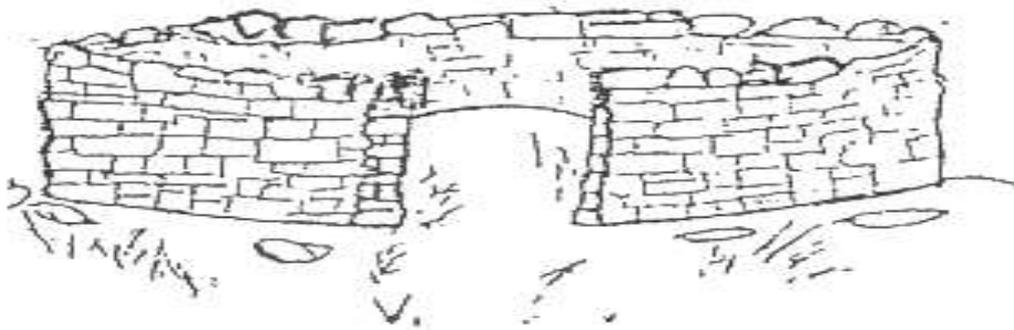


POUNDS AND PINFOLDS OF CUMBRIA

“The History and Mystery of Pinfolds”



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Pounds and Pinfolds in Cumbria

“The history and mystery of the Pinfold”

Part I. An Introduction to Pounds and Pinfolds.

Preface.

Pound, Pinfold or Sheepfolds?

All Shapes and Sizes.

Location of Pinfolds.

Pinfolds as an Art Work.

How Did Pinfolds Function?

Why Did Pinfold Use Decline?

Present Day Condition.

Part II. Contemporary Life in the Pinfold Era.

Living in Cumbria.

Land Enclosure.

Upland and Lowland Land Use.

Manors and their role.

Part III. The Management of Pounds and Pinfolds.

Evidence of Management.

The Need for a Pound or Pinfold.

Construction of a Pound or Pinfold.

Appointment of Pinders and Lookers.

Poundloose and Fines.

Pound Rescue and Pound Breach.

Orders to Repair the Pound or Pinfold.

Demise of the Pound or Pinfold.

Part IV. The Pound and Pinfold Today.

Methodology

Contemporary Comment

The Pinfold In Our Culture

Part V. The Listings.

A–Z Sites and locations

Part VI. Appendix

Glossary, Notes & Bibliography

Part I

An Introduction to Pounds and Pinfolds

Preface – Pound, Pinfold or Sheepfolds? - All Shapes and Sizes – Location of Pinfolds – Pinfolds as an Art Work – How Did Pinfolds Function? – Why Did Pinfold Use Decline? – Present Day Condition

Preface.

This research is intended to be an informative and documented historical text and provide a look at the way of life of the people who built, maintained, managed and lived with the physical presence and function of the village Pound or Pinfold. It is written for the general reader and aims to encourage interest by local historians in these modest structures and hopefully help to halt their disappearance from our landscape.

A general definition is that:-

A Pound or Pinfold is a structure built to confine stray stock or any animal found grazing on land for which their owner did not have permission. Once confined a Pinder, usually appointed by the Manor Court, was responsible for the care of the animals until the owner had paid the fine imposed by the court.

Ask most people about what they know about Pounds and Pinfolds and they will shake their heads and look blank. Many have not even noticed the small round or rectangular building at the edge of their village and if they have, they do not give it a second thought. This lack of awareness is why many pounds and pinfolds have disappeared from the landscape or remain only as piles of stones. Hopefully I can increase public knowledge and encourage preservation of pounds and pinfolds.



A typical pound or pinfold

This research, carried out to satisfy my curious mind, has led me to many of the more remote villages and smaller towns in Cumbria and in doing so I have met many people who have helped me identify the locations and kindly given me access to their property to photograph and examine the pinfold. As well as spending many hours personally surfing the Internet I wish to thank the friends and family who have helped and supported me over the past few years. I also wish to thank the staff at the Cumbria Archive offices I have visited during this research and the Lorton & Derwent Fells Local History Society for their support it getting started. I hope that as a result of this work more people will visit these structures and respect and understand what they stood for in a time far removed from our present way of life.

My main focus is modern day Cumbria which includes the pre 1974 Counties of Westmorland, Cumberland, Lancashire North of the Sands (Furness and Cartmel Peninsulas) and a part of West Yorkshire (Kirkby Lonsdale and Sedbergh) . In the era of the Pound and Pinfold this area contained a

mix of manors, townships, fells, commons and unenclosed waste. Animal husbandry methods, the general state of fencing and the lack of enclosure led to regular impounding of straying livestock. Although urban development has changed the landscape, the mainly rural environment of this area means that perhaps it has happened on a smaller scale than in many areas of England and as a result some fine examples of Pounds and Pinfolds still exist.

Our social and industrial heritage receives much attention, aimed it seems to me, especially at the grand, the romantic or the easily observable buildings of past ages. My aim here is to inform and create more interest in the Pounds and Pinfolds of Cumbria by explaining what they are, why they are there and what place they played in the life of our ancestors.

Pound, Pinfold or Sheepfold?

Each Pound or Pinfold, although usually a simply built structure, has a character and history of its own and those that still remain stand proud though often neglected. A number are protected by the Listed Buildings and Conservation Act 1990 ^{Note 1} such as the pound at Field Broughton.

The use of the terms Pound and Pinfold can, but should not, cause confusion. In practice they mean the same and are therefore interchangeable. Whether a structure is referred to as a pound or pinfold seems quite arbitrary. I have analysed numerous maps and other reference documents believing that perhaps the use of the word pound or pinfold depended on a specific area or was a north v south or east v west practice but this appears not to be the case.

In many instances, but by no means all, the Ordnance Survey First Edition 1:2,500 and 1:560,000 scale maps show their location and names them as a pound or pinfold. When these maps were drawn up in the mid 19th century it is likely that the pound or pinfold had already been out of use for at least one generation so reliable oral evidence was unlikely to be available. Each surveyor was responsible for mapping large areas of Cumbria and I understand from Ordnance Survey (OS) that the surveyor might rely on local sources to identify a pound or pinfold and use the local name. He could also use his personal expertise and record what he considered to be the proper term according to his personal preference. Hence each site could either be recorded as a pound or a pinfold. In fact there are examples where the same fold is recorded alternately a pound and then a pinfold and vice versa on different revisions of the OS map.

References to pounds and pinfolds, earlier than the Ordnance Survey maps, are found in many sources including Manorial Court records, vestry records, parish council minutes and other archive documents. From the earliest records they have been known variously as Punfald, Pinfould, Poundfold or Pundfeld from which our modern terms of pound and pinfold are no doubt derived.

The Oxford English Dictionary gives the definitions of the terms pound and pinfold in various forms including punde, pownde, poundfold, and many other variations. It also suggests that in written Middle English there developed a confusion between the letters o and u and pound came to also mean a body of still water or pond. The English canal system uses the term pound for an area of water where barges are stored. Similarly the term Pinfold has been written in various forms and has several derivations. The OED traces and gives examples of the use of these words to as early as 1170 with many examples of the use through the 14th and 15th centuries.

The term used in the Manorial Records examined tended to be *fold* when referring to a pound and the earliest discovered formal reference I found refers to a breach of the fold referred to as a foldbreach as in this extract for 1473 in the records of Derwentfells Capital Court. ^{Note 2}

*Capital Court of Derwentfells held on the eighth day of October
in the 12th year of the reign of King Edward IV.*

<i>Free Tenants</i>	<i>Allordale</i>
<i>Prince Bebd.</i>	<i>Brakenburyt presents John Strub^{12d} for his servant for 1 foldbreach against John Thomlyngson junior.</i>
	<i>Lorton presents Peter Milner for fishing John Nithryngson^{12d} for the same John Nithryngson^{2s} of Lorton for shedding the blood of John son of Alan Williamson^{12d}</i>

In the 1649 Parliamentary Survey for the Manor of Lorton the term poundfold is used in describing the boundary of the township of Over Lorton with the Manor of Lorton. It reads:

"...and soe along Peals of the Tenters westwards to the Poundfold and so over the beck...."

This refers to the poundfould at Lorton which was on the area of land situated adjacent to White Beck and overlooked by the famous Lorton Yew. Even though the pound has long since disappeared the small piece of land is still known locally as the poundfould.

In Cumbria most of the pinfolds that remain are built of locally sourced stone. In parts of England where forests were abundant wood was used to construct the early pinfolds and provide fencing for the enclosure but these did not last and I have found no evidence of them in Cumbria. However two examples of an early pinfold constructed of mixed hedging still exist. The first is a small area banked and hedged at Threapland and the second is a small grassed over and hedged outcrop of rock in the parish of Crosthwaite in the Lyth Valley used as a safe place for livestock to gather when the valley flooded. The latter is known as Pinfold Hill and thanks to its owner, the Parish Council, the hedging is being reinstated to its former glory.

Two typical examples of a more traditional pinfold are:

Field Broughton Pound on White Moss Common just 2 miles north of Cartmel in the south of Cumbria. This is a circular pound owned by Broughton East Parish Council, Grade II listed and well maintained.

Hilton Pinfold near Appleby in the north of Cumbria. This pound is rectangular at the edge of the village green.



Field Broughton Pound



Hilton Pinfold

These examples of are built of field and boulder stones and reflect the commonly available local stone at each location. Examples where a more refined design is used are at Kirkby Thore and Dalton-in-Furness which both use dressed limestone with ornamental triangular coping.

As described above a pinfold is the term applied to the functional building used to impound stray animals under Manorial law and custom. Sheepfolds are different from and have a purpose distinct from that of a pinfold. They may however, be easily confused visually, as their construction of dry stone walling is similar to that of some pinfolds in rural Cumbria.

The notable difference between the two is that sheepfolds are usually found on open fell or in field corners and are built to aid sheep management and provide shelter. There are several examples in my research where the original purpose of the structure named as a sheepfold on the OS map is ambiguous. Their location on open land would indicate a sheepfold but archive and OS references infer they may have been used as a pinfold in the rural fell side villages of Cumbria. When the commons were driven to collect illegally grazing stock any strays found would be confined in a pinfold but where these were not available a sheepfold would be used. Some of the larger ones became known as mountain pinfolds such as the one on Stockdale Moor. Not surprisingly there are examples of the Ordnance Survey classifying a structure as a sheepfold on one map and when later maps were prepared the same building becomes a pinfold and vice versa. At Bewaldeth the 1867 and 1886 OS maps show a "pinfold" but on the 1900 version it is called a "sheepfold". On the fell side near the village of Dent the OS map for 1853 shows a structure and names it as a pinfold but 40 years later it is described as a sheepfold. This change is possibly because at the time of the revision or survey the function of the pinfold had long since become obsolete so it was described by its contemporary use. Conversely however the fold at Edenhall is shown on all maps as sheepfold but referred to officially by the Parish Council as a Pinfold.

All Shapes and Sizes.

The pinfolds of Cumbria in our villages, towns and countryside appear in numerous different styles and sizes as well as using different building material but why? The reason for this variety can be surmised as follows. The poorer rural communities would have the available field and river boulders available and the skills to build their pinfold using tried and tested dry stone walling techniques, a skill used throughout Cumbria. These structures would be cheap to erect but would need constant repair. The more affluent townships could afford to use mortar and dressed limestone or sandstone to erect more substantial and robust pinfolds, especially if all or some of them were Manorial Pounds and financed wholly or partly by the Lord of the Manor.

The building material used could well have influenced the shape of the fold with field stone lending itself more readily to a circular construction to avoid the weight stresses that come with squared off corners. However dressed and cut stone largely avoided this problem and with the use of mortar a substantial square or rectangular fold could be constructed.

Several other theories exist suggesting why they are a certain shape. A round or oval structure avoids the risk of smaller animals being trapped by larger ones in a corner and being suffocated or injured as result but it also makes the job of the pounder more difficult when catching a particularly lively animal as he could not "corner" it to catch it. In superstitious times it was believed that round enclosures such as a pinfold "leaves no corner for the devil to hide" and so this may have been an influence.

As well as the variations in the overall shape of the pinfold the size of them also differed. Originally the walls would have been between 5 to 7 feet high both to keep the livestock in and to stop the animals being illegally “rescued” by their owners. Many surviving examples have been repaired or rebuilt numerous times over their history. Many more have been robbed of stone and changed in shape, at Dearham by house building, at Culgaith (see image) by road widening or as at Great Asby just to tidy the boundary of the manor house.



The ground area inside the pinfold had to be large enough to cope with different sized livestock varying from geese and sheep through to cows and horses, and no doubt sometimes together. This led to pinfolds being constructed of various sizes depending on the type of animal it was expected to confine. A tether stone may have been used to ensure the larger animals were limited in their movement as is thought to be the case at Brampton, Appleby.

Location of Pinfolds.

At the time of its original build a typical pinfold location would be at the edge of a settlement or Manor boundary, on waste or common land and close to a water source. Most villages and settlements would have built their own and many would also have a Common and a Manorial pound. As the waste and common land was enclosed a new pound was often established on a new site. A common pound would be one built and paid for by local yeoman, perhaps with some financial help from the Lord or major landowner and it would be used to impound strays found within the township. A Manorial pound would be one built by the Lord of the Manor and located at the manor boundary or near the Manor House. This would be used to impound strays from a neighbouring Manor or from outside the area.

In parts of Cumbria where there existed large swathes of common land the commons were regularly driven on instruction from the Lord and any livestock found grazing without explicit permission were enclosed in a Manorial pound. These pounds were found at the edge of the common or waste or in a strategic position close to the droving roads. On agistment grounds large sheepfold structures, referred to as Mountain Pinfolds on the OS maps, were built such as the one on Stockdale Moor, Kinniside.

Another factor determining the location was the availability of a water source. The pinder would need to regularly water the impounded stock so a nearby well or stream was essential. Some pinfolds were actually built over a spring such as Penruddock Pinfold. Crook Pinfold channels spring water from the adjacent field to provide a continuous source of water and Kentmere Pound encloses part of a small stream. Others such as Outgate Pound are adjacent to the village well and pump.

As a settlement expanded the pinfold which was once on the outskirts became part of the built environment and is now often to be found on a small piece of much reduced common land surrounded by modern housing. As well as an adjacent well or pump the village stocks and the smithy could often be found nearby.

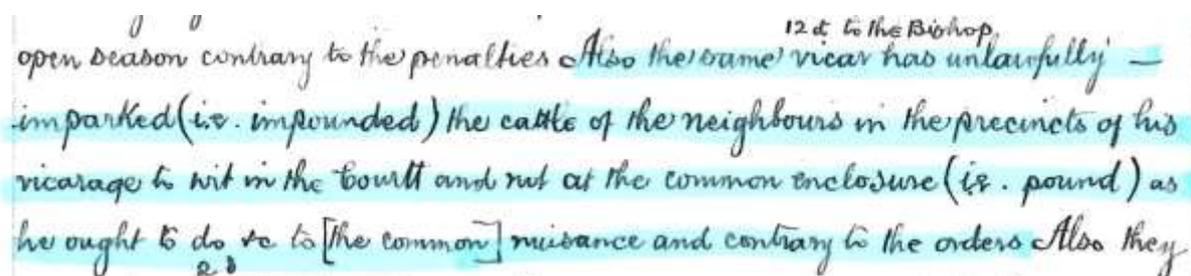
Pinfolds as an Art Work.

New interest in pinfolds and sheepfolds was aroused in Cumbria when in 1996 the artist Andy Goldsworthy, as part of the UK's Year of Visual Arts, undertook with Cumbria County Council the Sheepfold Project to renovate existing sheepfolds or re- create sheepfolds and pinfolds as art works. He used Ordnance Survey maps and local knowledge to identify sites and worked with a wide range of local organisations and individuals across Cumbria. ^{Note 4} Part of the project included rebuilding pinfolds on or as near their original sites as possible and including a stone cone in the centre of them to "invigorate them with new energy". I have included these pinfolds in my listings.

How Did Pinfolds Function?

As Pounds and Pinfolds were established to confine stray animals found wandering on private land or on the common or waste without permission a legal framework existed to manage this function and apply sanctions for misuse. This law was managed by the Manor Courts where the role of Pinder, or Pound Looker, was created and an officer appointed to these jobs by the Lord. Their duty was to collect straying animals and confine them in the pinfold. They guarded, fed and watered them until the owner, on payment of a fine, reclaimed them. The Manor court also imposed fines for "pound rescue" when an owner accosted the Pinder and retrieved his stock, sometimes by force, as they were being led to the pinfold and "poundbreach" where the pinfold was broken into to remove impounded stock.

Straying livestock could also be driven to the pound as a public duty by anyone who found stock grazing on their fields or straggling in the lanes and byways. However the animals could only be driven to the village or manorial pinfold not to a private enclosure. This is demonstrated when in Aspatria at the Court held on the 22nd day of October in the 9th year of the reign of King Henry VIII (1518) the court was presented with various offences carried out by a Vicar. This particular Vicar had it seems committed several offences addressed by the court. The transcription of the court hearing regarding the impounding reads:



A snippet of a handwritten court transcript from 1518. The text is written in cursive and is highlighted in light blue. It describes a vicar's illegal actions regarding cattle impounding. A small note '12 d. to the Bishop' is written above the main text. The text reads: 'open season' contrary to the penalties Also the same vicar has unlawfully - imparked (i.e. impounded) the cattle of the neighbours in the precincts of his vicarage to wit in the Court and not at the common enclosure (i.e. pound) as he ought to do as to [the common] nuisance and contrary to the orders Also they

"Also the same vicar has unlawfully imparked the cattle of the neighbours in the precincts of his vicarage to wit in the Court and not at the common enclosure (pound) as he ought to do as to nuisance and contrary to the orders".

He was also accused of:

enlarging his close by setting forward the fence on to the Lord's soil at the north end to the extent of half a rood of the Lord's land

that his servant removed divers metes and bounds between the Lord's land and the land of the Bishop of Carlisle which were set in ancient times between the dwelling house of John Murray and Stanesteill to the nuisance of the Lord's tenants.

that he has blocked up the usual way of William Harrison which was formerly assigned by the Inquisition and has fastened the gate of the same with an iron bar and with bolts and has at the said gate made diverse pits so deep that no one can go either in or out by it with any carriage. ^{Note 5}

Other contemporary court records show it was a regular occurrence for people who relied on the land for a subsistence living to try to enlarge their land holding or graze their stock on other peoples land and on occasions were fined for the privilege. Also as part of the Manor Court business the construction, repair and other questions of law relating to the pound or pinfold were dealt with until this responsibility passed to the Vestry Meetings and then to parish councils.

Why did Pinfold Use Decline?

References to the impounding of animals can be found in the archives as far back as the 14th Century and the Manorial System of government encouraged and promulgated the principle of townships and smallholdings. Each peasant farmer had a few animals, typically a horse, a house cow, a few pigs and fowl and perhaps cultivated a field strip for crops from which they paid their tithe to the Lord. Good land, especially on the fell areas of Cumbria, was limited and as population increased the available land became more valuable for cropping and grazing.

During the Middle Ages the open field system of farming, with its lack of hedges and fences, saw the need to impound stray stock to safeguard grass, crops and grazing rights, especially in years of drought and disease. The Manor Courts appointed officials called Lookers to oversee all aspects of the township such as Constables, Moor Lookers, Mill Lookers, Dunghill Lookers, Hedge Lookers and Pinfold Lookers whose responsibility it was to ensure these features remained in good repair.

As the dry stone walls in Cumbria to mark the division between fields and pasture were built and the Enclosure Acts of the mid-18th century were put in force more land was enclosed and fenced creating a countryside in less need of the function of the pinfold. As their use declined they also became neglected and were often pulled down for their stone or to create space for road widening and house building.

Present Day Condition.

The visible evidence of pounds and pinfolds remaining today varies considerably. Some structures have been renovated or preserved and may boast a plaque whilst others just exist in the landscape in various states of repair. Some are listed and cared for by individuals or public bodies. Many are kept as reminders of our rural history, as monuments or as public amenity areas. Still others incorporate art works or provide enclosed gardens and some are even used to confine animals! But by far the majority only remain as marks on a map having long ago been demolished as being obsolete. The stone is often re-used elsewhere in the village for new walls and buildings.

In Field Broughton the remaining limestone coping on the pound was found to be remarkably similar to that on a nearby boundary wall built in the late 18th century. Many pinfolds have been restored or stabilised and the Field Broughton pound is a positive example of this. Deterioration was halted in 1980 and with Heritage Lottery Funding was restored in 2000. See before and after images below.

Before:-



After:-



Part II

Contemporary Life in the Pinfold Era

Living in Cumbria – Land Enclosure - Upland and Lowland Land Use – Manors and Their Role

Living in Cumbria.

Cumbria, as defined in this study, is perhaps unique in that as a subdivision of England it consists of a central mountainous area almost surrounded by a lowland landscape. The central area with its upland fells and moors provided grazing but the land, especially in the 15th C was too poor to efficiently grow agricultural crops, in contrast to the lowlands which provided good agricultural land especially in the river valleys and around the coast

Pounds and pinfolds were situated mainly in the townships and pastoral communities of Cumbria. The small farming communities occupied the meadows and cultivated land on the coast and within the valleys and valley heads and were bordered by the unenclosed waste, moorland and upland fell areas of the County.

During the early period of pinfold use, villages, farmsteads and the ordinary peasant living in Cumbria had to contend with *war and pestilence* on a large scale. Hostilities with Scotland affected areas as far south as Penrith and the Black Death affected the more urban areas of Carlisle and especially the townships within the River Eden valley. Cattle and sheep diseases could be devastating and combined with crop failure due to climatic conditions made life for the mainly pastoral people of Cumbria very difficult.

Life from the late 16thC onwards saw a gradual improvement in the fortunes of the villagers, farmers, tenants and villeins and it is from the 16thC that a small amount of documentary evidence can be found preserved by the County's Archive Service. Although Manorial Law dominated for a considerable time the Lord of the Manor's influence gradually diminished and governance was passed to the Vestry Meetings. Private ownership of land became possible and many families changed from keeping animals for their own subsistence to breeding and stock farming for the market. There was a separation of woodland from grazing, permanent walls and hedges were introduced and grass and crop fields were gradually enclosed.

Land Enclosure.

It is not surprising that even by the 18th century most of the land in Cumbria, especially the counties of Westmorland and Cumberland, consisted of unenclosed upland waste. Where land had been improved, usually in the valley bottoms, it was enclosed with ditches, hedging or walling but this left much common and upland land in poor condition. Manorial records show that the private and illegal enclosure of small pieces of land to enlarge an existing holding often occurred both to common land and that belonging to the Lord. It was a common offence brought before the court. On a larger scale tenants with a legal right to graze stock on the commons often found them in such a poor condition they petitioned the Lord requesting their division and enclosure so that they could be improved.

A petition dated 1813 was put to the *Honourable George O'Brien, Earl of Egremont, Lord of the Manor Of Braithwaite and Coledale* that *the Commons and Waste Grounds in their present condition are of little value but if they were divided and inclosed and specific shares thereof assigned and allotted to each Person entitled thereto and interested therein it would be greatly to the advantage of*

your Petitioners and all those entitled to rights of Common. It was requested by the 25 petitioners that a bill for division and enclosure be raised and put to Parliament. ^{Note 6}

The raising and presentation to Parliament of such a private bill was a complicated and expensive procedure which the General Enclosure Act of 1801 sought to simplify. Parliamentary Enclosure Awards were made in Cumbria from as early as the 1750's and continued through to the 1890's when some felt that better management of the commons was perhaps a better option than expensive enclosure and its consequences. The impact of enclosure on the need for pounds and pinfolds is difficult to judge. As land was enclosed by physical boundaries it seems likely that their usage should diminish but common land remained widespread in Cumbria. During the period when enclosure was being promulgated the number of fines imposed for not keeping the pinfold in good repair, pound rescues and breaches found in Manor Court records do not seem to have diminished.

Upland and Lowland Land use.

The requirement to grow crops for both human and animal consumption and to provide grazing for cows, sheep and pigs as well as a number of horses put extreme pressure on any suitable land in these upland counties of Cumberland, Westmorland and Lancashire. Practices developed and evolved to make best use of the fertile land in the lowland areas and exploit the availability of grass and rough grazing on the moorland and wastes. The use of sheilings and agistment became critical, where in the summer months herdsmen spent time with their animals grazing them on available grass in the hills having paid for the right to use the upland commons and wastes.

The management of the commons and wastes and the rights of tenants to graze their animals on them was critical and often contentious. Tenants of the manor were given a right of pasturage, for others payment was necessary because the use of common land for grazing was only a right if they owned land in the manor. Grazing rights were given in the form of stints. The number of stints each person was given or was able to buy varied between commons and between manors. On Newton Arlosh Common in the north of Cumbria, according to an early Commons Register 1 Stint allows for 1 beast with full mouth or 2 beasts with calf teeth or 3 beasts with 2 teeth each. 2 Stints allows for 1 horse or 5 sheep and followers, 6 geld sheep and 1 head of cattle. To cope with the variety of animals grazing it was also stipulated that 2 geese were equivalent to 1 cow and 2 cows were equivalent to 1 horse.

Having to seek permission to keep stock on the common controlled the amount of grazing and was an early conservation measure. Various agreements were put in place and policed by the Manor Courts who arranged for the driving of commons and wastes. Any animals found grazing unlawfully were impounded in the Manorial Pound until the owner had either established his right to graze or paid a fine. Even those who were entitled to graze the commons were closely watched to avoid overgrazing. The rule of levancy and couchancy was used to determine the number of animals allowed to graze by calculating the number of animals that could be kept over winter on the farm. Strict fines were imposed by the Manor Courts for overgrazing. In the rural townships of Cumbria under the influence of the Manor Courts there developed a management system whereby the court appointed officers for the overseeing of the community. As a result nearly every township would have a pound or pinfold and some more than one.

Manors and their role.

The Manor originated as an early unit of land management and local government. It was based on the understanding that both the Lord and his tenants had mutual rights and responsibilities which as

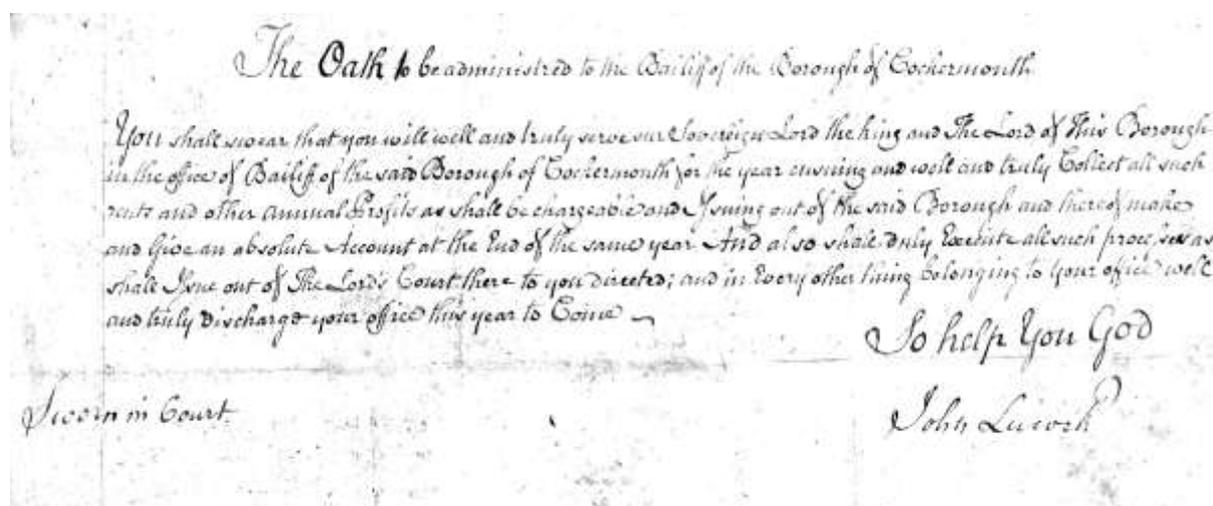
they grew became the jurisdiction of the manorial court. The court rolls were until the mid 1600's written in Latin and in Cumbria as in many parts of England their survival is patchy. Over the centuries the Manor changed from being simply the residence of the landowner to that of a Lord who held a court, a Court Baron and sometimes a Court Leet as well. It does not follow that all Manors covered large tracts of land as some would only consist of one township or village.

In the earlier centuries Baronial Courts on behalf of the Lord had jurisdiction over many aspects of life and even today principles are enshrined in Statute within our modern legal system. As far back as 1267 The Statute of Marlborough lays down that no man shall take satisfaction on his own account, but only through the King's Court: that is he may seize or impound property but then be subject to legal judgement. This principle of distraint is still enshrined in the law of Great Britain and with the demise of the medieval public pound and pincfold there is now the right to impound stray cattle in the impounders stable or field until collected by the owner.

The function of the Pincfold was supported by the manorial system. The Manor courts were formed of Jurors appointed by the court. These were made up of landowners and were responsible for the appointment of the Pinder and other "keepers" and "lookers". They were also responsible for imposing fines or ammerces.

In the Manor of Cockermouth a handwritten account of court proceedings dated 1698 ^{Note 7} records that the main business of the Court that day was to appoint the officials of the court. The names of the appointed Jurors, 19 in number, is followed by the appointment of the Bailiffe and Constables as well as the Hedge Lookers, Moor Lookers, Mill Lookers, Pincfold Lookers, Swine Ringers and many others.

The chief role was that of Bailiffe. In the Court Leet rolls of the Honour and Manor of Cockermouth dated Saturday the 30th day of September 1775 "Before Thomas Benson Gentleman Deputy Steward" for "the Right Honourable George, Earl of Egremont and Baron of Cockermouth" Mr John Lucock was presented to be Bailiff of the borough of Cockermouth for the next year. An Oath was administered and signed by John Lucock which read:



*“You shall so far as you will well and truly serve our Sovereign Lord the King and The Lord of This Borough in the office of Bailiff of the said Borough of Cockermouth for the year ensuing and well and truly Collect all such rents and other annual Profits as shall be chargeable and owing out of the said Borough and there of make and give an absolute Account at the end of same year And also shall duly Execute all such proceedings as shall come out of the Lord’s Court there to you directed; and in Every other thing belonging to your office well and truly discharge your office this year coming,
So help you God*

Note 8

The other key role was that of Constable whose duties varied between Manors but this 1801 extract from the accounts of the Constable for Threlkeld, John Thompson, shows these included some pinfold duties:

A Bill of Money laid out in doing the office of Constable in the Hamlet of Threlkeld for one year by John Thompson 1801 reads:

To the Rev.d Mr Law for giving the Oath to a list of the Freeholders resident within the Constablewick of Threlkeld	1s 0d
John Cochbane bill for making a new gate to the Pinfold and nails	2s 6d
Robert Hollyday bill for his work	1s 9d
To repairing the wall	1s 6d
To Relieving poor Distressed Travellers By order of the Magistrate	<u>11s 4d</u>
	18s 1d

Note 9

Other appointments in the Manor of Threlkeld for the year were, *Assessors, Hedge Lookers, Assessors of bread and wine, Mill Lookers, Market Lookers, Moor Lookers, Leather Searchers, Appraisors, Swine Ringers, Dunghill Lookers and Pinfold Lookers.*

The term “looker” was used by the Manor Courts to denote an official appointment to oversee a particular aspect of manor law and present offenders to the court. A ' Hedge Looker' ensured that hedged field boundaries were kept in good repair and a Pinfold Looker would regularly inspect the pinfold to ensure it was fit for purpose.

The Pinder was a separate appointment and one of many appointments made by the Manor Courts. Local landowners and representatives of the Lord made up the Jurors of the court who heard and decided on the business put before them. Although there are many entries describing the poor condition of the pinfolds some Manor Courts adopted the practice of recording that the Pinfold or Pound was in good condition. Recorded no doubt to support the work of the Looker and the Pinder.

Part III

The Management of Pounds and Pinfolds.

Evidence of Management –The Need for a Pound or Pinfold – Construction of a Pound or Pinfold – Appointment of Lookers and Pinders – Poundloose and Fines - Pound Rescue and Pound Breach – Orders to Repair the Pinfold - Demise of the Pound or Pinfold

Evidence of Management.

I have already noted the interchangeable use of the term pound and pinfold and the similarity of sheepfolds to Pounds and Pinfolds and therefore the tendency to confuse them. The written evidence can also be misleading as the vernacular language soon becomes part of everyday language rather than referenced to the historical evidence. However my research has clearly shown there are certain indicators within the features of a pound and pinfold that can be applied to differentiate them from a sheepfold or any other type of walled enclosure. These are structural appearance, location and availability of a water source. There are several examples of a pinfold being marked on a map where I believe it should be more properly referred to as a sheepfold or other structure. In view of this and as the terms pound and pinfold and their derivatives have a long history of usage I have accepted that there is not a clear rule and perhaps it should be taken that the contemporary name applied to such a structure is the appropriate term. This is the approach I have adopted and used in this research.

Early primary source material for the management of pounds and pinfolds in Cumbria is minimal but does exist in the archives. I have used the Manor Court records held in the Leconfield archive at Cockermouth Castle and other references found by examination of the various on-line and archive indexes and catalogues. The early Manorial records were written in Latin during the 16th century until an early type of English was used throughout the 17C and 18C.

As the pinfold fell into disuse from about the mid 19th century their management lapsed and many became derelict. Some were sold and demolished, some stayed in the ownership of the Lord of the Manor and their successors and still others passed through Vestry ownership to the Parish Councils. Written records from parish councils varies in detail, as does their interest in the pinfold, and a common trend found was their repeated attempts to keep them free from fly tipping and in good condition. The 19C saw some improvement as public and council interest in heritage increased and funds were made available for the restoration of pounds and pinfolds. I have noted aspects of this process against specific entries in the register of Cumbrian pounds and pinfolds.

The Need for a Pound or Pinfold.

An early reference to the need for control of stray stock to protect grazing quality and the solution found is in the records of the *"Court of Brackenthwaite held on the Thursday next after the Feast of St Kyntigirnin (13th January) in the 13th year of the reign of King Edward IV."* (1413)

It is recorded that it was found by the Inquisition of John Mires, John Rudd, William Hodgson (and others) that *"Lorton Heders to be inclosed and kept inclosed during the open season and there the neighbours stray cattle may be driven"*.

This order applied to an area of land in Lorton put aside specifically for the open season when the commons could be grazed. A pound or pinfold was both a practical and an economic necessity in any township or hamlet where livestock were kept and inevitably strayed, sometimes deliberately I suspect, from their owners land to the lush grass of a neighbour's. Pasture was often un-enclosed and those fences and walls that did exist could be easily breached. Pinfolds were also used as a means of restraint for rent when the animals owned were often a family's chief and only asset. Although cattle and sheep were the main types of animal impounded in the counties within this study there was also a need to impound pigs, horses and no doubt geese and fowl. These conditions applied to much of the populated valleys and fell side areas of Cumbria and so pounds and pinfolds were found in nearly every township and Manor.

The confining of stray animals was but a small part of the Manor Court business. The same entry in the Court of Brackenthwaite rolls demonstrates this and gives an insight to other court business. It is recorded that:

Peter Skynner be fined 4d for keeping 20 foreign sheep;

the family of the wife of William Wilkynson fined 8d for keeping 20 sheep,

that Thomas Robynson be fined 2s for shedding the blood of John Newcom and

John Tollyson fined for removing the course of the water called Rede Moss Beck.

These offences give a flavour of life as it was lived at the time and shows that the Manor Court was the body that upheld the law when Pounds and Pinfolds were a necessary part of rural subsistence living in Cumbria.

Construction of a Pound or Pinfold.

The responsibility for the building or rebuilding of a pound rested with the Lord of the Manor, his tenants or the township and in some cases it was a joint responsibility. The structure needed to be capable of securely holding a number of animals and of withstanding damage from the stock confined in it and on occasion from the stock owners trying to rescue their animals to avoid the fine. Manorial evidence shows that tenants often made petition to the Manorial Lord for the establishment and erection of a pinfold or its repair when they thought it was necessary and beneficial to themselves and to his manor.

This is an example of a manor court record dated 1748 which in its preamble introduces the business of the court states when and where it was held and who the jurors were. In amongst other business I found the order made to fund the repair of the pinfold at Dean.

Note 10

The record reads: The Manor of Dean and Whinfell

The Court Baron and customary Court of the most Noble Lord Charles Duke of Somerset, Marquise & Earl of Hertford, Viscount and Baron Beauchamp, Lord of the Honours of

Cockermouth and Chancellor of the University of Cambridge, Lord High Steward of the city of Chichester, One of the Governors of the Chamber House, Knight of the most Noble Order of the Garter and one of the Lords of his Majesty's most Honourable Privy Council:

Holder of (Held in) the School House in Dean for the said Manors on Thursday the Fourteenth Day of April 1748 before Thomas Simpson Gentleman Steward of the said Courts,

The names of the Jurors by the aforesaid have all sworn to enquire for the Lord of the said Manor and to present all and singular the Matter and Things which to the said Courts do belong and appertain -----

<i>Henry Lancaster</i>	<i>Wm Wood</i>	}	<i>all sworn</i>
<i>Jeremiah Head</i>	<i>John Bayle</i>		
<i>Christopher Baile</i>	<i>Jonathan Wilson</i>		
<i>Thomas Wood</i>	<i>John Shearman</i>		
<i>John Pearson</i>	<i>John Wilson</i>		
<i>Richard Lancaster</i>	<i>John Wilson</i>		
<i>Henry Walker</i>	<i>Jon Stainton</i>		
	<i>Richard Head</i>		

Which said Jurors upon their Oaths say and profound as follows.....

The Pinfold belonging to the Town of Dean being much out of repair We the Jury, whose names are underwritten do order that every Person having land or parcel within or belonging to the Town of Dean, or to Croft Houses, Woodhall, Parsonage and Woodside do contribute towards raising a Sum for repairing thereof according to each survey rate.

There are several examples of petitions being drawn up and presented to the Lord of the Manor by his tenants. This petition , dated 1816, from the Tenants of the Manor of Calbeck, Upton and Underfell requested that Lord Egremont pay his proportion of the expenses of repairing the Pinfold.
Note 11

It reads:

To the right honourable George O'Brian Earl of Egremont and Baron of Cockermouth.

The Petition of the Tenants of your Lordships Manors of Caldbeck Upton and Underfell in the County of Cumberland.

Sheweth, That there is within the said Manors a large Tract of unenclosed Common upon which your Petitioners have a right of Pasturage. That in order to preserve their Rights, your Petitioners together with your Lordship's Bailiff have at different times driven the said Common and impounded the Cattle of such Persons as had no Right of Pasturage upon the said Commons.

That your Petitioners believe that your Lordship's Predecessors, Lords of said Manors when the Pound or Pinfold was built or repaired, have been accustomed to erect the Door and Door-Case, and so much of the Wall, as with the Door and Door-Case came to one half of the whole Expense.

Your Petitioners therefore pray that your Lordship will direct your Agents in the County of Cumberland to pay one half or such other Proportion of the Expense of the annexed estimate for rebuilding the Pound, as to your Lordship shall seem meet.

Estimate of the Expense of building a Pound. The Pound to be circular, of 13 Yards Diameter, the Wall to be 7 ½ Feet high, And the Content of the Wall 100 Square Yards:---

100 Yards at 3/9 per Yard £18:15s:0d,

Door Case £1:10s:0d,

Door & Lock £1: 5s:0d,

Amount of Expense £21:10S:0d

Signed on behalf of your Lordship's Tenants within the said Manors the 6th December 1816 by 16 tenants.

It seems that this particular pound needed rebuilding and put in use to safeguard the tenants rights to pasturage on the common and facilitate the impounding of cattle belonging to those who have no such right of pasturage. Pounds were clearly used to control grazing rights on the commons and wastes and in this particular petition the dimensions and costs of rebuilding are given. Optimistically perhaps the Lord is asked for one half of the cost or "*such other proportion*" that the Lord deemed fit to pay.

I have found two records of pinfolds in this Manor, A small one at Potts Gills (see image) and another at Town Head which may be the subject of this petition. Caldbeck Town Head pound is situated to the south east of the village. It is at the junction of several tracks coming in from the improved agricultural land adjacent to the fells. It is close to a spring and its proximity to the open fell would facilitate the impounding of animals found grazing on the open fell without permission.



In the Barony of Brugh (Burgh by Sands) a similar petition is signed by at least 36 inhabitants of the Barony but for a different reason to that given by the Caldbeck petition. In this slightly later petition the inhabitants are concerned about the damage done by the trespass of animals deliberately turned out on to the roads and lanes who then graze on the fields.

It reads:

Barony of Brugh June 23rd 1819.

We the Undersigned being Inhabitants of the Barony of Brugh having taken into consideration the Damage done by Individuals within the said Barony by People who turn their Cattle, Horses etc into the High Roads and lanes within the said Barony whereby several trespasses have been committed upon the fields of the Inhabitants adjoining the said

Highways and lanes we therefore think it necessary to have a Pinfold erected within the Barony to prevent such trespass in future. ^{Note 12}

The response to this petition is not known as no pinfold in the ancient Barony of Brugh could be traced. The Barony of Brugh was created in 1092, has been held by eight northern families over the last 900 years. It was passed by female descent through the D'Estrivers, Engaines, Morvilles, Lucies, de Multons, Dacres and Howards before being sold in 1685 by the Duke of Norfolk to Sir John Lowther, whose descendants the Earls of Lonsdale have held the title ever since.

Appointment of Pinders and Lookers.

The Pinder, also referred to as Pounder or Pinner, was appointed by the manor court which supported him in disputes and on the occasions when he suffered physical injury. The Pinder's role was to round up straying animals and drive them to the pound. He may in some Manors also have the responsibility to maintain the pound. While stock were impounded he fed, watered and protected them until the owner paid a fine, imposed by the Manor Court, which was deemed sufficient to cover the costs of their keep and the Pinder's wages.

The Pinder was one of many appointments made by the Manor Courts and these were on one occasion appointed en masse in Caldbeck where Thomas Scott, Daniel Hodge, Jonathan Sheperd, Joshua Harrison and a second Thomas Scott were all appointed Pounders for various pounds within the Calbeck manor. Local landowners and representatives of the Lord made up the Jurors of the court who heard and decided on the business put before them.

In the Manor of Cockermouth the handwritten account of court proceedings dated 1696 records the names of the Jurors who formed the "Inquisition". They appointed Lookers, including Pinfold Lookers, who were the men with special responsibility to oversee the condition and use of the pound or pinfold on behalf of the court. The Lookers were often unpopular as they were also responsible for bringing offenders before the court.

A unique example of a Vestry Meeting seeking to appoint a Pinder is found in a document dated 25th August 1842. In it the Poor Law Commissioners at Somerset House, London, seek the approval of the Brampton Poor House Union to appoint George Harrison, an inmate in the Brampton Workhouse, as Pinder for Brampton. The Commissioners quote an entry in the Vestry Book as follows:

"At an adjourned Vestry meeting of the parish of Brampton held this 15th day of July 1842 for the purpose of appointing a person to take into and impound all Cattle, Horses, Pigs etc at large on the streets and highways in the said Parish. It was resolved that application be made to the Board of Guardians of the Brampton Union requesting them to allow George Harrison to take into and impound all horses be going at large in the highways in this parish and also prevent Hawkers, Higglers, Gipsies or other persons to encamp upon any part of the said Highways and that George Harrison be allowed all fines for the same".

The Commissioners response stated that George Harrison had been an inmate at the Brampton Workhouse for the last 6 years, is about 50 years of age but infirm and unable to do any labour save walking about. Despite this they confirmed his appointment as Pinder.

The act of identifying stray stock and driving them to the pound was not the sole reserve of the appointed Pinder as any person could identify stray stock and place them in the pound. This led to several interesting situations coming before the Manor Courts.

In an early account of the *Aspatricke* (*Aspatria*) Court held on 22nd October 1518 the jurors were very busy considering many offences concerning the use of the waste and commons. Fines were imposed for removing numerous wagon loads of turf for fuel, for keeping pigs on the common and moving fences. In particular a vicar, whose name cannot be deciphered, was shown as having:

“Enlarged his close called the Flatt and has set forward the fence on to the Lords soil at the north end of the same close to the extent of half a wood adding it to the land of the Bishop of Carlisle. Also the said vicar has by his servant removed divers metes and bounds between the Lords land and the land of the Bishop of Carlisle which were set in ancient times to the nuisance of the Lords tenants and blocked up the usual way of William Harrison and has fastened a gate with an iron bar and bolts”. ^{Note 13}

He also set up his own version of the common pound:

“Also the same vicar has unlawfully imparked the cattle of the neighbours in the precincts of his vicarage to wit in the Courtt (courtyard) and not at the common pound as he ought to do so, to the common nuisance and contrary to orders”.

Another dispute was recorded on 19th May 1518 at the Five Towns Court where:

“John Jakson of Clifton complains of William Hyne of Graystone in a plea of trespass to wit for that the same def’t did unlawfully impark a cow of the said plaintiff of the value of 12s in the Inclosure of Graysothen whereby the same plaintiff did lose his cow aforesaid from which his damage is 40d, def’t denies wherefore an Inquisition plaintiff recovers nothing because def’t is not to blame therefore plaintiff in mercy”.

In this case the cow was deemed to have been properly impounded so the plaintiff received no recompense. The record shows he was also fined 2d.

Poundloose and Fines.

When the Pinder or Pounder was appointed to his position by the Manor Court he was reliant on the Lord of the Manor for his income. This came from the amersements, fines imposed by the court and from the poundloose, payment made to him by the Lord’s tenants for release of their livestock. This income would also provide for the cost of feeding the impounded stock until their release. Payment to the pinder is confirmed in the agreement to appoint the Pinder at Brampton, described above, where he is to receive the income from the fines imposed by the court.

However it seems that the Pounder was bypassed by two enterprising free tenants of the Lord of Dundraw who took it on themselves to impound cattle and collect the poundloose for their own profit:

The Wigton Court held on the 23rd day of May in the 23rd year of the reign of King Henry VIII (1533).....Although the lord is entitled to fines from foreign cattle notwithstanding this certain tenants to wit Thomas Lamplughtt of Dovenby and Richard Briscow of Croften and William Mertindale chaplain of the free tenants of the lord of Dundraw and Whirig and by the titles of the

same attach foreign cattle and take the poundloose for the same otherwise than they ought and are accustomed. Fine 40s. ^{Note 14}

The fine of 40s is a significant amount and expresses strongly the Wigton Courts displeasure at the attempted usurping of their power and the misdirection of funds that should be theirs.

Pound Rescue and Pound Breach.

The activity of the pinder when driving stray cattle, horses or pigs to the pound was not without risk. These livestock were a valuable resource for the peasant farmer who could ill afford to be fined for letting his stock stray or even pay the cost of their keep in the pound. There are numerous and regular entries in the Manorial Records examined that show a fine for "rescue" or "poundbreach". These terms are often interchanged when recorded in court rolls but generally Rescue occurs when the stock is retrieved, sometimes by force, from the pinder as he is driving it to the pound and before it is impounded. Livestock is not legally impounded until it is secured in the pound so this sometimes aggressive action would it was hoped save a fine. Poundbreach or as it sometimes described Foldbreak or foldbreach is where stock has been retrieved from the pound by breaking in and removing it. Many pound walls were over 6 feet in height to keep the animals in but this height was also necessary to try to discourage attempts, evidently not very successfully, at poundbreach.

At the Manor Court the offence of rescue and that of poundbreach was often shown to be an act carried out against the court official, the bailiff, with the offender being named and fined.

An early example reads:

"Derwent Fell Court held on the 7th day of November in the third year of the reign of King Henry the Seventh (1488) the Bailiff presents John Bank Keld for 1 rescue made on the bailiff Thomas Blaykthuayt near the gate for the keeping of 2 stots (pigs). Fine 10d"

The Derwent Fells Manor covered the townships Brackenthwite, Buttermere, Embleton, Lorton, Loweswater, Mosser, Pardshaw, Whinfell and Wythop. This extract indicates that the pigs were rescued at the gate to the pound and so saved the Pinders costs but incurred the court fine.

On occasions it seems that servants were sent to retrieve impounded stock for their master but on this occasion, as was the custom, it was the master who was fined 12d.

"Capital Court of Derwentfell held on the eight day of October in the 12th year of the reign of King Edward IV (1473) Brackenthwayt presents John Strib for his servant for 1 foldbreach against John Tomlynson junior". ^{Note 15}

Dean Court was part of the Five Towns Manor that included Brigham, Eaglesfield, Greysouthern and Clifton. At Dean Manor Court held on 2nd September in the 20th year of the reign of King Henry VIII (1529) amongst the many fines imposed there is an entry which reads:

"Also they present the wife of William Walker for a foldbreach 40d contrary to the penalties and Roger Rawlynge for 1 foldbreak, 40d". ^{Note 16}

The wife of William Walker is not named but the fine was quite considerable. Perhaps this is another example where an attempt to stop these offences from becoming a regular occurrence is attempted by imposing punitive fines.

An entry in the Papcastle Court records a few years later on 10th day of October in the 23rd year of the reign of King Henry VIII (1533) shows a similar fine and a list of the animals that had been found grazing or straying illegally. They were found on cow pasture out of season causing damage to the grass and thus offending rural farming law and practice at the time.

“Also they present Thomas Lamplughtt of Doven by his servant for 1 foldbreach (40d), and for 12 pigs, 16 sheep and 30 geese on cow pasture of the neighbourhood at the several season” Fine 2s.
Note 17

Orders to Repair of the Pound or Pinfold.

Once built the responsibility for the maintenance and repair of the pinfold was often problematical and could be subject to an order by the Manor Court. These orders were either to repair the pinfold by a stipulated date or to pay a fine for not having kept it in good condition. The references to the pinfold being in need of repair and the demands for its repair largely although not exclusively come from the authorities.

In the Manor of Muchland in Furness the pinfold was the responsibility of the township and the Court Leet on 22nd October 1625, ordered the repair of the Gleaston Pinfold in the following terms:

“We order that the pinfould at gleaston shall be made able by all the towne before the 6 daie of maie next upon paine of 6s 8d”. Note 18

This order of the Court Leet puts the responsibility firmly with the township to repair the pinfold and gives a date by which it should be done albeit in 6 months time. The site of the Gleaston Pinfold cannot be confirmed but the 1889 OS 1,2500 map shows a site named as a sheepfold.

In the Manor of Cockermouth the account of court proceedings dated 1696 records the order:

“Ameryc Francis Plaskett and Henry Ramfrey for neglect of keeping the Pinfould in sufficient repair 3s 4d.” Note 19

As these two names are not those shown as newly appointed Pinfold Lookers it is not known if these were two previously appointed Pinders or two representative villagers. However Manor Court records examined for 1697 and 1698 record Pinfold Lookers names as Cho. Plasket and John Plaskett respectively, so perhaps they were Pinders responsible for the pinfold as many such occupations were handed down through families.

The pound at Buttermere was cited at the Court Leet on 16th October 1719 as being in need of repair. Here a fine was imposed on the inhabitants:

“Turnmen of Buttermer present the pound fold gate lyeing down and Amercie the inhabitatnts of the township 6s 8d”. Note 20

In the Manor of Dean and Whinfell the Court Baron made an order on 14th April 1748 which specifically set out conditions to repair and maintain their pinfold:-

The Pinfold belonging to the Town of Dean being much out of repair We the Jury, whose names are underwritten do order that every Person having land or parcel within or belonging to the Town of Dean, or to Croft Houses, Woodhall, Parsonage(Pardshaw) and Woodside do contribute towards raising a Sum for repairing thereof according to each of such persons survey rate to be collected and in case any person makes use of the said pinfold, not being a contributor as above such person for every time they shall make use thereof shall pay the sum of four pence to the Pounder to be applied towards the future Repairs thereof, And in case any person who ought to be a contributor as above shall neglect or refuse to pay his proportion towards such repairs do amerse such person in the sum of thirteen shillings and four pence for such neglect. ^{Note 21}

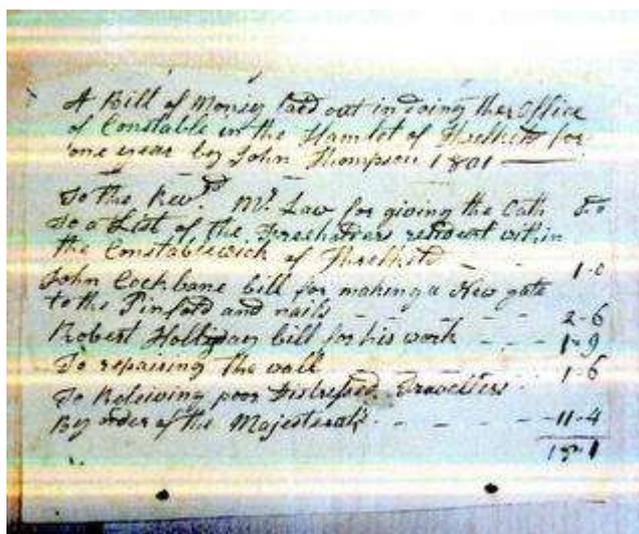
This is an unusual arrangement where residents and landowners are ordered to contribute to its repair and non-resident users of the pinfold are expected to contribute to future repairs or face a fine. Unfortunately the site of Dean Pinfold could not be found.

At Bolton it was the Bailiff of Bolton, Jacob Stamper, who was responsible for the repair of the Bolton Pinfold and submitted his account to Cockermouth Castle, the seat of Lord Egremont. He acknowledged receipt on 18th December 1782 for the following expenses: ^{Note 22}

29 July 1781 Paid John Hewitson for a door 0 - 5s - 0d
17 Dec 1781 Paid George Graham for Iron Work 0 - 2s - 7d

£ 0 - 7s - 7d

A similar arrangement is shown in the 1801 accounts for Threlkeld where the Constable John Thompson of the hamlet of Threlkeld drew 2s 6d from the court to pay John Cockbane's bill for making a new gate and nails for the pinfold. ^{Note 23}



As late as 1902 there is correspondence about the pinfold between the representatives of the Lord of the Manor for Egremont and the solicitors responsible for the estate. Although it is unlikely that the pinfold was still in use there is obviously a responsibility of care which resulted in the order given to repair the pinfold. The work needed was described as:

“A portion of the wall on the south side of the pinfold has fallen. A new door is also required as the old one is completely done. The cost of repairing the wall would be 28/-s and a new door with lock say 12/-s” ^{Note 24}

The go ahead to repair the pinfold was given within 3 days. In the letter it mentions that the repair raises both Manorial and Mineral questions and that “little acts of ownership are often found useful”. This is perhaps a hint that the site is of value and that although ownership is not clear it might be in Lord Egremont’s future interest to maintain the structure.

The amount of the fine imposed by the Manor Court varied and as pointed out some fines may have been deliberately punitive but throughout the Manor Court records examined the amounts of 6s 8d and 13s 4d occur very frequently. This use of these specific amounts probably dates back to the noble, a coin first issued in 1344 and valued at 6 shillings and 8 pence or a third of a pound. A half noble was worth 3 shillings and 4 pence or a sixth of a pound. The amount also referred to the mark which although never a coin was used as a unit of account worth 13 shillings and 4 pence, two thirds of a pound.

Demise of the Pound or Pinfold.

The need to impound livestock lessened but did not disappear over time as hedges and walls were built and common land enclosed. The laws of restraint were modernised and the responsibility for the management of pinfolds, originally with the Lord of the Manor and the Manorial Courts, passed to the Church Vestry Meetings and then to Parish and Town Councils. The whole legal framework slowly became obsolete and along with the physical pinfold structure gradually fell into disuse. The pinfolds building material often being “recycled” legally and illegally to other building projects.

These changes were gradual and took place over many years. Ownership issues around the pinfold and the land on which it stood frequently arose and were complicated by the lack of clarity over the legal responsibilities of ownership.

The Ecclesiastical Commissioner Act of 1826 and subsequent Statutes amongst other questions sought to clarify the laws on tenancy and end the practice of lifehold tenure of church property which many enjoyed. It appears that a number of pinfolds that still existed had fallen into disrepair and in 1880 the Commissioners sought Counsel Opinion on their obligations and duties in respect of them. ^{Note 25}

The submission states that *“pounds have become practically obsolete and that it would be desirable to get rid of them especially in cases where the site is valuable as being surrounded by enclosed lands.”* The questions raised by the Commissioners and Counsels opinion was as follows:

1st Question: Whether the Commissioners are at liberty to pull down existing pounds. *Counsel: Where there is local custom to use a pound the owner of the soil would not be able to pull down the pound.*

2nd Question: Whether they can pull down existing pounds if they substitute for them other pounds.

Counsel: If customary rights exist then no substitution would avail.

3rd Question: Whether they are at liberty to appropriate other waste lands in the Manors as Sites for

substituted pounds. *Counsel: Lords are entitled to appropriate portions of their land for pounds provided there is a necessity for a new pound.*

4th Question: If pounds are fallen into decay whether the Commissioners can be compelled to

reinstate them and if so whether by any other process than Mandamus. *Counsel: The Lord might rebuild it as a matter of ordinary favour to his tenants.*

5th Question: Whether the Commissioners can sell as absolute freehold the sites of pounds

surrounded by enclosed lands which have become partly or wholly disused or for which other sites have been substituted. *Counsel: The Limitations Act would apply. Whether the pound was partly or wholly disused would affect a custom to use. If no custom exists then the pound is treated as freehold property of the Manor.*

6th Question: Whether any distinction exists between the pounds in lifehold Manors and those in

Manors of inheritance as regards any of the above mentioned questions. *Counsel: There is no distinction.*

I have abbreviated Counsels response above but it seems that in essence local custom set an all important precedent and if this did not exist the Commissioners “*could deal with the sites of any pounds within their Manors as they please*”.

As late as 1843 the law relating to pounds and pinfolds was still being considered when a bill on Pound-breach and Rescue was discussed in Parliament. This was an Act to amend the Law relating to these issues and laid down that:

“any person or persons that shall release or attempt to release any horse, ass, sheep, swine, or other beast or cattle, which shall be lawfully seized for the purpose of being impounded, in consequence of having been found wandering, straying or lying or being depastured on any inclosed land without the consent of the owner or occupier of such inclosed land, from the pound or place where the same shall be so impounded, or on the way to or from any such pound or place or shall pull down, damage or destroy the same pound or place or any part thereof or any lock or bolt belonging thereto or with which the same shall be fastened every person so offending shall upon conviction before any two of Her Majesty’s Justices of the Peace, forfeit and pay any sum not exceeding Five Pounds, together with reasonable charges and expenses, or in default thereof be committed by Warrant to the house of correction there to be kept to hard labour for up to three calendar months nor less than 14 days”.

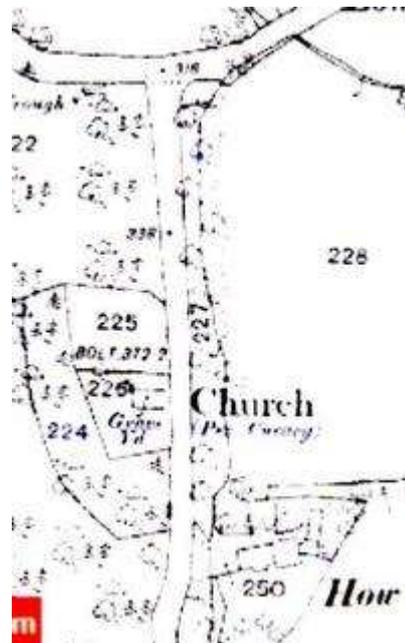
Note 26

In some instances pinfolds were being sold:

An agents letter to Lord Leconfield, Cockermouth Castle dated 23rd March 1886 is asking if the pinfold at Great Broughton may be sold to the owner of an adjoining property. It seems here that the overseers had offered the sale without consulting Lord Leconfield the owner.

Note 21 The immediate outcome of this correspondence is not known but today the pinfold is owned by the Parish Council who rent it as a garden to the adjoining residence.

Another example of a pinfold being sold and the issues involved with such a sale is the pinfold at Setmurthy in the Manor of Derwentfells which had been out of use for many years according to a letter dated June 17 1890. This letter explains that a Canon Hoskins has purchased the shooting rights over the land on which the dilapidated pinfold stands and would now like to purchase the pinfold and land (ref 227) on which it stands from Lord Leconfield. (See image) This was agreed and a conveyance was drawn up and signed on the 4th day of May 1891 selling the land and pinfold to Canon Hoskins for 5 shillings with the condition:



Excepting and reserving to the said Henry Baron Leconfield and his successors in estate that Richard Hoskins hereby grants to him all the gravel clay brick earth stone iron ore and all mines minerals mineral and other substances whatsoever lying and being within and under the said piece of land together with full and absolute power for the said Henry Baron Leconfield and his successors in estate and his and their tenant to dig for get to work even manufacture and carry away without being liable to pay any Compensation whatsoever for surface subsidence or the erection of machinery proper for getting the said sand and gravel clay brick earth stone iron ore mines minerals and mineral and other substances or any of them. ^{Note 27}

Today all that remains of the pinfold is part of the wall at the end of a narrow strip of steep woodland bordering a stream. I could find no evidence of mineral extraction!

In their time Cumbrian pinfolds served a very useful purpose in reducing damage to pasturage caused by stray livestock and were an essential tool in enforcing Manor Court rules. At the same time employment was provided for Pinders and Lookers and they providing an income for the Manor. They also caused controversy through pound rescues and pound breaches and of course the implementation of fines by the Manor Courts. Even when they were no longer required their legal status was not clear and certainly their ownership was on many occasions in doubt.

This study has shown that of the pounds and pinfolds that can still be found in Cumbria ownership varies between private, parish council and National Park. Most are kept in a recognisable state, many with information plaques and a good number being used as a private garden or community amenity. Inevitably some are in need of attention before they disappear completely, which is my next task!

Part IV.

The Pound and Pinfold Today

Methodology – Contemporary Comment – The Pinfold in Our Culture - Acknowledgements

Methodology.

Sources available to me initially included the Listed Building Register, First Edition Ordnance Survey maps, Internet searches and local knowledge. The Lake District National Park Authority and the Friends of The Lake District were both helpful in allowing me to use some of their reference material to identify structures that I may not have otherwise located. Of particular help was the Cumbria Association of Local Councils (CALC) who circulated a flyer for me asking local parish councils for their help in identifying pounds and pinfolds in their parish.

Archive research was initially facilitated with the support of the Lorton & Derwent Fells Local History Society and guidance from Lancaster University. Access to the Leconfield Archive held at Cockermouth Castle was made available to me through Whitehaven Records office. It is from this source and other CCC Archive services that most written evidence was found.

My website www.poundsandpinfolds.co.uk was valuable in prompting members of the public to tell me or ask me about pounds and pinfolds and now contains the National Register of Pounds and Pinfolds.

Contemporary Comment.

My research has shown that on the one hand there is a lack of knowledge about these structures and on the other hand I think a growing interest in preserving them for future generations. This interest is shown in the number that are listed by English Heritage, by the number that are maintained by the Lake District National Park and by the more numerous examples that are preserved and looked after by Parish Councils throughout Cumbria.

Although the nature and need for the function of the pound and pinfold examined here has long since disappeared the concept of impounding property, whether it be animals or possessions, has persisted not just in the public memory but has manifested itself in common practice. In the letters section of *The Times* in 1908 it was suggested that the principle of impounding should also be applied to the cars of drivers *who drive at a speed dangerous to the public*. It is said that every driver of a horse drawn carriage is subject to conviction and so also should a car driver *because they are not a privileged class*. The offending car, it is suggested, should be impounded *for a time proportionate to the gravity of the offence*.

In 1823 the *Times* also reported an incident where unattended horses in the streets of London had become a nuisance and the Beadles decided to do something about it. Having noticed two horses causing a nuisance they removed them to the green-yard (pound) and demanded a penalty of 21s mitigated to 11s if paid immediately without reference to the Magistrate. The owners paid up and then vindictively took their case to the Magistrate who reprimanded the Beadles and ordered them to pay the costs of the hearing. The horse owners received no compensation as the magistrate had determined that it was proved that they had in fact rightly incurred the penalty.

Straying stock still posed a problem in 2004 when the Westmorland Gazette reported that the Police had issued a stray stock warning. The report emphasises the need to keep fences and walls in good repair as straying stock can cause accidents. It points out that it is an offence under the 1980 Highways Act to allow animals to stray onto a highway and that failure to do this could result in an appearance in court, and a fine but there is no mention of what happens to the stock!

On more than one occasion when trying to locate pinfolds in the towns and villages of Cumbria I heard the view that the threat of impounding strays in pinfolds should be brought back into use to encourage good animal management and it was even suggested that it should not be limited to animals!

The Pinfold in Our Culture.

The pound, or more specifically the Pinder, features in literature as far back as the 17th century in the poem *The Jolly Pinder of Wakefield* one of the stories that surround Robin Hood. In this poem the Pinder is a town official trying to ensure that the crops are safeguarded only to find them being trampled by Robin and his men. John Clare in his pastoral poem *The Shepherd's Calendar* published in 1827 also refers to the role of the pound and pinder in the life of the countryside.

The 1970 film *Ned Kelly* starred Mick Jagger and an early event portrayed in the film shows the gang breaking out horses from the Pound and adding this offence to an already long string of offences he has allegedly committed.

The most significant reminder of the pound and pinfold is perhaps the number of houses, roads, avenues, closes and even towns that now bear the name of Pound or Pinder. They are certainly too numerous to research or even count and are probably so named not because there is a pound or pinfold there but that it was demolished to make way for what now exists!