

BRITISH MINING No.48

# MEMOIRS 1993



Harvey, W.S. 1993

“Controversy and Contraction. The Water Dispute at the Leadhills Mines”  
British Mining No.48, NMRS, pp.7-21

Published by the

THE NORTHERN MINE RESEARCH SOCIETY  
SHEFFIELD U.K.

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ISSN 0309-2199

## **CONTROVERSY AND CONTRACTION. The Water Dispute at the Leadhills Mines.**

by William S. Harvey

### **SYNOPSIS**

*In 1831 the Scots Mines Company claimed an exclusive right to the leats at Leadhills, which meant the other company there was “unable to obtain water for its engines”. The resulting dispute produced notable litigations, but has to be seen against a period of recession and in terms of the management at the time. It excused contraction and a lack of investment, and became a scape-goat for the resulting distress in the community.*

By 1830 the Scots Mines Company had become the largest and most successful concern working the lead mines at Leadhills, Lanarkshire. From the start it seems to have been ambitious and expansionist. In 1740 it looked at the mines at Strontian, and in 1753 it made an unsuccessful attempt to secure the lease at Wanlockhead. In 1768 the Company leased the mines at Tyndrum, but these Highland mines were perhaps too inaccessible to manage successfully at the time and the Company pulled out in 1791.<sup>1</sup>

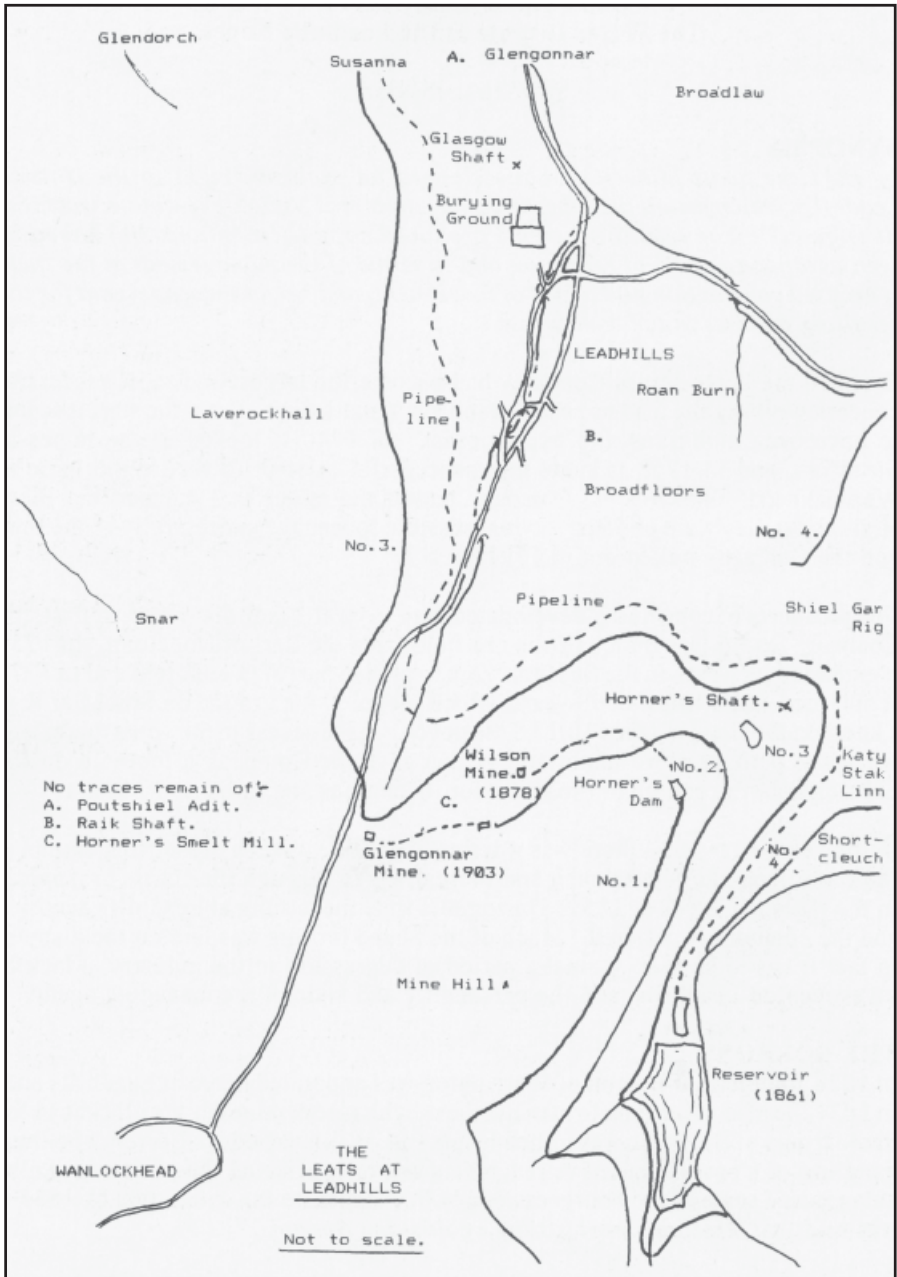
The prospects of continuing development had to be at Leadhills where, at first, the Company leased less than half the ore field from the Earl of Hopetoun. In 1751 it extended its works in the Susanna Vein to take in part of Glendorch, and in 1772 it obtained a new lease, of 99 years, which included the ground on Shiel Gar Rig, a knoll on the flank of Mine Hill.<sup>2</sup> This not only gave access to the veins there, but, what was perhaps more important, it also gave the Company a foothold on the Shortcleuch, the source of the water for its engines and mills.

In the years after 1830 there was a series of disputes which arose from claims to the water from the Shortcleuch and these dragged through the courts to Appeals in the House of Lords in 1859. During this time the mining at Leadhills declined and the community suffered. Much of the blame for this was laid on the dispute. In fact it has to be seen against a period of depression in the industry, a lack of investment at Leadhills, and the personality and style of the managing agent.

### **THE BORRONS**

In 1828 John Arthur Borron of Warrington was appointed agent at Leadhills and, in 1831, he also undertook to manage the neighbouring mines at Wanlockhead for the Marquis of Bute. He was joined by his son, William Geddes Borron, and their handling of a programme of retrenchment not only affected the miners, but also antagonised some of the bourgeoisie in both villages, to the extent that by 1833 it was said that “*feelings were strong against the Borrorns*”.<sup>3</sup>

In 1834 the management of the Leadhills mines was given to William Borron, whilst his father kept Wanlockhead. The dispute not only enabled young Borron, who was 24 years of age, to excuse cut backs, but also provided him with the opportunity to



Sketch map of the mining leats at Leadhills

strengthen his hold on a discontented workforce. However, the protracted lawsuits arising from the dispute eventually brought the Scots Mines Company's long reign to an end.

### LEATS AND LEVELS

The dispute was about the leats, and water works were an essential feature of the industry.<sup>4</sup> At Leadhills the topography meant there were no regular sources adjacent to the works and, to overcome this situation, water had to be brought from an adjacent valley, the Shortcleuch. In a Memorandum dated 1772 the leats, known as water courses or lades, were described as follows:-

First. The watercourse from the Shortcleuch water to the Thief Slack Hass and originally to the Scots Mines Company's works. In 1757 it was surrendered by them and given by My Lord (Hopetoun) to Messrs Sherriff and Guthrie for their engine on Broadlaw. (Later referred to as No.4.)

Second. The Company's Water Course, leaving the Shortcleuch above Risping Cleuch is brought along the East Side of Mine Hill, falls to cross Glengonnar above Wet Bush, and coming round west of Brown's Vein serves the engine at Meadowhead then falls to Glengonnar and serves the High Mills. (Later No 3.)

Third. This Water Course is called Mr Lothian's. It is taken up much higher than the former and is brought down by Petersykehead and round the top of Mine Hill by the High Works. In 1768 Mr Tessington led the water to his engine at Rashy Grain before delivering it back to its old course. (Later No.2.)

Fourth. There is a still higher Water Course but it is suspected it is not a new course but only (one of) Mr Lothian's. (Later No. 1.)<sup>5</sup>

Soon after the Memorandum was written, "*The Company's Water Course*" was taken to the Susanna mine where it drove underground wheels and also powered a "*sucking water blast*". The latter was a trompe, or air inducer, which ventilated the deeper workings. It and the wheels were noted by the engineer John Rennie when he visited Leadhills in 1792.<sup>6</sup>

The leats ended at smelt mills below the village, where there was a final head of water. In 1806 a new smelt mill was built at Waterhead, about 2 km down the glen. It had a "*blowing engine*", instead of bellows, and the wheel which drove it took water flowing from the Grippls drainage level.

The drainage levels were the other major elements in the infrastructure. The Poutshiel Level, which was begun in the late 17th century, was superseded by Grippls Level, begun in 1768 by the Earl of Hopetoun's miners and taken over by the Scots Mines Company in 1772.

The lordship, or rental, paid to the landowner, gave him "*an essential interest in the working of the mines*", and the maintenance of the leats and adits featured in all the Hopetoun leases.<sup>7</sup>

## POPHAM AND HORNER

At first the Scots Mines Company had its mines to the north and, by 1780, a partnership headed by Alexander Popham of Hungerford, MP for Taunton, had works to the south on Mine Hill and Broadfloors. The partners traded as the Leadhills Mining Company, but were unable to sustain a profitable level of production.<sup>8</sup> None of the companies working the mines on the southern hillsides seem to have been particularly successful, probably because of difficulties in the supply of water. One built a windmill and Popham had a steam engine, but by 1805 his Company had suspended operations with some years of the lease still to run.<sup>9</sup>

The Scots Mines Company took this opportunity to secure the ground at Broadfloors, which was adjacent to Shiel Gar Rig. Three years later two Yorkshire men, Henry Hurst and John Horner, were joined by others from around Northallerton, and took the remainder of the Leadhills Mining Company's lease.<sup>10</sup> Horner had interests in the Merryfield and Prosperous lead mines on Greenhow and, in 1796, he held leases on some small collieries near Thirsk.<sup>11</sup> Hurst later pulled out, but Horner made a large investment at Leadhills and he is still remembered in local place names.

Horner's relations with the Scots Mines Company evinced that "*mutual co-operation necessary in the promotion of mining works*", and he allowed Borron to use an adit at Katy Stak Linn as a water-tunnel in order to take water from the Shortcleuch to drive the engine on the Raik vein, and from there to augment the supply to the underground engines in Susanna.<sup>12</sup>

The Raik engine was working by 1817, but in that year Horner died and the mines passed to his son, the Reverend John Horner of Louth.<sup>13</sup> He died in September 1818, and his sons inherited his estate. They seem to have lacked their grandfather's drive. One of them was accused of a "*long neglect of all duty*".<sup>14</sup> Another, Thomas Horner, a solicitor in Darlington, nevertheless attempted to keep the Company going, retaining the agent at Leadhills, John Hedley, as his manager.

In 1817 the Company employed around 100 men and produced 300 tons of bar lead, but ten years after old Horner's death the workforce was down to 16.<sup>15</sup> Many got no "*settlement*" of wages owed to them, and the Horners admitted that some of the miners "*suffered greatly*".<sup>16</sup>

In 1828 machinery was sold by a public roup to meet debts which included arrears of tack duty, and in 1830 two of the Horner brothers pulled out. "*Rejoicing,*" one remarked, "*in being liberated from a ruinous connection.*"<sup>17</sup>

## THE SCOTS MINES COMPANY'S CLAIM

By then there were new wheels in Susanna which needed additional water. The Horners were perceived as having "*deserted their work*", so Borron decided to take over the No.2 leat.<sup>18</sup> In 1831, the Scots Mines Company negotiated what proved to be a controversial Agreement with the landowner, the Earl of Hopetoun, which specifically catered for cross cuts to old works in Laverockhall and the adjacent veins, and which set out a sliding scale for the tack duty. As part of the agreement, the

Company claimed all the Shortcleuch water.<sup>19</sup> Leases had referred to the use of the water as if a privilege, now it was being claimed as a right, effectively preventing any other company mounting a long term operation at Leadhills. As the Earl's Baillie later remarked to Hedley, Horner's manager, the Scots Mines Company was making "*every effort*" to secure the whole ore field.<sup>20</sup>

What was left of the Leadhills Mining Company was now "*without a drop of water*". This led to retaliations and in 1833 James Stewart, the Scots Mines Company's overseer, complained that the "*Leadhills Mining Company's men are breaking our water courses and threatening our levels*".<sup>21</sup>

By 1833 the price of lead had crashed to little more than £13 per ton and Borron cut back on expenditure by re-opening old works to recover ore left from earlier operations. He also reduced the number of miners who were regularly employed. This contraction, coupled with the decline in the Horners' operations, meant that the village was in a period of recession. An emotive report in the Dumfries Courier referred to the way work had "*fallen off*", and it was "*waesome [woeful] to hear talk of better days*".<sup>22</sup> In fact some miners continued to hold a high level of earnings for, in 1834 one sent a son to the University of Glasgow.<sup>23</sup>

This policy of retrenchment continued and, even in 1841, the Earl was being told by his Factor that Borron was getting lead "*out of old works which will soon run out instead of new veins which he should be taking measures to discover*".<sup>24</sup> He did attempt to create a secondary industry by manufacturing lead shot. An old shaft was used and 30 tons of lead was sent to "*the shot-house*" in 1834.<sup>25</sup> However, some of those who found work there were taken ill with arsenic poisoning, and Borron's attempt to diversify was short lived.<sup>26</sup>

## THE ADVENTURERS

Traditionally, production at Leadhills was via bargains made with the mining companies, but miners might also "*adventure at their own risk and expense*", and were eventually paid for the lead smelted from any ore they raised.<sup>27</sup> This was now a low cost way of working the old ground and, by the end of 1835, 30 out of 153 pickmen [20%] were adventuring, compared with four out of 166 [2%] in 1801. The figure was to climb to over 50% in the 1840s.<sup>28</sup> Some adventuring was seen as regular work, but in a memorandum in 1836 Borron advised that not all of the men were to consider such bargains as inferring "*permanent employment*" and thus qualifying for credit in the company store.<sup>29</sup> The bargain partners always had had a long wait between pays. Now the situation was exacerbated.

Independent ventures were also encouraged by the hiatus left by collapse of the Horners' affairs. To fund what seems to have been one such enterprise, a bargain partnership borrowed £100 from a village shopkeeper in 1837 "*to provide materials and support while taking out some deads*". About the same time a miner "*applied for permission to take water (from one of the leats) to wash some old wastes he had collected*".<sup>30</sup>

Entries in the Journals show much of the old ground must have been in a dangerous condition. In one instance work had to be stopped because a rise was “*so rotten we durst not go up it*”. In 1837, two miners were killed by a rock fall and, later that year, a bargain was abandoned because of “*the swirl*” of water in the level.<sup>31</sup>

The wait of a year or more between pays led to complaint and, in an attempt to meet this, Borron allowed the overseers to estimate the likely return from the smelting, but the arrangement seems to have proved difficult to manage. There was a “*series of overestimations*” and some miners had to pay back the difference “*to their serious inconvenience*”.<sup>32</sup> An even more pernicious practice was that Borron encouraged, or condoned, verbal bargains which, it was said, could be “*altered to the men’s prejudice*” when they were later written up.<sup>33</sup> The resulting discontent was one of the factors which led to the men going on strike in April 1836, but the threat offered by “*twenty men of the 96th (Regiment)*” had them back at work in July.<sup>34</sup>

In what seems to have been an attempt to improve the temper of his workforce, Borron brought some miners down from Strontian, Argyllshire. However, this recoiled, for two of them took him to the Lanark Sheriff Court in 1839, claiming he had refused them the earnings from a bargain, and most of the others later returned home.<sup>35</sup>

### A STRAITENED ECONOMY

Hearings in the Small Debt Court at Lanark provide an insight into the village economy at the time and also into the way the need for credit for adventuring may have threatened the dominance of the Scots Mines Company. Attempts to recover debts of up to £8-6s-8d (£8.33) could be made in the Court, and the following is a summary of actions against Leadhills miners in the 1830s.<sup>36</sup>

Year	Number of Debtors	Total sums involved		
		£	s	d
1830-31	8	22	5	7
1832-33	42	196	15	4
1834-35	11	47	5	6
1836-37	37	153	13	0
1838-39	14	56	12	6
1840-41	2	4	13	3

No actions have been found after 1841. The total amount due in the 1830s is over £480 and, since this only represents outstanding debts, the level of credit must have been very considerable.

Money was owed to the tailor and the “wright” - carpenter - as well as to the village merchants. Most was probably for purchased goods, but the reference (above) to money being borrowed to fund adventuring suggests some debts may have been incurred in this way. Unfortunately, the entries in the Court Books are not specific, and in any event it is unlikely that traders would want to admit to acting as money lenders.

The Truck Commission remarked how credit placed a miner “*in the power of somebody*”: now this power was slipping away from William Borron and the Scots Mines Company.<sup>37</sup> Pressure may have been put on the traders to stop them lending money and it was probably no coincidence that, in May 1841, Borron opened a new store which, it was said, would “*keep everything a house needs*”. A miner wrote that it would be “*kind to the men (but) kindest to themselves (the Company)*” and, he went on, “*It’s no for naught the gled whistles*”.<sup>38</sup> The gled, or kite, was seen as motivated by greed.

### THE SNARHEAD COMPANY

Another operator was now to join the fray and play a major role. In 1832 James Hunter, a “*merchant and spirit dealer*” in the nearby village of Abington, had formed the Snarhead Company to work lead veins in the Snar valley to the north west of Leadhills. He probably gave employment to those of Horner’s men who were out of work, and it was said he also took some miners “*who had been discharged and had forfeited their houses*”.<sup>39</sup>

By 1834 Hunter had raised eight tons of ore, and Borron agreed he could have the use of the No 2 leat so as to work Horner’s old smelt mill.<sup>40</sup> Borron probably assumed operations at Snarhead, which was outwith the Hopetoun estate, posed no real threat. Prospects there indeed seem to have been limited, for one of Hunter’s men later recounted how he had to find additional work as a joiner.<sup>41</sup> The Snar mine was perhaps little more than an adventure, but it gave Hunter a taste for bigger things and he was joined by others who may have had an eye on Leadhills. In 1836 he applied to take over the Horner lease and looked for a title to the No 2 lade. The Earl of Hopetoun was not only agreeable, but also took an action in the Lanark Sheriff Court to remove Thomas Horner, claiming the latter had abandoned his mines and thus forfeited his title. Horner contested the action by “*denying the averments in the assumption*”, and stood his ground.<sup>42</sup>

A year later Hunter came to some working arrangement with Thomas Horner and, when Borron raised a Bill of Suspension and Interdict against the Snarhead Company in February 1837, the Sheriff pointed out that the latter had a “*pretended authority for the Leadhills Mining Company*”.<sup>43</sup> The Bill claimed the Snarhead men were “*interfering and molesting*” with the Scots Mines Company’s works, and were “*breaking embankments and diverting the water courses*”. But the action seems to have had little effect for, in March 1838, the overseer recorded how:-

Snarhead men to the number of about 30 armed with shovels were going to interfere with our water course so I gave orders to some of our men to go to the head of the water. As soon as the Snarhead men observed this they used the utmost speed to gain the head of the course and to break down the bank. This our men repaired. When the Snarhead men saw this, they desisted. Their action was only to deprive us of water.<sup>44</sup>

The account gives the episode a childish quality, but the mischiefs continued. In April the Snarhead men “*turned the water from its regular course*”; in May they were



“*diverting it into old shafts*”; and in December the leat was found to be “*blocked with gravel*”.<sup>45</sup>

Such activities probably had a nuisance value rather than causing any lasting damage, but they demonstrated that the Scots Mines Company was not going to be allowed to have its own way at Leadhills, and it turned again to the courts.

## LAWSUITS

The dispute produced a plethora of lawsuits in the civil courts which, in many instances, continued for years after the first hearings.

In 1845, and after much legal wrangling, it was agreed by a Deed of Submission of 1845 to put the whole matter to arbitration, and Thomas Sopwith, the manager of the WB Mines at Allenheads, was appointed as assessor. He visited Leadhills in April 1847 and his final report upheld the claims of the Scots Mines Company.<sup>46</sup>

In that year Hunter and his associates, who now included two Leith merchants, Eagle Henderson and William Muir, bought out what was left of Horner’s works, trading again as the Leadhills Mining Company.<sup>47</sup> The Snarhead Company may have seemed a small affair, but the new company was a formidable one with the potential for large investment and resources to match its rivals. It was, however, “*unable to obtain water for its engines and wheels*”, and was not disposed to concede to Sopwith’s findings. In July 1849 another report was prepared by the celebrated mining engineer, John Taylor. He affirmed the claim to the Shortcleuch leats and went on to award a total of £3900 in damages against the Leadhills Mining Company.<sup>48</sup>

## THE BARRICADE

The Leadhills Mining Company ignored this decision, too, and Muir, who seems to have assumed control of the company, now decided to sink Horner’s old shaft deeper than the Katy Stak Linn Level and to the line of Poutshiel. The terms of the original lease allowed this to be used to drain the mine to the Glengonnar Water, via the workings of Scots Mines Company.

In May 1849, Muir’s miners began driving into the Poutshiel Level under Broadfloors. Borron was informed and he took the drastic step of having the level blocked with a “*barricade*”.<sup>49</sup> This was arranged to allow water to pass, since that was a condition of the lease, but to prevent access. It was an extraordinary obstruction which was later criticised as being “*out with the rules of good mining*”.<sup>50</sup>

Soon afterwards his opponents began opening the old No.1 leat on the south east side of Mine Hill. This was perhaps a shrewd move, for it could have been argued that it did not constitute “*interference*” since the leat was long disused. But Borron gave instructions that it was to be broken and filled with sods.<sup>51</sup> An effect of such actions was to set neighbour against neighbour, but there is no record of the rival miners coming to blows.

**NEW CONDITIONS AND AN END TO MILITANCY**

After a brief rise, the price of lead had fallen again, and in July 1849 Borron announced that he was suspending all but 11 of his men.<sup>52</sup> He claimed this action was forced upon him by his rivals' machinations, but the dispute perhaps offered the opportunity to make drastic reductions and to clear out radical voices.

The wage bill was now greatly reduced, but the tack duty still had to be paid. So, on the 1st October 1849, Borron set out new "*conditions to be agreed and subscribed*" by his miners. These included a requirement that the bargain rates would be reduced by 1/6th for the tack duty. In addition, half the value of the timber used in the mines would be deducted from the men's earnings.<sup>53</sup>

Bargains for what was called "*duty free lead*" were not uncommon, but to penalise the miners for the timber they used was an extraordinary oppression. It struck at the heart of safe working and it may be remarked that it was a similar imposition, i.e. the reduction of the rate for a tub of coal to pay for timber, which triggered the terrible events described in *Germinal*, Emile Zola's novel about French colliers.

But there were no disturbances at Leadhills. Borron had cut his total workforce to under a score and the men had to accept whatever came. When a series of strikes at Leadhills in the present century produced much interest and publicity, reviews of previous events made no mention of the strike of 1836, nor of any local sympathy for Chartism during its Scottish revival in 1848. It is as if Borron's actions deprived the community of a generation of labour history.

Many miners found other work. Others left for the Carsphairn mines. The produce from the small holdings, together with the money made from the embroidery produced by the women folk, helped the community to get by.<sup>54</sup> Another source of income was to pan for gold and, in 1853, a visitor noted "*men working for gold not 100 yards from our inn*".<sup>55</sup>

In 1831 the population at Leadhills had numbered 1188; by 1851 it was down to 853 and the sufferings of the community were remarked on by visitors. A local Minister found the village "*a great part in ruins*" because of the "*long and baffling lawsuit*", and Harriet Martineau, social observer and friend of Charles Dickens, wrote of the "*curse of litigation*".<sup>56</sup> These remarks seem to have been much in keeping with the Victorian view that lawsuits were lengthy and incomprehensible disasters in which the innocent suffered.

**BORRON AND THE EARL**

The mines were central to the economy of the Leadhills' villagers, but may not have made a major contribution to Borron's own livelihood. By 1844 he had a house in Glasgow and was a Burgess of the city. There he joined with relatives of his wife to start in business as Borron, Price and Kidson, glass manufacturers, and he seems to have been remembered as a businessman rather than as a mine agent.<sup>57</sup>

William Borron is also remembered as being “selfish” and “quarrelsome” and, as well as antagonising some of the villagers, he clashed with the 5th Earl of Hopetoun over terms for a sub lease.<sup>58</sup> In spite of this set-back to his aspirations, he was nevertheless very much in charge of operations and described himself as “*Proprietor of the mines*”.<sup>59</sup>

The Earl died in 1843 and, as his son was under age, Borron perhaps saw an opportunity to stop paying the tack duty of one lead bar in six. This was patently illegal, so, although he “*declined to allow the Earl to remove any lead*”, he later had to instruct his men “*to offer no resistance to the taking of the bars*”.<sup>60</sup> It was perhaps no more than a gesture, but it was a measure of the way relations between Borron and the landlord had broken down. When the former recounted the events, it was the Earl who was seen as having “*interfered with the rights*” of the Scots Mines Company and as being the prime source of all the troubles.<sup>61</sup>

The sympathies of the young Earl’s curators certainly seem to have been with Borron’s rivals. The Estate did not agree that the rights of the Scots Mines Company were “as extensive” as Borron claimed, and the Factor’s complaint about production being limited to “old works”, together with the refusal to recognise Borron’s as a sub-lessee, suggest a dissatisfaction with Borron’s management, the low level of output, and the resulting reduced royalty.<sup>62</sup>

There was probably also dismay at the way the dispute was escalating and, in particular, at the interference with the infrastructure, the leats and drainage levels. In October 1849 an action had been raised in the Sheriff Court to have the obstruction in Poutshiel cleared.<sup>63</sup> This was now taken to the Court of Session in Edinburgh, where the Earl had already instigated an action to overturn Taylor’s findings by claiming the latter’s report lacked the “*solemnities essential to its validity according to the laws of Scotland*”.<sup>64</sup> The case was finally heard in the Court’s 1st Division in 1856, where Lord Cowan decreed that, whatever its defects in presentation, the report was “*entitled to receive effect*”.<sup>65</sup>

## NEW DEVELOPMENT

By 1850 the market was recovering and both companies were embarking on new developments. The Scots Mines Company opened a shaft in the Glasgow Vein. It was near the Susanna ground, but the Company no longer had a certain supply of water for a pumping engine. There seems to have been an attempt to “*raise water to work the machinery*” by ponding a head behind a dam in an adjacent cross-cut, but, if so, this was not pursued.<sup>66</sup> Instead, the old line of the No 4 leat was re-opened and its waters taken above the present golf course and put into the Roan Burn which was dammed to make a reservoir.<sup>67</sup> Although the leat had its origins in the upper Shortcleuch, it was not wholly dependent on it, for it collected water draining from the moors in its course around Shiel Gar Rig and this provided enough to power a pressure engine on the new mine. It was working in 1853 and, a year later, the Company’s total workforce was over one hundred.<sup>68</sup>

Given a high head of water, these piston driven engines needed only a small flow to work them, and the Company seems to have been so hopeful of utilising this relatively

new technology to continue its operations, that the senior overseer was dispatched to the Mostyn, in Wales, to buy two more.<sup>69</sup>

At the same time, the Leadhills Mining Company's operations so increased the flow in Poutshiel that it was "*10 inches over the tram rails*" and was alleged to be a threat to the miners working "under level" in the veins to the north.<sup>70</sup>

There had been little or no maintenance of the levels and, in his report, Sopwith had advised that the drainage adits should be "*put into a proper state of repair*". But it was Muir's workings which drained across the ore field, so Borron was not going to spend money to his rival's benefit. In 1853 it was arranged that an engineer for the Carron Company, William Johnson, would inspect the works on behalf of the Leadhills Mining Company. He reported that parts of the Gripps Level were "quite unsafe" and that the "wilful" closing of Poutshiel could put the "*whole of the Leadhills Mining Company's liberty under water*".<sup>71</sup> The "wilful" barricade suggests the lack of maintenance was wholly deliberate. Borron did not respond and in 1855 another inspection found "*bursts .. frail timber .. (and) levels filled with rubbish*".<sup>72</sup> The Leadhills drainage levels were invariably taken through the stopes and, unlike the practice in the Pennines, were not lined with stone.

### **THE COURT OF SESSION TO THE HOUSE OF LORDS**

In 1849 the Leadhills Mining Company had demonstrated its determination by going to the Court of Session in Edinburgh with an action declaring it had a right to water from the Shortcleuch. This was countered and matters swung back and forth without either side gaining a final judgment. In 1855 an Interdict which ordered the Leadhills Company to cease operations was recalled in their favour, but, only days before the judgment was announced, what was seen as a very unusual action was moved on behalf of its rivals.<sup>73</sup>

This case was pursued by George Vere Irving, the son of Lord Newton, sometime agent for the Scots Mines Company, who owned land on the lower Shortcleuch. He complained that the water which was being discharged into Poutshiel and which now flowed to the Glengonnar burn, had previously drained into the Shortcleuch, so the actions of the Leadhills Mining Company were to deprive him of a feeder which he regarded as rightfully his. He asserted that drainage levels were not essential to mining and that the Company should have installed a pump.

The Lord Justice-Clerk, Lord Cowan, noted that Irving was "giving his name" to enable the Scots Mines Company to continue their actions, and remarked that "*the case is at once singular and novel*".<sup>74</sup> It now seems a strange one in so much as it could be said that the diversion of the Shortcleuch water to Poutshiel was what the Scots Mines Company had done when it took water through the Katy Stak Linn Level years before. And, as Lord Cowan noted, a somewhat similar case had failed in the English Courts where the owners of the Cromford Mill in Derbyshire complained that mining operations had deprived them of water they had used to power their wheels.

In March 1856, Lord Cowan held that Irving had no ground for complaint arising from the diversion of an “artificial stream”. The case was dismissed and Irving was ordered to meet the costs.<sup>75</sup>

Efforts to keep going and force the others out proved less than successful and, probably conscious of its past success and with its very future now at stake, the Scots Mines Company decided to appeal to the House of Lords. Much time and expense was spent collecting evidence. This eventually amounted to 519 items, plus six plans, and two appeals were heard in June 1859. On the 4th of July the Lords pronounced judgment to the effect that the appeals had failed, and the Scots Mines Company was liable for all expenses.<sup>76</sup>

After 130 years of mining at Leadhills, the Company gave up what had proved for it to have been a long and painful process of law and, after reaching a compromise with its rivals, it abandoned its operations and was wound up in 1861.

William Borron was given an honorarium of 300 guineas in appreciation of his “*closing of the litigation*” and “*winding up the Company’s affairs*” and, when he left Leadhills, he was presented with a silver candelabra by the “*miners and others concerned with the works*”.<sup>77</sup> He settled into an estate near Largs.

#### **POSTSCRIPT**

In 1861 a re-formed Leadhills Mining Company mustered £63,000 in £100 shares and negotiated a lease to all the Leadhills ground.<sup>78</sup> It secured an able manager, John Niven, and he boldly tackled the rundown state of the mines. To ensure an adequate supply of water, a reservoir holding 60 million gallons - the largest on any mine in Britain - was built on the Shortcleugh. Instead of open leats, which were often choked with winter snows, Niven arranged a line of 20 ins (500 mm), tile-clay pipes, said to cost £650 per mile, to Susanna. Its course was about 10 metres lower than the old No 3 leat and branches from it took water to engines and wheels.<sup>79</sup>



William Borron (Leadhills Library MSS)

In the short term, the dispute was disastrous both for the industry and the community at Leadhills. But the Scots Mines Company was perhaps complacent, out of date in its methods, and reluctant to make any bold investment. The dispute cleared the way for development of the deeper mines and, eventually, for the advent of the first public company to work in the area.

## NOTE

The dispute left a considerable amount of record. As well as the volumes of Cases heard in The Court of Session and on Appeal, I have identified other material in the following:-

**National Register of Archive. (Scotland).** Hopetoun MSS. Ref 888 and Gillespie MacAndrew & Co. papers. Ref. 2717.

**Scottish Record Office.** Lanark Sheriff Court Papers. SC/38/22.  
And Unextracted Processes. Shields. Misc. RH15

There may well be other sources, and it is likely that much still remains to be discovered about the whole affair. The House of Lords Appeal 1859, consisting of the two Appeals and the Appendix of Evidence, bound in one volume, is perhaps the best single source. But my own research has of necessity been selective and aimed particularly on the effects of the dispute. For a general survey of Scottish Court records, see David Moody, *Scottish Local History*. Batsford. 1986.

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