

AN ASHOVER LEAD MINING TITHE DISPUTE OF THE SEVENTEENTH CENTURY

S.R. Band

Abstract: Since the Dissolution of the Monasteries the payment of tithe on lead ore had been a contentious issue. During the seventeenth century the resentment of the miners and mine owners towards this tax resulted in a number of challenges in Courts of Law by the clergy. This account relates to one such which took place in Ashover in the middle of the century, which as well as giving details of how the claim was pursued, also provides information on the mines being worked at the time.

INTRODUCTION

During the second half of the seventeenth century a dispute concerning the payment of tithe ore arose between the rector of Ashover and the miners in the parish. This led to a case in the Court of the Exchequer which provides some of the earliest documentary evidence for lead mining in Ashover. The document, which is preserved in the Public Record Office (PRO, E134/1657/Mich 33), takes the form of a series of depositions which reveal some of the aspects of mining in the parish; the parties involved, together with comments on the laws and customs then current in other parts of the mining field. The main substance of this article is derived from the document already referred to and where no other references are quoted, it can be assumed that they are taken from the above.

By late mediaeval times the manorial structure of Ashover was already beginning to disintegrate allowing a steady rise of local families above their farmer/miner status as they moved into the lead trade (Kiernan 1989). Amongst these were the Hodgkinson family of Northedge who had entered the lead trade as bole smelters alongside the well established members of the minor gentry. Of these the Babingtons of Dethick were the most prominent together with the Rollestons of Lea and the Reresbys of Ashover. These three last named were the major manorial landlords of Ashover holding, between them, three quarters of the land in the parish. Unfortunately there is little documentary evidence to suggest that they were also actively exploiting the lead ore on their own property. But one thing is certain that by the end of the sixteenth century and the beginning of the seventeenth centuries mining was well established in the parish when most of the major veins were being actively exploited with the possible exception of the Gregory vein still concealed beneath its considerable shale cover. It would be another century before working of this, the most famous and productive of Ashover veins, fully realised its potential. The concentration of veins in the Milltown area at the southeastern end of the limestone inlier rendered them the most accessible and undoubtedly some of the earliest to be exploited. However one other major vein, Westedge near Kelstedge was also being actively pursued at this period.

TITHE

The payment of tithes to the incumbents in lead mining parishes had long been a contentious issue resulting in a number of lawsuits throughout the mining districts during the seventeenth century. Miners had generally, if sometimes grudgingly, accepted the necessity of paying lot and cope for their privileges but tithe was a different matter and it was strongly contested wherever it was demanded causing great resentment.

The tax had its origins in the early church when lead ore tithe had been payable to the monastic institutions as a part of the religious duty of the clergy who would offer prayers for the miners night and morning. Indeed it was also hinted that prayer could assist in the discovery of new veins. With the Dissolution of the Monasteries the old order changed when monastic lands and dues were sold or given away to the nobility and lesser members of the laity. Consequently the miners perceived that they got nothing in return for this payment and the resentment created was extended to the detriment of the clergy.

The discontent which had been building during the latter part of the sixteenth century came to a head in the seventeenth with a flurry of cases in the Courts of Chancery and Exchequer with claim and counter claim between the miners and clergy rumbling on throughout the century. During this time there was also a change in attitude of the populace towards the clergy who were sometimes looked upon as using their ministry as a means to an end, 'when admitted to the Church they search for the greatest and fatest livings, where there are most calves, lambs and tythe pigs, corn, hay and glebe land, there usually is their call' and in the case of some Derbyshire parishes could be added the tithe of lead ore (O'Day 1976). By the early decades of the seventeenth century the clergy were a largely graduate profession with perhaps less emphasis on a vocational calling. This led to a closeness and consolidation of individuals stemming from their educated background and professional duties resulting in a certain remoteness from their parishioners. One of the arguments put forward by the puritan clergy of the seventeenth century was that the tithe system enabled the ministers to perform their spiritual and teaching duties to their congregations without their having to worry about financial concerns. The tithes, they argued, were due on things growing or increasing above ground yet by custom could be paid on anything whatever. It was the latter statement which formed the basis of their claims. That tithe lead ore had been paid by custom in many parishes was deemed to be sufficient justification for their claim and that the value of the tithe of corn, hay and grass was 'yearly hindered and decreased by the multiplying of Groves of Mines in their Parishes which spoil the land and make it barren' (Act c1691/2) With the onset of the disputes at law, the clergy complained that even in those parishes where tithe had been voluntarily paid or compounded, the miners ceased payment claiming that it was only paid as a charity or alms and not as a just right even though many had compounded with their parsons for a value which was considerably less than the precise tenth part but freely put aside this amount to a fund with which to challenge any law suits which might be brought against them'. At this time the term 'miners' was used loosely embracing the owners and merchants who owned the mines as well as the men who did the actual mining and were generally waged workmen rather than 'free miners' (Remarks upon . . . c1700).

BACKGROUND

The Rector of Ashover at the time of this dispute was Immanuel Bourne who had come to the parish in 1621 and in 1623 had purchased the Eastwood Hall estate and the advowson of the church from the executors of Sir Thomas Reresby. Bourne was a presbyterian by inclination and with the outbreak of the Civil War in 1642 he sided with Parliament. He published a number of books and pamphlets during his lifetime amongst which in 1659 'A Defence and Justification of Ministers Maintenance by Tythes' (Bourne 1659). In the opening statement which was dedicated to the Parliament of the Commonwealth, he confirmed his own position,

'only to confirm the settled Maintenance of the Ministers of the Gospel by Tythes, according to the Laws of the most wise God, and the most ancient Law of this Nation, but to have increased their Maintenance in those places, where by that abominable Sacrilege of Antichrist, the Tythes were appropriated to Abbies, Monasteries, and such superstitious uses: and after most unjustly detained from the right Owners, the particular Parish-Ministers, by King Henry the Eighth . . . by occasion of which, in divers thousands of Parishes (ever since the time of the Reformation), poor, ignorant, yea scandalous Ministers have been settled and continued, to the dishonour of God, our Religion, and succeeding Parliaments, multitudes of Souls made ready to perish for lack of Knowledge (as they are in too many places, at these dayes).'

As has been seen earlier Bourne's attitude was a strong belief in the educational role of the clergy towards their congregations and that the payment of tithes was a fundamental part of the ministry, although he omits to mention that the Rectory of Ashover was at this time worth £140 a year without any input from tithe ore.

No stranger to litigation, Bourne had from the time of his institution until the beginning of the Civil War been involved in a number of law suits with his neighbours concerning land in and around his estate but this one with the miners was a very determined effort to establish a claim to that which he perceived to be his just dues. The Glebe Terrier for the parish for the year 1636 sets out the lands and property belonging to the Rectory of Ashover and, included in the last item, along with others are 'Tyth Corne, woll, lambes, lead ore'. The document was drawn up by Immanuel Bourne and the churchwardens (DRO.D2360/1/6/2). The claim which he brought to the court was founded on the necessity that he should proclaim that he had a right to tithe lead ore in kind rather than a composition and that he had not renounced his rights by compounding for smaller monetary sums.

Although this case relates to the middle of the seventeenth century, conflict between the miners and clergy had erupted periodically since the end of the previous century. A case in the Ecclesiastical Court between Godfrey Owtram, Rector, and Robert Rowbotham in 1605 reveals that some, at least, of the tithes in Ashover were 'farmed out'. Rowbotham admitted that in 1604 and 1605 he had produced one and a half loads of ore amounting to thirteen and a half dishes and during 1602 and 1603, a more productive period, when he had mined thirteen loads of ore. He claimed that he had 'satisfied and payed the tythe due to John Maxfield who as he beleeveth was lawfull farmer to the same'. John Maxfield of Milltown was noted as being involved with the smelting side of the industry in 1609 (LJRO. B/C/5 1605; Kiernan 1989).

The early years of the Civil War and the period leading into the Interregnum were characterised by the rise of a number of dissenting religious sects who were able to exist alongside the established church in the new tolerance accorded to them by the government of the Commonwealth. Indeed the truncated Parliament of that period was Puritan in complexion. These sects

included Anabaptists and Quakers who were to further plague the established clergy with their calls for the abolition of tithes and brought Bourne into conflict with them on a number of occasions. In one such he notes the opinion of some was that 'Tythes were mere Alms given by the Church, and to Church Ministers, as men were converted to the Christian Religion and Religion more settled in the world' and was brought about by some who were fighting 'the abominable abuses of Tythe in the Church of Rome (if I may call it a church) the Popes having perverted Tythes from the true use, and turned and abused them to maintain the luxury of lazie Abbots, Monks and ungodly Friars who were full of all abominations' revealing the beliefs of a Puritan minister (Bourne 1659).

In examining the events of this suit in the Exchequer Court, an insight into Bourne's beliefs is revealing. He believed that his university education, at Oxford, was a necessary tool to equip him as the pastor to a congregation. For him the scriptures were the ultimate source of knowledge and that he was set apart from his congregation to guide them along the path of righteousness. For this reason the maintenance of the clergy by tithes rather than dependence upon men was a necessary prerequisite. The loss of tithes during the reign of Henry VIII and their gift or sale to favoured members of the laity or Improrietors was to him anathema. These Improper tithes left no maintenance 'for a Minister of the Gospel, to instruct poor souls in the way to Salvation' and 'who shall give account for so many Souls at the day of Judgement?' He considered that their loss was sacrilege and theft and that the clergy were entitled to them as a divine right which should be 'due to the Ministers of Christ in the Gospel; and to take them away without full redemption, is a sin no less than Sacrilege, accursed of God' reasoning that 'good Parliaments and godly men have been, and are more willing to pay and establish the payment of tythes, because they are persuaded a godly Ministry ought to be maintained and countenanced, and this way of tythes is a way which God himself hath prescribed of old.' Set against these concepts it is perhaps easier to understand why he pursued his cause with such vigour (Bourne 1659).

THE CASE

The case was heard at Derby during the Michaelmas Term (October to December) 1657 but the depositions of the witnesses were taken at Ashover on Tuesday 11th August 1657 by John Richardson, Samuel Sleight, George Hopkinson and John Buxton all of whom were described as Gentlemen. Of these, at least three were directly connected with the lead trade, Sleight, Hopkinson and Buxton. Hopkinson of Ible, was a lawyer and Steward of the Wirksworth Barmote Court and Buxton of Ashbourne was a deputy Steward of the High Peak Barmote Court. Both men also made depositions to the Interrogatory. Samuel Sleight was Immanuel Bourne's son-in-law having married his eldest daughter Jemima Bourne. She was buried at Ashover in September 1673 some eighteen years before her husband (DRO. D253). Sleight had been a Captain in the Derbyshire Horse at the beginning of the Civil War and his house at Northedge was registered as a Presbyterian meeting house in 1678 suggesting that his politics and religious leanings were of a similar nature to his father-in-law. His will of 1684 shows that he owned a lead smelting mill at Wessington Hay as well as having extensive shares in lead mines both in Ashover and elsewhere. He died in 1689 (LJRO. B/C/11 Samuel Sleight of Chesterfield 2 May 1689; Dore ed 1984).

The main substance of the case was over the payment of tithe on ore mined at Westedge otherwise Grovelands rake near Kelstedge, which was then in the ownership of the defendants, Samuel Taylor Esq., Thomas Cowper Gent., Edward Hodgkinson the elder, Ralph Mather and Arthur Nicolson, The early questions put by the interrogators were mainly concerned with establishing that

Ashover lay in Scarsdale Hundred and that no lead had ever been mined elsewhere in that Hundred, but that Dethick, Lea and Holloway (at that time part of Ashover parish) lay within the Wapentake of Wirksworth although lead had never been found or mined there. George Hodgkinson, a yeoman aged 40 from Northedge, Ashover, deposed that by the custom in Wirksworth a miner was at liberty to search for lead ore 'In the lands and grounds . . . according to the said Custome with out and against the licence and good will of the proprietor and owner of the soyle there' he was well acquainted with this practice because he had had parts of several meres of ground in 'several mens soyle' in Wirksworth without ever asking leave or licence. But in Ashover the miners were obliged 'to make their Compositions First with the right owner of the Freehold' and if not could not 'legally clayme any priviledge to breake the soyle of any freeholder therein' and further that he had himself made 'diverse Compositions of Divers miners' which had been granted on his freehold land in Milltown. The miners would pay him 12d, 18d and sometimes 2s the load whereas others paid the eighteenth dish of dressed ore for this priviledge. On the other hand Henry Dakeyne, Gentleman, aged 42 of Stubbingsedge, Ashover, went further in stating that any miner breaking the soil without 'the lycence of the freeholder first obtained is a Trespasser,' Dakeyne owned land around Fall Hill and had made bargains with various miners and others for mining in his freehold. Sometimes claiming a fifth part of the ore, sometimes a seventh, he goes on to state that Captain Edward Revell, Edward Parkes and Ralph Calton paid him £20 one year 'for the Cope of foure meares of Ground within his freehold. This is the only indication that the meer was used as a unit of measurement in the Ashover area. Although the length is not stated it would seem reasonable to suppose that as Dethick, Lea and Holloway lay within the Wapentake of Wirksworth that the Low Peak meer of 29 yards was being used.

John Elliot, yeoman, aged 50 from Crich had further to add to the Wirksworth custom that he 'credibly hath heard and believeth' that any miner or person 'Freeborne of this nation' was at liberty to search for lead in any enclosed grounds without the consent of the proprietor and also believed that 'the partly like custom' also existed in the Kings Field of the High Peak. It is interesting to note that the term 'Kings Field' was still being used although technically the country was under the rule of the Parliament of the Commonwealth.

The Ashover area had never been governed by the Barmote Court system and this was confirmed by George Hopkinson, Gentleman aged 50 of Ible, John Buxton, Gentleman, aged 28 of Ashbourne and Richard Hodgkinson, yeoman aged 65 of Ashover. Hopkinson had been steward of Wirksworth court for 'several years', Buxton, deputy steward of the High Peak court also for 'several years' and Hodgkinson had formerly been Barmaster at Stoney Middleton.

The examination of the witnesses on the question of payment of tithe reveals a considerable disparity in the way in which payment had been made in the past, if indeed it had been made at all. There was certainly confusion over the means of payment, be it in ore, smelted metal or some form of compensation. Reference was made to Bourne's predecessor, John Hancock, who had been Rector from 1615-1620 (Lugard 1924). Perhaps the clearest statement came from Richard Heywood, a 62 year old yeoman from Tansley, who had been Hancock's servant for four or five years during which the miners generally never paid tithe ore in kind but most 'did without compulsion from yeare to yeare compound wth the said Mr Hancock'. However two miners, Robert Rowbotham and Thomas Flynt had agreed or compounded for their tithe but 'being negligent persons did not pay their composition money . . . for some tyme.' Heywood was then sent to their mine from which he removed two or three dishes of ore which was then sold to John Mason. He did not know whether Hancock sent any tithe ore to the smelting mill but had heard that

ore had been sent to be smelted in the year before Heywood had become his servant and believed that this had been tithe ore. Richard Hodgkinson said that Hancock had kept a mark with which to mark his lead :I:H: . It seems that Hancock may have been receiving at least some of his tithe in kind and in money in a similar way to which the then parson of Matlock, Mr Shelmarayne, was doing. He let his tithe ore to the miners or owners and took composition 'as he and they could agree' but believed that by so doing he was not compromising his right to tithe ore in kind.

By the time of this enquiry, Immanuel Bourne had made himself unpopular in the parish having taken the side of Parliament during the recent Civil War and had been obliged to leave Ashover for long periods. The northern part of the county was mainly Royalist at the outbreak of the war and although he claimed to be a neutral, Bourne was certainly involved with Sir John Gell, the leading Parliamentarian of the county, in the early years of the conflict (Brighton 1981). By 1659 he was Rector of Waltham-on-the-Wolds, Leicestershire, as well as Ashover. At the Restoration in 1660 he conformed thus avoiding, the loss of his livings and was subsequently able to pass on the Ashover living to his son Obadiah. He was not without friends though, William Knowles 'saith he knoweth not what mens Minds are, but he doth beleeve in his Conscience that Godly Ministers that Preach well as the Complayn't doth ought to have their dues paid to them'. There is no doubt where his sympathies lay.

The resistance against the payment of tithes by the miners and owners was highlighted by George Colley who 'beleeveth that several psons in the Parish of Ashover, . . . would not pay any kind of tithe if they did not heare or conceive that the Lawe would compell them to pay the same'. He also believed that it was usual amongst the miners in the High Peak to conceal as much ore as they could from being measured. Giles Cowley stated that if tithe was to be paid then all those involved in mining ought to pay 'one as well as the other'. But also that some would not pay unless compelled by law and neither would he have done 'but, for the Lawe to force him to it'. All these former depositions were made by men of yeoman stock and for the most part freeholders. The miners who were working on their own behalf may well have been less sure of the legal standing and thus been more susceptible to persuasion. Bourne gives the impression, over the years, that he made regular visits to the areas where mining was being actively pursued to ensure that any dues payable to him could be extracted by coercion or threats. John Everard, a working miner from Morton, knew that composition was sometimes paid in ore, sometimes in money. About 1637 he and his partner had paid 4 dishes of ore at Bourne's house for composition but another year he paid half a crown and afterwards whatever could be agreed, but his perception was such that he regarded tithe ore as a customary duty otherwise he would not have paid. On another occasion, in 1653, John Grene, an Ashover miner and his partners Robert Parker, Henry Verney and George Jackson paid 10s 'to obtayne their peace and quiet and to avoid the charge of a suite they being poore men' when Bourne had threatened to sue if they did not pay or agree to settle with him for their workings at Fall Hill. Twenty years previously Grene had been a working miner at Fall Hill which was owned by Edward Revell Esq., George Collumbel, Hugh Lacey and Ralphe Wass. They had made a written agreement for 5 marks per annum as long as the mines were worked following a demand for tithe by Bourne. However, John Henstock of Ashover, when faced with a similar demand answered that 'he gott little ore' at which Bourne 'let him alone'. A later demand was met with the reply that 'he did not know whether it was his due or noe'. Henstocke never paid tithe or composition! In 1647 a group of miners working Stony Acre vein near Fall Hill approached Henry Dakeyne after they had been threatened with a law suit if they refused to pay tithe, 'and the said poore men expressing much greefe and fear of suites'. Dakeyne was asked to

mediate on their behalf with the intention of prevailing upon Bourne to take such money as he would accept. Agreement was reached and Dakeyne accordingly paid 'a 20s peece of Gold and the Complt did not further trouble the said Myners'. The men later repaid Dakeyne his 20s.

These are just some of the depositions in the enquiry which highlight the confused nature of the situation and although Bourne thought himself justified in the pursuit of claims, his lack of tact and the way in which he approached them only served to antagonise the miners and owners by his confrontational manner.

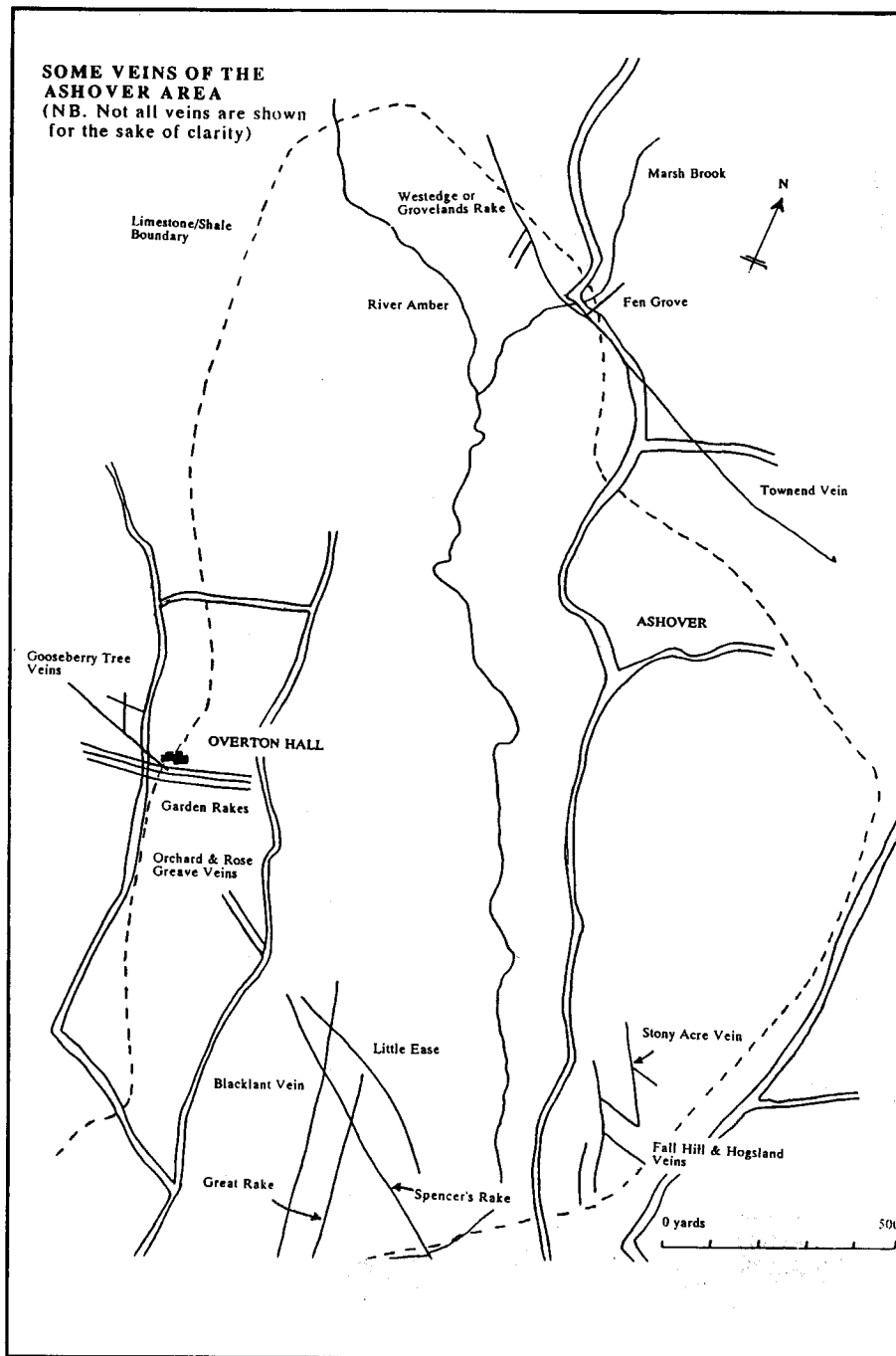
THE MINES

Westedge

Although the document is essentially concerned with title recovery, many of the depositions provide a valuable insight into the extent of mining at this time. It highlights three distinct areas of working. Westedge vein near Kelstedge, Fall Hill and Overton near Milltown.

Westedge Rake had been worked intermittently for a considerable time and its working at the time of this case was probably in response to the increased demand for lead generated by the Civil War and its after effects. Although the lead miners favoured the Monarchy and the majority of the merchants were supporters of the Parliament there had been little fighting in Derbyshire and production did not appear to have suffered to any great degree (Kiernan 1993). George Colley had known Westedge since at least 1627 'it having been an ancient wrought rake when this deponent first knew it'. Kellam Maxfield stated that 'Westidge Rake aforesd lyeth within a bowes shutt and a half of Ashover Church' and he 'hath wrought as a miner in the sd Westidge Rake above Forty years since [1617] being then eighteen yeares of age under one Mr. Abney who was his Maister who allowed him eighteen pounds a yeare for himselfe to work in the sd mine and for a boy to shift Corves'. Sometimes he got half a load a day sometimes none, some weeks he got ore every day other weeks none. But he was only 'a servant his Mr. taking his sd Oare and carrying it away'. George Knowles confirmed that Maxfield had worked for Mr Abney and said that 'several quantities of lead oare' had been mined at that time. In 1637 Knowles had been a partner 'at a Grove in the Randome of Westidge Rake being out of the closes' however he was unsure whether it was the same rake 'because the[y] were not then driven to gaiter from stoole to stoole'. Work was probably progressing from several points along its length from different areas of enclosed ground, and until the individual forefields were united the miners were uncertain as to whether they were working the same vein or a new one. For his part Knowles 'gott as much lead ore therein as made half a fodder of lead for his half or above'.

Giles Cowley of Marsh Green who owned land in the Butts area where Westedge vein outcropped had, in 1646 or 47, let a



Some of the veins of the Ashover area.

limekiln in one of the closes to Thomas Haslam who described himself as a limeburner. In getting stone for his kiln he had discovered a pipe vein in which he and Cowley had got about 8 loads of lead ore to which Immanuel Bourne had immediately demanded title ore or composition. After threats to sue they agreed to pay him five or six shillings. The place was about 30 yards from the spot where Edward Hodgkinson and his miners were getting ore, but was a distinct vein 'there being Rocks or Torrs between them'.

The evidence available seems to suggest that Westedge or Grovelands rake went through periods of dormancy when any attempt at larger scale working was curtailed. Certainly Richard Hodgkinson, then aged 65, had known the rake to be 'wrought onely once before the defendts lately set the same on worke again'. This increased activity probably began in the early 1650's because by the years 1655/6/7, Robert Cliffe of Tansley then aged 30, and who was probably the same Cliffe who was smelting at Lumms Mill in 1674, bought 100 loads of ore during this period at 27s:6d the load, and John Statham a 50 year old yeoman also of Tansley

had seen lead ore 'drawne up & landed there'. So, although these details relate to the mid seventeenth century, mining must have commenced some considerable time before, as this last entry suggests, as indeed do some of the other depositions, that underground working was well established. The exposed area of limestone at this the western end of the inlier in which Westedge rake was situated, only amount to several yards before dipping below the intervening shales. Further evidence is provided by the will of Samuel Sleight which showed that at his death in 1689 he owned a fourth part of a mine called Fen Grove which was an offshoot of Westedge rake, and roughly following the course of the Marsh Brook. This vein was completely obscured by the shale cover and could only have been discovered in the eastwardly working of Westedge. It seems likely that the works in this neighbourhood would only have continued until the water table was reached, and although its easterly continuation as Townhead vein was being worked on the fringe of Ashover village 1695, serious attempts at working were not made until the latter end of the eighteenth century.

Fall Hill and the veins around Overton

The workings on Fall Hill at the south eastern end of the inlier are represented by a series of strong northwest/southeast veins which includes Fall Hill, Hogsland and Stony Acre. The earliest reference to working here is in 1637 although it was undoubtedly taking place long before this. Henry Dakeyne of Stubbedge, whose freehold it was, had been mining here for at least 20 years when 'he hath gotten great quantities of lead Oare'. Ralph Wasse had been owner of a grove at Fall Hill along with Edward Revell Esq., George Collumbel Gent. and Hugh Lacey. He and his partners got 'several quantities of ore' sometimes as much as 20 loads in a quarter. John Grene a miner from Ashover had been working there with his partners Robert Parker, Henry Verney and George Jackson in 1653 but in 1637 he had been employed by Edward Revell and his partners. This is the extent of the information available on the Fall Hill workings but part of the area in question had once been part of the estate of the Reresby family which had been mortgaged in the early years of the century before being sold to Immanuel Bourne in 1623. The family tried to recover it in 1671 when Sir John Reresby wrote 'It was this yeare that I endeavoured to retrieve that great and antient estate lately belonging to my family, called Ashover in Derbyshire' and goes on to say that 'ther hath been lead gott out of that land since the saile of it worth four-score thousand pounds [£80,000], besides which lies ungotten at this day'(Reresby 1936). This, even over a period of fifty years or so, represents a considerable quantity of ore. Immanuel Bourne as owner must also have been receiving compositions for any working which took place in his freehold so for him the tithe payments, when he could extract them, would have been the icing on the cake.

The last area to be considered is one of the most intensively worked areas in Ashover and consists of the veins around Overton Hall together with those on the southern half of the inlier around Milltown. William Woolley of Riber had been the owner of the Overton estate since the early years of the seventeenth century. Mining had certainly been taking place there much earlier, as a reference in the will of William Lowe of Overton in 1589 suggests. In it he records that he had 'received of Mistress Rolleston my mistriss fix xviijis for the wch some of money she is to receive xxij load of Ore' (LJRO. B/C/11 Lowe). Woolley was no stranger to conflict with Bourne. In 1639 Bourne had preferred a suit in the Ecclesiastical Court in which it was claimed that Woolley refused to pay tithe on the 1000 dishes (c28 tons) of ore mined on Woolley's freehold at Overton between March 1638 and April 1639 and probably involved the same areas which in 1641 brought further problems (LJRO.B/C/5 1639). This later dispute arose out of tithe demands for ore being mined in Gooseberry Trees, Orchard and Rose Greave veins and according to Henry Everett a working miner at the time resulted in an agreement of

20s per annum as payment. However Ralph Criche set this at 30s when he acted along with George Spateman of Tansley as arbitrator 'for soe long tyme as the said Mr. Woolley should keepe the same in worke'. Christopher Lowe of Knot Cross had been overseer at Overton for Woolley up to 1649/50 and he confirmed that the 30s was paid for three or four years. Mining continued in the Overton area under the guidance of George Hodgkinson (deponant in this case) who purchased the estate from Woolley towards the end of the 1650's and was continued by his son William and his heirs well into the next century when ultimately the major Overton vein was discovered and worked in conjunction with Gregory Mine.

The final area touched on by this document was that centred on a rake called Blacklant at Milltown. This was another rake where working had been taking place from a much earlier period, for by the time of this enquiry the workings had already reached the water table. One of the questions put by the interrogators specifically asks 'was the said Black Lant a water work and were you and your Partners at great charge to drain the said water to get at the said Lead Ore?'. As early as 1640 Richard Hodgkinson together with his partners George Collumbel, John Gregory, Anthony Cotterell and William Barker alias Goodall had agreed to pay £5 composition to Bourne although 'the said Grove being a water work and yeelding little profit'. Hodgkinson also received composition charges for the freeholder Mr. Peshall 'for whom he was employed for neere twenty years togather'. John Everard a miner at Blacklant also stated that Sir John Peshall was owner of the freehold. Peshall or Pershall of Horsley, Staffordshire was then owner of a portion of Ashover Manor which his family had inherited from the Rollestons of Lea. Included in the estate was a lead smelting mill at Kelstedge. Pershall had been compelled to sell the estate as shown by a document dated 27th July 1648 in which he sold the manors of Ashover and Lea to Richard Hodgkinson and Giles Cowley for £207. This had been occasioned by his declaration for the King at the outbreak of the Civil War and the subsequent fines imposed by Parliament for his malignancy (BL ADD MSS 6669). Pershall had been taken prisoner by the Parliamentary army at Shrewsbury in February 1644/5 and one of the signatories of the list of prisoners sent to the local commander, Sir William Brereton, was none other than Captain Samuel Sleight of Ashover (Dore 1984).

It is obvious that the veins in the area around Blacklant had undoubtedly been exploited on a regular basis for some considerable time before the period of this enquiry but they would have to wait until the end of the century before effective measures were taken to alleviate the problems with the construction of Cockwell Sough. Production from the veins around Fall Hill and Milltown had gone on unabated during the Civil War as John Elliot recalled, 'in the troublesome times about twelve yeares since' he had bought several parcels of ore in Fall Hill, Hogsland, Cockwell and Overton and several times since purchased ore there.

It is easy to condemn Bourne for the manner in which he appeared to persecute and harry the miners of his parish but if his convictions regarding the payment of his dues in the eyes of God are taken into account then it is understandable that he felt his cause to be a just one. Unfortunately, on this occasion neither God nor the Law was on his side, he lost his case. In 1659 all the parties met on neutral ground at Bakewell with the defendants still defiantly refusing to pay and shortly afterwards a jury at Derby found in favour of the defendants (BL ADD MSS 6682), Whether Bourne had a sympathetic hearing is doubtful. The case was referred to at the end of the century during another attempt by a number of local clergy (which included his son Obadiah) to establish a right to tithe lead ore, which provides the final postscript.

'The first of those Tryals with the late Parson of Asheover, Anno

Dom 1658 was managed with the denial of this Tyth, by those Persons whose Hands and Seals are yet to be seen in the Parson's Tyth-book, to Compositions made with him for this Tyth before the Suit began. And it is further remarkable, that as that Tryal was one of the first which was ever had upon a Local or particular Issue . . . So also a certain Noble Lord, who upon like particular Issue, was pleased to try for his Improprate Tyth of Lead Ore, Assizes at Derby, had Justice done him by a Verdict for his Right; whilst the succeeding Jury on the very next day, were pleased (for Reasons best known to themselves) to give a Verdict against the Parson's right'.
(Remarks upon . . . c1700).

ACKNOWLEDGEMENTS

I would like to thank Margaret Spearman for obtaining a copy of the Exchequer document from the Public Record Office, and the staffs of the Local Studies Libraries at Derby and Matlock.

REFERENCES

Primary sources

British Library Additional Manuscripts. Woolley Manuscripts (BL ADD MSS)
Lichfield Joint Record Office (LJRO) Wills and Inventories (B/C/11); Tithes disputes in the Ecclesiastical Courts.(B/C/5)
Public Record Office (PRO) E134/1657/Mich 33

Secondary sources

Act 1691/2 *An Act or Abridgement concerning the payment of tythe in the County of Derby.*

Bourne, I. 1659 *A Defence and Justification of Ministers Maintenance by Tythes*, London.

Brighton, J.T. 1981 *Royalists and Roundheads in Derbyshire. Bakewell and District Historical Society*. Bakewell..

Dore, R.N. (ed) 1984 *The Letter Books of Sir William Brereton*. Vol. 1. Jan 31st-May 29th 1645. *Record Society of Lancashire and Cheshire*. Chester.

Kiernan, D. 1989. *The Derbyshire Lead Industry in the Sixteenth Century*. *Derbyshire Record Society*. Vol. 14. Chesterfield.

Kiernan, D. 1993. *Laurence Oxley's Accounts 1672-81 in A Seventeenth Century Scarsdale Miscellany*. Derbyshire Record Society. Chesterfield.

Lugard, C.E. 1924 *The Saints and Sinners of Ashover*, Leicester.

O'Day, R. 1976 *Immanuel Bourne: A Defence of the Ministerial Order*. *Journal of Ecclesiastical History*. Vol. 27. London.

Remarks upon . . . c1700 *Remarks upon several Papers and Petitions against the Bill for preventing Multiplicity of Vexatious Suits*. London.

Resesby, Sir John. 1936 *Memoirs of Sir John Resesby*. Edited Andrew Browning. Glasgow.

APPENDIX

Details of individuals interrogated by John Richardson, Samuel Sleight, George Hopkinson and John Buxton, on Tuesday 11th August 1657.
Francis Allyn, of Lea, Yeoman, aged 63.
William Barker alias Goodall, of Ashover, Miner, aged 50.
George Browne, of Crich, Yeoman, aged 53,
John Buxton, of Ashbourne, Gentleman, aged 28.
Richard Calton, of Stanton, Gentleman, aged 62.
Robert Cliffe, of Tansley, Yeoman, aged 30.
George Colley, of Swathwick, Wingerworth, Yeoman, aged 50.
Gyles Cowley, of Ashover, Yeoman, aged 55.
Ralphe Crich, of Ashover, Gentleman, aged '80 years and upwards'.
Henry Dakeyne, of Stubbingsedge, Ashover, Gentleman, aged 42.
John Elliot, of Crich, Yeoman, aged 50.
John Everard, of Morton, Miner, aged 60.
Henry Everett, of Milltown, Ashover, Miner, aged 54.
John Freeman, Milltown, Ashover, Yeoman, aged 66.
John Grene, of Ashover, Miner, aged 60.
Thomas Haslam, of Ashover, Lime burner, aged 42.
John Henstocke, of Ashover, Miner, aged 46.
Richavd Heywood, of Tansley, Yeoman, aged 62.
George Hodgkinson, of Northedge, Ashover, Yeoman, aged 40.
Richard Hodgkinson, of Ashover, Gentleman, aged 65.
George Hopkinson, of Ible, Gentleman, aged 50.
George Knowles, of Swathwick, Wingerworth, Yeoman, aged 50.
William Knowles, of Swathwick, Wingerworth, Yeoman, aged 50.
Christopher Lowe, of Knott Cross, Ashover, Yeoman, aged 50.
Kellam Maxfield, of Ashover, Lime burner, aged 64.
John Newton, of Oakerthorpe, Gentleman, aged 44,
John Statham, of Tansley, Yeoman, aged 50.
Ralphe Wasse, of Handley, North Wingfield, Husbandman, aged 60.

S.R.Band.