

SWEARING-IN OF A NEW BARMASTER at the Wirksworth Barmote Court 17 April 2002

Introduction: At the Barmote Court held at Wirksworth on Wednesday 17th of April 2002, the incumbent Barmaster, Mr William Erskine at the end of the usual proceedings, resigned his appointment after serving in the post for some twenty-eight years. Mr Edward Tennant was then appointed Barmaster, and was sworn in by Mr Paul J. Clarke, Chief Executive and Clerk to the Council of the Duchy of Lancaster Office. The following is a copy of the Oath sworn by the Barmaster, and the charge made to him regarding the duties of his appointment.

BARMASTER'S OATH

You, Edward Tobias Tennant, having been appointed as a fit and proper person to be Barmaster of the Great and Small Barmote Courts for the Soke and Wapentake of Wirksworth by Letters Patent made and granted by our Sovereign Lady Queen Elizabeth The Second, Lord of the Field, under her seal of the Duchy of Lancaster, SWEAR that you shall well and truly serve our Sovereign Lady, The Queen, in the office of Barmaster AND therein you shall be fair and just between Lord and Miner and between Miner and Miner and between Miner and Adventurer to the best of your knowledge and good conscience AND you shall diligently and truly do and accomplish all and everything and things appertaining to your office after the best of your Cunning, Wit and Power both for the Queen's profit and for the good of the Miners and Adventurers within the said Soke and Wapentake of Wirksworth.

So help you God.

WIRKSWORTH GREAT BARMOTE COURT CHARGE TO THE BARMASTER

Mr Barmaster,

The office to which you have been appointed is an honourable one and of great antiquity. The office may stem from the Roman Procurator Metallorum whose duty it was to gather in royalties or tithes due to the Emperor on all minerals gotten anywhere within the Roman Empire -including lead gotten in Derbyshire at that time - but it is certainly an office which was in existence in Saxon times, whence your title stems. At that time the Barmaster's powers and consequently his responsibility were even greater than they are today. Originally, he was appointed by the Miners and such appointment was confirmed by the Crown but, over the years, the Crown gradually usurped this power of appointment. For a time, it seems, the Barmaster became a lackey of the Crown and injustices to the Miners ensued but, thanks, I like to think, to the British sense of fairness and justice and, probably, to the stature and integrity of early Barmasters, the office become renowned for fairness.

The early Barmasters not only ran the day-to-day administration of the miners but they also presided at the Barmote Courts and were very powerful men in the Leadmining Field.

In about the 16th or 17th Centuries, the office of Steward came into being and gradually encroached upon the Barmaster's responsibility until, since 1852, your and his duties are separate and defined.

The duties you have to perform are laid down by the Derbyshire Mining Customs and Mineral Courts Act 1852 and I have no doubt that you are fully conversant with them. Briefly they are as follows:

To execute all such precepts and warrants as shall be directed to you and signed by the Steward.

To attend on views with the Steward and Deputy Barmaster of the District in which the Mine to be viewed is situate.

Where there is no Deputy appointed to any District, to perform all the duties of the office of Deputy.

Generally to do and perform such other acts and duties as are in the said Act mentioned as being acts or duties to be done or performed by the Barmaster, they being principally

To walk the field, to see that works are wrought.

To see that the duties of Lot and Cope etc. are properly measured and accounted for to the Lord.

To be indifferent and to do justice between Miner and Miner, Miner and Adventurer and Miner and Lord.

To apportion veins of ore newly discovered between the discoverer and the other adventurers and the Lord.

To give possession of, free, and arrest veins.

To enforce proper working of the veins.

To keep a dish by which all the ore is to be measured.

To summon juries.

To punish small trespasses etc.

To collect fines.

To see that all the Mineral Customs are duly observed.

However, we can glean from far more ancient customs of the Barmote court than those normally set out in the cold wording of an Act of Parliament, the deeper responsibilities of the Barmaster.

The Barmaster is the lynch-pin - or, in this context, would it be better to say "the stowee" upon which the smooth running of the Barmote Court and the administration of the ancient Mining Customs depends. Everything connected with the Courts centres

upon him and circulates around him and if he fails in his duty the authority of the Barmote Court and the Body of the mine suffers.

Tapping in his Treatise said that "the office of Barmaster is one of trust and confidence".

Not only must the Lord of the Field - Her Majesty - have trust and confidence in you to carry out your formal duties on her behalf but even more so, the Miners must be able to have trust and confidence in you, that you will carry out your duties with strict impartiality neither favouring one party nor the other, whether it be dispute between the Queen and the Miner or between the Miner and Miner. The Barmaster must be a man to whom anyone connected with the Court or with the practice of Lead Mining in Derbyshire can turn for help or guidance knowing that such help or guidance will be given without fear or favour.

I would exhort you to carry out these duties in an humanitarian and generous manner, eschewing the faceless intractability of modern bureaucracy which has become, or is in danger of becoming, part of our way of life. Human contact and relationships count for far more than the strict letter of the Law and, whilst justice must be done regardless of the parties involved, it must be seen to be done in a way which leave the unsuccessful litigant with the knowledge that he has been fairly dealt with and I would venture to suggest that the fullest communication, in all senses of the word with all parties is the best way of achieving this.

May you enjoy a long and happy term of office.

Anniversaries and other appointments

This particular Barmoot Court also marked the 150th anniversary of the Derbyshire Mining Customs and Mineral Courts Act, (15 & 16 Victoria (1852) Cap XCI at which time the body of customary law of the previous centuries became statutory.

Peak District Mines Historical Society, with the encouragement of the Court have also issued a lead medal commemorating the 50th anniversary of the Queen's accession.

A new Jury Foreman:

It is also pleasing to record, that, at the same Barmoot Court, Dr J.H. Rieuwerts, a founder member of Peak District Mines Historical Society, and a Barmoot Juror for some 35 years, was elected by his fellow Jurors to act as their Foreman. He succeeds Dr Joe Mason, retired Laporte Geologist, who has moved away from this area.