

THE BARMOOT COURT AT WIRKSWORTH
Wednesday, 20 April 1988

adapted from the

Proceedings of the Court provided by the Steward, Mr. M.R. Cockerton.

With additional notes by Lynn Willies

Abstract: The occasion of this court marked the 700th anniversary of Quo Warranto, claimed as the foundation of the Derbyshire mining customs. Proceedings of the court are described, with the text of the principal statements.

Although this was an ordinary sitting of the court in a legal sense, it attracted special attention as being the sitting closest to the 700th anniversary of the Inquisition of Ashbourne (actually on the 28th of May). The Inquisition of course concerned the High Peak of Derbyshire rather than the Soke and Wapentake, but its impact in succeeding centuries was shared by all the customary liberties in the mining field, and, perhaps regrettably, nowadays the High Peak Court does not meet regularly: one result of this is that High Peak lead duties are now officially notified to the Wirksworth Court.

The court attracted a much wider range of visitors than usual, and not all could be allowed in the courthouse despite more chairs, and standing. As part of the 700th celebrations organised in conjunction with the PDMHS and Peak District Mining Museum a nicking ceremony at Gorseley Dale Mine on Bonsal Moor was organised prior to the court, when the mine was transferred to Mr. Lionel Gregory - most visitors at this ceremony then attended the court.

Court officials, the jury and invited guests began proceedings in the traditional way around mid-day with a breakfast of beer and cheese, reflecting the long distance in past times that some jurors had to travel on foot or horseback. Today of course most arrive by fleeter forms of carriage, but the fresh breeze experienced on Bonsal Moor no doubt gave an unusual edge to appetites. The proposed Jury, Steward, Barmaster, Deputy Barmaster, Bailiff, and representative of the Duchy of Lancaster then took their places, and the proceedings began.

The Court in Session

The Steward instructed the bailiff to give the first proclamation.

"Oyez, Oyez, Oyez. All persons that owe suit and service to the Great Barmote Court of our Sovereign Lady the Queen held here this day for the liberties and out liberties of the Kings Field of the Soke and Wapentake of Wirksworth draw near and give your attendance".

The court was then assembled. The Steward welcomed visitors and invited guests to the

"Great Barmote Court for the Soke and Wapentake of Wirksworth held under the provisions of section II of the Derbyshire Mining Customs and Minerals Courts Act 1852."

Mr. Cockerton then reminded visitors that a properly constituted court was in session and that the taking of photographs and sound recordings was not permitted. However the officials and Grand Jury were willing to permit a photo session after the business of the court was concluded.

He then introduced on his left the Barmaster, Mr. W.M. Erskine, and on his Right, Mr. D. Claxton, Surveyor of lands of the Crewe Survey of the Duchy of Lancaster Office, Representative of HM the Queen in right of her Duchy of Lancaster, the Lord of the Field. Then he commented on the 700th anniversary.

"Before I commence the proceedings of this court I think it is appropriate on this occasion to make a few remarks, it being 700 years this year since the holding of the Inquisition or Quo Warranto held at Ashbourne in 1288 following the petitioning of the then King Edward I by certain Derbyshire miners for him to confirm the then ancient mining laws and customs.

The inquisition confirmed the "ancient customs of the mine" were then so old they "hath been used time out of memorie of man". It will therefore be obvious that although the customs of the Derbyshire mineral field were then officially recognised, that the customs were in existence long before then.

The laws and customs now governing lead mining in this part of Derbyshire are now

contained in the Derbyshire Mining Customs and Mineral Courts Act 1852.

The first and principal custom recorded by the Act is in respect of the Soke and Wapentake of Wirksworth and certain other private liberties:

"It is lawful for all the Subjects of this Realm to search for, sink, and dig Mines of Veins of Lead Ore upon, in, or under all manner of Lands, of whose inheritance soever they may be" (Churches, Churchyards and certain other lands are excepted).

This remains the law and is paramount to a freeholders interest. The remaining customs and articles of the act relate to associated matters.

We are honoured today on this 700th anniversary to have in our presence as invited guests the President of the Derby Law Society, W.N.K. Rawling, together with representatives of firms of solicitors practicing in the locality as representatives of the legal professions and also the President of the Institute of Mining and Metallurgy, Mr. Gavin Moncrieff, along with representatives of the Mining Industry.

The function of this court is to swear in a grand jury and the reasons for this will become apparent to those not familiar with this court as I proceed".

The Bailiff was then instructed to make the second proclamation.

"Oyez, Oyez, Oyez. You good men who have been summoned and returned to appear at this Court of our Sovereign Lady the Queen and the Body of the Mine within the Kings Field of the Soke and Wapentake of Wirksworth answer to your names and save your fines".

On this occasion all who had been ordered to attend the court viz. the jurors, were present and answered to their names with "Here, Sir".

The jurors

J.F. Beck (foreman)	S. Collinge
E. Fisher	L.B. Musson
J.H. Rieuwerths	R. Bacon
R.M. Steele	J. Eidson
J. Simpson	P. Gregory
I. Lindley	L.H. Gregory

The jury elected Mr. J. Beck of Matlock as their foreman, the usual foreman, Mr. Buckley, having been excused attendance because of illness. The foreman was given this oath by the Steward.

"You as Foreman of the Grand Jury now empannelled for our Sovereign Lady the Queen and the Body of the Mine within the Soke and Wapentake of Wirksworth shall diligently enquire and true presentment make of all such articles matters and things as shall be given you in charge or otherwise come to your knowledge touching this present service. The Queen's Counsel, your fellows' and your own you shall keep secret and not disclose. You shall present no one from motives of hatred, malice, or ill-will, nor shall you leave anyone unrepresented from fear, favour, affection, or reward or in hopes thereof but in all things you shall present the truth, the whole truth, and nothing but the truth. And you shall, according to the best of your knowledge and abilities do equal justice between the Queen and the Miners and between Miner and Miner, and in all other matters and things wherein your judgment or opinion shall be required to be given, you shall faithfully and honestly demean yourself.

So help you God".

Then the Jurymens' Oath

"The same Oath which your Foreman hath taken on his part, you and each of you shall well and truly observe and keep on your respective parts.

So help you God".

The foreman, having taken the oath, kissed the bible, and subsequently the similar oath was taken by jurors in groups of four and three holding the bible together, before kissing it. The Steward then called the jurors' names one by one, the Bailiff counting out "one, two," etc. to twelve as each juror replied.

The Charge was then given to the Jury by the Steward.

"Gentlemen of the Grand Jury,

You have this day been sworn to serve on the Grand Jury of the Mines within the Soke and Wapentake of Wirksworth which is an institution of a peculiar kind differing, in some



1. Nicking the Gorseydale Mine, Bonsall Moor. The Barmaster, W.M.Erskine in the centre, watched by members of the Jury, J.Eidson, J.Beck & R.Bacon.



2. The Moot Hall, Wirksworth.



3. The Barmaster weighing the freeing dish watched by jurymen, P.Gregory, L. Gregory and Tony Wragg, Gorseydale Mine, Bonsall Moor.



4. The "Nicking" Notice, Gorseydale Mine.

Photos by Harry Parker.

respects, from all other Juries, as your duties will not terminate with the Court at which you are impannelled and sworn, but continue until such time as another Grand Jury has been appointed and sworn to act in your stead.

This peculiarity was undoubtedly originally established in order that the Mines and Adventurers might at all times in the course of carrying on their Mines and Mineral Concerns be under the protection of and have a ready recourse to a Jury or permanent body of intelligent neighbouring Miners who have therefore been emphatically called "The Body of the Mine" and to this circumstance it is most probably owing that the Mineral Laws and Customs of the Soke and Wapentake of Wirksworth have continued to flourish for so many ages, as there are the strongest grounds for believing them to have done, but be this as it may, the Grand Jury impannelled and sworn at the Great Barmote Courts has constantly been considered and acknowledged as the Great Bulwark of the Laws and Customs before alluded to.

It must therefore be obvious to you, gentlemen, than an upright and conscientious discharge of your official duties cannot fail to be of the greatest importance both to yourselves and to all other persons possessed of mineral property within this district and consequently to the general welfare of the Mines.

It is on this account absolutely necessary that you shall act with the utmost caution and strictest impartiality in deciding all such disputes and controversies as may happen to come before you in your official capacity.

The peculiar Laws and Customs of the Mines within the Soke and Wapentake of Wirksworth have subsisted from a very remote period. They have been established by immemorial prescriptive usages and have their roots in antiquity the time whereof the memory of man runneth not to the contrary. But as the whole or most of these Laws and Customs have been presented and reduced into writing, in the form of Articles in the Derbyshire Mining Customs and Mineral Courts Act 1852, I have no doubt of your being perfectly acquainted with them and I shall therefore not trespass on your time by attempting to recapitulate them but shall merely refer you to them in case any matters should come before you to render it necessary.

I shall, however, briefly attempt to reduce the several matters that are usually inquired into and presented at the Barmote Courts under two heads, that is to say such as affect the rights or interests of the Queen or her Lessee and such as relate to the rights or interests of the Miners or Adventurers. And, in the first place, I must remind you that by the Oath you have this day taken, you are under a solemn engagement to do equal justice according to the best of your knowledge and abilities between the Queen or Her Lessee and the Miner or Adventurer, and you have, therefore, to make a strict and diligent enquiry whether any of the Mineral Dues or Rights of the Queen or her Lessee have been wrongfully concealed or withheld or any other injuries done them either within your own personal knowledge or from information you have received from any other persons, in either of which cases I trust you will not fail to make a proper presentment thereof that such steps may be taken therein as may be proper and necessary for the speedy redress of such concealments or abuses.

You are likewise under the solemn engagement to do equal justice to the best of your knowledge and abilities between Miner and Miner when their rights are in controversy; but, as those rights may assume such a variety of shapes and may be attended with such a diversity of circumstances, it would be a waste of your time and my own, even to attempt to surmise what they may probably be but when they happen to come before you in an official manner, I must earnestly recommend you to let an upright mind and strict attention to the Mineral Laws and Customs be the sole grounds of your judgment and decision and you can then scarcely fail to do equal justice between the parties.

In addition to this recommendation, gentlemen, I wish to impress on your minds the necessity of your constant and unanimous endeavours to preserve and maintain the Mineral Laws of Derbyshire in their ancient purity without attempting either to extend or abridge them to answer the sinister or illegal purposes of any person or persons whomsoever, for, by such attempts the very existence of these ancient and highly laudible customs may be endangered.

Lastly, gentlemen, you have to enquire if all persons who owe suit and service to this Court have appeared and to amerce the defaulters.

And I must beg leave to recommend to you that, as you are called The Body of the Mine, that you would act as Members of one Body and with the same unanimity".

The Steward then ordered the third proclamation.

"Oyez, Oyez, Oyez. If anyone can inform the Steward or this Jury of any matter or thing not given in charge or to be enquired into let them come near and they shall be heard".

No matters were on this occasion brought before the Court. The Barmaster was then asked by the Steward if there were any bills to be preferred, and again the answer was in the negative, possibly reflecting the law-abiding nature of modern lead miners, and perhaps also the sad decline in recent decades of the lead mining industry.

The Steward then asked the Barmaster to present his statement of accounts, which were then declared for both the High Peak, and the Soke and Wapentake of Wirksworth.

The Barmaster's Accounts - Half-year to December 1987,
received from Laporte Minerals.

Liberty of Bonsall		£0.70
Liberty of Bradwell		£423.75
Liberty of Hucklow		£17.60
Liberty of Wensley		£1.76
Liberty of Winster		£83.06
Liberty of Wirksworth		£168.23
		<hr/>
		£695.10
Signed	Tax	£173.78
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(Wm. Erskine)	Net	£521.32
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After this the Steward made his closing remarks to the Court, in which, through Mr. Claxton, he sent Greetings to the Queen on behalf of the Court, and thanked visitors and guests for their attendance. The Jury then signed the Jury Sheet and the Bailiff was instructed to make his fourth and final Proclamation.

"Oyez, Oyez, Oyez. All persons who have nothing further to do at this Court may depart hence but first give their immediate attention to the Steward".

The Steward then invited the Body of the Mine (i.e. the Jury) and Guests to join him at lunch at The Hope and Anchor at Wirksworth.

The Court did not on this occasion depart immediately. Instead a short time was spent under the command of photographers to produce a permanent record of this special occasion - which was recorded both by the Society's official photographer, H.M. Parker, and by a video unit of the Derbyshire Museum Service.

At the dinner which followed, a lead medal, struck to mark the occasion, was presented to the Officials and Jurors of the Court.

ACKNOWLEDGEMENTS

The Society is grateful to members of the Court for their co-operation on this occasion, and in the wide range of other activities planned to celebrate this notable sept-centenary. It hopes the Court will go on to celebrate many other centenaries.