

January 2022

The Pinder and the Township of Wirksworth.

One of the difficulties in exploring the history of Wirksworth is that our sources have never received the level of scholarship which other towns, perhaps more fortunate in their scholars, have. An interesting example is the antiquarian Stephen Glover, who lived in Wirksworth and wrote a famous history of the County of Derby in 1826; his history is almost wholly forgetful about Wirksworth, an example perhaps, of failing to examine what was on your own doorstep. A second difficulty is that Wirksworth's quite extensive records are spread around in several archives and they are almost completely unexamined: we ourselves have not even scraped the surface. Finally, perhaps one of the richest sources of records, the medieval manorial records of Wirksworth, are a difficult source, needing an understanding of Latin, the ability to read and transcribe handwritten documents and a knowledge of the locality. This means we have gaps in our knowledge of the town, its history and its very obscure government: in consequence we are sometimes surprised when something new emerges or when our work occasionally throws out strange branches.

An example of this is a court case in 1617-1618 of the Duchy of Lancaster v Hopkinson, this case was referenced by Nicholas Higton in one of our local Facebook groups in 2020 and although its chief focus is a dispute about a cottage it contains some interesting sidelights. Here is the case:

Attorney General of the Duchy of Lancaster v Hopkinson

Plaintiffs: Attorney General of the Duchy of Lancaster [at the relation of Robert Flint]. Defendants: Anthony Hopkinson, Anthony Maddock, Henry Wigley senior, Henry Wigley junior, Robert Hall, John Tompson, Anthony Fogg, Robert Robinson, Edward Mellor, James Aspinall, Buntinge, Greaves, Thomas Crocock, Edward Greave, Daniel Sorocold.

Depositions concerning Wirksworth and Hopton, Derbyshire. Taken 9 September and 16 January, 15 James I (1617 to 1618).

Deponents for plaintiffs: William Higton of Eldersley ([Alderwasley](#)), husbandman, aged 5 score [100 years], deposed that 3 score years ago [60 years] his father built a cottage on the wastes of Wirksworth and his father lived there for around 40 years and thereafter it remained occupied by others, none of whom were ever dispossessed by the freeholders. The cottage was built at the at the west end of the town adjoining the town street where markets and fairs are held; Joane Bate, wife of John Bate, of Clifton, husbandman, aged around 4 score [80 years], deposed that she does not know whether Queen Elizabeth and James I are the Lords of Wirksworth but she does know a cottage was erected by John Higton her father. He paid 1d per annum on it but she cannot say any more; Henry Gee of Middleton, yeoman, aged around 3 score [60 years], deposed that after John Higton's death the cottage was occupied by one Worsley and his wife, 'beinge very poor people and that the said house was gone to decaye soe that a man might have driven a horse through the house in at one end and out at an other'. He has heard his father say that Wirksworth town had the cottage built for Higton. Robert Flint, the relator, leased the cottage off John Carpenter; John Marshall of Wirksworth, ironmonger, aged around 50, deposed that he heard that there are 3 manors in Wirksworth, one belongs to the king, one to the Dean of Lincoln and the third called the Holland. He was near the green ([Marten Ash Green](#)) near to where the cottage in question stood and there met Henry Gee and the relator and heard Gee tell Flint that Carpenter had agreed to the lease and after that saw Flint repairing the walls of the cottage. In late January 13 James I (1616) he saw many of the defendants pulling down the stones of the cottage directed by Mr Hopkinson. He did not see any blows struck. He also saw the Wigleys take away the timber for their own use; George Vicars of Wirksworth, blacksmith, aged around 47; William Flint of Wirksworth, miner, aged 28, deposed that he helped his father to repair the house. The defendants carried various weapons, Hopkinson wore a short sword. His father denounced the defendants as they pulled down his house. Hopkinson replied 'thou art a rascall knave and soe is he that sett it there [Carpenter] and neither thou nor he shall have anie house there'. Hopkinson then placed his hand on his sword and said that Flint had killed his uncle and Hopkinson would have revenge, but he did not see him draw his sword; Ephraim Ferne of Hopton, gentleman, aged around 24; Robert Oates of Hopton, husbandman, aged around 45, [refers to further violence provoked by Hopkinson in which Flint seems to have been the victim] deposed that Hopkinson visited Oates' house [an alehouse] and asked for a drink; Dorothy Oates, wife of Robert Oates, of Hopton, aged around 50; Elizabeth Storer of Hopton, spinster, aged around 30; George Vicars of Wirksworth, blacksmith, aged around 46; John Hall of Ashbourne, gentleman, aged around 40, [witness to a chain of events in which Hopkinson and Mr William Deane behaved in a threatening manner to Flint in Oates' alehouse in Hopton while the commissioners were there].

Deponents for defendants: John Hews of Hopton, free mason, aged around 59, brother-in-law of relator, deposed that Flint's cottage has been replaced with a new pinfold. He never knew any to dwell in the cottage apart from Wurslowe

and his wife who were beggars and lived upon the alms of the town and parish. During all the time he has known the relator Flint he has always been a troublemaker and has been involved in a number of criminal activities including the murder of one Berisford for which he was found guilty and 'had his booke', suspicion of burglary at Longstone, robbing one Alsopp's wife in the highway and breaking into a coe and stealing ore; Edmund Oates of Brassington, yeoman, aged around 80, deposed that 'for a great space' he has been deputy bailiff of Wirksworth Wapentake but has never received rent on the cottage. Flint was also accused of nearly killing the Greatrex with a pikestaff; Robert Spenser of Middleton, yeoman, aged around 76; Thomas Cockaine of Hopton, yeoman, aged around 72, deposed that he does not know when the cottage was built but he has heard that it was originally constructed by the town for a Pinder, who had responsibility for keeping the townfield and tending to the gates. He has also heard that one of his ancestors who lived at the Flatts gave timber to build it. One Higton used to live there and then his daughter and then the Worslowes, all of whom sometimes worked as a shoemaker and sometimes begged; John Booth of Middleton, yeoman, aged around 60, deposed that about 20 years ago he was at the Assizes at Derby where one James Padley was executed. Padley was upon the ladder before being executed and called to the deponent John Booth wishing him to commend him to all his neighbours at Hopton and Carson ([Carsington](#)) wishing them to take heed of Robert Flint [the relator] 'for that the said Flint was a very vyle and badd fellow'. He further confessed that 'Flint had stolen two of Mr Fitzherberts sheepe of Tissington for wch the said Padley was then soe moved in conscience that he earnestlie desired that he might have craved forgiveness att the said Mr Fitzherberts hands for the same fact'

If we set aside the who-threatened-who-with-what-and-why issues and the names of those involved, interesting as they may be for the family historian, let us pick some other things out of this curious case.

The cottage in question was at the west end of the town "on the wastes", this implies that it was outside the town boundary or just outside. It was perhaps built about 1550 or so, given the apparent memories of those involved and it was pulled down in 1616. The space then became the "new" town pinfold. As it happens, we know where the pinfold is, it is highlighted on the map below and is now the garden of number 16 Bowling Green Lane, next to 32 West End.



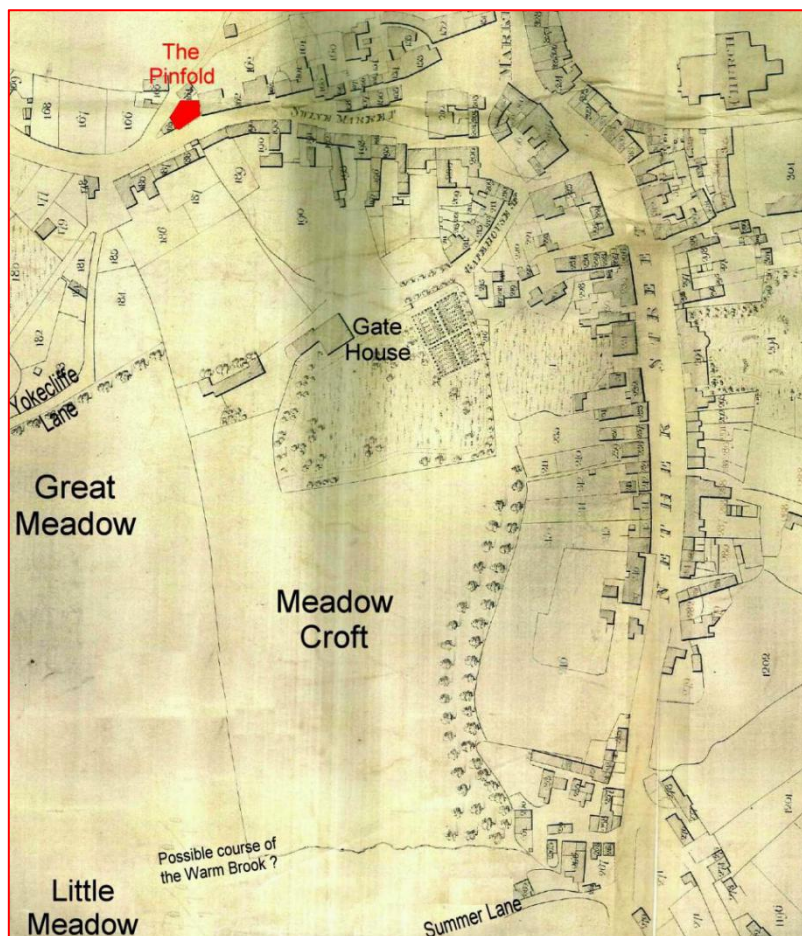
In addition we have the first mention of Wirksworth perhaps having a town Pinder, a respondent in the case relating that the cottage "was originally constructed by the town for a Pinder, who had responsibility for keeping the townfield and tending to the gates." We should expect a town the size of Wirksworth to have a Pinder, perhaps more than one. They would have been common in other local towns and villages as well. The function of a Pinder was as a kind of constable for animals. The Pinder would have been appointed by the Lord of Manor (there were 3 manors in Wirksworth) and their function was to collect stray animals, horses, cattle, pigs, sheep, geese etc which were found grazing the common land, having escaped from their owners plots or their tethers. The Pinder would take the animals to the pound, that is to say the pinfold, where they would be kept until their owner claimed them and paid a fee. In some towns and villages more detailed records of their Pinders have survived and also lists of the names of the Pinders over long periods of time. This is not evident for Wirksworth as yet, but may emerge now we suspect that the office existed (and logically, there is a pinfold, so someone is responsible it). The location of the pinfold appears to be convenient by a main road (West End) because if you lost your animal you might walk past the pinfold on you way to town and find it there. The statement also mentions tending to the gates. It is very easy to step away from this and believe that they are talking about field gates, indeed it may be that simple. However, Wirksworth must have had town gates in the medieval age, Wirksworth was an important town and tolls were usually paid at town gates (Alsford, 2015). The location of the cottage / pinfold

"on the wastes" and the statement "adjoining the town street where markets and fairs are held" (i.e. the Swinemarket at West End) suggests we are at the very boundary of the town. It may even be that the Wirksworth Pinder is indeed looking after the town gates and collecting tolls on market days, when not chasing loose animals around and fining their owners for the pleasure of keeping them in the pinfold.

Duties of the Pinder

Downing (2018) notes that the Pinder was an officer of importance in medieval times whose function is now largely forgotten, he describes the work of the pinder at Fishlake near Doncaster: They impounded stray animals; controlled agisted pastures, that is to say arranged for and received the payment for grazing cattle on the pasture land; opened "holes", presumably warrens; called the bylawmen to meetings, (this may or may not apply in Wirksworth, we assume the Lord of the Manor called the Court Leet); inspected and repaired fences; preserved the gleanings (leftover crops or crops from otherwise uneconomic small parcels of land) for the poor; actively participated at "the drift" (this may refer

to the seasonal driving of cattle to a new pasture); locked gates, repaired gate posts; caught trespassers and prevented unpaid rescues from the pinfold. The relevance of the job diminished after the Parliamentary Enclosure Acts of 1812-1825, a fate common to other township officers.



Extract of 1821 map of Wirksworth showing the Pinfold.



Wirksworth Pinfold seen from West End.

Although the Wirksworth pinfold still survives as a garden, there was no record in the 1841 census of a pinder. However, later, in 1848, the Wirksworth Tithe Award records the Pinfold and states that it was the responsibility of John Land on behalf of "The Township of Wirksworth". In short, John Land appears to have been the Pinder in 1848. Following this thread of evidence we find that John Land was a blacksmith both in the 1841 and 1851 census. The 1851 census, when he is 50 years old, additionally notes him as the Pin Fold Keeper and his son, 16 years old, in the same roles. Neither person occurs in the 1861 census and no person in the 1861 census is noted as a Pinder or Pin Fold Keeper. In 1851 they lived on Bowling Green Lane and the Blacksmiths shop itself appears to have been at 19 West End (now all one

house with number 21) although the building image on the photograph is not especially clear. It is not unreasonable that the Pinder by this later age would have a full time job and act as Pinder only in response to particular needs.

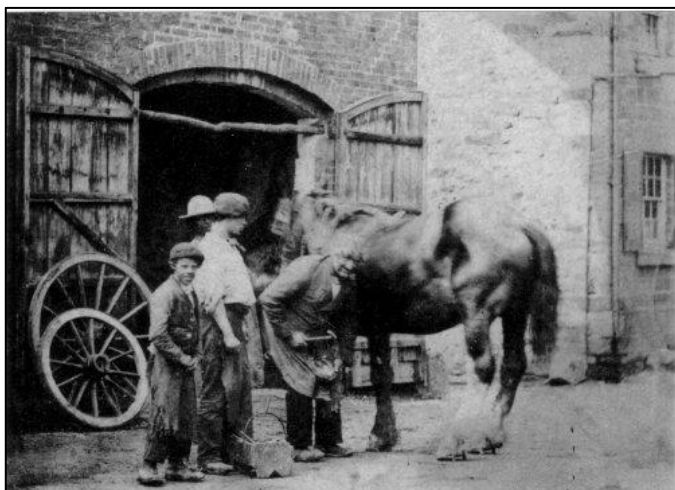
The Township of Wirksworth

The Tithe Award of 1848 makes it clear not only that James Land was the Pinder but also that the "Township of Wirksworth" owned the Pinfold, the implication here is that the Pinder by 1848 was an officer of the Township, not of the Manor. It has to be said that the civic organisation of Wirksworth in olden days is a rather muddy pond and that this is true of many other towns where no charter for any civic body (a mayor and council) had been given. In addition "civic" responsibilities not only changed over time but were sometimes subject to conflicting jurisdictions. In the Mercian past Wirksworth had been run (if that is an appropriate word) by the Barmote (the Burgh Moot) and its court, these organisations can also be regarded as being responsible for the Wapentake (the Hundred of Wirksworth). We know, for example, that land charters were granted in this way, for one was witnessed in about 1210 in front of the "whole of the Wirksworth Wapentake assembled at Pikesden" probably Pikehall (Cameron, 1959). Later, it is the manorial organisation which becomes more evident, however, Wirksworth had three manors: the Royal Manor, the Holland Manor and the Dean of Lincoln's Manor. All three manors should have had a Bailiff (a reeve), a Court Baron and a Court Leet, but only the Bailiff and Court Leet of the Royal Manor really show themselves as being particularly active in medieval and Tudor records, right through until the end of manorial organisation (but with a long, slow decline in their responsibilities and duties). The Bailiff of the Royal Manor is the nearest equivalent Wirksworth would have had to a Mayor and probably also held the role of Constable, who was responsible for the militia of the Hundred. There were, under the Constable, also Petty (parish) Constables in villages, these officers reporting to the Justices of the Peace at the County Quarter Sessions.

In this case the Pinder would have been a manorial officer appointed by the Court Leet to begin with and by the Vestry later. Reforms in Elizabethan times moved some civic duties to the Parish and created new ones but did not really abolish the old ones. So, here we see the beginnings of the concept of the "Township" as a civic body. The Elizabethan laws created an instruction for towns to appoint a Churchwarden (two in practice); a Constable; An Overseer of the Poor and a Surveyor of the Highways. The instruction also said that this body was to meet in the town's church, hence the body became known as the "Vestry". By about 1830 the Leet had become either obsolete or moribund and its activities were being handled by the Vestry: it is the Vestry which is the "Township of Wirksworth" in the form stated by the 1848 Tithe Award. In addition to the above Township Officers, Wirksworth also had a "Headborough" and this role was in effect the town watchman, the town equivalent of a Petty Constable.

On the wastes

This reference is a curious one, it is suggestive of an undeveloped or unclaimed place, unlike the pastures or the town streets. It also occurs in the 1649 survey of Wirksworth (Arkwright, 1912) where the main encroachments "in the wastes" are in the Dale, Greenhill, Warmbrook and Newbridge, with the exception of a few outliers. Let us make a small jump: if our tentative assessment of the work we have recently done in the Meadows is that we are looking at a defensive sequence of rampart - wall - berm - ditch, the berm and ditch would be unused, their fortification function long forgotten. Is this a "waste"? If so, then some of the encroachments "in the wastes" are maybe encroachments on the enciente of the fortifications and this may tentatively help us understand where those fortifications once ran. There are a few wastes in other locations, such as Longway Bank, but the reason for those being wastes is unclear and more likely to be due to activities such as mining. In other towns the civic bodies were interested in obtaining control of the wastes from the Lord of the Manor as the wastes could then be rented out in small parcels, giving the Township a little, much needed, income. In Wirksworth the only other land the Township owned appears to be a pingle at the north end of Baileycroft (a small piece of land near where the Co-op petrol station now is) and whose role may have been to grow food to help the poor.



John and James Land

If John and James Land were indeed the last Pinders of Wirksworth, it is perhaps entirely appropriate that they were blacksmiths, used to dealing with animals. What is delightful and rare, is that we have a photograph of them:

Here they are, with John Land shoeing a horse at his blacksmith's shop in the Swinemarket at West End. Next to him is probably James Land, 16 at the time, watching the work. That this is from the very earliest days of photography and the very latest days of the Pinders of Wirksworth, is quite extraordinary.

Records of the Civil Vestry of Wirksworth and Wirksworth Urban District Council

Anon, 1843-1895, Minutes of the meetings of the Civil Vestry of Wirksworth, Derbyshire Record Office, D3105 A/PV 3/1

Anon, 1877-1895, Minutes of the Wirksworth Local Board of Health, Derbyshire Record Office, D2962

Anon, 1895-1974, Minutes of the Wirksworth Urban District Council and related records, Derbyshire Record Office, D2962

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Anon, 1848, Wirksworth Tithe Map and Award, Derbyshire Record Office, D2360/3/12

Alsford S, 2015, Tolls and Customs, Florilegium Urbanum, accessed at 15.42 on 16th January 2021 at http://users.trytel.com/tristan/towns/florilegium/ectol_i.html#pt1

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Cameron K, 1959, The place-names of Derbyshire, Cambridge, University Press, Part 2, p 339.

Court Leet of Wirksworth, 1558, Four cases of Gell vs Wigley, Derbyshire Record Office, D3287/49/11/2 (III)

Downing R, 2018, The Fishlake Pinder, Fishlake History Society accessed at 18.01 on 16th January 2021 at <http://fishlakehistorysociety.uk/index.php/rob-downing-s-research/the-fishlake-Pinder>

Duchy of Lancaster, 1617-1618, Attorney General of the Duchy of Lancaster v Hopkinson, Kew, National Archives, DL 4/67/64

Images

The picture of a Pinder is of the Pinder of Loweswater, photographed and revised from a signboard at that place. The picture of John and James Land is that found on John Palmers website “Wirksworth Parish Records” a fine and invaluable resource.