

AN ANCIENT SWANWICK COAL MINE.

By R. JOHNSON.

WHILST calendaring for the National Register of Archives the deeds of Mr. Palmer-Morewood from Alfreton Hall, the editors of this journal were able to furnish me with abstracts of a series of transcripts made from the public records about the year 1838 for the purpose of establishing the title to a mine in Swanwick. Since then the originals have of course been removed from their several repositories to the Public Record Office and it is not therefore possible to give their present official references. As, however, the transcripts are all certified copies their accuracy may be accepted without serious question. Vague details regarding the history of the mine were known locally and with the abstracts it has been possible to construct an accurate account of the Swanwick coal mine which forms a unique chapter in the annals of the coal industry in the Alfreton district.

The mine under review is situated in a pasture field on the south side of the road leading from Leabrooks to Swanwick: the ordnance survey reference is Sheet 43/45, square 52/41—top left hand corner. The tenant is Mr. B. Houghton of Hill Top Farm.

The story commences with a grant of lands and rents to Beauchief Abbey, *circa* A.D. 1300, by Sir Thomas Chaworth, lord of Alfreton. Amongst other things he gave the canons "license and full liberty of getting coals, drawing of them and carrying them away both for their own use and the use of their tenants, whether bond or free, whenever they want, in their tenants' lands, their own lands and waste grounds lying amongst their lands." (Beauchief Abbey Cartulary). This grant was confirmed

by Letters Patent of the 20th February 9 Edw. II (1316) at Lincoln.

In 1368 a dispute arose between the lord of Alfreton and the canons concerning the tithe of some coals at Swanwick. It appeared that Sir Thomas Chaworth had granted a rent of one mark out of Alfreton Manor for forty years on condition that if the coal mines failed or if Sir Thomas did not choose to work them, the rent should cease. The canons were not content and demanded a tithe of all the coals got at Alfreton. The matter was referred to arbitration, the decision was that the canons should accept and that the manor should pay one mark yearly under a penalty of thirty marks by either party in default.

Full advantage of this "coal-getting clause" in the original grant of *c.* 1300 was enjoyed by the canons for almost two centuries. They derived a steady income from the coals by leasing their most productive mine to laymen. By Indenture dated the Feast of the Purification 1534 the Abbot leased The Coots (now Cotes Park) and a coal mine in Swanwick for a term of 63 years to one Thomas Boswell, who farmed the glebe lands of Alfreton Rectory.

In the year following, the dissolution of Beauchief Abbey took place and all its estates were appropriated to the Crown, a William Bowles (*al. Bolles*) being Receiver.

The royal license to alienate the surrendered lands was granted to Bowles on March 21st, 1536. The coal mine was accordingly leased to Henry Parkere at the annual rent of £4. The lease itself, executed at Westminster 14 Feb. 28 Henry VIII, recites that the mine with its appurtenances was in lands lately in the tenure and occupation of Anthony Babington. This was Sir Anthony, lord of Alfreton and great-grandfather of the conspirator. He had obtained a lease of the land from the Crown dated April 23rd, 1536. This separation of the minerals from the surface rights caused much litigation later and the practice was injurious to agriculture as farmers were powerless to prevent the spoilation of the surface in the vicinity of a coal pit.

In 1539 William Bowles as sequestrator of the dissolved Beauchief Abbey, lodged a plea with Lord Riche the Chancellor praying for an injunction against Boswell, who had refused to admit Bowles to the Coots. He accused the Abbot and Boswell of collusion, making the specific charge that the lease which Boswell claimed to hold from the Abbot was executed after the dissolution and ante-dated. (Proceedings of the Court of Augmentations).

Boswell's answer reiterated his claim, asserted that the royal grant to Bowles was void in law and dared to inform the king that it was not in accord with accepted principles of justice for the Crown to ignore a prior lease still unexpired, even though Beauchief was in the meantime dissolved.

The sequel to this dispute is evident from two later documents: (1) the I.P.M. of Thomas Boswell 33 Hen. VIII (1541). The jury admitted his will in which Boswell directed, ". . . I will and bequeath that Elizabeth my wife shall have and occupy my farm hold and take called Cotts (*Coots*) within the parish of Alfreton and all my lands and tenements called Cotts to her own proper use . . ." (2) Ministers' Accounts for the Abbey of Beauchief, 28 Hen. VIII ". . . and £4 for the farm of a coalmine let to Henry Parkere . . ."

On March 24th, 36 Hen. VIII (1544), Sir Francis Leake of Sutton-in-the-Dale received the grant in fee of the rectory of Alfreton, "with all its rights, members and appurtes lately belonging to the late Monastery of Beauchief." Some monastic properties had been sold in 1537, so it was only to be expected that this latest grant would provide grounds for a future conflict, which arose in 1553. From the Court of Exchequer rolls for 2 Edw. VI we learn that Bowles submitted a "Bylle of Compleynte that Sir Fras. Leke had forcibly entered his mine in Swanwicke."

In his answer Leake stated "the said place where the said pytt is supposed to be sonke by the said defendant is one parcel of lande yn Swanwyke called The Hays yn the pyshe of Alfreton yn the countye of Derby whyche said pcell of lande is and tyme out the memory of manne hath been pcell of the Rectory and psonage of Alfreton.

And the saide cole myne is within the 5 acres of pasture which belonged to the Abbot of Beauchief." From this answer we are able to identify the exact location of the mine. One plot only in the Hays has an area of approximately five acres. This bears the name "The Delves" in the Enclosure Survey of 1818 — plot number 1422, area 4ac. 3r. 24p.

The dispute continued for a further two years and in 2nd Philip and Mary Leake was accused of "intrusion in a mine in Swanwyke." He was summoned to appear at Westminster, where, upon refusing to enter into a bond he was committed to the Fleet Prison. Influential friends procured his release on bail and he won his right to plead before entering into any bond concerning the mine. The verdict of the court was in Leake's favour, the judge commenting strongly on the trouble and expense to which one of their Majesties' subjects had been put through the inefficiency of court officials.

An inquisition post mortem taken at Alfreton in 4 Eliz. (1561) states that "Thomas Babington died seized of the Manor of Alfreton . . . and 20 acres of pasture with appurtenances in Swanewyke called the Heye . . ." The twenty acres of pasture here listed included the five acres in which the mine lay. They belonged to Sir Anthony Babington at the time the mine lease was granted to Parker and were evidently in the possession of Thomas at his death. How then had Leake become involved in the dispute with Bowles? How could he intrude upon the mine without entering the lands of Babington and thus committing a double trespass? Later events provide a partial explanation.

In 1593 Francis Leake, Esq., was returned in the "Account of John Bullock, Bailiff of the Crown Lands in Co. Derby" as "Farmer of the Coal Mine in Swanwick at £4 per annum due for 21 years . . . the sum of £84." Again, in 9 Jas. I (1612) Sir Francis Leake, Kt., is returned as a debtor to the Crown in the sum of £196 for the farm of the coal mine at £4 per annum. If the foregoing were the only evidence we might be tempted to consider Leake a great offender, but the whole complexion of the case is changed by two further pieces of evidence.

The first is from an Inrolment of Orders in the Court of Exchequer dated October 12th, 1610. It states: . . . "Now whereas it doth appear that the said Sir Francis Leake nor his heirs were or have been at any time possessed of any such coal mine whereby they should be charged with any such rent or arrerages It is therefore ordered that all process shall from henceforth stay against the said Sir Francis Leake and his heirs and that process hereafter shall be awarded against the occupier of the said coal mine either to pay the said rent and arrerages or else to shew some matter for the discharge thereof."

The position is further clarified by the second document, an Inrolment of an Order in the Exchequer Court dated at Westminster May 15th, 1619. The order states that Sir Francis Leake never had such a coal mine "but only pretended title to a tithé there." As Lay-Rector of Alfreton, Leake could demand a tithé of coal from the occupiers of the mine. But how had he and his predecessors come to be wrongly described as Farmers of the mine? A satisfactory solution appears in A.D. 1623 when, in the Court of Exchequer, a bond given by George Turner of Swanwick for payment of the rent of a coal mine in Swanwick was discharged, the lease having expired the 4th of May, 1557.

In 1636 George Turner obtained a royal grant of the mine for a term of twenty-one years at the rent of £4, and thus achieved a monopoly of all coal and ironstone in the manor of Alfreton. By deed of June 4th, 1618, John Zouch of Codnor Castle had sold all the coal and ironstone in Alfreton, Swanwick, Greenhill and Greenhill Lane to Thomas Johnson of Loscoe, George Turner of Swanwick and Edmund Meymott of Alfreton for the sum of £750. Two years later Turner acquired sole rights by purchase of the other two shares.

A survey of the coal mines and delfs in Alfreton, hitherto belonging to the Priory of Beauchief, made by the Commissioners and transmitted to the Surveyor General dated May 31st, 1659, reads:—

"all the aforesaid Cole Mines wth ye apptenances lyeing and being in those grounds called by the name of Alfreton als Offerton Comon Swanwicke Greene and

y^e delffes bounded by the Inclosures belonging to y^e freehold^{rs} of Alfferton and Swanwicke and lyeing and being within the p^{1sh} of Alfferton als Offerton in y^e County of Derby affores^d wth all proffitts comodities advantages emoluments and hereditam^{ts} Whatsoever to y^e said Cole mine belonging or appteyning in as large a manner as was demised taken used occupied or enjoyed by George Turnor Gentleman wth power to digg and make new pitt or pitts trenches and watergates in any fitt and convenient places withⁱⁿ y^e afforesaid p^{misses} together with good and sufficient wayleave and stayleave in by and through the Territories and feilds of Alfferton als Offerton and Swanwicke afores^d for all manner of carriages and carts as often as it shall please y^e owner of y^e said Mine all w^{ch} affores^d Cole Mines wth y^e apptenances the great charge of digging and drayning of pitts and p^{viding} of ponaçon wood, being considered we value to be worth eight pounds per ann.

Memor' : Coñon of pasture diggeing of Stone and Turffe &c. in and upon y^e affores^d p^{misses} is claymed and hath been enjoyed by the Inhabitants of Alfferton and Swanwicke for many yeares past there is severall great highwayes and roads through y^e same wherefore we have sett noe value for improveing any p^{te} of y^e affores^d coñons by incloseing &c."

During the seventeenth century the Swanwick mine was held by a Turner or his trustee. Then in 1702 we find a lease by the Crown to Obadiah Boot, gentleman, for a term of 31 years at £4 per annum.

John Turner married in October, 1672, Elizabeth, second daughter of Dr. Robert Thoroton of Car Colston, Nottingham. He had three children, John born in 1677 died 1684, Elizabeth born 1681 died at age of 33, and Charles born 1697. Turner formed an irregular friendship with Lydia Boot, daughter of Obadiah Boot of Higham, as a result of which a boy was born. In his will, Turner tried to set aside the marriage settlement with Elizabeth to prevent dower, and disinherited his wife and son Charles. The lease of the mine to Obadiah Boot was a device to forestall any claim upon the coals

by Mrs. Turner and Charles in the event of his death.

After John's death a partition of his estate was made between Charles and George, the natural son. The illegal directions in the will were set aside and Charles became the proprietor of the coal mines. The lease to Boot was suspended in the following manner. In 1726, when the lease had still seven years to run, the Crown leased the mine at Swanwick to Charles Turner for 24 years, to run from July 7th, 1733.

In 1750 it was leased to Anthony Tissington from July 7th, 1757, for $24\frac{1}{2}$ years. The reason for these unusual terms was that Charles had died without issue, and Tissington, a mineralogist and prominent enclosures commissioner, was operating the mines on behalf of the Turner trustees.

The Duke of Rutland, as a nominee of the trustees took a lease in 1780 for $29\frac{1}{2}$ years to run from January 18th, 1782.

On May 2nd, 1789, the "residue of the years of the prior lease" was assigned to George Morewood, lord of the Manor of Alfreton. This date marks the beginning of the Morewood interest in coal mining. It is noteworthy that since 1618 the lords of the manor had possessed no mineral rights, but George Morewood was anxious to acquire them. From the Turner trustees he purchased the mineral rights under the old enclosures, and on December 17th, 1822, for the sum of £1,500 his successor, the Reverend H. Case-Morewood, bought the minerals at Swanwick Delves from the Commissioners of H. M. Woods, Forests and Land Revenues.

In this way the Swanwick Colliery Company, created by the Turner family, came into the possession of the Morewoods and more recently has become state property. The wheel has made a full turn! Was Vesting Day in the coal mines so very different from that far day in 1535 when the canons surrendered to the Crown those five rich acres of pasture in "a parcel of ground called the Hays?"