

THE QUO WARANTO - A NEW TRANSLATION

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The document known as Quo Waranto (which also appears in the text as Quo Warento) is lodged in the Public Record Office at Chancery Lane, London. It forms part of the Miscellaneous Inquisitions collection and the reference number is C145/47. It is the first document in the folder. The document in fact consists of two rather unimpressive looking pages. The first measures 22 cm by 4 cm and contains six lines of writing on the front and three short lines on the reverse (1). It conveys the Royal order to hold the inquisition, and is not really of great interest to us. The second page measures 25.5 cm by 16 cm and contains twenty-four lines of writing, comprising the details of the Inquest itself and of the Jurors.

Unfortunately both documents appear to have been badly handled in the past, and probably treated with gall in an attempt to improve their legibility. This has made them difficult and in places impossible to read. The Victoria County History (2), which contains a good but incomplete translation, refers to old Latin copies but fails to give adequate references for these. There is probably an 18th century copy in the House of Lords Record Office, and anyone interested in trying to establish the original text could do more research there.

In compiling this translation I have used the original document as much as possible, but I have had to rely heavily on the translations in VCH and in the Fodinae Regales of Sir John Pettus (3). These sections are printed in [brackets]. I have also transcribed the original Latin Text as far as I am able to establish it, although the state of the original may be judged from the gaps in this, as well as from the plate. Rather than try to reconstitute the whole text, I have tried to give a representation of how much can still be read on the original.

Translation (First page)

Edward by the grace of God King of England, Lord of Ireland and Duke of Aquitaine, to the Sheriff of Derby, Greetings. Know that we assign our highly esteemed and faithful Reginald de Leye and William de Meynill to inquire by means of oaths of good and law-abiding men of your county, by which the truth (of the matter) will best be known, about the liberties which my miners of the Peak claim to have in those parts and previously used to have, and what kind, in what manner, from what time and by what Warrant. And therefore we command you to cause to come before the same Reginald and William at a certain day, and place, which they will make known to you, such and so many good and lawful men from your district that the truth of the matter may best be known and examined under the terms of the inquiry. In the presence of our highly esteemed kinsman Edmund [Earl] of Cornwall at Westminster, on the twenty-eighth day of April in the sixteenth day of our reign.

(Reverse of first page)

The day appointed is the first Saturday after the Feast of the Holy Trinity, at Essburn (Ashbourne);

(Second page)

An inquisition prepared at Esseburn (Ashbourne) on the first Saturday after the feast of the Trinity in the sixteenth year of King Edward before Reg [inald de Leye and William] de Meygnill, concerning the liberties which the Miners of the Lord King in the Peak claim to have in those parts and which they previously [had - what kind, in what manner], from what time and by what Warrant. By the oaths of Thomas Fologaumbe, William Hally, Radolfus Cottrell, William [de Langesdon, John] de Teartur, Clement de la Ford, William de Wardelowe, Peter de Roland, Richard de Langesdon, W [illiam son of the Smith of Bra]dewell, Henry Foligaumbe, John de Langesdon (4), who say that in the beginning when the miners come to the field [prospecting] for ore they will come to the bailiff, who is

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- (1) Pettus' version (see note 3) suggests that another line may be missing. I can find no trace of it.
 - (2) Landers, J.R. and Vellacott, C.H. 1907 In Victoria County History: Derbyshire. Vol.II, p326.
 - (3) Pettus, Sir John 1670 Fodinae Regales.
 - (4) John's name is inserted above the line of text.

called the Berghmayster, and will seek from him two meers, if it should be in a new field, and have [one for their handiwork] and another according to the custom of the miners (5). And each meer contains four square perches (6) and the opening of the mine is seven feet. [Each perch is to be reckoned] at 24 feet. And the King shall have the third meer nearby. And the remaining meers shall be handed over by the Berghmayster to those workmen [who first seek them. And in an] old field one meer to each workman who asks. And of the ore won in work of this kind [on his estates, the King] as Lord of the land shall have the thirteenth dish, which is called the Loth, as has hitherto been the custom. In return for this however, [the Lord King shall find for the miners] free access to convey and carry their ore as far as the king's highway, in such a way [as they have been accustomed. Regarding] the ore which is won, the jurors say that the Lord King shall have the right to buy at the mine before all others, provided he give as much as [the others. And they say] that if the miner has previously received money from anyone for a sale made for a fixed term, the miner shall be well allowed [to fulfill his contract to the buyer] without any hindrance from the Berghmayster, so that the term may be saved to him, without deceit (7). When the fixed term is finished, the King shall have [the right to buy before all others] as stated above. And they say that the miner is allowed to give, sell or assign his mine to whomsoever he wishes [either in whole or in part without licence] from the Berghmayster. They say that they have enjoyed the above-mentioned liberties from time immemorial throughout all [the estates of the lord King in the Peak] until now except in a certain place called Mandale in which all buyers have been prevented from buying at the mine for four years by authority of (8) the Berghmayster. And by what Warrant the miners have enjoyed the said liberties (9) they say that [they have done so] by ancient mining custom. They say however that the pleas of [the Berghmot should be held from] three weeks to three weeks at the mine. They also say that a miner suffering accidental death at the mine will be buried without view of the coroner, [by view of the miners. Anyone] convicted of a small crime shall pay a fine of 2d and shall pay it the same day. [If not it shall be doubled from day to day] until it comes to 5s. 4d. And if blood has been spilled at the mine he shall pay 5s. 4d. [the same day, but if not] it shall be doubled from day to day] until it come to 100s. And if anyone is convicted of a crime committed under[ground (10) he shall pay a fine of] 5s. 4d. and make good to his fellow the damages which he has sustained.

- (5) ie. by paying his dish of ore.
- (6) The definition of a meer as square perches (each 24 x 24 feet) differs from the usual linear measurement, but the original clearly says "Perticata" = square perch; perhaps this is a scribe's error for "Pertica" = perch
- (7) Difficult to translate this. Presumably the king had no right to interfere with existing contracts, so long as no deception was involved.
- (8) "by his authority" (auctoritate sua) inserted above in a different hand.
- (9) "They have...liberties" inserted above the line.
- (10) VCK takes this to mean encroachment on a neighbour's meer.

THE LATIN TEXT

I have given the text as far as I can establish it from the original. I have expanded all standard contractions (eg: qd = quod, p = prae, etc.) and retained original spellings. Readings which are uncertain appear in (brackets), gaps in the text are shown as [...]. Words inserted above the line of text are underlined. New lines are indicated by a stroke /.

(First page)

Edwardus dei gratia rex Angliae Dominus Hiberniae et Dux Aquitaniae vicecomiti Derby salutem. Scias quod assignamus dilectos et fideles nostros Reginaldum / de (Leye et Willelmum de Meynill) ad inquirendum per sacramentum proborum et legalium hominum de comitatu tuo per quos rei veritas melius sciri pot(erit). / de libertatibus quas minoritores mei de Pecco clamant habere in partibus illis et quibus hactenus usi sunt et qualibet et quomodo et a quo tempore / et quo Waranto. Et ideo tibi praecipimus quod ad certos diem et locum quos iidem Reginaldus et Willelmus tibi scire facient venire facias coram / eis tot et tales probos et legales homines de ballia tua per quos rei veritas in praemissis melius sciri poterit et inquiri. Et habeas dilectum nostrum / Edmundum [...] Cornubiae consanguineum nostrum apud Westminster - xxviiij die April anno regni nostri sexto decimo.

(Reverse of First page)

Dies est die Sabbati proximo / post festum sanctae Trinitatis / apud Essburn assignatus.

(Second page)

Inquisitio facta apud Esseburnum die Sabati proximo post festum Trinitatis anno regni Regis Edwardi sextodecimo coram Reg [...] / de Meygnill de libertatibus quas Mineritores domini Regis de Pecco clamant habere in partibus illis et quibus hactenus [...] / do et a quo tempore et quo Waranto, per sacramentum Thome Fologaumbe, Willelmi Hally, Radolfi Cottrell, Willelmi [...] / de Teartur, Clement de la Ford, Willelmi de Wardelowe, Petri de Roland, Ricd de Langesdon, W[...] / dewell, Hef.] Fologaumbe, Johanis de Langesdon, qui dicunt quod in principio quando Mineritores veniunt in campum minerum [...] / veniunt ad ballium qui dicitur Berghmayster et petent ab eo duas metas si sit in novo campo et habebunt [...] / et aliam de (more) mineritorium et una quisque meta continet quatuor perticatas et ad foveam suam vij ped [...] / de xxiiij pedes et rex habebit tertiam metam proximam. Et ceterae metae deliberentur per le Berghmayster oper[...]. / campo vetere quilibet operatori petenti unam metam. Et de minera lucrata in huiusmodi opere [...] / habebit pro dominio suo tertium decimum discum qui dicitur le Loth hiis hactenus usi sunt. Pro his autem dominus [...] / librum ingressum et egressum [...] mineram suam portandam et carilandam usque ad reglam viam. Qualiter [...] / minera lucrata dicunt quod dominus rex habebit emptionem mine prae omnibus aliis pro tanto donante vend[...]. / [...] (quod parte) si mineritor receperit denarios de aliquo prae manibus pro venditionem factam ad terminum bene licebit miner[...]. / [...] sine impedimento del Berghmayster ita quod terminus ei salvetur sine dolo. Finite termino Rex habebit [...]. / dictum est. Dicunt autem quod licet mineratori dare vendere vel assignare cuicumque voluerit foream suam [...]. / [...] del Berghmayster. a tempore quo non (durat) memoria; dicunt quod usi sunt libertatibus praedictis per tot [...]. / (usque) nunc nisi in quodam loco qui (vocatur) Mandale in quo omnes emptores impediti sunt de (emptione mine) quatuor annos [...]. / de Berghmayster auctoritate sua. Et quo Waranto usi sunt mineritores libertatibus praedictis dicunt quod de antique consuetudine (minere). Dicunt autem quod placiti del [...]. / [...] de tribus septimanis in tres septimanos super mineram. Item dicunt quod licet (mineratori) [...]. / [...] morte infortunii occupatus fuerit [...]. / [...] super mineram sepeliatur sine visu coronarii [...]. / [...] per [...]. / [...] convictus (fuerit) de simplici transgressione ipse dabit pro misericordia ij D et solvet eodem die [...]. / [...] quousque venit ad v s iiij d. Et si effusio sanguinis super mineram (facta) solvit (v s. iiij d.) [...]. / [...] (dupliciter) (de) cotidie quousque veniat ad c s; Et si aliquis convictus fuerit de transgressione facta sub [...]. / [...] v s iiij d [...] restituet socio suo dampna que sustinuerit.

