

Silence Mine

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On the south side of Bretton Edge Road, a few hundred feet east from where the Camphill road to the gliding club leaves it, an old green trackway runs south-east, and here the treed enclosure of Silence Mine runs downhill. The tail of the sough is in the middle of the field below this, where a small hollow in the ground has been walled on three sides, and a stone-lined space sunk in it to receive the water from a small piped hole in the walling. When it was a sough it would have had a larger entrance. About 1950, the farmer and a companion opened the sough between the tail and the bottom of the wood. The interior was only crawling height, the roof was of flat shale, propped with larch poles every few feet.

The water from the tail sinks into a slab-covered drain which goes southwards for about 1700ft to Piece End, the narrow strip of land on the west side of Bradshaw Lane, south-east of Swevic House. From here the drain goes south of east along the fields to the stream which goes to Waterfall Swallet.

Silence Mine horse-gin drawing shaft is near the top of the enclosure of the hillocks, almost at the boundary of the Liberties of Grindlow and Eyam. There are small buildings let into the hillside; their function seems to be unknown, although vaguely there is said to have been 'an engine'. The mine finally closed down in 1885, and water is said to have beaten the miner. Earlier this century it was known as Chatty's Mine.

The shaft was sunk 328ft in shale before reaching the limestone, which was 198ft thick, so, with others of this region, the sough must have been a pumpway, although they are called soughs in contemporary documents.

Bank Grove and Speed Grove are not as visible now as Silence Mine, but their approximate positions can be worked out from old mine maps. ¹ Bank Grove was about 100ft east of the great Hucklow boundary, probably about 150ft north of the road from Great Hucklow, where there are still signs of a hillock. The boundaries of the liberties here are the same as the parish boundaries. Speed Grove was about 250-280ft further east, but the vein angled northwards for a bit, and it is difficult to place it exactly. There is a shaft mound north of the upper road, near where the 'holloway' of an old road can be seen going north-east. All three mines were on Hucklow Edge Old Vein, and were worked together in the 18th century, when there was much, and violent, trouble over them.

In 1713, Benjamin Ashton, gentleman, of Hathersage, and his partners, made an indenture with the Countess of Bellamont, who owned the manor and the mineral rights, and by *'driving, Trying and Sinking into ye Earth, at a great Hazard and at very great Expense'* the partners of this mine *'did find out an discover at a great Depth'* veins of lead ore. ²

In 1086 Grindlow was a royal manor; in 1199 it was given to the Monastery of Lilleshall, and in 1552 to Sir William Cavendish, so that in 1641 it was owned by William Cavendish, Earl of Newcastle, a royalist whose estates were compounded by the Commonwealth. The manor was bought by Sir John Harpur in 1660, and he married Frances, daughter of Lord Willoughby. When he died she married the Earl of Bellamont.

Grindlow was a Customary Lordship, in which, therefore, a grant had been made by the Crown of the minerals as well as the land, and which held customary privileges of Derbyshire lead mining. ³ In this Lordship *'any of the King's liege subjects of the realm may become Mynors in the Liberty of Grindlow may dig or search for mines or veins of lead ore wherever they could be found, except under a church, church yard, house or garden, or highway and take up and possess any new or old Veins, Rake or Mine by setting of Stoces made and pind with wood openly on the surface'*, and they could work the mines according to custom. The laws were stated in the Great Barmote Court for the Liberty of Grindlow in 1713 (another document says 1712. They must keep the possession stowes (or stoces) in repair *'from three weeks to three weeks'*, meaning that this would be the period for the re-examination of the stowes by the Barmaster. The mines had *'accustomary inheritance from ancestor to heir'*, and wives were dowerable. The length of the meer was 28 yards, and there were two founder meers in a new vein, one being laid out on each side of the spindle of the drawing stowes, and the founder miner could taker as many meers as he wanted. On an old rake there was only one founder. There was a Lords meer in new veins, and the Lord, or his lessee, could take his meer at either end of the founder meers as he pleased. The Lords meer in this manor was not purchased by the miner, as it was in many liberties.

The twentieth dish of lead ore and smitham was the lot, with nine dishes to the load, and 4d cope. Ore buyers within the liberty were fined 12d for non-appearance at the Barmote Court.

Lady Bellamont granted the partners the right of Barmastership, the Lords meer, and freeing dish for the founder meers, and lot and cope, so that they were the farmers of the mineral duties in the liberty for twenty-one years at £140 a year.

This meant that anyone wanting to mine in Grindlow had to be given title by the partners' Barmaster, but everyone had the right to take title to a mine and work it. The possession of the mineral duties in a Liberty did not mean that they were the only people to work there, or even of necessity that they worked any mine there themselves. The title to a mine or vein, and the fact that they were now Lords of the Field, were two separate things – in view of subsequent trouble, this point is important. In the case of Bank, Speed and Silence Mines, they combined both aspects, they would apply for title to their own Barmaster, and would be granted title by him, and could retain this title so long as they kept their possession stoves in proper order, and continued to work the mines. The title was perpetual, so long as they fulfilled these conditions and the twenty-one years' lease in a customary liberty, applied to the farming out of the duties. ⁴

The Countess died in 1714, and left the manor of Grindlow to Charles Cokayne, Viscount Cullen, the son of her sister Catherine Willoughby, so that it descended by inheritance. The lessees continued to pay the yearly rent of £140 to Cullen, or his agent. Benjamin Ashton died in 1725, and the mines continued to be worked by the other partners, among them being Aymer Rich, of Bullhouse, Yorkshire, who had married Grace Bagshawe of Great Hucklow Hall, and through her inherited this manor, and also a share in the Grindlow mines.

In the latter part of the lease they worked the mines *'at great loss and expense the levels and soles of the Groves having been greatly troubled with water'*, but by 1738 they had *'now a prospect of being very soon relieved of ye water taken or carried from yt sd three Groves or lead mines by means of a Sough or levell that is now bringing up'* and which would *'in a short time unwater and lay dry ye deepest soles'*.

The trouble started in 1737 when the partners said that Cullen now wanted to *'reap the advantages of their Hazard'* as he now insisted that the twenty-one years lease was a title to mine for twenty-one years only, and that this time had now expired. Protracted trouble began, which lasted for over ten years, and passed through the Barmote Court, and the Assizes, to the Court of Kings Bench.

The miners agreed that the lease had expired, but held that this lease was only for the duties, the offices of Barmastership and Stewardship, etc. which here, by custom, as elsewhere, was separate from the title, and from the working of the mines, and that since the expiration of the lease they had continued mining, and had paid the duties to the agent of Cullen who had accepted them.

In July 1737 there is mention of a special jury in the second ejectment cause, but it is not clear to what court this refers. Further ejectments were obtained by Cullen about May 1738, claiming his ground of ten acres of the three mines. Several of the defendants did not appear at the court, and judgement was entered against them by default in the Court of Common Pleas in Trinity Term, but another document gives this default at Derby Assizes.

About June 3rd, before the Assizes, about 4 o'clock in the afternoon, Burlace (or Borlas) Warren, Cullen's father-in-law, came to the mines, in a coach with six horses, with a great number of servants and tenants of Lord Cullen, including some of the inhabitants of Grindlow, some of them having pistols, as the other side said *'without any legal Process or authority'*, and with a hatchet broke the locks on the doors of the coes and mine buildings, and caused the possession stoves to be pulled down, and burnt on the mine-ground. This was illegal in a customary liberty. ⁵ He took forceable possession of the three mines from this date until July 10, on which day, *'the Miners having left their Works at Mines without any Persons attending on them or being therein'*, John Soresby and Robert Mettam, for the original owners, re-entered the mines and took possession of them without any opposition.

The workmen (or miners) heard rumours that Warren intended to return with a great number of men, or a party of soldiers, and that he had said that if any resistance was made he *'wod muther or destroy them all'*. The workmen were so terrified that they refused to be employed on these mines unless they had a sufficient number of workmen to protect them, and some of them *'for their greater Security did take up to the Mines two old Guns'*, but they were ordered to take them back, and this was done. It was said that Soresby and Mettam kept thirty or forty men there day and night to defend the mines, relieving them by fresh men every twenty-four hours, the opposing side said that these men kept *'fire Arms in the Grove houses'* there, and fired them frequently to intimidate anyone *'attempting to take position'*.

On July 22, Joseph Haynes (or Hayne), ⁶ Clerk of the Peace for Derbyshire, who also was Lord Cullen's agent and attorney, came to the mines with a Warrant from the Sheriff. With him was the Deputy Sheriff, Stephen Wilkinson, and a number of the Sheriff's bailiffs, forty to fifty people altogether. Those defending the mines said that the

Sheriff's men came to Bank Mine armed with sticks and clubs, and several of them were stripped to their waistcoats, and their neckcloths were in their pockets, and they had *'grass handkerchiefs and other things putt between their Heads and their Hats'*, from which it appeared that they *'came with an intention of quarrelling and fighting'*.

When they got about a mile from the mines they heard people on the mine give great shouts, and also a drum beat on the mine, which they took to be a signal to call people to their assistance. And, as it took them a little time to get to the mine after the sound of the drums, they saw great numbers of people running from neighbouring villages towards the mines, so that there were about two hundred people assembled by the time the Sheriff's men arrived.

Soresby spoke to the Deputy Sheriff, and said *'Sir, if you please to alight from your horse I will take you by the hand and deliver you possession of such Partners Shares'* – that was the shares of those who had defaulted in the Court and not defended the action against them. He took the Deputy Sheriff by the hand and led him to the coe over Bank Mine and laid his hand on the stowes blade, which was the usual method of delivering possession of mineral titles, and said, *'I deliver up to you possession of all such Partners Shares of this Mine as have not appeared to or defended such Ejactmt'* and said he would also so deliver the shares of the other two mines.

John Haynes answered that he would not be content with such possession, and that he must have the whole. Soresby then told Haynes that they were ordered by the owners to preserve the titles of such partners who were going to try their title to the mines at Derby Assizes.

It is not quite clear whether it was at this point that the great number of men with *'Sticks and great Clubbs'* who had assembled on the mines and on the land around, gave great shouts of contempt. The Clerk of the Peace, as soon as he had *'prevailed for a little silence'*, read the Sheriff's warrant, at which the assembled men became *'very clamorous and gave threatening Language'*. So, believing that Soresby and Mettam and the men with them would be troublesome, the Deputy Sheriff read the Proclamation of 1 Geo. 1 for preventing Tumults and Riotous Assemblies.⁷

As soon as this was read, Soresby and Mettam said that no man should take possession of the mines, and several men swore that *'they valued no Writs or Power'*, and that if the Sheriff or any man took possession *'they woud have his Blood'* and that they would lose their lives before the position was taken.

According to the deposition of two of the partners, William Spencer of Canonhall, Yorkshire, and Aymor Rich, after the Clerk of the Peace had insisted on possession of the whole of the mines, not just some shares, his men started to beat and abuse the mining workmen, and a quarrel began and blows were given on both sides. Haynes, the Clerk of the Peace, then spoke to the men who were with him, and several times told them to take possession, at which some of the bailiffs attempted to force their way into the coe of Bank Mine, pushing with their hands workmen who were standing at the door of the coe, and kicking them. Someone, it appears to have been William Spencer, said to the miners, *'good lads, hold your hands, pray don't strike'*, and did his utmost to prevent a fight starting. According to the miners, Haynes gave positive orders and encouraged his men to strike the miners, and himself tapped one of the miners several times on his shoulder with a stick saying, *'Strike. Strike heartily. Knock me this man down'*, at which a man named Elston, who was one of Warren's workmen, struck one of the miners on the head with a large stick, which made him reel and fall against the other miners, who were so close a throng that it prevented him from falling to the ground, after which blows were exchanged by both sides.

According to the other side, James Elston – here described as one of the bailiffs – tried to get into Bank Mine, and one of the miners took hold of him and shook him *'with great violence abt his Throat'* and thrust him from the mine, and then Elston struck the man with a club and felled him to the ground, and other men beat Elston with clubs and sticks so that the bailiff's life was in danger.

Haynes deposed that Soresby and Mettam encouraged their men to hold possession of the mines, and a great number of the men fought the bailiffs with large sticks and clubs of timber and threw a great quantity of stones at the bailiffs and beat them to the ground, and he believed that if they had not withdrawn, some of them *'woud have been murdered'*.

The Deputy Sheriff said he believed there were more than two hundred rioters and that others arrived afterwards.

James Elston deposed that one of the rioters, whose name he did not know, took him by the throat and tried to strangle him, and that he was ill for a considerable time afterwards, and was under the care of a surgeon on account of his wounds.

Other bailiffs had stones thrown at them, and were struck on the head with sticks, one was struck with a large stick *'wch had like to have made him fall from his horse'*.

The miners were assisted by a great number of men and women armed with pitch-forks and *'other dangerous weapons'*; and by the evening there were four or five hundred there. Some of the men said they had been hired by Aymor Rich, not to work in the mines but to keep possession of them.

Evidently Roger Frost was one of the bailiffs reported to be badly injured, but all the deponents said that they had good reason to believe he was not *'ill hurt by such Strokes'* because within about an hour after the Sheriff and Haynes had departed from the mines, the deponents saw Frost assisting his father and mother making hay in a close near the mine, without any appearance of bodily harm.

The Derby assizes were on July 25 and 26, and the ejectment cause was tried. One document says that two of the partners, Richard Spencer and John Needham, *'had counsel who appeared upon Trial in defence of their title, and nonsuited Plaintiff'*. But another document states that the above two appeared to the ejectments, but some of the other partners did not appear, and there was judgement against those by default, and a writ of possession was obtained for the share of the mines belonging to the defaulting defendants.

On August 2nd the Sheriff came again to the mines with a great posse of men, and demanded possession from the workmen and servants, and they refused again, but were turned out of possession, and the whole of the three mines were given to Cullen, who then worked them.

Probably an undated document belongs to this period. It is a Bill to the Lord Chancellor. Spencer and Ors v. Cullen, and gives the names of the partners of Bank Grove, Speed Grove and Silence Mines, first quoting the laws and customs of the Liberty of Grindlow, where anyone could become a miner, and by setting possession stowes, work the mines according to customs. It refers to the lease of the Barmastership and the duties, and shows how they had worked the mines, paying the duties to the agent of Cullen, who had accepted these. It repeats the account of the sheriff coming to the mines, and that *'confederates, or some of them caused the Coes or buildings erected over ye groves to be burnt or prostrated or destroyed'*, and *'two of the Groves to be thrown in or filled with Earth Soil or Rubbish'* so that *'the Wood and Timber which had, at great expense'* been used to support was now buried. A great deal of work by clearing would be necessary, and it would cost £200, beside *'ye Damage and Prejudice and Loss of Time in drawing up and removing and clearing ye sd. Earth and Rubbish'*. All those who defended themselves against the ejectment order had been ordered to have their share of the mines restored to them, by order of the Justices of Common Pleas. But even after that Cullen had brought an action for trespass against them, and in the meantime if they were not allowed to possess the mines they would become of little use or value. They asked when did the Duchess of Bellamont pretend to have any title to any mine within the liberty, and Cullen was her heir at law, and he had accepted the duties for the mines.

They asked for an injunction that the *'confederates'* might be forbidden to seize any part of the mine, or interfere with the workmen while suits were pending.

In October 1738 there was another suit in some court, John Johnson (probably Cullen's agent) v. Aymor Rich, William Spencer and John Needham. Odingsells Leeke (or Leake) of Wirksworth was the defendants' attorney, and in January 1739 he wrote to William Rhodes of Eyam ⁸ that he believed that Johnson intended to *'try his Title every assizes until he can get a verdict agst. Us. But I think he will soon be weary'*.

In April, Aymor Rich wrote to William Spencer, and told him that Johnson was of the opinion that it would be best to come to an agreement, *'probable information may go against both sides'*, and that Cullen *'can have no title at law as we have been in possession over a year'*. But any agreement was a long way off. An action was to be held at Derby Assizes, re *'Certain Riotts'*, and the right of the *'10-hole Mine'* to be tried for possession, and there is a list of names, and cause must be shown *'why an information should not be exhibited against them for certain riots defaults and misdeameanours'*. This seems to be the same as Cullen (or Johnson) v. Rich and Ors, and Spencer and Ors v. Cullen in August 1739.

In September, there seems to have been another burning of the stowes on the mines, when two of Cullen's tenants, Robert Hall and John Bagshawe, fetched the possession stowes and *'set them on fyer'*, and said these were burnt by the order of Cullen.

It was still continuing in 1740. In June of that year a document states that the cause *'Cullen against partners at Grindlow Mines'* was to be heard at the Court of the Kings Bench. There are again references to the case going to Derby Assizes, and also that there was to be a trial in the Barmote Court in November.

In October 1740, a somewhat interesting episode occurred, which is described in a letter from J. Odingsells Leake to William Spencer. On the Sunday night, after ten o'clock at night, Mr. John Bagshawe and Mr. Hough came to see

him, and 'after a deal of nonsense produced two Books of the appearance of great antiquity'. Some of the entries in these were about two trials relating to mines at Dittlemore, in Grindlow Liberty, about 1660, and Leake said that both the verdicts were for the defendants in the trials, 'as I remember he would scare let me touch' the books. Leake was doubtful if the book would be admitted as evidence in their present suit, as there was no title page, and it was not signed by anyone as Steward. He (apparently Bagshawe) said it was a record by Nicholson, who was a former Steward of the King's Field, and of most of the Private Liberties of the High Peak. ⁹ Hough said he could prove it by other things. Leake appears to be referring to Bagshawe, '*we came to a Bargain for his attendance not being willing to say wt he should have I was forced to offer him 20 guineas, he refused upon that without 40 guineas which I thought was too much*'. So Leake bargained to give him five guineas in hand and his expenses, on condition that their counsel at the trial should say what he produced was evidence for them, in that case he was to have 40 guineas at the trial, if it was not evidence he was to have no more than the five guineas he had in hand.

In his letter Leake explains that Balguy succeeded Nicholson as Steward of the Barmote Court, '*so that its plain how these Records came into the Knight's Fingers if the Knight should become entitled to the 40 guineas I hope you will someway enable me to pay it*'. Apparently the evidence proved that it had always been a customary manor.

In 1749 Articles of Agreement were signed between the Right Honourable John, Lord Cullen, Lord of the Manor and Liberty of Grindlow, on the one part, and John Spencer, Aymor Rich and John Bagshawe and partners, proprietors of the mine or vein in the Liberty of Grindlow called Bank, Speed and Silence, on the second part. Cullen granted them freedom to mine and to make use of the shafts now sunk on the vein, and they could drive '*and carry forward in a mineral manner*' on the Hucklow Edge Old Vein, also on one other vein which branched out of it on the north side of Silence, ranging North-west. Cullen was to take lot of 1/12th of the ore. They must not sink any new shafts. Measuring of the ore must be held half-yearly, giving three days notice to whoever Cullen should appoint. Also he had the customary right to view the mines.

In the early 1730's, when Stoke Sough was being driven westwards from the River Derwent to drain the Eyam Edge Mines, water marks were made in them, and an agreement was made that the water marks for the mines in Grindlow Liberty were to be 498 ft below the surface at Speed Mine, and 486 ft from here to Old Edge Mine in Hucklow. ¹⁰ There is no evidence that Stoke Sough reached this far west, and it is exceedingly improbable that it did so.

National Grid References

Sough Tail	SK 188.778
Piece End	SK 190.773
Silence Mine	SK 188.780
Swevic House	SK 189 775
Bank Grove (approx)	SK 184.780
Speed Mine (approx)	SK 186 780
Little Moor	SK 183.766

Note. On a map of Great Hucklow, etc. by William Senior 1631 (Bag. Coll. 288 *ibid*) the ground round Silence Mine is Horscloft, to the south, where the sough ranges, in Hodgdawm. Bank Grove ground is Banck Side. Some land in Grindlow, like parts of Eyam and Foolow, are said to be '*ancient Freeholds*', free from duties, and no lead tithe was paid in Grindlow, and some 'free land' is shown on the Senior Map, near Long Low, in Grindlow.

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- ¹ Plan of Hucklow Edge Vein from Tideslow Top to Stoke Engine, Devonshire Collections, Chatsworth. Bagshawe Collection 181, 182, Sheffield Archives.
- ² The account has been fitted together from
- a) Documents concerning Grindlow Mines, Spencer Stanhope Collection, Sheffield Archives and
 - b) Wager Documents, Bank, Speed and Silence Lead Mines at Grindlow, Case Papers 1738, Long extracts given to me by Mr. Robert Thornhill.
- ³ Spencer Stanhope, *ibid.* Bainbridge, W.A., "A Practical Treatise on the Laws of Mines and Minerals", 1841 p454. Mander, J., "Derbyshire Miners' Glossary", 1824 p38. Mander says that the open customary Lordships are those where '*grants have been made by the Crown to subjects of the King's Minerals there*', instead of the Crown granting freeholds to various persons and reserving the minerals to the Crown. Bainbridge says that the customary lead districts of Derbyshire '*constituted part of the royal domains*' and that if the Crown disposed of any royal manor before establishment of customs exclusive right to the mines might have passed with the grant.
- ⁴ The Indenture between Countess Bellamont and Benjamin Ashton in 1713 reads as a farming out of the mineral duties for twenty-one years, not a title to the mines for twenty-one years. And in other Liberties the granting of a title to a mine is always given by the Barmaster appointed by the Lord of the Field or his lessee.
- ⁵ Some of the points which arose are not covered in the quotations from the laws of Grindlow Liberty in the documents, but there is plenty of evidence about them in the customary laws of other liberties. Some examples can be found in '*The Compleat Mineral Laws of Derbyshire*' attrib. to Steer, 1734, pp16, 31, 37, 56, 60. It was illegal to take the stowes from any mine, and also to '*bring any unlawful weapons to the Mine*', or to make '*an assault, or Fray*'. It was unlawful for anyone to come like Borlace Warren and take the mine from those working it, '*It is ordered and a Pain set, That no Man shall come to any Workman, that doeth work his Grove or Ground truly, by any colour, to claim his Ground, or to take him up to stop the Field but the first Workman shall work, and the Claimers take the Law, and the Barmaster shall do him the Law truly*'. The Barmote Court records are missing in this case, which is unfortunate. The Barmaster could not use force, if this was necessary the sheriff had to be called in, but in some of the liberties it was illegal for anyone but the Barmaster to serve a warrant on the mine, although he could have the protection, and the force, of the sheriff. But Warren, by using force on the mine, by seizing it, and by burning stowes, was putting Cullen in the wrong.
- ⁶ There are a number of references to Joseph Haynes, Clerk of the Peace, in Cox's 'Three Centuries of Derbyshire Annals', He was appointed in 1711, and held office until he died in 1760, and from 1718 he was County Coroner also. The Clerk of the Peace was appointed to assist justices at Quarter Sessions. County Coroners, from Haynes' period onwards, exercised jurisdiction without, Cox believed, any due warrant, over various parts of Derbyshire. Bailiffs, or Sheriff's officers, were appointed solely by the Sheriff, to summon juries, execute writs, and make arrests. Cox says that they were 'generally mean persons employed by the sheriff on account only of their adroitness and dexterity in seizing their prey'. The Sheriff for 1738 was Sir Robert Burdett, Bart., of Foremark. The list of Derbyshire sheriffs goes back eight centuries.
- ⁷ The British Encyclopaedia gives 1716 for the date of the Riot Act, which makes it the duty of a sheriff, or other authority, to read the proclamation ordering them to disperse, whenever twelve or more people are assembled riotously and tumultuously, to the disturbance of the public peace, it is a felony to continue one hour after the proclamation is read.
- ⁸ William Rhodes appears to have been an attorney, and he was the receiver appointed in trust for the estate of Benjamin Ashton.
- ⁹ In Chesterfield Library there is a letter from John Statham of Wigwell, Wirksworth, in 1754, discussing his knowledge of mineral laws, and he mentions the works of Nicholson and Balguy, mineral stewards, and adds that '*Mr. Bagshawe really was an excellent man*', though the '*worst byas he had*' was the fact that as farmer of the mineral duties, he often judged his own cause, '*he was tempted to make new Customs, to force the Working of the Mines to the farmers benefit*'. There is an undated paper in the Devonshire Collections, which states that Bagshawe held the mineral duties of the High Peak north of the Wye. I have not been able to trace that John Bagshawe was knighted, so the reference to 'knight' is puzzling, unless it was a joking reference.
- ¹⁰ Bag. Coll. 730. *ibid.*