of stone or slate for that they are parcel of the Freehold and the Parson hath Tithes of the Grass or Corn which grow upon the surface of the Land in which the Quarries are.....nor shall Tythe be paid for Turf, Lime, Limekilns, White Salt, Iron, Ore or Brick..... also of Cole.....or the like Man shall not pay Tithe. Lead is only payable by Custom for it is of the Substance of the Earth and not an annual Increase'.(3)

If by Custom at one time a place had paid lead ore tithe, then it must continue to pay, even if another place, where there was no proof that tithe had ever been paid, did not pay. That is the reason, for instance, that in Eyam and Castleton lead ore tithe was paid, but not in Ashover.

This meant that anyone claiming this tithe had to prove that it had been paid by Custom in that parish. If the whole parish had paid the tithe, then it must continue, but if it was proved that any particular part of a parish had not paid this tithe, then, if claim to tithe were made in any part of the parish, it must be proved that that particular part had paid by Custom.

It was complicated by some religious houses being exempted from paying tithes, and some of these exemptions continued after the Dissolution of the Monasteries. When a church had been endowed and granted cum decimis with the right of having the cure of souls and the freewill offerings of the people, it then had the right to tithes. But between 1066 and 1200 a large number of the rights to tithes were given to monasteries. In 1125 there was an attempt to stop this, because the tithes were going outside the parishes to monasteries outside the county, and the local clergy did not receive them.

Some tithes were in private hands before the Dissolution, at which time the Crown seized the Church tithes and bestowed them on laymen. Some authorities state that it was William Peverel, the reputed illegitimate son of the Conqueror, others that it was his grandson, who on his death bed gave his tithes of 'all things which are titheable' in many parts of the Peak, and two-thirds of lead tithe in the Peak to the Abbot and Prior of Lenton, and this tithe was in many lordships in the Peak, including Bakewell and Tideswell. The vast estates of the Peverels were escheated to the Crown by Henry II (reigned 1154-1188) and given by him to his second son, John of Mortain. When his first son, Richard I, ascended the throne, John became a conspirator, and was joined by Hugo de Nonant, the Bishop of Lichfield and Coventry, a churchman of large estates and great influence, who was described as 'secular and turbulent'. When the Bishop's allegiance began to wane, John bought his continued support by the gift of the churches of Hope,

Tideswell and Bakewell, which gift included tithes.

This started litigation between the Priory of Lenton and the Chapter of Lichfield which lasted three hundred years, largely on the ground that the extent of the lordship of William Peverel was disputed, and how far the charters of King John over-rode those of Peverel, the latter's having been escheated, and whether the latter had the right of bequeathing tithes of lands not under cultivation in his lifetime, and therefore as to the ownership of the tithes.(4)

The dispute included the horrible episode in Tideswell Church (an earlier building) in 1251, when the monks of Lenton seized the tithes of wool and lambs, after the flocks had been folded actually inside the church for sanctuary. The monks burst open the doors, and fighting took place inside the church, sheep and lambs were killed under horses hooves, others were dragged out, 'the ministers of the church were beaten and savagely wounded,' the church and the churchyard were 'violated and polluted with blood'.

Finally they came to an agreement, and some of the tithes were paid to Lichfield and some to Lenton. The grange which was in Monks Dale was the latter's only monastic building in the Peak. So far as Bakewell, and Hope and Tideswell were concerned, the final settlement between the two religious bodies was made in 1280.

Henry VIII, after the Dissolution of the Monasteries, seized two-thirds of all the tithe of lead ore in the High Peak, including Bakewell, which had belonged to the Monastery of Lenton, and granted them to Sir Francis Leeke Knt., by letters patent in 1545, with a few farm rent of £6 13 4 a year. This grant passed to his descendants.(5)

Ralph Gell of Hopton had been the General Receiver and Collector of rents and profits for the Dean and Chapter of Lichfield within the jurisdiction of Bakewell, and this office was granted to his descendants in 1550, he retaining out of the said rents £5 18 4 for his expenses.(6)

Presumably it was through this that the Gells became directly possessed of one third of the lead ore tithe in Bakewell, Tideswell and Hope, for this belonged to John Gell at the beginning of the 17th century.

There was a great deal of trouble over lead ore tithe in the Wapentake of Wirksworth, but this article will consider mainly the tithe in the parish of Bakewell, particularly in a suit between the tithe owners Sir Francis Leeke Kt., the elder, and Sir Francis Leeke the son, Kt and Bart., (Lord Deincourt), against George Eyre, gentleman, Brian Melland, Robert White, Godfrey Haslam, Thomas Brushfield and Roger Gregory, miners and getters of lead ore in the High Peak. It appears as though for many years, as far back as 1579 in one place, the miners had either paid no lead ore tithe, or only a small portion of it, and that grudgingly.

In June 1615 a letter was sent from the Privy Council to the Lord Chief Justice, and to Sir Humphrey Winch, Justice of Assize for the County of Derby, enclosing a petition made by 'the poore miners in the High Peake', concerning the lead ore tithe claimed by Sir Francis Leeke and his son, and by John Gell, belonging to the parsonage of Bakewell, where part of this tithe 'hath not aunciently ben paid any tythe at all, and for the rest but a number' and if they should pay a full tenth they would be forced to leave the mine 'to the prejudice of his Majestie in his revenew, and the utter over-throw of themselves, their wives, and children'. The Privy Council considered it expedient, in order to prevent this, to inform their lordships of this complaint, and on their coming into the County on their next circuit 'to call such of both parties before yow as shall be requisite' and to take special notice of this complaint and order some course for determining the affair 'without trouble to the petitioners, or other vexation by unnecessary suits'.

In such Interrogations and Depositions, there was a Commission to examine witnesses collected together at inns, where they had to answer a list of questions.

About the end of September 1615, witnesses for Sir Francis Leeke, and others for George Eyre, Brian Melland etc. were collected at Bakewell, and interrogated (7) many miners, Barmasters, and tithe gatherers, gave evidence for the miners, and the Barmaster of Ashford Liberty, in the parish of Bakewell, was one of them. Parishes, and the lead mining lordships and liberties, are not always exactly the same. He had been Barmaster there since 1598, and in the first five years no tithe ore was paid on much of the ore which was measured, in 1591 he had been present as Deputy Barmaster when in Bakewell 40 loads of ore (about 10 tons) were measured, and no tithe gatherer was present. At other times he had seen miners, beside their coes, 'lay forth for the tythe the worst of the lead oare' for when the tithe gatherer came, and which ore the latter was glad to take 'or els they must have gone without'.

About 1599, William Wright, of Great Longstone, was Deputy Barmaster to Lord Cavendish, who was the owner of the mining rights and duties in Ashford Liberty, and he saw 200 loads of ore measured and no tithe paid. He himself had refused to pay tithe, except what portion he laid out for this, and for the last six years the tithe gatherers had been shut out of the miners' coes, and were not allowed to take any tithe except 'such as was willingly given to them'. A number of others deposed that tithe gatherers were shut out of the coes.

James Gregory had been Barmaster of Calver for thirty-six years, and had seen as much as 40 loads of ore measured, and no tithe paid. One point of interest emerged that in 1595 the Barmaster's measuring of the ore took place at the 'smilting house' at Calver, which is an early known date for a particular Derbyshire smelting house. In 1728 the smelting house here was rented for £50 per annum, and the plot of one and a half acres on which it

was built was marked out for the erection of a corn mill in 1794, so that certainly the early 18th century smelting house, and possibly the 16th century one, was on the site of Calver corn mill. Calver Mill Sough, and Calver Sough, were not the same, as they both existed at the same time. An entrance to a sough, which passes under the corn mill, with a second sough-opening beside it, is to the south-west of Calver Bridge, in the garden of a council house, and its curving line to the later Calver Sough Engine House (there was an engine by the present Eyre Arms Inn about 1762-7) is known. There seems little doubt that one of these openings will be Calver Mill Sough, which sold an atmospheric engine in 1774. One could suggest that the second opening is from the tail of an early water-wheel at the smelting house.(8)

One of the most interesting witnesses, who will be referred to again, was William Furneys of Calver, born 1535, who knew the mines about Bakewell, and lived among the miners. He had been a tithe gatherer for the Earl of Shrewsbury, and had himself been shut out of coes, and the miners 'did at such times throw out of Coe Doors, Smitham Forstedes and other bad ore, what they pleased, and bid the tythe gatherers take that or none and kept their Coe doors shut on them". Thomas Wragg, tithe gatherer for Gell, had received tithe ore 'not worth a groat the dish'.

Henry Hurst of Monyash, miner, eighty-five years old, had seen the coe doors bolted against the tithe gatherers, and other tithemen, and Barmasters ~~deposed~~ that in the parish of Bakewell, within their memory, the miners there had not paid a full tenth, but only what they pleased, and often bad ore. One said that for two years the miners refused to pay any tithe at all.

One thing which emerges is the longevity of some of the miners. John Hancock of Little Longstone, born in 1536, was not a miner himself now, but a maintainer of mines, and had been a tithe gatherer for the Earl of Shrewsbury. His children and servants worked in the mines, and he said that the miners had never paid a full tenth. He was also a lead merchant, for he bought ore, and not one-fortieth of one-tenth had been paid at the selling. The Barmaster was not present, and had not been informed. The Barmaster was not required to be present when ore was sold, only when it was measured. Evidently he meant that this was ore on which tithe had not been paid. In the 1560's miners refused to pay any tithe at all, and tithe gatherers had been glad to 'take what they could get.....and what the Miners willingly gave them'.

The evidence of Henry Cowpe of Great Longstone, miner for eight years, is interesting, as he spoke from his own experience, as well as that of Deputy Barmaster. For seven years out of the last ten he had got lead ore every year in the parish of Bakewell, and had never paid any tithe, but one year he compounded with William Hadfield, who was then the Farmer of the tithes under Sir Francis Leeke Kt., and for one year he gave him a tithe pig of lead 'to prevent suits with which Hadfield had threatened him'. As

Deputy Barmaster he had measured yearly 200 loads of ore for which no tithe was paid.

This is the only example which has appeared of lead ore tithe being paid in a smelted lead pig, also lot in Derbyshire was always paid in the ore. In Wharfedale, Yorkshire, in 1737, lot was 'every fifth Piece of Lead at the Mills, without any Deduction of Charges'. In Yorkshire lead mining, lot varied from one fifth to one ninth, though at Malham it was one fifteenth of pigs of lead, so the smelter, not the miner, paid it.(9)

One Eyam miner said that he and twenty others in the parish of Bakewell, in 1599, for six years did not pay one half of the tithe, and for the last eight or nine years he had not paid any tithe at all.

The witnesses for Leeke were more vague in their evidence, they did not mention being shut out of coes, a number of them said that they believed that ore was concealed by the miners, and that the King, or the Lord, as well as the Church, did not get their dues. Stephen Greaves of Longstone, aged eighty, a husbandman who had been on the Barmote Jury, said that at the measuring, the Barmaster measured nine dishes, and then the tenth for tithe, and then measured on to the thirteenth, which he set aside for the lot. Another deposed that for forty years the same Dish had been used by the Barmaster for measuring tithe ore and lot. Mainly their evidence seemed to be that when ore was measured by the Barmaster, tithe ore was measured at the same time, but, as one tithe gatherer said, he 'thinketh much lead ore hath been concealed from his sight'.

In 1628, in a case Attorney General v Francis Lord Deincourt (10), Martin Hallam of Bradwell, aged sixty-two, Barmaster of the Kings Field of the High Peak, who was also a witness in the 1615 case, deposed 'It is not the office of the Barmaster to measure any lead ore at the request of the Defendants' (Deincourt, the tithe owner) 'or their predecessors nor to give the 10th dish in nature of tithe. If the 10th dish should be so paid H.M. or his farmers noe any inferior lords could receive the 13th dish. There is no other mett or measure in the Kings Field but a dish called the Kings Dish, 9 of which made a load of lead oare. Knows not how the several pts. and every tenth dish mentioned should be severally measured as the depts. Lord Deincourt and Mr. Gell claim'. He referred to the Quo Warranto, in which no other duties were mentioned except lot and cope. The Barmaster usually began to 'tell from one dish to the 13th and then took that for Lott'. The Quo Warranto is the Inquisition at Ashbourne in 1288, when the Derbyshire lead mining laws were first written down, the ordinary miners of the 17th century often referred to it, and were still conversant with it.

William Furneys, in his 1615 deposition, was repeating the laws of various liberties when he said that the ore was measured by the Barmaster or his Deputy only, and by no other officer, and then added an extraordinary statement, 'neither by any other measure than by the dishe or by some gage of like quantitie allowed by the Barmaster or his Deputy, which is seldom done but

when they measure to deceive the Tythe man'. This of course may only mean that they kept the day of measuring quiet, so that the tithe man should not hear of it. For it was permissible for the Barmaster to allow miners to measure a small amount of ore, and account to him.(11)

Some of the depositions state that the miners measured the ore, the Barmaster standing by to see it measured, other documents describe the Barmaster doing the measuring.

In the seventeenth century the days for measuring varied. In Ashford Liberty the Barmaster went weekly, in the High Peak he sometimes measured once in three weeks, or once a week if he pleased.

Any ore sold or removed before measuring was forfeited, in some places, if this was under a load it was forfeited to the Barmaster, over a load to the Lord of the Field.

They all bore witness that only the Leekes and Gell received the lead ore tithe in Bakewell. One said that the miners had paid it for fifty years until the last three years, and others that the tithe owners received the tenth dish of all ore measured by the Barmaster for the last fourteen years, and that the miners 'for the most of them paid, and if any denied..... the miner compounded for the tithe' after a quor noria from the Spiritual Court at Lichfield. Ashford had been the only exception, and here, about 1605, Elizabeth, the late Countess of Shrewsbury, by a grant from Elizabeth I, 'pretended tythe to the tenth part of the said lead oare' intending to overthrow the right of the Leekes. Nicholas Redfern and William Lant were her Barmasters, and they would not allow the tithemen to come into the coes to receive the tenth dish as had been done formerly. The Spiritual Court at Lichfield intervened, and the miners compounded with the tithe owners 'or one of them'. In 1592 and 1597 there had been earlier trouble at Windywalles and Greensa Rake in the same liberty with which the same Barmasters were concerned on behalf of the Countess who was claiming lot and cope.(12)

Thomas Thompson, of Middleton, aged about sixty-four, said that he had fetched tithe ore for Gell from Over Haddon, Bakewell, Sheldon, Flagg, Taddington, Priestcliff, Chelmorton, Great Longstone and Tideswell, showing that mines were being worked in these places. In view of John Gell's claim in his suits that his tithe was from the lands of William Peverel, it should be noted that a number of these places were never Peverel land. Another witness mentioned lead ore tithe in Great and Little Hucklow.

The Interrogation appears to have been well framed to cover many aspects, and much of interest in lead mining history is covered in it.

The witnesses were asked about the number of miners, and whether they made a profit in the mines, and what were the conditions. The witnesses for the Leekes stated that the number of workmen in the mines had increased by many hundreds. One witness did not know if profits had increased, for

the profits were 'casual, sometimes more and sometimes less' both in prices for lead ore, and in the richness or barrenness of veins. Another believed that the profits of the mines had increased as the number of miners increased. By 1615 there were many more miners than there had been forty or fifty years before, for there were few mines in 1561, in fact the number of workmen had increased during the last forty years, one said 'twentie for one or thereabouts', and miners only thirty years old considered that there was 'an abundance of mines more' even in their time.

Mine accounts in 1630 give 'Townes where best Lead mines' were in Derbyshire, as 'Worksworth, Bakwell, Ashforth in the Water, Longston, Sheldon, Wardlow, Calver, Stony Middleton, best workes, Hucklowe, Tidswell, Castleton, and many other places'.(13)

The miners' witnesses made varied statements about the numbers of miners, several claimed that there were 10,000 or 12,000 miners in the High Peak, two said 5,000 miners were relying solely on the mines for their living, except for a cow or two, others said 2,000. The greater part were maintained by working in the mines without other means of livelihood.

The most reliable piece of evidence seems to be that of William Smith of Ashford, who, with Mr. Turner, the curate of Ashford, had computed the number of miners in the Town (? Township) who lived by the mines as not less than 600 who had part of their means in the mines. In 1628, in a Bill, Carryer listed by name 300 Wirksworth miners.

The Victoria County History quotes from a return of the Justices of the High Peak in 1631, re setting the poor to work 'in those parishes where the poor are not set on by the lead mines, whereof our Hundred of the High Peak hath much employment and almost altogether set to work by them'. These so employed included 'negligent comers to church, brewing without licence, common swearerz and drunkards'. They 'put the children that are idle to be apprentices.....and raise other money for the setting to work of those that are able and for the relief of those that are aged and impotent'.

In 1655 there was a return of able men in Derbyshire, of which the total was 15,672. This included 4,495 in the High Peak, 1,852 in Wirksworth Wapentake, which were the two main lead mining areas, and Scarsdale 3,835, in which there was some mining.(14) The Victoria County History comments on this, saying that it was a muster roll which probably included all men who were not infirm, so that, by this, probably the total population was about 45,000, but that possibly it was larger than this, although the roll's value was doubtful as a means of estimating the total population. In 1631 the Justices in the above three Hundreds reported that the population was mainly engaged in lead, coal, and iron mining, in stone-pits and ironworks. Only lead mining, and perhaps a few in stone-pits, can be applied to the High Peak and Wirksworth, so that if the muster roll is accurate, probably at the very least 6,000 men were employed in lead mining, including over 4,000 in the High Peak. Scarsdale included Ashover mines, which were

working at that period. There would also be smelters, of which there would be few in the other two areas.

The Victoria County History also adds that in the development of lead mining in the 17th century, a large portion of the population of the county, except in the southern portion, was employed in the mines, although it is very difficult to estimate the numbers.

All the above is only vague and general, but it does seem that at that time there were many thousands connected with lead mining.

It is possible that the varying figures of the numbers of lead miners can be explained by variation as to who was included. The lower numbers might be of those who were truly miners underground. But in the wider sense of mining population, the vast number of women and children who worked on the dressing grounds on the surface would be included. Also there were the maintainers of mines, who were not actually miners, but shareholders, often in a number of small mines, and probably had been miners part of their lives. Also there were men who had worked a mine, being a small shareholder in it with other men, then the mine failed, and they went back to farming etc., until hope revived, and they claimed title to that, or another, mine again. Such men as carpenters and masons would be partially employed at the mines.

Very frequently Barmasters could be counted in the mining population, for their fees were not sufficient for a living, and they too often owned shares in mines, or actually mined themselves. Weighing up all the evidence it does not seem impossible that in the first half of the 17th century there may have been anything up to 10,000 full mining population in the High Peak and Wirksworth.

One cause of annoyance to the owners of the lead ore tithe, which surely was unjustified, was that the miners had a fund to which they contributed to pay the cost of the law suits. In 1615, a number of witnesses for the Leekes complained that the miners, and a number of them are named, had 'paid money towards the mayntenance of this suit'. An example was given of six miners who had contributed £9 10 0 of their own money, quite a sum for the period, and they were collecting money from other miners. One supposes that the tithe owners considered that if the miners could afford to fight the suits, then they could afford to pay the tithe. As late as 1691 the miners made a common purse to fight tithes, and it was decreed in an Ashford Barmote in 1626 that every miner getting ore in this lordship, should pay 3d. on every load, to be given to the Barmaster with the cope to be paid towards the charge 'as is already spent, and shall be hereafter be spent in the suit for the Tythe Ore, which is claimed'. Except for this there is no mention of tithe in the articles for the Kings Field and the liberties, nor was the Barmaster instructed to measure for tithe when measuring for lot.(15)

Much evidence was taken in 1615 on the hardship of the miner's life, and as to how much or how little profit he made.

The plaintiffs' (Leekes) witnesses stated that for the most part the miners were 'unthriftie and ydle in expenses', and 'the miners weare something unthriftie' and many spent money 'yldley' which they got, and that if they husbanded their money better they could maintain themselves and their families better than they did. One stated that the miners often bargained and sold 'the profits of their labores before they gott it', to their loss, and that they might live better than they did if they were more 'sparinge in expenses'. No hint was given as to what was considered to be their 'lavysh ydle expenses'. If it referred to how the miner spent any profit he gained at his mine, surely this was no business of the tithe owners, and if they meant the expenses of mining, it would have been more convincing if they had stated whether they meant that the miner ought not to have bought a new gin, or new spades, or fewer candles. One witness defines unthriftiness as 'mainie of them do spend their gettings unthriftilie'.

The miners' witnesses stressed the hardness and danger of their lives. Many were maimed or killed. A maintainer of mines had seven of his workmen killed in mines; others had seen dead bodies of miners who had been killed, drawn up out of the mine. Some miners, presumably to save cost, 'were fayne to draw up such part of their tymber agayne as they could get without danger of being killed'. One had known twenty miners killed, and many maimed. One had head wounds from a fall of earth and stones, and had often been in peril of his life, he had known six people killed since the previous May.

'They often dig very deep, some to 360 ft., some 300 ft., some 250 ft., and some 180 ft.,' and in 'their work are daily in great peril of their lives'. One had gone down 60 ft. before he found any ore, and one deponent had 'digged himself a mine at Mem Dale more than 300 ft. deep', and once had a load of earth fall on him when 66 ft. below ground, and had hardly escaped with his life. Once he had worked for three years without getting anything at all. One had spent £50 in sinking and searching for lead ore and never got as much as 40/-d. towards the cost. Some miners spent £60 in searching in a mine and sold the mine for £5. It was quite frequent to have 'great charges in sinking their grooves and pitts before they find the ore', and then find nothing.

Many miners, after they had paid for 'fyer Candles siffes fatts horses to carry water, tooles and other necessary expenses in sinking, searching for getting and dressing lead ore' did not gain for themselves and their families a full tenth of the lead ore they got, others did get more than a full tenth of sheer gain. One said he knew forty mines which had not got a full tenth of sheer profit, and among a hundred miners, six might make a clear one tenth profit.

The miners' witnesses stated that in their opinion not half of the

miners were able to pay the duties of the Kings Field, or other liberties, and the one tenth tithe, on their gross amount. Tithe ought to be taken out of profit. They could not pay this, and the costs of mining, and maintain themselves and their families with the residue. One witness stated that he lived among them, and saw 'their daily want of both meate and drink and apparrell and money to buy timber for their work'. Many did not have one tenth of clear gain left for themselves even if they paid no tithe, after deducting the Lord's duties and 'the myners charges in Tymber, fyre, wood, tooles, and other necessarie expenses'.

General evidence from various sources seems to indicate that so far as food was concerned the lead miner fared as the Derbyshire countryman, eating oat bread and bacon, cheese and milk and his own produce, but that a year of bad harvests, or the loss of a cow or a pig was a major disaster. A number of references said that he drank a good deal of ale.

Henry Cowpe of Great Longstone, who up to that year (1615) had been Deputy Barmaster of Ashford Liberty, about five years previously had been ordered by the Farmers of lot and cope of that lordship to take a survey of all the mines there, that the Farmers might know which were good and which were bad, and he 'preceived that not one of the miners in Twenty weare able to maintain themselves and their families by working in the mines and pay all the duties and costs, not one miner in twenty made 1/10 of clear gain, after deducting all manner of charges'.

They stated that workmen (wage-earning miners) in the mines at Tideswell earned 13/- and 12/- a week, some 8/- and 7/- a week. The two first seem very high amounts, more like eighteenth century wages. Overseers in mines, over a hundred years later, only got 15/- a week.

From the Thieveley, Lancashire, mine accounts (16) it is stated that at Wirksworth in 1630 the winders of ore, called drawers, were mostly women and boys, earning 1/6 to 1/8 a week, or exceptionally 2/-, if a man was a drawer he earned 2/- to 2/6 a week. Miners wagers were 4/- to 4/6 a week, extra good miners could earn 6/6, but 'There be seldome any master of a meare of ground but that the workman, viz the Miner, hath a 3rd, 4th or 6th part, els the work is comonly done and much loitering.....All hired workmen are to worke a sett ever daie which is viij howers, winter and summer'. In Wirksworth parish the miners 'paie to the Vicar there every xth dish for tyth, which by pretext of an ancient custome (but of long tyme discontinued) hee hath of late recovered against them'.

In 1622 it was stated that many of the Derbyshire miners could hardly pay the King's dues, and find for themselves and their families 'bread and drinke and some very hard and slender dyet'. But as well as mining, he usually had a small plot of land, grazing rights, a cow, pigs, poultry, and a field or two of oats. One of the Bills, on behalf of the miners, pointed out that if the tithe was enforced they would have to give up getting ore, and would have to live on the parish and county relief, and

in the Kings Field, if the mines closed, the King would lose his revenue from them, also the 'benefit of his Custome, for all the lead there gott and made and transported by sea being for every fodder of lead 28s., amounting to £10,000 a year, and the Commonwealth would be deprived of benefits of the Commodities as are brought to this land for lead gotten in the High Peak'.(17) Presumably this refers to the Staple Port of Hull, to which Derbyshire lead was sent by the time of Elizabeth I.

Elsewhere in the 1615 depositions they state that labourers in the mine got 1/- a day of eight hours, and more if they worked more. Eight hours, for centuries, was the length of one shift. Another witness said that labourers in the mine, and the miners, got 8/- a week.

A non-mining source states that in the early 17th century a day-labourer got 1/- a day, another source gives 6d a day. In 1635 a miner deposed that for a six hour shift he got 12d.(18) A shift of this length usually meant that the miner was working in wet work.

By all that is known of the history of the lead mines, the difficulties of the average small mine, and its miners, rings true, although, in presenting their case, the more rare, and often suddenly rich mine, is not mentioned. But this was a gamble, the vein could be exceedingly rich, a sudden win, and then lean again. Also, conditions varied between winter and summer. By the beginning of the 17th century the mines were only just as a whole beginning to work down to the water-table, many of them then had to close in winter or wet weather.

In 1627 the miners stated that 'the mynes nowe used are auntiente, and much wasted.....moste of ye beste veynes of oare are wrought to ye water or upon a deep feilde' at a greater charge than in past times, and becoming more chargeable. The miners were glad to 'gleane after the oulde mans harveste with pypes and other Ingens where both horses and more men shalbe used' which cost more.(19)

As early as 1295 a personal tithe was to be paid out of profit, and expenses could be deducted before payment. The miner held that the mining tithe was a tithe from industry and labour of work, and therefore a personal tithe, and that Leeke and Gell ought to have one tenth undressed 'as it is drawn out of the mines', and not dressed ore as measured for lot by the Barmaster. That lot should be dressed was undisputed. The tithe owners claimed that tithe ore had always been cleansed and dressed at the miners' charge, allowing 1d. a dish for this, and so it had been paid by a deed from the Dean and Chapter of Lichfield dated 1252.(20)

Witnesses for Leeke deposed that up to a few years previous to 1615 the miners had paid tithe ore, dressed, for 1d. a dish, and 'it ought to be so paid by the Custom of the mine'.

There does appear to be a good reason for the miners' protest against only being given 1d. a dish for washing and dressing the ore, when this was

the amount given about five hundred years earlier.

Also in 1615 there is reference to a historical reason why the miners believed that either they should pay tithe ore undressed, or be given the cost of dressing it.

William Furneys of Cilver, aged eighty in 1615, has a place in Derbyshire lead mining history outside the tithe troubles.(21) He deposed that in the last fifty years the miners had got two kinds of ore, bing ore, which 'is gotton in great lumps or pieces and not sifted as the Bouse ore is', and bouse ore, 'which is gathered up small and sifted'.

About 1575 he was the first to bring in the use of sieves for dressing the ore, and since then sieves had been in use. He was a washer of bouse ore for a long time after sieves were brought into use, and he 'paid no Tythe of the said Bouse Oare which lay for any man to gather'. The bouse ore, after being drawn out of the mine, used to be cast out with the rubbish onto the hillocks, and only after sieves came in use was it 'purified by washing with Siffes of wyer'. He said that the charge for washing two or three dishes of bouse cost about 1/5d. Other witnesses gave 1/1d. and 1/7d., but the cost could easily vary. At Wirksworth the tithe owners also gave 1d. a dish, although it was said that some of the Vicar's predecessors had given 4d., while the miners there said that it ought to be 8d. Furneys said that part of the cost was for hiring a washer and a boy to serve him, and 'water to wash withall', (often water had to be carted to a Derbyshire mine on the dry limestone uplands) and also the charges of 'siffes and fatts'.

In 1627 it was stated that all ore could not be dressed and cleaned alike 'without greate cost' before it was smelted, that even all bing ore, equally dressed, did not yield an equal proportion of lead when it was smelted so that prices for it differed by a 'thirde or fourthe p'te, being smitham, hillock ore, and other kinds differed in their nature and value'.

Another witness said that previous to the invention of washing with sieves the bouse ore was carried to the water and cleaned in troughs, and some was made merchantable by this means, but other bouse was cast out with the rubbish, as washing a dish of some of it cost more than it was worth when it was washed.

An eighty-five year old Monyash miner said that there had not 'ancyentlie bene paid any tithe at all for Bouse ore', he had known tithe gatherers demand it, and miners refuse to pay, others said that for some years about 1585 there was no tithe paid on it.

All this has reference to an earlier mining trouble which was carried into the Court of the Exchequer. The grants which Elizabeth I made to the Mines Royal and the Mineral and Battery Works are a subject to themselves,

but two of the people concerned with these were William Humphrey and Christopher Shutz. The former at one time was Assay Master at the Mint, while Shutz was the manager of the zinc mining company at St. Annenburg, Saxony, a 'workman..... of great Cunning, Knowledge and Experience' who was one of the foreign 'mineral masters' brought over to this country to introduce new mining methods.

The Victoria County History states that in 1564 a patent was granted to Humphrey and Shutz for smelting lead ore. All the authorities say that in 1565 they were granted the right of search for calamine, and by the end of that year the former had reported that the search for it in England was unsuccessful, although in June the following year he stated that an Englishman had secretly searched for it, and found good calamine near Bristol, but the patent remained unused for nearly twenty years.

Dates vary in different sources, but it seems to have been 1565 when the Mineral and Battery Works, which included Humphrey and Shutz, were granted the right to mine many minerals in the counties, including Derbyshire, not mentioned in the grants to the Mines Royal, but Shutz was more interested in his wire works, and they did not develop their mining rights to any great extent.

When, in 1567 or 1572, grants to these two were confirmed, among the mining rights were 'all Minerals, Earths and Metals, Pearls and Gems in any parts of her Dominion'.(22) With regard to pearls, Brigadier Woolley of Holmrook, Cumberland, informed me that the pearls for the coronation robe of Elizabeth I came from the River Irt there, and that pearl fishing is still sometimes carried out, but that they are mostly small seed pearls.

In the 1615 depositions, Henry Hurst, the old miner of Monyash, said that 'the invention of washing' the bouse ore was found out about 1575, as until then it had been thrown away. Before 1575 Humphreys 'procured privilege from the late Queen that none should wash lead oare with Siffes nor make lead with waterblast but he, whereupon contention grew between him and the miners touching the same. The miners then procured the aid of George late Earl of Shrowesburie'.

Furneys said that the lead ore and rubbish formerly were washed in troughs, but that this did not preserve the finer ore. Agricola (1556) describes how before the 'new method' with sieves the ore was washed in a large trough hollowed out of two or three tree trunks, and the washer pulled the ore etc. down into the trough with a wooden scrubber with a long handle. He said that the 'jigging sieve has recently come into use by miners'.(23) This sieve was round with two handles, and was shaken up and down in a tub (called a fatt in Derbyshire) nearly full of water, and the galena fell to the bottom of the sieve, the rock etc., being lighter came to the top and was scooped away with a piece of wood (a limp). But some heavier substances fell to the bottom with the galena, so it was washed a second time. Agricola said that the miners of Saxony had invented an even finer sieve.

The Victorian County History says that the old sieves of Derbyshire were made entirely of wood, with holes so large that a finger could go through them, while Humphrey's sieve had fine meshes of iron wire. The finer ore so produced was called smitham. This ore did not pay lot until more than a century later, (24) about 1760, so that it is no wonder that the miners resented having to pay tithes on smitham. Also, in the articles laid down at the Great Barmote Court at Wirksworth in 1665, it is stated that 'Smytham, nor forested Ore hath not, within the memory of man, paid, nor ought to pay, any duties or part but Cope only'. For the payment of lot the miners had 'liberty to work the ground within the Wapentake, and to have timber also in the King's wastes.....and egress and ingress from the highways to their Grooves or Mines'. The cope was 6d. a load paid by the 'Merchant, Buyer or Miner, that carries away the ore being paid to the Lord of the Field as a pre-emption, for liberty to sell and dispose of the ore where they pleased'. No wonder that the miner felt that when he paid lot and cope he was receiving something in return, while tithes was a hated tax for which he received nothing.

The same trouble over sieves, and over Humphrey's smelting hearth, arose in the Mendips, and there were injunctions in 1574 and 1581. The cause was tried in the Exchequer, and a Commission was appointed. It was shown that the lead miners had previously used substantially the same, and the claim of the Mineral and Battery Works was denied by the Court, although improvements were admitted, the Court held that it was 'easier to improve than to invent', and the law was in favour of the older workers. (25)

It appears as though the Derbyshire miners had a similar case in the Exchequer in 1581 and 1583, for injunctions from this Court were served on them restraining them from smelting lead ore, and to 'staie all the lead works in Darbyshire' by reason of a lease or privilege granted to 'Mr. Homphrey'. They requested that the injunction to stop the smelting might not be put into practice before the case was heard. They stated that they did not use any 'trade or devyse' which was first invented by Humphrey, and that if the injunction held it would be the 'utter undoing to two thousand people in these pts, who onely gett their Living by a gathering and gettinge' ore, and if the making of lead was forbidden, they would be out of work. They stated that the case was well known to the Earl of Shrewsbury, who, they thought, had 'desisted from dealinge with Mr. Homphrey in this matter'. It was signed by John Manners, Henry Foljambe, Roger Columbelle etc., all influential gentlemen. In 1579 John Manners had a smelting hearth with 'footeblast'. (26)

In 1619 there was trouble over the quality of smelted lead, and in the smelting houses of England and Wales where the ore was smelted into piggs or sowes of lead, 'divers abuses, deceipts, fraudes, and practices and devices' were used by putting in 'great lumps of scinders and other unprofitable stuff.....to the disgrace and vilifying' of it, and the wronging of the countries which bought it. Commissioners verified this, they found in the pigs 'extraordinary waste which was good for nothing'

and foreign merchants certified that great deceit was used, and 'ofttimes they do find great stones in the middle' and never received restitution for their loss, and these abuses must cease.(27)

In November 1581 a special commission was appointed, and depositions were taken as to the customs of working the Derbyshire lead mines, with particular reference to the use of wire sieves in the mines of the High Peak and Wirksworth.(28)

Humphrey's furnace is outside the province of this paper, except for William Furneys' reference to the smelting of lead by waterblast. Up to about 1550 lead had been smelted at the boles, then by footblast, worked by men. Humphrey's waterblast would be bellows worked by water-wheel; whether the smelting hearth which he built at Beauchief was the only one for this area is not known. The fuel was 'white coal, that is, wood chopped in small pieces and seasoned or dried by the kiln or otherwise'.(29)

The Victoria County History says that either water or foot bellows were used in Humphrey's furnace, so the 1615 evidence is useful in settling that it was waterblast.

White Watson, c.1800, noted that the first use of the iron sieve was in 1565 by Humphrey and Shutz of Calver, who brought it from the Mendips, and that it was believed to have been first used 'at the Old Rake Longston Lordship' (Deep Rake, Longstone Edge).(30) But by the above evidence this is too early for its use in Derbyshire.

Witnesses of Leeke's contradicted those of the miners, by saying that before sieves, when the ore was washed in troughs, tithe had been paid on it. But this was not true because the fine ore had been thrown away because it could not be separated. They said that ld. a dish for dressing tithe ore had been paid for fifty years, but 'which penny has many times been detained from the Miners by badd officers'.

One witness, Robert Greaves of Longstone, deposed that in 1561 he was present when Mr. Anthony Eyre was Farmer of ti the ore within the jurisdiction of Bakewell, and he demanded it from some of the miners, and they denied it to him, and Eyre said that he had paid 20 nobles a year rent for the tithe, and he told the miners to pay the rent and take the lease among them.

Furneys had been tithe gatherer in Bakewell for the late George, Earl of Shrewsbury, and once he went to Richard Dunkerley (Dunckelly), and other miners, and demanded the one tenth from them, for the Earl was then Farmer of the lead ore tithe, and Dunkerley answered that they did not know of any tithe ore which ought to be paid, and said 'in former tyme wee have given of good will certen lead oare to be prayed for both before our work and after, in respecte we work in p'll of our lives', and Dunkerley added 'it was as lawful for the said Earl to take tythes of his Coles as of his lead Care'. Furneys returned to the Earl, and told him Dunkerley's answer,

and that he and the other miners refused to pay tithe lead ore.

The Earl told Furneys that the lease of the tithe had cost him a great deal of money and 'I would fayne have my money in my purse again, therefore Furnys looke thou well to it, and doe noe man anie wronge, but if any man beare, lett me beare for I may best abide it'.

When there was trouble between the miners and Humpreys, the miners procured the aid of this Earl. They then refused to pay any tithe on lead ore 'gotten by washing', but Furneys was not sure whether they gave the Earl some 'for his favour', another witness believed that the miners gave some tithe lead ore to the Earl 'for his favour and countenance against the said Patent', and this witness was present when Arthur Barker, the Earl's Barmaster, in about 1580, desired this miner's father 'to have a care and go alonge to see the measuring of lead Oare, and to take what he could gett for Tythe and to give the miners fare words sayinge the miners are perverse fellowes and will not suffer you to come within their Coes nor upon the Racke' (Rake) and 'further then gave to his father fyve pounds to paye the myners for everie dish of lead Oare he received ld'. He also heard Barker and other officers of the Earl's charging the tithe gatherers 'that they should use the myners well and take care of them for tythe what they could gett', adding that 'the said tythes weare given by the myners for prayers to be made for them evening and mornings'.

No figures have come to light as to the value of the 17th century lead ore tithe at Bakewell, but in 1650 the vicarage of Castleton was valued at £40, but the value varied in every parish, and according to the working of the mines, Castleton had only one twentieth tithe, and the Vicar had only one third of this, two thirds went to the Bishop of Chester or his Farmer. In the first six months of 1728, the Vicar had £36 from Oden Mine, the selling price of the ore being 25/-d. a load of nine dishes, by the next year it had dropped to £12.(31)

In 1612 a Bill in the Exchequer was served on the miners by the Leekes. The miners demurred to the Bill, and the Complainents replied either in 1614 or 1615, and the depositions, given in detail above, were taken at Bakewell 28th June 1615. It was in the Court of the Exchequer because of the fee farm rent, failure of payment of tithes put the fee farmer in court if he could not pay the rent, and parts of the parish of Bakewell were in the Duchy of Lancaster, and therefore concerned the King.

The miners pleaded that even if the Complainents had a title to tithe demanded they were informed by their Counsel that it was a personal tithe and not predial, and therefore the costs ought to be deducted before it was paid, and that it should be from net profit, not gross profit. In the depositions miners had pointed out that by Derbyshire lead mine custom they had no claim to any property in 'the soil where lead oare is gotten, or in the Lead Oare before it is gotten,' the King had most of the freehold and soil of the Peak in right of his Duchy of Lancaster. They pointed out that

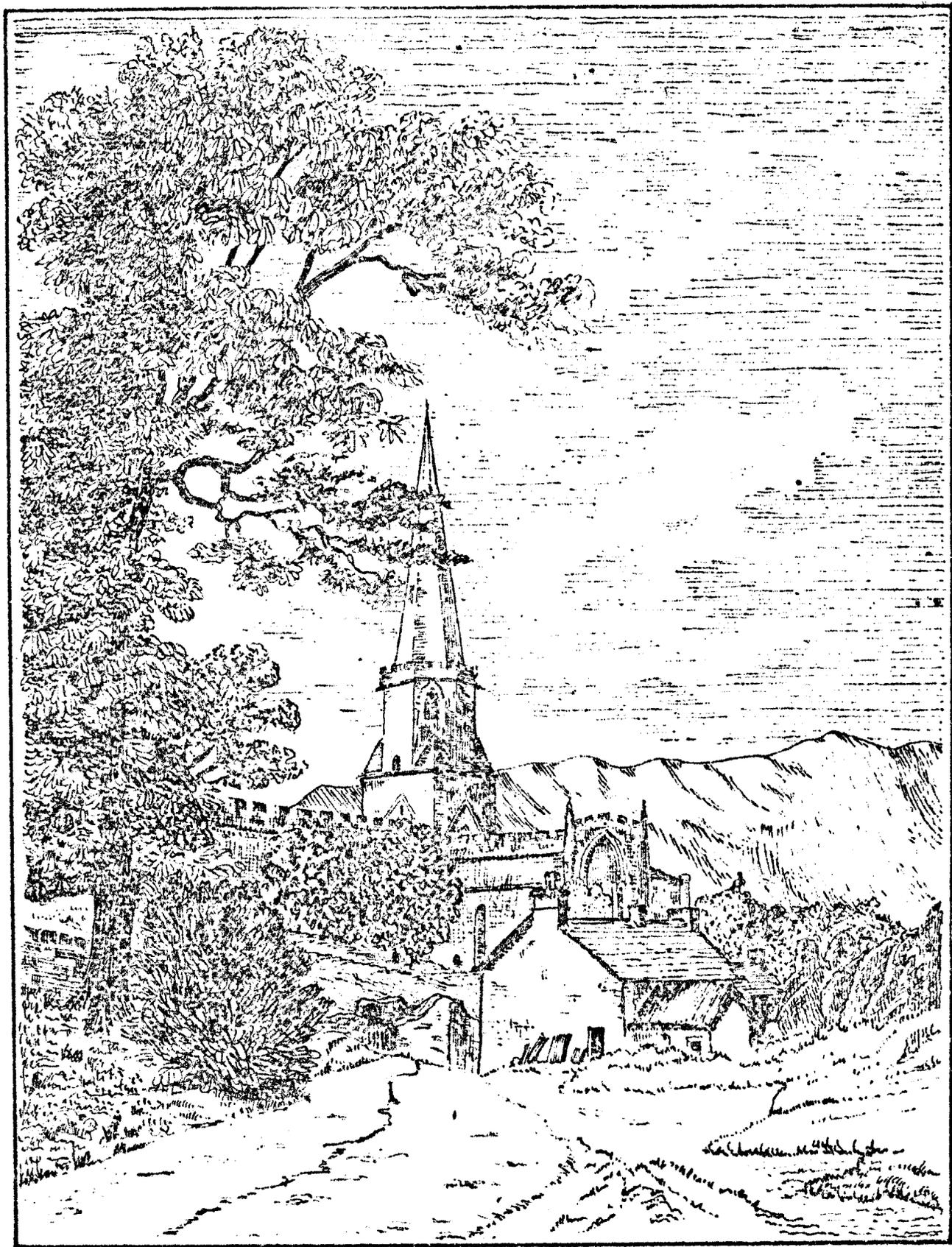
lead ore tithe was not predial therefore could not be claimed because of crops.

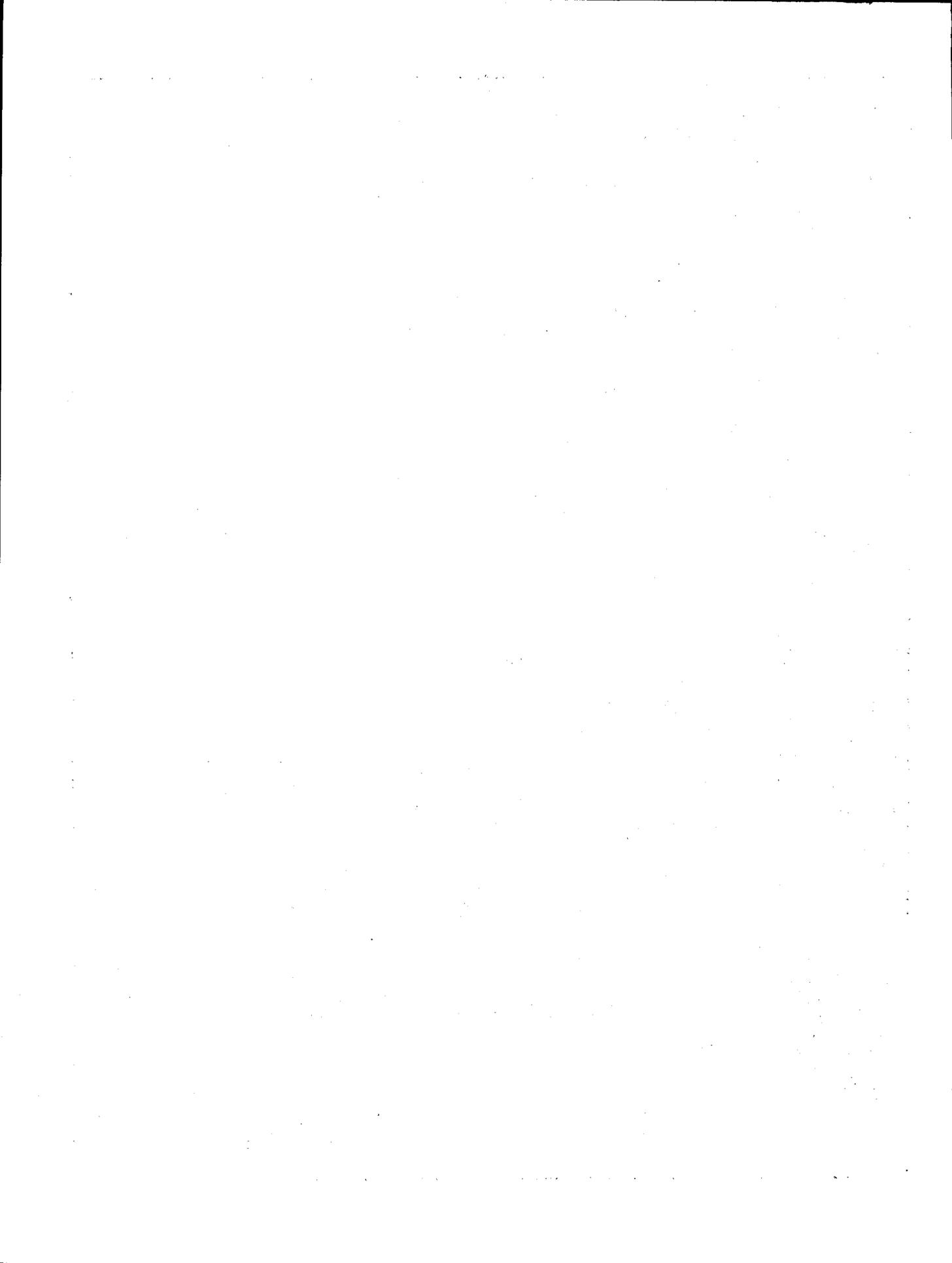
The cause was heard on 11th February 1616, and it was decreed that two thirds of one tenth of the lead ore tithe in Bakewell, Tideswell and Hope were established in Sir Francis Leeke the elder, and his descendants, and he was to receive the tithe ore, washed, and cleaned from rubbish, allowing 1d. a dish for this, until the miners exhibited a new Bill in the same court, and 'upon better matter should procure a reversall of the said Order and Decree'. It was also ordered that the defendants should pay Sir Francis Leeke, or his son, all the arrears for all the time it 'had been forborne to be paid and withheld by the Defts'. Also a Commission should go out and enquire the true value of all the lead ore which had been withheld.(32)

John Gell's case was also being tried, with a decree in his favour (see below). By November 1620 Leeke's, and Gell's, and Carryer's (Wirksworth) suits were already before the Privy Council, and in October 1621 by an order of the Privy Council the claim of all the above and other ministers of Derbyshire 'having been heretofore sundrie times examined at the Board and received severall trialls at the law by their Lordships directions' had received due consideration. There had been two verdicts at the Court of Common Pleas, a decree at the Exchequer Court, also certificates from the Archbishop of Canterbury and the Lord President of the Council, all concurring in agreement that the tithe of lead ore was due and ought to be established. By order of the King the Privy Council ordered that the whole cause should be dismissed from the Board and left to the benefit of the law. And because the petitioners, the tithe owners, had lost by delay, 'upon pretence from the miners of some point of state which now appeareth otherwise' the petitioners were wished all speed and expedition and that the cause should be heard speedily.(33)

In Trinity Term (May 26-July 31) 1622, George Eyre, Brian Melland, Robert White, Godfrey Haslam, Thomas Brushfield and Roger Gregory presented their Bill in the Court of the Exchequer requesting reversal of the order and decree (of 1616?). They stated that the King and various Lords were seized of lands, estates and freeholds, and that by Custom the miners and getters of lead ore in the High Peak had liberty to dig and search in these lands, paying the first dish of the measurings to the Barmaster, who must then allot them a measure of ground, 32 yards in some places, 29 yards, or other lengths in others. They must also pay the 13th dish of ore, and 4d, cope for every nine dishes. They described the depths to which they had to sink 'commonly through rocks of hard stone' through which they were not able to work without the aid of fire, with great labour, and danger of their lives, and with much cost.

They referred to Gell's suit in the Exchequer, and to documents in this suit which showed that the tithe ore, both the one third and the two thirds, had been paid in the lands of William Peverel. The miners had a search made, and found it to be true that Peverel had granted the tithe of





his lead ore to the Abbot of Lenton, but at that time, in the High Peak, Peverel, and the other lords there, had pre-emption of all the lead ore mined in their grounds 'so that the grant by Wm. Peverel of the lead by him smilted or made could in no way extend to the Myners or getters of lead Oare. Nevertheless the said Abbot and Priors by colour thereof did in time pretend title to some part of the lead ore gotten in the High Peak, whereupon the Composition grew, and one of them, the Abbot or Prior, or the Dean and Chapter having any right thereto'.

The 17th century miners appear to be saying that, in the first instance, in Peverel's time, the tithe was payable on the smelted lead, in which case, this tithe would not be payable by the miners. In support of the miners' claim it is at least curious that where the Peverel grants are mentioned in references outside lead mine documents, the word 'lead' and not 'lead ore' tithe is mentioned, and these documents are quoting Dugdale's Monasteries.(34)

In 1623, Sir Francis Leeke, the son, answered the Bill, and included the statement that the late Roger Newton, to whom he had demised the tithe for two years at one time, had 'practised with the Miners to defraud the Deft. of his tithe'. The cause was heard and it was decreed that the two third tithe should be settled on Sir Francis Leeke, who prayed execution of the order made.

In 1622 or 1624 the miners proposed a Bill in the House of Commons to abolish tithes.(35) It was twice read, committed and reported, and thrown out in 1623 or 1624, for the reasons given by the ministers and proprietors of the tithes, and who had proved their right by ancient deeds and documents of Edward II, Edward III, Richard II, Henry VI, Edward IV, Henry VII, Henry VIII, and Edward VI. A printed account referring to the Bill says that the tithe had been paid from time immemorial in the High Peak, and had only been refused lately 'through the particular interest of powerful miners', and that decrees for the tithe owners had been given in many courts. The tithe owners appealed to Parliament to establish a general right for the whole of Derbyshire. As the Victoria County History points out, 'The Clergy, even in districts where tithe had not been paid, tried to establish a general right to it', for 'at the beginning of the seventeenth century the tithe was very valuable'.

The separate suits of the Leeke and Gell quote each others documents so much that it is not always clear at which court the relevant old documents are presented. John Gell's case for the one third tithe is partly separate and partly merged with the Leeke suits. Before 1617 his suit passed through the Court of Wards and Liveries, due to his long minority, from 1594, when he was a year old. In November 1617 he presented a petition to the Privy Council, which referred to the other suits then 'depending in his Majestie's courts at Westminster', and stated that they believed these not to be just matters of private interest or right, but a matter of State, and so they decided to hear them, first calling on the Archbishop of Canterbury, the

Lord Keeper, the Lord Chamberlain, the Bishop of Winchester, and Sir Edward Coke, to call witnesses for both sides, and to give their opinion, and make a report to the Privy Council. In November 1619 it was ordered that the cause should be referred to a trial at Common Law, so John Gell brought an action in the Court of Common Pleas, against some miners who had refused to pay tithe.(36) At the trial his Counsel put in evidence a composition in writing made between the Dean and Chapter of Lichfield and the Prior of Lenton, in which it was agreed that the former, under whom Gell claimed, should have the third part, and the latter two parts. In this composition 'all the tythe ore by them claimed was in the lands of William Peverel'. But certainly, by the 17th century, tithe ore in the parish of Bakewell, Tideswell and Hope was being claimed in a good deal of land which had never been Peverel land, for instance Sheldon, Great Longstone, Taddington and other manors.

This suit was brought against John and Edward White and other miners in the parish of Bakewell, Tideswell and Hope. These miners then appealed to the Privy Council, which decided that it was 'no Tithe in this nature but a duty growing from Ancient Custom and most aptly triable by the Course of Common Law', and on 11th January 1620 it was directed that Richard Stevensen and Thomas White, two of the miners, should measure before the Barmaster ten dishes of lead ore got in the parish of Bakewell, dressed and cleaned from rubbish. And that from these dishes, Gell or his deputy should 'set forth' (illegible, but presumably 'a dish') and take his 'pretended third part of the tithe'. After which Stevensen and White (illegible ? 'should take') 'again' from Gell, who would then bring an action for trespass for taking it. Stevensen and White were then to plead not guilty, and Gell should take issue and a trial should follow at the Common Pleas Bar. At this trial Gell should prove the Custom in evidence for the payment of the tenth dish, and that Stevensen and that White had carried away the third part of one dish of lead ore belonging to Gell. It was tried before Sir Henry Hobart Kt. and Bt., Lord Chief Justice, and 'on a long hearing and debate thereof by Counsel on both sides in open Court' the verdict was given for Gell.

It could be suggested that this involved arrangement may have to do with the law that if tithes were set out and severed from the main parts by the owner, they became lay chattels, and if, after severance, a stranger took them away, there was a remedy in the lay courts, and perhaps this was to be a test case for the lead ore tithe.(37)

The miners then alleged that they had some old witnesses - another reference says 'a new record' - who were not heard at the first trial and requested another trial. So, by an order of June 1620, another trial at Common Law was made, when Gell brought another action for trespass against White and Stevensen in the Court of Common Pleas. A later legal document on behalf of Gell's tithe says that the third trial was allowed in order to satisfy the miners 'being a multitude his lordship thought fit' to allow the trial but 'declared that he much suspected that some unquiet and turbulent

spirits which thought thereby to make a prey of the miners by drawing great sums of money from their common purse, they being a multitude, rather than any way to advance or further their cause, had been the stirrer up of the motion, there appearing no cause unto his lordship for any further trial'.

The hearing of the cause in October 1621 was by the then Lord Bishop of Lincoln, the Lord Keeper of the Great Seal. It was decreed again that Gell was established as owner of the one third tithe, and this applied, not only to the defendants, but to any other miner in the Parish of Bakewell, Tideswell and Hope, and these miners would have to pay it for ever. No further trial would be allowed to the miners.(38)

But 'notwithstanding these Verdicts and Decrees, neither the Leeks nor Gell could get possession of the lead ore tithes' nor 'enjoy the same', so they petitioned the King, and the Lordships' of the court 'certified that John Gell had prevailed in his suits at law, and the tithe was established. Later Gell obtained a decree in Chancery, which was ratified in 1627.

In 1713 a case was brought by Sir Philip Gell re the tithe ore in the mines in Grindlow, Nether Haddon and Harthill, the first being in the parish of Hope, the others in Bakewell. At that time Gell was paying £43. 2. 0 a year to Lichfield.

In Grindlow there had been no dispute, and little lead mining, until about three months previously when a valuable lead mine had been discovered, (this was the period when it was realised that the great rich Hucklow Edge Vein ranged eastward along Eyam Edge) and the miners had refused to pay tithe saying that none had ever been paid, as Grindlow Grange had belonged to the Monastery of Lilleshall, which by a charter of King John had paid a modus of 20/-d. yearly to Lichfield, and that yearly accounts for sixty years or more proved this payment.

Gell's lawyers admitted this and gave copies of the charters, but said that this was not a modus (money payment instead of tithe), but a 'pention' (? pension) (39) paid that Lilleshall should be free of great and small tithes, and cattle on adjacent commons, and that should receipts be given by 'illiterate and unskilful servants' the mistake should not prevail when confuted by record. An amusing touch to this is that in the same document it states that Sir Philip Gell, his father and grandfather, as receivers for the Dean and Chapter of Lichfield, 'have successfully given receipts for the twenty shillings'.

The arguments about Nether Haddon and Harthill are too long to go into here, but appear to contain some rather doubtful statements about the customs of various liberties. This document is the legal opinion of N. Curzon and Wm. Fitzherbert, and they point out that although there was a copy of the above charter, no enrollment could be found (no copy had been recorded or registered), so therefore no Subpoena Scire facias (Judicial

writ founded on a record) could be brought, and the opinion was that an Original Bill should be brought, because the earlier Bill of 1623 which gave the lead ore tithe in the three parishes to a Gell only specified that the 'said miners' in the original Bill should pay the tithe, and did not relate to future miners.(40)

As another source states that Grindlow does not pay tithe, so perhaps Gell did not bring the suit, or lost it.

Tithe ore trouble in Wirksworth Wapentake was long protracted. In 1310 the Dean of Lincoln held it, although in 1272 the church had held it. In 1615 Richard Carryer,(41) the Vicar of Wirksworth, Barmaster and Farmer of lot and cope of Dovegang, and also Roger Parker, the Dean of Lincoln, petitioned the Privy Council saying that Carryer was one of the six ministers in Derbyshire who had the right to lead ore tithe, and that his right was now questioned by William Bamforth, and he petitioned that his claim might be allowed. Evidently he also brought a suit in the Court of the Exchequer, for in 1620 the miners petitioned the Privy Council to stay the suit in this court, and bring it before the Privy Council, where were Gell's and Leeke's suits. In the next year Carryer exhibited a Bill in Chancery, naming three hundred Wirksworth miners, and there was a decree for him in 1622, and the Wirksworth miners are stated to have paid tithe to him until 1627.

But the miners claimed that Carryer's Bill had been only against named miners. It was referred to Sir Robert Heath, Attorney General, and in 1628 Carryer brought in a new Bill against four named Miners. Ephraim Ferne, Richard Wigley, Anthony Coates and William Debanks. The final decree was given in 1630, that tithe lead ore must be paid in Wirksworth, and that there was to be a Commission to enquire the cost of washing the ore. The miners paid up to 1633.

Disputes still continued later in the century. In an undated petition (after 1675) of Sir John Heath and Edmund Heath, both sons of Sir Robert Heath, Lord Chief Justice of the Common Pleas, they refer to Carryer's decree of 1630 against Ephraim Ferne and 'three other poor miners', and that by this, not only they, but all other miners, must pay tithe, and said that it was not right that all other miners not concerned with the suit should pay, and that Carryer never put this decree into execution, nor his successors, until Browne, the then Vicar of Wirksworth, in 1675, tried to revive it. This decree was 'in p'judice to ye Matie's revenue of Lot being a 10th of ye 13th dish of Lead oare'. It was a great discouragement of mining, and was 'grounded upon supposed custom of paying Tythes of Lead there, none being due of it by ye Canon Law, and therefore ought to have been tried by a jury of 12 men'. Now the Lord Chancellor had found a decree de facto made, although long since and never executed, and he had declared and ordered Mr. Vermuyden (of Dovegang Mine) to be bound by it as well as thousands of other miners, although they were not parties to the suit. Heath considered that the Court of Chancery had no proper jurisdiction

over the matter, only the Duchy Court of Lancaster had jurisdiction, because Wirksworth lay within this, being part of the Duchy. Vermuyden was advised by his Counsel to appeal against the old decree to the House of Lords unless he was allowed to go to a trial at law, as to whether the vicars and parsons had any custom for tithe of lead ore. The two petitioners were jointly concerned with Vermuyden, and Sir John Heath was a member of the House of Commons. They petitioned that the matter might be referred to a Trial at Law with an indifferent jury in any county of England.

Dovegang was exceedingly rich, for instance, in 1652, from May to December, ore was sold for £7,000, although this was gross, for expenses were heavy.

In 1694, the executors of Thomas Browne, Vicar of Wirksworth, claimed the one tenth of lead ore from Dovegang Mine, which the late Cornelius Vermuyden, son of Sir Cornelius Vermuyden, had worked. In 1678 there had been an agreement in which Browne leased the tithe to Vermuyden for ninety-nine years at a yearly rent so long as Browne continued as Vicar, but Cornelius Vermuyden did not pay Browne for four years, and in 1686 he owed £120. Brown then obtained a judgement in the Court of Common Pleas, but Vermuyden was not satisfied with this, and by Christmas 1689, a further £90 was due, then Browne died, and now a further £90 was due.(42) At one time the Wirksworth tithe ore was worth £1,000 a year.

There is a copy of 'The Case Relating to the Bill for Preventing Vexatious Suits' re tithes, in Derby Library, and Cox discusses it under Wirksworth in his Churches of Derbyshire. It presented the case for the clergy, and said that payment of tithe ore was not found in ordinary tithing tables, nor was due of common right, but it was not novel, and had been paid for centuries and it was right that miners should pay it as 'vast quantities of pasture and arable land' were made barren by lead mining. It quoted ancient grants as far back as Richard I. Many tithe owners had been put to great expense, one of them had spent £1,500 in establishing his right to one third in three parishes. There were 'multitudes of adversaries and some of them rich, while poor parsons were denied the tithe. Parsons and vicars of the mineral parishes of Derbyshire paid first-fruits, and yearly tenths, to the King, expressly for their tithe of lead'. This pamphlet is undated, but Cox says it is shortly after the Restoration.

For riots and later tithe troubles in 1634, and during the Civil War, see Derbyshire Miscellany 1961.(43) There was a 'tumult' at Litton, and a 'mutinous petition' when the miners wished to get Lord Deincourt (Sir Francis Leeke, the son) to agree to tithe at 4d a load, and in 1642 there was a petition to Charles I, who then ordered that all Derbyshire miners who enrolled in his army should be exempt from payment of lead ore tithe.

In 1652 (another reference gives 1700) the miners petitioned Parliament again, saying they were 'seduced by the covetous clergy, believing their prayers available for the finding of lead'.

In 1672 the Rector of Matlock claimed lead ore tithe, but the trial went against him. In 1776 the Rector of Matlock brought a Bill into the Duchy Court, but the verdict and costs were again given against him.

In 1693 the owner of Hartington tithes brought a suit against the miners there, and won his case. In 1694 the Duke of Rutland demanded one tenth tithe from the Winster miners, and the Duke's Barmaster refused to measure their ore because the miners refused to pay it, 'because it hath not been given within the memory of man'.

In 1779 or 1780 the maintainers of mines in the Wirksworth area met the clergy and it was agreed that instead of one tenth it should be one twentieth, but when the working miners heard of this, they refused to pay more than one fortieth, and the Vicar accepted this.

Later about the only mentions of the tithe appear in documents when, in different liberties, the amounts of lot and tithe due are listed, and in later times tithe was much reduced. In Eyam, by the 19th century, tithe was 1d. a dish, and 2½d. on every load of hillock ore. In Harthill and Stanton, by 1802, it was one nineteenth, and later partly nothing, and partly one twenty-fifth.

In an undated, but late last century (after 1863) Brooke-Taylor document of a list of liberties, lot etc., no tithe was either claimed or taken in Bakewell, but at this date, no tithe being taken might mean no mines being worked. A number of places in which tithe was due paid nothing, no place paid what was claimed, one fortieth being quite common, although some places paid one nineteenth, none paid one tenth, some paid one twenty-sixth, etc. Ashford paid 1/-d. of tithe silver on each dish of lot ore.

The evidence of the 17th century law suits seem to indicate that a great number of the miners did not consistently make a full one tenth net profit out of their small mines. In one year a man might strike a good vein, easily worked, and be relatively prosperous, then for a year or two he could work for hardly any profit at all. They might still be getting some good ore and selling it, but from a difficult place, with high costs. And, because tithe ore was paid on the gross ore mined, and not on the net profit after charges had been deducted, the mine could be making a loss, and tithe would still have to be paid.

In a large number of cases lack of profit on the mine would not of necessity mean that the miner starved and had nothing to live on. They were usually small shareholders in a very small mine which paid them for their working in it, and even if the net profit was less than one tenth before paying tithe, it paid them to keep the mine going just as long as the charges did not become too heavy, and as well as the wage-earning miner, the mine also employed his women and children.

Larger mines were financed by maintainers, gentlemen investing money, and

merchants and smelters, and it paid them to keep the mines working, even without much profit. They made money by buying and selling, and smelting ore. If they should allow the mines to close down, the trade closed entirely.

In 1627, at a meeting at Bakewell, thirteen miners were chosen to represent the Kings Field of the High Peak, the Wapentake of Wirksworth, Ashford, Eyam and Stoney Middleton, and Tideswell Liberties, to meet the Duke of Devonshire and other lords who had the right of pre-emption in the right of buying lead ore at a certain rate, in answer to a Commission. The miners stated that most of the miners were poor men 'and muste be supplied with money beforehand for ye maintainence of themselves and families and for ye necessaries of theire worke by suche oare buyers' also from 'suche merchants as beste knowe their abilities', and unless these poor miners 'in tyme of their dead workes be soe relieved and great store of money soe disbursed and adventured' there would be small profit either to the King, the Lords, the buyers, or themselves.(44)

Trafficking in tithe ore rights was evidently looked on as an investment in spite of the miners quite often not paying them, and Leeke and Gell seem to have farmed out their rights. In 1625 Thomas, Earl of Elgin, and the Countess of Devonshire, granted Michael Burton and William Bagshawe one third tithe of lead ore in Litton and Tideswell, while in 1631, Lord and Lady Deincourt were described as being 'excited by the Lady of Devonshire contacting with Lord Carlisle for their tithe of lead ore, which will make ill affections, like bad spirits, walk between them'. A good prophesy, as in the next year there was a suit in the Exchequer, Francis Lord Deincourt v. Christian, Countess of Devon.

There is an undated Derbyshire miners song (45) which is not complimentary to the clergy, referring to them as 'Five of the sons of Levi' who made an agreement to 'do their best endeavour their Parishioners for to break', and the miners said that they should 'have no more you Levites than was in Edward's days', which law ordered the miners to pay the King the thirteenth dish, 'for that dig and delve'. The song tells the miners 'be not daunted.....turn up any man's ground, and freely make your way' and timber up the shafts, 'Pay the King his due, the rest is thine. But the House often their grievance have they're for a Tenth and for that they Petition King and Parliament'.

Let the King live for ever  
Our miners still will pray  
And while the mines endure  
We will our duty pay  
If the Clergy bare a part  
They shall have a tenth with all our Heart  
But of his grace he comes far short  
He'll nothing give  
Not a Pound of Powder (continued)

As he will allow for  
To sink a Groove.

It seems clear that some miners paid the tithe, but as a whole nothing like one tenth, and at times, in some places, they had not paid for years, at other times they paid what they chose.

It was proved in the courts that it had become an established Custom at an early date in some parts of the county. The miners appear to have genuinely believed that it was something to be 'given willingly', by freewill and good-will, and that in return prayers were to be offered for their safety and for the finding of lead ore. But, given willingly or not, the giving of it established a Custom, so that the Leekes and Gell and Carryer won their cases, and the tithe became a right wherever it had been paid in the past.

In spite of all the decrees of the courts, short of seizing the tithe by force, it is difficult to see how these decrees could be enforced without some sort of co-operation from the miners. At the lowest number there were thousands of them, scattered all over wild bare country with few and bad roads even a century later. Mainly the mines were small, each worked by few men, which meant a great number of mines. The Barmasters as a whole were obviously unhelpful to the tithe owners, and they were under no obligation either to notify the tithemen of the measuring days, or the place, or to measure the tithe when they measured lot.

The Barmaster and the twenty-four jurymen were never allowed to use force, and force and affrays were forbidden on the mine, and penalties imposed. Even to enforce a warrant from the Steward of the Barmote, if force were necessary to quell an ensuing riot, all they could do was to call in the Sheriff and his bailiffs. No-one, except the Barmaster, could serve a warrant on a miner when he was on his mine, or in the Barmote.

Troops could be, and were, called in as the ultimate move in a disturbance (46) but it is impossible to contemplate tithe owners calling in a Sheriff, or troops, to deal with hundreds of mines, and thousands of miners, who, at intervals, for over a hundred years, refused to pay full lead ore tithe, or who refused to give any lead ore except what they chose to throw to the tithemen.

No-one could go to a mine and take ore which they thought belonged to them. They had their remedy in the Barmote Court if it was a mining matter. In various liberties there were articles such as the one framed by the Barmote of Eyam in 1654 that 'if any Person or Persons do take or steal any Ore, from any Man's Grove or Coat-houses, or any other Place, either bolted or unbolted' if the ore was under the value of  $1/1\frac{1}{2}d.$  the Barmaster would punish such offenders with stocks or pillory, if it was above that value it was a felony.

It appears as though the owners of the tithes, and the tithemen generally,

put up with accepting what they could get and did not consider it worth making a test case in the 16th century as there was not a vast amount of mining, or very rich mines, in 1561 'there were few mines about at that time.....not above three in Longsdon.....little lead ore was gotten there in respect of that gotten in 1615'.

Edward Manlove, Steward of the Wirksworth Barmote Court, wrote in 1653(47) that although all ore must be measured by the Barmaster's Dish, poor miners might well measure small amounts of ore for need,

Provided always that to church and lord  
They pay all duties custom doth afford,  
For which the vicar daily ought to pray  
For all the miners that such duties pay,  
And reason good, they venture lives full dear  
In dangers great, the vicar's tythe comes clear;  
If miners lose their lives, or limbs, or strength,  
He loseth not, but looketh for a tenth;  
But yet methinks if he a tenth part claim,  
It ought to be but a tenth of clear gain,  
For miners spend much money, pains, and time,  
In sinking shafts before lead ore they find,  
And one in ten scarce finds, and then to pay  
One out of ten, poor miners would dismay.  
But use them well, they are laborious men,  
And work for you, you ought to pray for them.

### Notes

Sir Francis Leeke (Leke, Leak) (I) (d.1570 or 1580). His son, Sir Francis Leeke (II) Kt., (1558-c.1627) and his son Sir Francis Leeke (III) Kt., Baronet 1611, Baron Deincourt (D'Eyncourt) 1624, Earl of Scarsdale 1645. The two latter appear in the tithe suits. The family was connected by marriage with other Derbyshire families and with the peerage, and was important and powerful in the county, being High Sheriffs, Custos Rotulorum, etc., and owning many manors besides their main one of Sutton. The Leekes were recusants and royalists, and had been a fighting family from the time of the Crusades onwards, giving much aid to their sovereigns in the sixteenth and seventeenth centuries. Lady Mary Leek appears to have been the second wife of Francis (II), although she does not appear in any accounts of the family. (Dugdale and many sources have been consulted, many of which contradict each other.) She is mentioned only in State Papers Domestic. In 1624-25 there was trouble between her and her stepson Francis (III), Lord Deincourt. According to her account Lady Mary had a claim on her husband for increase in her jointure, instead of which Lord Deincourt tried to take land settled on her and her son. In spite of her husband's 'great age' (this is curious, for if the date of his birth is correct, he was only sixty-six, and lead miners were living into their eighties at this time) 'his understanding is perfect', but his self-will threatened to ruin

her and her son. Apparently Lord Deincourt had persuaded his father 'who is out of his senses', to lease an estate to him, promising to pay £1,500 a year. However, he had persuaded his father to let him have it for a nominal rent of 12d. Also his conduct had been 'outrageous' to her and her sister. Later Francis (II) 'relented from his fury' and settled the estate on her and her son. The estate was encumbered with debts anyhow. But evidently this did not settle the matter, for after much correspondence with the Secretary of State, including others who wrote that Lady Mary had had a miserable life for the last twenty years, the Secretary in 1625 ordered Lord Deincourt to satisfy his father in fourteen days, or the Secretary would appeal to the King. Six months later Lady Mary wrote that Lord Deincourt 'had manifested his utmost malice against her' and that he was a 'disobedient and violent son, and his father would not allow him to come into his sight, unless he pays the money which he detains', and which was his father's maintenance. Lord Deincourt (III) was, however, a valient soldier and loyal Royalist. In the Civil War he, and his wife Anne Carey, defended his house against Sir John Gell and five hundred men and three pieces of ordnance of the Parliamentarians. After it was taken Deincourt refused to compound and it was sequestered and sold, with other lands, by Parliament for £18,000. Later it was bought by a friend and restored to the Leekes. Lord Deincourt was so hurt by the execution of Charles I that he caused his own grave to be dug, and every Friday lay in it 'in divine Meditations and Prayer'.

Sir John Gell (1593-1671) was the Parliamentary colonel in the Civil War (references see Derbyshire Miscellany Vol.2 No.5 (1961) p.299, 300, notes 6, 14, 15 and 16).

Brian Melland. There are known to have been two in the 17th century, both almost certainly born before 1600. 1. Bryan Melland of Middleton-by-Youlgreave, who was the ancestor of the later Mellands of Monyash and of the Alport, Brampton and Manchester branches of the family. He was very probably a direct descendant of the Mellands of Needham Grange, near Hartington. He was a church-warden at Youlgreave, where he was buried in 1635. The Inventory of his Will is at Lichfield, but not his Will. The contents of the Inventory prove that he was farmer and lead miner. 2. Brian of Biggin, near Hartington, was a cousin of the above. He had male issue and was buried at Hartington in 1634. The parish register describes him as a 'myner' when recording his marriage in 1619. It is not known which was the lead miner involved in the tithe lead ore cases.

The Inventory of Bryan Melland's 'goods and chatells' was exhibited at Chesterfield August 12th 1635, and is preserved at Lichfield, but there is no Will there. So far as I am aware it is the earliest known document of its kind for a Derbyshire lead miner. He was a yeoman of Middleton-by-Youlgreave who was quite a substantial farmer, as well as lead miner.

Comparing this document with a good number of others of this period (A) for similar yeomen in southern England, insofar as inventories are evidence, his house appears to be less comfortably furnished, but one would expect life in the north to be harder. £10 for his purse and apparel is unusually

high compared with the value of his household goods. But one could suggest that if he was a mine-owner, or part owner, he held money for wages etc. A bed was one of the most important features of a 17th century house, and this, with pillows and cases, and linen and canvas sheets etc. totalling £20, is disproportionate to the rest. One towel only is less than in the south, napkins and tablecloths were less in number. A table, two forms, one of which would be against the wall, the other moveable, two chairs which would be reserved for the head of the house and for guests, stools and cushions, and a cupboard, were usual.

There was 'wooden Ware' and 'tichnall ware', ten pewter dishes, and other pewter. There were the usual bellows, toasting iron, skillet, brass pans, and kettles. The fireplace had andrions, and Goberts (cobberts) which were iron bars for use with the spit, of which there were two. There were two kinnells, a tub which could have other uses, but which was used for salting meat. A meal ark, cheeserack, eight milk bowls, and five cheese fatts.

He had fourteen yards of linen cloth, which is unusual. Wool, shears, a 'wool wheel' and a little wheel.

There were a good deal of provisions entered, meal, butter, etc., worth £6 Os. Od., large amounts compared with other inventories, which usually omit perishables like food, although many cheeses were often stored. One entry of 15/-d. may be the grannery, with four sacks, a 'Wainde sheet' (?winnowing sheet), sieves and siskets.

Outside there were 'swyne troughs 3 little ladders', a pillion and a pack, and £1 9s. Od. for 'coales, turves, Heath and other fewell'. Unless coales is charcoal, coal is peculiar and interesting. In Essex this is not noted until 1672, and then rarely, wood was the universal fuel there, and Middleton is a good way from any coal.

In Inventories, growing crops are rarely mentioned, for only personal, not real, estate was valued, land and buildings were excluded. If, as a yeoman, he owned his own ground, he would be worth much more. According to the generally accepted meaning a yeoman owned the land he cultivated, but this was not an essential criterion; he also could lease land. And this, by land-holding in Derbyshire, is very probable. In the Inventory there is 'come upon the Ground.....two feilds of hay.....Hay in Lumberdale'. Later Mellands bought Lumberdale in the 1680's. There were haystacks, all the above totalling £16 15s. Od. His farm stock was considerable; he must have had a good sized farm for north Derbyshire, with '3 kyne, one heifer 2 Bullocks values', £11 10s. Od. out of the total stock. There was a 'filly and one swyne', a 'hundred ould sheep, 26 sheep hoggs' the total stock being £44 4s. Od. He was not just a lead miner with a cow or two, as many seem to have been.

The lead mining entry is ' 1 pr of Costrells, 2 grene ropes, pickes,

Maules & other things belonging to the Groove £1 2s. 0d.'. The usual meaning of Costrells seems unlikely, but it can also mean a little barrel, maules, (or malls) are heavy hammers.

The value of the lead mining tools seems rather significant, I have no comparable list of a lead miner's possessions, but where there is a mine, and the mining tools are arrested by the Barmaster, it seems that the complete belongings of a small mine are comparable, their total value seems high for a single miner. In 1630 at Theiveley Lead Mines, Lancashire, a pick cost 1/4d., a mall 3/4d., iron wedges 2½d. each, spades 10d. each, hatchet 10d., and these were new, bought tools. On a mine near Castleton, arrested a hundred and thirty-seven years later, five spades were 1/-d., seven spades 3/-d., a rake 3d., hack 10d., sieve 3/6d., 4 barrows 10/-d.

The 'som Total' of Bryan Melland's Inventory was £107 14s. 4d., 'The True Sume is £108 4s. 4d.'.

#### NOTES

- (A) Bedfordshire Hist. Record Soc. Pub. XX (1938): Sussex Archaeological Col. XCIII (1955): Steer, F., Farm and Cottage Inventories of Mid-Sussex (1950): Records of Buckinghamshire Jour. of Architectural and Archaeological Soc. XVI (1935-60): West, J., Village Records.

#### Glossary

The following have been consulted re the words. The full Inventory contains other unusual words. Shorter O.E.D.: Wills in D.A.J.: Pegge, S., Derbisms, (1896): Reprinted Glossaries Eng. Dialect Soc. edit Skeat (1874) (includes Derbyshire Mining, Houghton, Manlove, Tapping and Mawe): Scott, J.S., Dict. of Civil Engineering (Penguin 1958): Halliwell, J.C., Dict. of Archaic and Provincial Words (1901): Farey, J., General View of State of Agriculture and Minerals of Derbyshire (1815): Williamson, F., Glossary of Words used by the Derbyshire Lead Miners during the last 250 years (Reprint from D.A.J. 1924): Grose, F., Provincial Glossary (1811): Holloway, W., General Dict. of Provincialisms (1838).

Ark. A bin for meal etc.

Costrell. This word was not traceable in any Derbyshire lead mining connection. The usual general meaning is a large bottle with an ear or ears by which it could be suspended. A second, dialect, meaning, is a little barrel.

Fatt. A tub in which ale or beer was worked before it was tunned, but also widely used for any vat. Fatts were used for washing lead ore.

Groove. The mine.

Linen and Canvas sheets. Flax was grown in north Derbyshire certainly by the 18th century. There are many mentions of canvas sheets in inventories. Coarse sheets of towen (canvas) were made from flax fibres nearer the rind, called tow. Finer linen (called Holland) was made from inner fibres of flax stalk.

Skellet (skillet). A cooking utensil of brass, copper or other metal, usually with a 3-4 ft. handle.

Sheep hoggs. A hogg can be either swine, or a young sheep not yet sheared.

Ticknall ware. Tickna-ware, earthenware made at Ticknall, of a brown ground streaked with yellow.

Wisket. A wicker basket, without handles, with a hole at each end for the hands. Also used in lead mining.

The words: ark, fatts, hoggs for swine or sheep, wisket, are still known in Derbyshire.

Bakewell. The manor of Bakewell and the parish were separate, and the mining liberties were also separate. For instance, Harthill was in the parish of Bakewell, but it was in Youlgreave Liberty and Barmote Court, with lot paid to the Earl of Rutland, and tithes paid to Bakewell. Ashford Liberty belonged to the Duke of Devonshire, but again it was in the parish of Bakewell, so that care must be taken in every instance as to whether reference is being made to lead mining rights or to ecclesiastical rights. In 1615, the King, Sir George Manners, Thomas Eyre, and Henry Cavendish, were the Lords in the Parish of Bakewell. Unfortunately the documents do not specify the whereabouts of the mines within the parish of Bakewell.

Lead Ore Tithe. No tithe was paid in Ashover or any part of Scarsdale, nor in Crich, Grindlow, some ancient freeholds in Eyam and Foolow, Griffie Grange (some money payment in lieu of tithe), Birchover, Meadow Grange, Newton Grange, Steeple Grange, Bradbourne, Willesley or Matlock. It was disputed in Stony Middleton. In a number of mine reckoning books there are entries for 'tyth silver', usually for small amounts of a few shillings, and usually 19th century, unexplained, but possibly a money settlement for a tithe. Eyam, as mentioned in the text, was ld. a dish, and there was a modus at Bowers Farm, near Alport.

Some of the documents refer to the Dean of Lincoln, instead of Lichfield, this is explained by the former having been the Farmer of the tithe. Most of the people mentioned have proved untraceable.

The Priory of Lenton. Since writing the article, Mr. Brian Melland has lent me 'The History of the Parish and Priory of Lenton', by J. T. Godfrey (1884), where on p.76-7 there is a transcription of a document (Add.MSS 6681 Phut. clxxxiii D. Wolley MSS.) which quotes from a document in Latin

of about 4 Edward III in a bundle of Quo Warranto in the Tally Office, Westminster, in which William Peverel 'in a deed without date but seemeth to be made in Henry the firsts reign did grant to the prior and co'vent of Lenton.....two parts of all tithes of his lordships and of his desmesne pastures in the Peake' itemising them. I asked Miss Shield for a transcription of the item referring to 'plumbi'. She consulted a latin expert, Mr. Latham, and the translation is 'Item, all my tithes of lead, and my venison as well in hide as in flesh'. He commented that 'if ore had been intended the phrase would have been minera, generally plumbi is taken as smelted lead', although a great deal would depend on the general usage and custom at the date of the grant, as to whether the ore was sold unsmelted or smelted. (see p.19 Ref.34)

### Glossary

- Barmaster The head official of the Barmote, he also had many duties of measuring the ore, and enforcing the laws and customs of the liberties. There was a Head Barmaster and Deputy or Deputies in each liberty.
- Barmote Lead mining court held in the Kings Field and other Liberties.
- Coe The small stone buildings on the mines, where the miners kept their tools, also sometimes built over the climbing shaft.
- Dead Works A vein is dead when it contains other minerals, not no lead ore.
- Farmer The leasee of the mineral duties, or of the tithes.
- Fatts Wooden vats in which the ore was washed.
- Forested ore (forstid) The ore gleaned from the rubbish thrown on the hillocks.
- Grooves The mines.
- Lot A varying amount, but largely one thirteenth dish in the past, levied by the Barmaster on behalf of the King, or the Lord of the Field, or the leasee of the duties. Cope as mentioned in this article, was a levy of so much a load, paid by the buyer, to allow the miner to sell where he pleased. The word also has other meanings.
- Maintainer Shareholders who did not actually mine.
- Predial tithe Pertaining to the soil.
- Smitham Finely washed and dressed ore.

References

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2. Easterley, ibid p.61.
3. Wolley MSS. Add.Mss. 6685. British Museum.
4. Cox, J.C., Ancient Documents relating to Tithes in the Peak. Derbyshire Archaeological Journal Vol.V. (1883) p.131 etc. Jeaves, I.H., Derbyshire Charters (1906) Charters numbers 171, 175, 176, 183, 186, 188, 189.
5. Exchequer Bills and Answers. E 112/75/156.
6. Cox, J.C., The Wolley Manuscripts No.III D.A.J. XXXV (1913) p.184.
7. Excheq. Depositions E.134/13 James I (1615) Mich 3 Derby.
8. Bagshawe Collection 1245, 1246, 2606, Sheffield Central Library. Burdett's Map of Derbyshire 1762-67. Nixon F., Early Steam-Engines in Derbyshire. Newcomen Society Trans. XXXI (1957-9) p.18.
9. Clough, R.T., Lead Smelting Mills of the Yorkshire Dales (1962) p.15, 43, 57.
10. Excheq. Dep. E 134/4 Car. I. Mich 33 (1628).
11. The Dish for the Wapentake of Wirksworth, 1512, is still in the Moot Hall at Wirksworth. Wooden dishes were made exactly the same size and the Barmaster took a dish to every measuring. In almost all the liberties there is at least one article in the Customs forbidding anyone to make any 'Counterfeit Dish'. The insistence on this gives the impression that counterfeiting of the Dish had previously taken place, and there is an unsolved mystery of a copy of the Wirksworth Dish in the Science Museum, London.
12. Duchy of Lancaster Pleadings D.L. Vol. 160. E.1. (1592), and D.L. 1/Vol. 188/E 6. Kirkham, N. The Boundary of Sheldon, Derbyshire. Peakland Archaeological Society Newsletter 19. (1963) pp 17-18.
13. France, R.S., Thieveley Lead Mines 1629-1635, (1947) p.84.
14. Victoria County History of Derbyshire Vol.II (1907) pp.176-8. 184, 321, 331.
15. V.C.H. ibid Vol.II 322-3. Compleat Mineral Laws of Derbyshire, attributed to Steer (1734) p.47.

- 16.. France ibid p.81, 82.
17. Excheq. Bills and Answers James I. E.112/75/156.
18. Excheq. Dep. E.134. 11 Car. I Mich 20 (1635).
19. D.A.J. XLVIII p.131.
20. Excheq. Bills and Answers James I. E 112/75/156 (1622).
21. Excheq. Dep. E.134/13 James I. (1615) Mich 3 Derby. Hamilton, H., English Brass and Copper Industries to 1800 (1926). Raistrick, A., London Lead Company, Newcomen Soc. Trans. XIV (1933-4). Glover, S. History and Gazetteer of County of Derby, (1829) Appendix p. 37-8. Tawny, R.H. and Power E., Tudor Economic Documents (1924). Letter from Mr. Fred Lebeter, Keeper, Science Museum, to me 11th October 1956.
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24. Kirkham, N., Winster Sough. Peak District Mines Historical Society Bulletin Vo.II No.5 p.14-18.
25. Price, W.H., English Patents of Monopoly (1906) p.56.
26. Lansdowne MSS 31. Old number 63. (New No.166). Rutland MSS. Historical Commission Vol.I p.116, 154.
27. His Majesties letters patent concerning the reformation of the Abuses used in the Melting and Making up of Lead. (1619) Copied by Mr. Keirman from a document, Haddon Estate Office.
28. Cox, J.C., Elizabethan Depositions, D.A.J. XXXVIII (1916) p.189.
29. Salisbury MSS. Hist MSS. Com. Part II p.523. Oct.4, 1583.
30. Notes from White Watson's Notes, given to me by Dr. Trevor Ford.
31. Cox, J.C., Diary of Edward Bagshawe, Vicar of Castleton, D.A.J. II (1880) p.79.
32. Excheq. Bills and Answers James I. E.112/75/156.
33. Cal. State Papers Domestic James I, 1619-23, p.296. Acts of the Privy Council, James I. 1621-1623, p.55.

34. Kirke, H., Monastic Settlements in the Peak Forest. D.A.J. XLVII (1925) p.232. Cox, D.A.J. Vol. V. ibid p.130. V.C.H. ibid Vol.I p.3, 108. Excheq. Bills and Answers E.112/75/156. Cox. Wolley MSS ibid p.184. Jeaves, Charters ibid Charter 175.
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36. Excheq. Bills and Answers James I. E/112/75/156. Ditto E 112/5/150. Acts Privy Council 1616-1 p.361-2.
37. Easterley ibid p.79.
38. Add. MSS 6686.
39. If 'pention' is 'pension', Pension of Churches was certain sums of money paid to clergymen in lieu of tithes. Cope, A.S. Wharton's Law Lexico '1938).
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Bakewell Church drawn by T. Hearne F.S.A., engraved by I. Landseer, F.S.A. Published May 8th 1817 by T. Cadell and W. Davies, Strand, London.