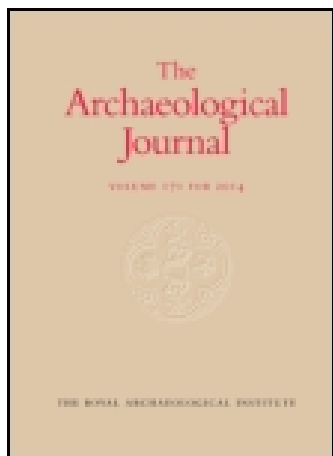


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Original DocumentsIndenture Under Which the Silver Mines of Byrland were Worked Temp. Edward I

Edward Smirke

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Original Documents.

THE following document is a copy of an indenture, under the Privy seal, found attached to, and incorporated with, a roll of "Foreign Accounts" rendered by Thomas de Sweneseye, custos or warden of the King's mines (minerarum Regis) in Devon and Cornwall, of all the issues of the said mines, and also of other monies of the crown assigned for the payment of the expenses of working the same, between the 26th of February, 29 Ed. I., and the 13th of May, 35 Ed. I.; the same Thomas Sweneseye having been before appointed, by letters patent of the King, to have the custody of the said mines subject to the terms of the said Indenture under the privy seal.

The copy is a verbatim copy, extended, except in a few instances where the contractions seemed open to question.

In the same roll of accounts are to be found the details of the working of the mines under the indenture in the above years, of which I propose hereafter to print an abstract in such form as may best illustrate the indenture, and show both the nature of the operations on the silver mines under them in Byrland, and also the subsequent disposal of the ore and the refined silver under the control and direction of the Court of Exchequer, until the same was sent up, under escort, for coinage in the Tower of London.

The "Byrland" here referred to must be either the whole or some part, of the present manor and parish of Bere-Ferris, or Ferrers, and perhaps of the present borough, Bere-Alston, called from the original Norman family of Alencon, its former owners, which afterwards became a parliamentary borough, and claimed for its representatives members of no inconsiderable note down to very recent memory.

The site of these mines seems to coincide with that of a lode of argenteriferous lead which was worked under the Tamar river in my own recollection, until the difficulty of ventilation, and the irruption of the tidal water into the underground works, removed the "Tamar silver lead mine" from the category of existing mining companies.

The indenture is worth notice on another and independent ground. It illustrates the dealings of the Crown with the famous merchant firms of the Frescobaldi, and other companies flourishing in the thirteenth and fourteenth centuries, at the time of their intercourse with England during the prevalence of the Welsh, Scotch, and French wars, when the three Edwards found it needful to resort for financial aid to the opulent and free citizens of those great Italian republics, to whose enlightened commercial policy Von Savigny, in his History of the Roman Law, has traced the revival of the study of the Imperial Law.

In our public records and rolls of parliament the Italian bankers went

by the general name of "Lombards;" a word which eventually denoted a genus, rather than any specific city or territory.

The immediate object of the English working under the care of Thomas Sweneseye was the coining of silver money. I cannot perceive that any specific loan of money to the Crown is there referred to; and I am therefore not satisfied that the present directions of the Crown have reference to any mortgage or security for a loan.

We know indeed that, in many cases, the Lombard money-lender stipulated that his loan should be specifically charged on some productive branch of the public revenue; and thereupon he or his local agents became collectors of it, as well as creditors of the Crown. But in this case the produce of the mines, so far as regards the Crown and its officers (with the exception of so much of their produce as had been then lately worked by the Florentine Frescobaldi), appears to have been destined for the Royal Mint for the supply of coin.

The most satisfactory account of the relation and dealings of the great Florentine houses with the Crown of England, so far as they are recorded on the Liberate Rolls of the Exchequer, will be found in a paper contributed by Mr. E. A. Bond to the Society of Antiquaries, and printed in vol. xxviii. of the *Archæologia* in March, 1839. These documents establish the connection of these houses with England as early as the reign of Henry III. and thence downward to the close of the reign of Edward III., when the Florentine banks, both of the "Bianchi" and of the "Neri" factions, became involved in common bankruptcy by reason of the heavy, unpaid, loans due from the latter prince.

The authorities relied upon by Mr. Bond do not exhaust the subject; for the charter, patent, close rolls, and ministers' accounts enrolled in the exchequer, do not appear to have much engaged his attention.

The wealth and widely extended financial influence of these republics in the fourteenth century are also illustrated in the "*Economia Politica del Medio Evo*" of Gibrario.¹

The Lombard merchants are frequently mentioned in the Parliament rolls with some note of opprobrium, where they occur as identical or, at least, in close connection with, "Lombards, Jews, Saracens, and secret spies."²

The apparent connection of these several designations tends to confirm the current tradition in Cornwall that the Jews were the predecessors of the Lombard bankers under our earlier sovereigns; and I have little doubt that the well-known popular opinion in the western mining districts, which ascribes the relics of old workings, smeltings, and tools, to the rejected refuse of the Jews, is referable to this connection; and that Richard Carew and Camden go too far back when they attribute the name of "Attal Sarazin," (by which it appears that the refuse of old workings was then known,) to the "first arrival of Jews in Cornwall under the Flavian Cæsars."³

Attal or *attle* is still used as synonymous with the "deads" or waste rubble left on the surface of a mine (Price's *Mineralogia Cornubiensis*, p. 316); but the Jews have long lost the name of Saracens, if indeed they ever had it.

¹ Ed. Torino, 1861.

² Rot. Parl. Petitions, 50 Ed. III.

vol. ii. p. 332.

³ Carew's Survey, ed. 1769, p. 8.

On the patent roll of 29 Edward I. we find the grant of the custody of the mines to Thomas de Sweneseye, and of the controllership to the Abbot of Tavistock. On the dorse of the same rolls we find commissions of oyer and terminer, to hear the complaints of miners *inter se*, as well as a commission of inquiry addressed to Reginald De Ferrariis to certify the state of these mines when the merchants of the Society of the Frescobaldi of Florence first accepted a lease of them ("recepterunt ad firmam").

This last document shows that the Lombard interest under the king's grant was, presumably, a sett or lease for their own benefit.

Some further observations on the terms of the indenture will be reserved for a future part of the volume, when the details of the produce of the mine will be described.

EDWARD SMIRKE.

INDENTURE UNDER WHICH THE SILVER MINES OF BYRLAND WERE WORKED TEMP. EDWARD I.

Fait a remembrer qe ordene est par le honorable pere en die Sire Gautier par la grace de dieu Evesqe de Cestre, Tresorer nostre seignor le Roy, en la presence Sire Johan de Drogenesford, gardeyn de la garde-robe le Roy, e de Mons^r Roger de Hengham, Sire William de Carleton' Barouns del Escheker le dit nostre Seign^r le Rey e autres plusors de son Counsail, le xxiii jour de Feverer lan du regne le Rey Edward xxix. a Nichole,⁴ qe Thomas de Sweneseye clerk au dit honorable pere seit gardeyn de la minere le Rey de Byrland en le Counte de Deveness', e de la minere de Alternoun en Cornewaille, e de totes les autres mineres qil porra fair serchier es parties de Deven' ou il entendra faire le preu le Rey, sauve as marchaunz de la compaignie de Frisconb [audz] une minere qil fount quere e feront se eaux la puissent trover, la quele lour est graunte a quere et overer tut a lour custages issi qe nul ny entremette de cele minere, fors soulement les overours Lombardz qil y metteront, e autres qil purront meismes attrere en bone maniere saunz enpirement ou amenusement des overours de autres miners en Deven' e en Cornewaille, issi qe nul de meismes les minours ne entremette des diz Lombardz ne en lour dites overaignes du cerche, ne de la minere qil cherchent, quant ele sera trovee; mes le dit gardein sache e face enrouler lissue de cele minere quant ele sera trovee, taunt qe le dit Tresorer eit entre ly e les diz marchaunz la bosoigne plus pleinment ordine. E qil ne soeffre a soen poer qe les ditz Lombardz seient desturbez, maumenez ne damagez en nul poynt; mes qe eux se portent bien e curteysement come fere deyvent, e qe en fiancee del dit poynt ne seynt ia plus outrageus ne fouhardiz. E per ceo qe les diz marchaunz ount grant de mine la en droittour a foundre e a paroverer [?] come a ceu mestier appent, la quele covendrait estre overee nettement avaunt qe autres de mine entremeissent de overer as engyns ou es molyngs ou p... les oystier⁵ la endroit, est ordine qe les ditz marchaunz eyent totes les avant dites choses totes queles covient renablement a par-faire lour overaignes jusques a la Saint Mich' procheyn avenir, issint qe denz ceau temps perfacent lour overaignes nettement, e qe qange

⁴ i. e. Lincoln.

⁵ Sic.

demoert outre ceo terme seit pleinement e proprement au Rey savez saunz contredit, e qil eyent boys en Bocland ou en Bicombe a lor founde-souns e affinesouns fayre prise per bone gens e leal come avant ount eu. E qe le honorable home le Abbe de Tavistok seit contreroller des dites miners a sorveer e contreroller e testmoigner la myne trete la endroyt, le plum issaunt de mesme la mine les affinesouns, et largent issaunt des affinesons ensemblement, et les paementz et les despenses qe hom fera en lachat de mine en totes les autres choses qil y apendent e covient per comune vewe e comun acord de eus e de lour atournez qant mestier serra. E qe par lour commun acord e commune vewe come desus est dist receivent la mine des minurs au chief de la semeyne ou de la qinzeyne, e payent pour chescune lade de mine nettement et bien lavee v. s. si hom nel porra par aucune bone veye a meyns mettre, e pur la lade de la minere de Althernon iii. s. solom le covenant fet entre le Rey et les minours illoques. E qe le gardeyn respoigne de qanqil yst de tote la mine trete e achatee taunt pleinment come il avera les choses issautes reconwes⁶ des overours de chescun mestier par taille, ausi bien en plum argent affinee come en totes autres choses ensemblement; e de deners qil avera resceu qe serront despendus per comun acord et comun counsail, e qe totz despens et totes mises en serchs de novell miners en Devon' et en Cornewaille, e en totes autres choses ly soient allowez sour lacounte taunt pleinement come eles serront tesmoigne per le countrerouller avant dit. E purceo qe aucune lade de mine rent plus, e aucune meins, ausi bien en plum come en argent issi qe nul certeyn ne peut estre mys, ne seit le dit gardein charge de nul certain de plum issaunt de la mine solom les lades, ne de certeyn de argent issaunt de plum solom le poys de plum as affinesons, ne de certeyn de plum baraigne⁷ issaunt des cendres des affinesouns, desicome en touz ces degrez y ount diversetez de bountez, quantitez, e de response. Mes quanqe le dit gardeyn e son contrerolleur facent par comun assent e comun consail e en entente de profiter por le Roy en gecuinque manere de despens, seit pleinement allowe sur lacounte au gardein avant dit. E qe tut largent affine et les deners receus demorgent en lour comune garde en labbeie de Tavistoke ou aillours en seur lieu sur bone seurure e sour le seal le gardeyn tant qe as jour de paiement; e qe donkes entre eaus preignent des deners ceo qil entendent qe peut suffire pur les paiement a cele journee. E si rien remeint, seit remis en la garde avantdite sauve acunes meimes parcelles de deners qe covient aferie qe le gardein eit par remembraunce entre eus afere a la foiz acunes porveyaunces prestz as overours qant mestier serra cerchs de noveles mineres et per autres diverses bosoignes necessaries denz la semeyne, taunt qe a procheyn jour de acounte au chief de la semeine ou de la qinzeine. E qe il isoient iiij ou v affinours bons ou plus ou meins solom ceo qe hom verra qe mestier serra, e soient a gages le Rey par la semeyne ou a certain par an, solom la porcion del an qil y demorent e qe len avera de eus mester. E qe le plum qe demoert es cendres de affinesouns soit refoundu en covenable saisons, e seit gard, taunt qe le Tresorer e les Barons del Eschequer lour face a savoyer ceo qil endeверount de ceo faire. E totes foiz facent certifier le Tresorer e les Barons qant il averont bosoigne de deners, issi qe les overaignes ne preignent deffaute en nul manere. E seint avisez le Tresorer e les

⁶ Reconues (?)

⁷ Barren, i. e., not argentiferous.

Barons qil ny eit defaute de meryn^s de la minere, car il a covient
 qe les ditz gardeyn e le countrerouller le achate par parces taunt
 qe len leit porveu en gros. E qe hom face trover as minours feures,
 fer, siu, cordes⁹ e totes autres choses come len soleit fere avant ces
 heures, sauve qe a cele de Alternoun qe est de autre condition per cove-
 nant.¹ E qe hom mette peyne de abreger des dites chose si hom peut.
 E qi hom face fere les avidodz² solom ceo qe hom verra qe meuz seit, ou
 a souz, ou attache per teises, ou on altre manere e اساier defere autres
 engyns qe covenables eient al ewe deliverer. E qe le boys de Kalistok
 seit assigne por le merimer⁴ de minours e des avidodz² en Byrland qe de-
 morent en la meyn le Rey aquere par parces qant len avera bosoigne
 par vewe du gardeyn, ou de son atourne sil ne peut entendre a chescun
 foiz pur autres bosoignes. E qe nul minur ou autre overour y entre en
 altre manere qe desus ne est dit, ne rien de ceo ne eient pour fouail³ ne
 pour altres bosoynes, sur forfeiture de qant qil porrunt forfaire au Rey.
 Qant as miners en Cornewaille qe sont en certains covenantes faytes
 entre le Rey e autres minours par le dit gardein e autres qil porra fere cer-
 chier et trover celes parties, respoigne mesme le gardein solom les tailles qi
 se ferront entre ly e les overours, e par celes seit charge ou par la vewe
 et par la tesmoignance du Priour de Bodmine, le quel qil voudra e qil
 verra qe meuz¹ porra faire, qar la une veye e lautre est assez seure. E
 seit le plum mis en chastel de Rostormel ou aillurs en seur lyu, tant qe
 hom sache la volonte du Tresorer. E eit le dit gardein ses gages, ausi
 bien du temps de marchaunz de Friscombaudz, fermors illoques, avant la
 confection de ceste endentoure pour taunt come arere ly est, com du temps
 avenir, si les ditz marchaunz ne deivent par la force du covenant fait
 entre le Rey e eus ses gages aquiter pour lour temps.

Ceste ordinaunce fu faite a Nichole par les avaunt ditz Evesque e les
 autres le jour e lan avant nomez. Cest endente entre le Rey de une part
 e les ditz gardein e countrerollour de autre part. En tesmoignance de
 geu chose a la partie demoraunte devers les ditz gardein e contrerollour
 le Rey a fet mettre soen prive seal; e a la partie demoraunte devers le Rey
 eaux ount mis lour seaux. Videlicet de tribus ultimis quarteriis anni xxix.
 et de annis xxx. xxxi. xxxii. xxxiii. xxxiiii. et xxxv. usq. xiii. die Maii.

⁸ Merrain or marrein, *i. e.*, materiamen
 or mæremium. Timber.

⁹ Feurres, fouarre: *i. e.*, forage, iron,
 grease, and cords.

¹ Throughout this document the min-
 ing covenants or customs of Devon are
 shown to differ from those of Cornwall.

² This word, though variously written

in other places, clearly refers to the *adits*
 or lateral passages underground. The adit
 is called also an *audit* in Carew's Corn-
 wall, and the word still occurs in the lips
 of a working miner.

³ Fewel.

⁴ Meux, or mieulx (†)