

BRITISH MINING No.43

MEMOIRS 1991



Harvey, W.S. 1991
"A Lawsuit and a Miner's Wages"
British Mining No.43, NMRS, pp.76-81

Published by the

THE NORTHERN MINE RESEARCH SOCIETY
SHEFFIELD U.K.

© N.M.R.S. & The Author(s) 1991.

ISSN 0309-2199

A LAWSUIT AND A MINER'S WAGES

W.S. Harvey

SYNOPSIS

The items of evidence collected for court cases can be valuable sources of historical record. An action brought at the Lanark Sheriff Court by two Leadhills miners in 1838 is not only of interest in itself, but provides firm data relating to the net earnings of the miners at Leadhills.

How much money did the lead miners actually receive once their bargains had been made up and their debts cleared? They had to buy the consumables they required for their work; were also debited for their “subsist”, the meal etc. they obtained from the company’s store; and for any such cash they needed in advance of the infrequent pay days. One thing we can be sure of is that the amount which remained varied widely. Not only between mines in different parts of the country, but also within a mining community.

Not all published references of miners’ earnings differentiate between gross and net amounts. The former were often the figures quoted by the mining companies, the latter were often much less than that looked for by the miners themselves. There must also have been occasions when a miner found he was being denied the bargain. There are many references to complaints about low earnings, but little record of miners taking their employers to court in an attempt to recover wages which had been withheld.

The Mine Journals and Bargain Books in the old miners’ library at Leadhills, Lanarkshire, Scotland, contain a considerable archive about the operations at the local mines.¹ At first sight the Bargain books appear give a factual record of the money earned by each partnership, but in reality the evidence is less than complete for the account books which recorded the men’s debts and their subsist are no longer extant. However, the writer has now found extracts of the accounts for two of the miners in the papers relating to a lawsuit begun in 1838.

The case was brought by Alexander (Alex) and John Lowrie and was heard in the Sheriff Court at Lanark.² The men claimed they had not been paid for outstanding work, and were due £50 from W.G. Borron, as the agent for their employers, the *Scots Mines Company*. The dusty papers, tied together by the Sheriff Clerk at the conclusion of the case, are now in the Scottish Record Office.

The Lowries had come to Leadhills in 1838 along with a party of about 26 miners from Strontian in Argyleshire.³ The High-Landers replaced men who had been sacked after the strike of 1836.⁴ But were perhaps also taken on to improve the temper of the others. What were referred to as “misunderstandings between Mr Borron and his workmen” had continued, and there was said to be “a coldness between a part of the men and their employees”.⁵

This was a potential for further unrest, and although not brought in as strike breakers, for the strike was long over, the Highlanders nevertheless seem to have been seen as intruders. Men had come from the Highlands before but the newcomers were referred to as “the Highland men”, an appellation which suggests they were set apart. The substance of the Lowries’ case was that they had been given a bargain to continue with work in the Laverockhaw Vein, but were then told to go instead to a pitch called “the Stoup” where, they said, the air was so bad they “could not bear it”.⁶ They refused, and in consequence were deemed to have “deserted their work”, were therefore no longer employed, and the money they had already earned was forfeit.

The bargain had been set verbally and was never written into the Bargain Book. To add to the confusion all the Highlanders spoke Gaelic, and in the case of some of those called as witnesses it was agreed that their English was “imperfect”.⁷ Even so, the evidence showed the Lowries’ had a claim, but Borron was determined to fight. Time was on his side and, after nearly four years of argument, the Lowries settled for £25-17-4, out of which £10 went to pay their law agent.⁸

If Borron’s intention had been to seek docile workers then he was disappointed, and the remarkable aspect of the case was that Highland miners, Gaelic speakers and no doubt seen as unsophisticated roughnecks, were willing and able to challenge the administration at Leadhills. Miners had disputed bargains before and would do so again, but none took their disputes to court.

The decade was in fact marked by other legal actions. 1838 also saw the first of many cases which arose from a disagreement over water rights, and in January, 1839, an ore washer and three miners were gaoled for adding ore rated at £2 per ton of lead to a batch valued at £10. This was said to be the first case at Leadhills of miners being imprisoned for “judicial crime”.⁹

The evidence in the Lowries’ case included transcripts of the bargains worked prior to the dispute. These have now been checked with the Bargain Book at Leadhills and can be summarised as follows.¹⁰

A LAWSUIT AND A MINER'S WAGES

Ref. No.	Date set.	No. of Men	Rate	Measured/date	Paid
					£ s d
108	25/7/1838	6	£7-10s/fathom	1.12/27f 4/8/38	10 16 8
114	16/8/1838	8	£4-0/fathom & £2 / ton lead	8.20/27f 31/8/38 235 stone	34 19 4 2 17 4
135	25/9/1838	12	£3-10/fathom & £2/ton lead	31f 31/12/38 13 tons 44st	100 15 0 26 11 0
Total					175 19 4
Alex Lowrie's share					17 2 10
John Lowrie's share					15 11 2

John Lowrie had only joined the partnership on the 16th August, so Alexander's earnings present an overall picture and have been used in what follows.

The period July to December amounts to about 18 weeks, so Alex earned 19/- (95p) per week gross, equivalent to £49.4 a year. The transcripts offered as evidence enable this figure to be compared with his net earnings. Viz.

Alex Lowrie's accounts as transcribed from "Men's Debt and Cash books".¹¹

August.	c/f Meal 4-6				
	4st. meal @ 2/3 stone		9/-		
	4lb. candles @ 8d pound		2/8		
	7lb. gunpowder @ 8d pound		5/4		
					17 0
September.	4st. meal @ 2/3 stone		9/-		
	4lb. candles @ 9d pound		3/-		
	9lb. gunpowder @ 8d pound		6/-		
	Cash for lodgings		10/-		
					1 8 0
October.	4st. meal @ 2/3 stone		9/-		
	4lb. candles @ 9d pound		3/-		
	7lb. gunpowder @ 8d pound		4/8		
	Cash for Meat Money		£2		
					2 16 8
November.	4st. meal @ 2/3 stone		9/-		
	8lb. candles @ 9d pound		6/-		
	6lb. gunpowder @ 8d lb.		4/-		
					19 0

BRITISH MINING No.43

December.	6st. meal @ 2/3 stone	14/-		
	4lb. candles @ 9d pound	3/-		
	7lb. gunpowder @ 8d pound	4/8		
	Cash for Necessaries	6/-	1	7 8
	Cash to Wages A/ C		<u>8</u>	<u>8 7</u>
			16	1 5

The whole was also entered in the Ledger. Viz.

Dr.		Contra.		
To Stores	4 - 16 - 10	By Fathom work	14	11 5
To Cash	<u>11 - 4 - 7</u>	By Tontail (sic) lead	<u>2</u>	<u>11 5</u>
	£16 - 1 - 5		£17	2 10

(The £17-2-10 compares with the figures from the Bargain Book.)

Leaving a balance of £1 - 1 - 5

The total paid to Alex in subsist, cash, and wages, amounted to

£13 - 19 - 1

Equivalent to 15/6 (76p) per week.

How does Lowrie's earnings compare with those of the other miners? Although the extant Leadhills books make no direct reference to net earnings, something can be deduced from the record of a bargain agreed with six men on the 10th March, 1840. This carried the following note -

If the wages of the bargain men do not make 12/- per week the price shall be increased to £7. But if they make above 15/- then 20/- per ton shall be deducted from the price or such part of it to make the wages 15/-.¹²

The total payment for the bargain was £238 - 1 - 11 over a period of 42 weeks. For six men, this amounts to £5 - 13 - 2 or 18/8 (94.4p) gross each per week. No deduction was made, so to meet the bargain requirement the 15/- must have been a net wage. The figures are supported by the evidence given by one of the Leadhills overseers to the reporter to the Commission on the Employment of Children. He stated

“the miner's account is paid only once a year. When the account comes to be balanced the weekly earnings will be found to average from £1 to 8/- with the greater number getting 12/-”.¹³

Had Alex Lowrie's accounts related to 18 months instead of 18 weeks, the figures would have been of more value. However Borron seems to have been anxious to ensure the Highland men had earnings high enough to enable them to send money home, so the figure of 18/- gross is in line with the above.

Others got less than 8/- for, in his research on Leadhills, Professor Smout finds some wages were as little as 4/6.¹⁴ As remarked, the amounts varied widely and it is perhaps important to remember this such differentials produced a social hierarchy in mining communities.

REFERENCES

1. Allan Ramsay Library. (ARL). Mine Journals and Bargain Books. 1740-1854. Also on micro-film in the Scottish Record Office. Ref NRA(S) 2052.
2. Scottish Record Office. Sheriff Court Records. (SCR). SC.38/22/85. Process. Alex Lowrie and John Lowrie. Miners V. William Geddes Borron.
3. Ibid. "Condescence for Alex and John Lowrie. 3rd December, 1839". Note. The lead veins at Strontian were discovered in 1722, and worked by the York Building Company until about 1836. See. J.G. Landless. Strontian Lead Mines. *British Mining* No.1. Memoirs of the Northern Mine Research Society. 1975.
4. W.S. Harvey. The Progress of Trade Unionism at the Leadhills Mines. Northern Mine Research Society. *British Mining* No.39.1989, pp. 47-48.
5. SCR. "Condescence". op cit. Report of Commission on Childrens Employment (CCE) PP 1842. Vol. III p.868. Thomas Weir's evidence.
6. SCR. "Note" dated 28th June, 1842.
7. Ibid. "Proof of 19th February, 1841".
8. Ibid. "Mandate to Mr John Mair. 20th February, 1843".
9. Note. Although the Water dispute is usually seen only in terms of two cases in the Court of Session which were taken, on appeal, to the House of Lords in 1859; it in fact included a plethora of actions, beginning the Sheriff Court and involving individuals as well as the two mining companies. Records are in the MSS of the Sheriff Court Processes, the published Court of Session Cases, the collections of Unextracted Processes in the SRO; and also in the Gillespie & MacAndrew papers in the Hopetoun archive.

For the ore case see: S.C.R. Jury Records. Se.38/54/2. "Trial of John Stewart. 7th January, 1839". And CCE. op cit p.870.

10.ARL. Bargain Book. Vol.15. 1838.

11. SCR. Alex and John Lowrie v W.G. Borron. op cit. Items 7 and 18.
"Extracts from the Company's Books".

12.ARL. op cit. Bargain with John Mitchell. 10th March, 1840.

13.CCE. op cit. p.869.

14.Smout. T.e. "Lead Mining in Scotland" in Payne. P. ed.
Studies in Scottish Business History. 1967. p.127.

W.S. Harvey.
86 Beechwood Drive,
Glasgow. G11 7HQ.

June. 1991.