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Free Miners and Colliers:
custom, the crown and trade unionism
in the Forest of Dean, 1788-1886.

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the degree of Doctor
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Abstract

This thesis examines the impact of social and economic change on the practice of "free mining" in the Forest of Dean between 1788 and 1886, asking how and why the free miners' "rights" altered over that period and what the consequences of their survival were for the development of trade unionism among the Forest miners. The thesis is divided into three parts. The first of them discusses the free miners' rights and argues that they should be seen as part of a group of uses, including commoning and the occupation of Crown land, which its inhabitants made of the Forest in the eighteenth century. These uses came under pressure between 1788 and 1841 from reforms in central government and the intrusion of strangers from outside the Forest into the mining industry. A series of Acts of Parliament between 1838 and 1841 consolidated the new order in the Forest but the bargaining which preceded that legislation resulted in the preservation - though in a diluted form - of the miners' rights and of commoning. Part two asks whether the partial survival of these customs acted as a socially conservative influence which might have explained the relative weakness of trade unionism among the Forest's colliers. It is argued that the instability of union may be explained by reference to the organization of the industry and its markets, to the method of work organization in the pits, which created divisions among the miners, and to the inadequacies of "national" miners' unionism. Though it is not necessary to invoke the peculiar local rights and customs to account for the weakness of unionism

in Dean, Part three will contend that they remained important to many foresters. Renewed pressure from the Crown and from the large coalowners, on both the free miners and commoners, and the resistance of the foresters to change, are examined. The character of that resistance took colour from the assumptions and rhetoric of the union and in turn reinforced and helped to make successful, a campaign by the union for the separate representation of the working men in the Parliament.

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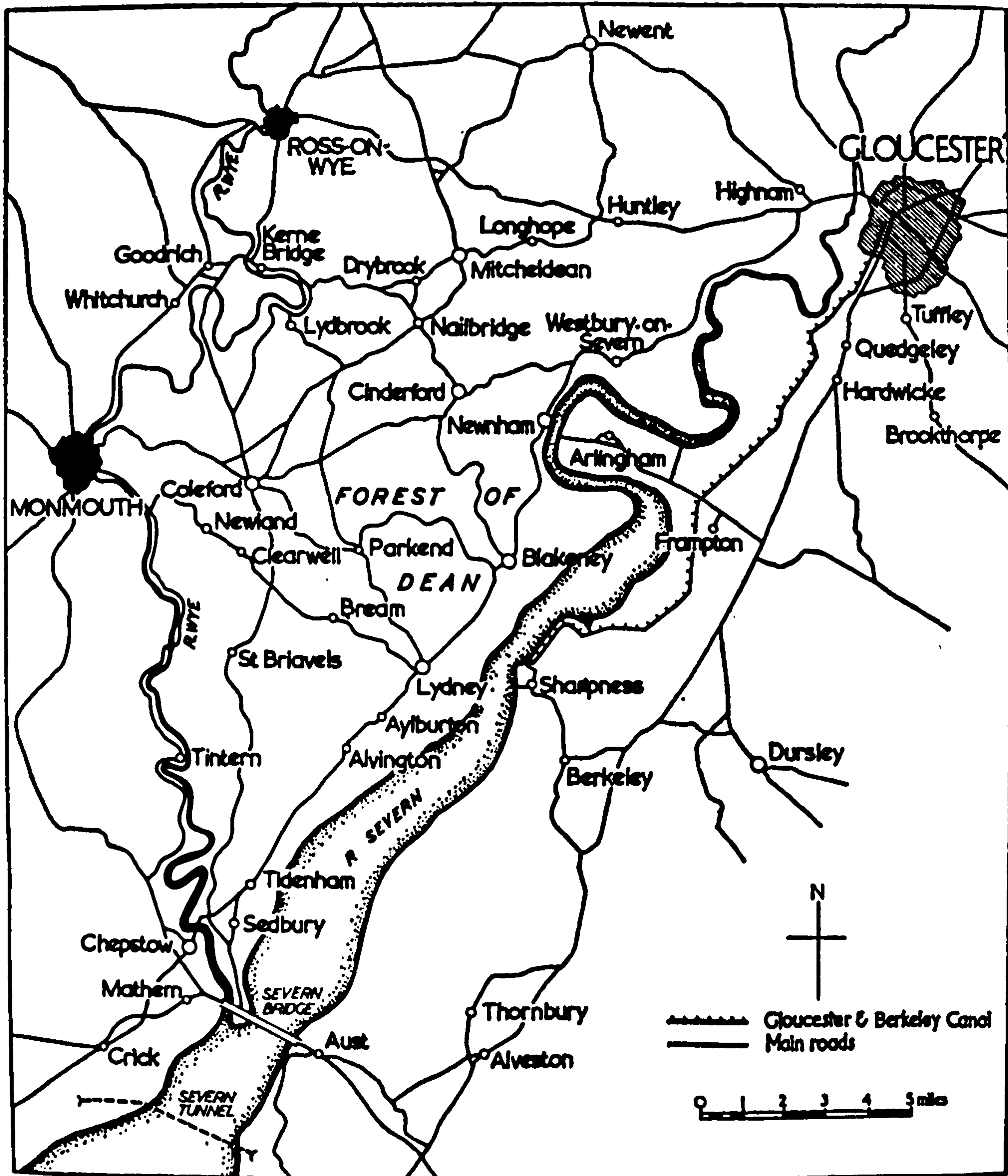
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Abbreviations

A.A.M.	Amalgamated Association of Miners
Crest	Crown Estate Commissioners
D.F.C.	Dean Forest Commission
G.R.O.	Gloucestershire County Record Office
<u>L.R.C.</u> , 1788	<u>Report</u> of the Select Committee on Dean Forest, 1788
L.R.R.O.	Land Revenue and Record Office
M.N.A.	Miners' National Association
P.R.O.	Public Record Office
S.C., 1874	<u>Report</u> of the Select Committee on Dean Forest, 1874
<u>S.C.W.</u> , 1849	<u>Report</u> of the Select Committee on Woods and Forests, 1849
S.R.O.	Scottish Record Office

Figure 1.



The Forest of Dean and its neighbourhood.

Reproduced from C.E. Hart, The Industrial History of Dean (Newton Abbot, 1971),

Introduction

In the work of some historians of Britain in the eighteenth and early nineteenth centuries, notions of "custom" and "right" have a prominent place. Studies of popular disturbances, most especially, have mapped the resistance of a great variety of people to the re-ordering of their established ways of living and working by economic and social change.¹ Riots and disturbances were often conservative in character, motivated by what Rudé called an "antipathy to capitalist innovation".² The common people protested in them against the exploitative values and practices of the "free market" and rational political economy. Rudé wrote that:

As commercialism and the quest of 'improvement' entered the village, common lands were divided and fenced off, turnpikes were erected, and grain was stored in barns and withheld from immediate circulation, while prices were allowed to follow the whims of supply and demand, and find their 'natural' level. Similarly, as industry developed, labour-saving machinery was introduced into mines and mills, and wages, like prices, found a 'natural' level by direct bargaining between the masters and their labourers. Thus, gradually, the old protective legislation against enclosure, engrossing, and forestalling, and the export of grain, and the old laws empowering magistrates to fix prices and wages, were rescinded; and the old notions of the 'just' price and the 'just' wage, imposed by authority or sanctioned by custom, gave way to the new prevailing notions of 'natural' wages and prices in a freely competitive market. 3

Against these tendencies, riotous crowds set the force of appeal to ancient rights, customs and statute. "It is possible," Thompson wrote, "to detect in almost every

¹E.J. Hobsbawm and G. Rudé, Captain Swing (rev.ed., 1973); G. Rude, The Crowd in History (New York, 1964); E.P.Thompson, 'English Trade Unionism and other Labour Movements before 1790', Society for the Study of Labour History, Bulletin (Autumn, 1968), 'The Moral Economy of the English Crowd in the Eighteenth Century,' Past and Present, No.50(1971); and
²D. Jones, Before Rebecca (1973).
³G. Rudé, The Crowd in History, p.224.

eighteenth century crowd action some legitimizing notion. By the notion of legitimation I mean that the men and women in the crowd were informed by the belief that they were defending traditional rights or customs."¹ Jones wrote similarly of the Welsh disturbances he had examined that:

...those who turned to violence were usually a closely knit group of people suffering some kind of economic strain and united by a feeling of injustice because of an attack on, or neglect of, their mythical rights and customs. The 'lower orders' proclaimed that they were determined to defend those rights against the tyranny and oppression of merchants, poor law officers, landlords, employers and the government. 2

Once the first half of the nineteenth century is over, however, the customs and rights which were so important slip from sight. It is trade unionism, relations between employers and employees in the workplace and the movement for direct working class participation in politics which command our attention. This shift, of course, reflects a real movement in the modes of collective action used by working people: having reached a peak in 1842, riots and disturbances declined dramatically in frequency thereafter. But did that shift in the mode of action mean that there had been a similar loss of concern with the matters that action had been about? Had custom and right simply succumbed to capitalist innovation and vanished from popular consciousness? Where custom and right continued to matter, what was their relationship with developing trade unionism or forms of working class consciousness? This

¹E.P. Thompson, 'Moral Economy....', p.78.

²D. Jones, Before Rebecca, p. 198.

thesis does not propose to confront all these questions on a national scale but will ask them of one district where custom and right had once been important in providing the framework of the life and work of the people: the Forest of Dean.

The Royal Forest of Dean lies in western Gloucestershire in the wedge formed by the rivers Severn and Wye. For most of the nineteenth century the Forest covered an area of somewhere near 24,000 acres of Crown land which, together with a number of surrounding parishes, made up the old administrative division of the Hundred of St Briavels. It is the central area of Crown land with which this thesis is concerned. Though small in extent, that land was rich in natural resources: timber, iron ore, limestone, building stone and coal. They had supported, from perhaps before Roman times, a number of industries, including iron ore mining. In the nineteenth century, however, coal mining was the largest employer of men in the Forest.

Like most of the other small mining districts, the Forest of Dean has not much attracted the attention of labour historians. They have been accustomed to think in large units such as Lancashire and Cheshire, Durham and Northumberland, or Derbyshire, units which were the basis of "county" unions which came in turn to make up larger national unions. Many of those areas generated and preserved union records, a precondition of being noticed. But though the big battalions can be most easily seen - and were, of course, of great importance in the history of miners' unionism and politics - the little

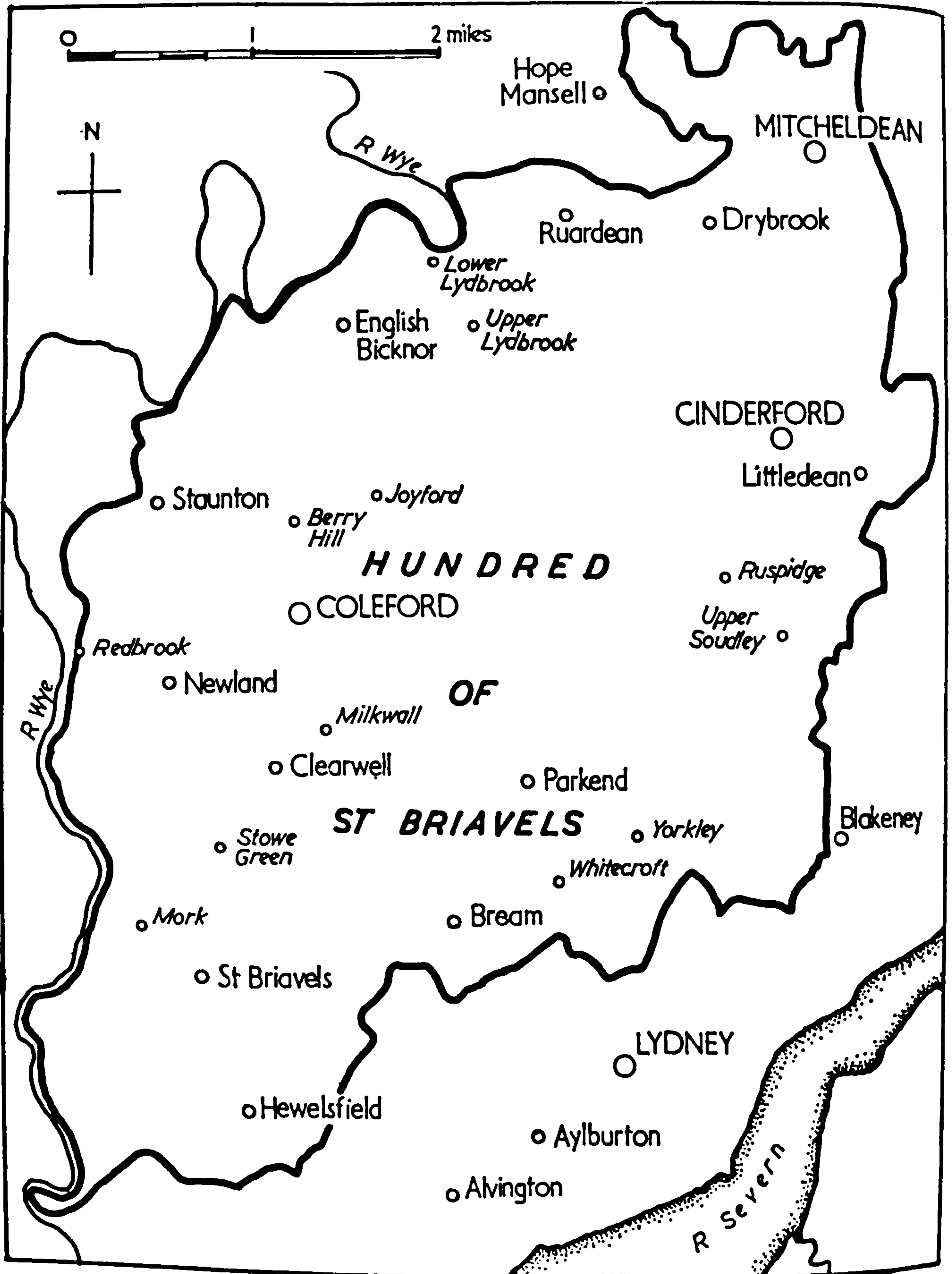
coalfields were important too and accounts of mining history which do not give them their proper weight are misleading. Chapter five of this thesis, for example, will look at the Amalgamated Association of Miners. A centralized union, it might easily be seen as one of the biggest of the battalions. But in 1874, at its highest membership, there were forty five separate districts of an average size of 2,364 members. Small though it was, with 4,500 members, the Forest district was one of the largest in the A.A.M! The problems of union in the A.A.M. area were those of the little districts, of the mass of fragments. Without an understanding of them our understanding of the larger aggregates is vitiated. Nor is the apparent weakness of union in many of those districts a reason why they should be disregarded. It is as important to know why some districts were not able to achieve stable union as to know why some did.

Where the Forest has been noticed it has not been because of its labour movement but because of its peculiar local customs: the ancient practice of "free mining".¹ Local historians, and even some writers with a broader focus, have offered accounts of the free miners, usually, in the spirit of pointing to an "ancient relic" or a quaint survival of a romantic past.² We have no sense that those customs could

¹For example: H.S. Jevons, The British Coal Trade (new ed., Newton Abbot, 1969), pp.82-88.

²For example: 'The Free Miners of the Forest of Dean,' Penny Magazine, 19 August 1843; H.G. Nicholls, The Forest of Dean (new ed., 1966; 1st ed., 1858), ch.ix, and his Personalities of the Forest of Dean (1863), pp.172-192; J. Bellows, 'Relics of Ancient British Forest Life,' Transactions of the Bristol and Gloucester Archaeological Society, vi (1881-2). In this century: J. Nisbet, 'History of the Forest of Dean in Gloucestershire,' English Historical Review, XXI (1906); R.J. Kerr, 'The Customs of the Forest of Dean,' Trans B.G.A.S. XLIII (1921); C.E. Hart, The Free Miners of the Forest of Dean (1953).

Figure 11.



Map of the Hundred of St Briavels.

be related to, be seen as connected with or affected by, larger movements in British economy and society. Like the paving stones on the old Roman road or the inscriptions^{scri} on some of the fonts in churches nearby, the customs have been of interest to antiquarians. A study of the customs, however, has more to offer than that.

What were the free miners' rights? This problem is dealt with in the first part of the thesis. The first chapter will set out the rights but will argue, following Thompson, that they should be seen, along with commoning and the use of the Forest's land for cabins and gardens, as part of a "bundle" of use rights to which, on one ground or another, the foresters laid claim in the eighteenth century.¹ Those rights, chapters two and three will argue, came under assault in the early nineteenth century by the Crown and its allies the coalowners. Resistance by the foresters to the extinction of their rights produced a compromise settlement, embodied in a number of Acts of Parliament in the late thirties and early forties, which stood until about 1870. In this period there was no labour movement among the Forest miners. Their defence of the rights was conservative in character, looking backwards to demand the reconstruction of a lost way of life. The distinction they made was not between employers and employed, coalowners and colliers, but between native and stranger.

By contrast, the second stage of controversy about the

¹See E.P. Thompson, 'The grid of inheritance: a comment,' in J. Goody, J. Thirsk and E.P. Thompson eds., Family and Inheritance (1976).

Table I.1

Districts of the Amalgamated Association of Miners
at 31 March 1874

<u>District</u>	<u>Members</u>	<u>District</u>	<u>Members</u>
Aberdare	10,400	Burnley and Church	1,510
North Stafford	9,079	Llantwit and Taffswell	1,488
Wigan	8,000	Blainavon	1,295
South Stafford	6,322	Cwmbran	980
Rhondda Valley	5,476	Aberavon	962
Forest of Dean	4,280	New Tredegar	923
Merthyr	4,112	Worsley	910
North Wales	3,800	Goginan	827
Lougher	3,625	Pengam	676
West Bromwich	3,480	Darran	492
Shropshire	3,213	Blackwood	468
Abertillery	3,002	Caerphilly	431
Farnworth and Kearsley	2,800	Begelly	363
Cannock Chase	2,604	Argoed	279
Radstock	2,476	Hollingwood	221
Bristol	2,400	Clee Hills	180
Swansea Vale	2,379	Maes y cwm wr	110
Neath	2,205	Pinnain	85
St Helens	2,116		
Old Tredegar	1,069		
West Cumberland	1,900		
Bryn mawr	1,824		
Maesteg	1,594		
Abersychan	1,593		
Rhymney	1,556		

Source: Potteries Examiner, 11 April 1874.

rights, which began about 1870 and lasted until about 1886, coincided with a series of attempts to form unions among the Forest colliers and to assert a working class presence in politics. Part II of the thesis will examine those movements. Unionism in the Forest for most of this period - and long after - was distinguished chiefly by its weakness. Was that attributable to the persistence of notions of custom and right and a social conservatism centred on them? Was the isolation of an ancient race in a tiny backwater, its peculiar social and economic arrangements, a hindrance to the development of "modern" forms of trade union and class consciousness? Or were there other, better, reasons? Part II will argue that there were and will attempt to explain the weakness of union in Dean without, in the first instance, referring to local anachronisms and antiquities.

The themes of this Part may perhaps best be understood by contrast with Dr Pelling's summary view of the collier in Victorian Britain. Pelling was writing in the context of the debate about the "labour aristocracy", the question of whether the moderate, respectable tone of the British labour movement after 1850 might be explained by the existence of a skilled, privileged stratum in the work force. So far as the colliers were concerned, Pelling argued, the answer was no: there was no especially differentiated stratum among the miners. It was, rather, the absence of social cleavage among them, their isolation, occupational community and social cohesion which was remarkable:

In the mining industry it would be still more difficult to speak of an elite of labour aristocrats confronting a mass of labourers, although Dr Hobsbawm, by including 'Some miners' in his labour aristocracy of the 1890's, appears to have

attempted to do this. It is true that in the early stages of the growth of the industry, the 'butty' system was commonly employed, whereby some skilled miners employed a number of less skilled men to work for them. By the later nineteenth century, however, this type of employment was obsolete except in a few midland pits. The hewers were the most highly paid men in the industry, those engaged in putting or hauling being less well paid, and the trappers, who were usually young boys, getting very little indeed. The hewers, however, were not distinct from other workers except in being fitter and more powerful. This was as much a matter of age as of physique. In a mining village any reasonably strong boy could expect to become a hewer in his young manhood and to stay in that capacity, if he survived, until at least his mid-forties. There was no apprenticeship system, and all students of mining villages have stressed their extraordinary social cohesion, which must be ascribed in part to their isolation and concentration upon one type of employment, in part to the common dangers of the miner's life, and in part to the absence of social cleavage such as might apply where a labour aristocracy existed. 1

To the contrary, Part II will argue, it is not to isolation but to links with other areas, in the markets for coal and men, in attempts at national union and in the development of the labour press, that we must look for both the strengths and weaknesses of local union. Nor does the evidence suggest that the colliers were a homogeneous group of brute labourers. Following the work of Reid and Campbell on the Scots mining industry, the section will argue that the collier saw himself, with good reason, as a skilled worker.² Moreover, attention will be drawn to the operation of the "little butty" system, which Pelling seems to have confused with the Staffordshire

¹H. Pelling, Popular Politics and Society in Late Victorian Britain (1968), p.47.

²See F. Reid and A. Campbell, 'The Independent Collier in Scotland,' in R. Harrison ed., Independent Collier (in press).

charter master, or "big butty" system. There were important divisions within the workforce, whose effects in restricting the scope and appeal of union we shall examine.¹ It will thus be in the organization of the industry and its markets and in labour process, the consequences of the butty system, rather than in peculiar local customs and rights that an explanation of the instability of union in the Forest will be sought.

Did that mean, then, that the collier's problems as an employee had made earlier concerns about rights and customs redundant? Part three will look at the three components of the foresters' bundle of use rights in turn: the land, the free miners' rights and the right of common. The settlement of the first half of the century, it will be contended, had become unsatisfactory in a number of ways. The Crown, therefore, took further steps to extinguish the rights and again found it convenient to form an alliance with the large coal-owners. Resistance from the foresters arose again too. In this period, however, the distinction between native and foreigner which had informed the resistance of the thirties

¹This thesis is concerned with the little butty men in the Forest of Dean but, as Jevons pointed out in 1915, in the classic period of the labour aristocracy, the third quarter of the nineteenth century, the system extended across Staffordshire, Shropshire, Wales, Derbyshire, Leicestershire, Nottinghamshire and Yorkshire. It is worth noting that Jevons too failed to distinguish clearly between the "big" and "little" butty systems. While, by 1915, the miners' unions had been successful in extinguishing the big butties, who might employ as many as twenty or thirty men, it was still permissible, within the rules of the unions, Jevons wrote, for a hewer in charge of a stall to employ one man and a boy on time wages. H.S. Jevons, The British Coal Trade (reprint, 1969; 1st ed., 1915), pp.455-457.

had become relatively unimportant. The distinction now to be made was that between rich and poor, master and man.

The main sources used for this thesis were of three types: local newspapers, Parliamentary Papers and the files of the Commissioners of Woods and Forests and of the Crown Receiver of Rents which are held in the Public Record Office. Few other sources could be found. No company or union records for this period seem to have survived. Even in official sources, such as the reports of Inspectors of Mines, information is scanty. Because the district was small - even insignificant - data about it tended to be lumped together with that of other small districts such as Shropshire and Somersetshire. For such basic information as the number of men employed in the industries of the Forest or the output of coal and ore it has been necessary to go to the Census and the records of the Crown Receiver and laboriously count what there is to be counted. On some other matters, such as wage rates and coal prices, very little information may be had at all, certainly not enough to allow the construction of a series showing their movement over time. In the absence of such material, much of what is said in Part II can only be seen as tentative. Agreement about the butty system, for example, will have to wait on an investigation of its working in other districts, based on substantial data.

Local newspapers were an important source. From 1870 onwards we have the Forester, a Liberal paper, and, from 1873 to 1877, the Forest of Dean Examiner. The Examiner was part of the first system of syndicated labour newspapers,

under the editorship of William Owen. The links among the Examiners were "rediscovered" in research for the Warwick Guide to British Labour Periodicals.¹ Work for this thesis produced the introductory account of the establishment of the syndicate and its association with the A.A.M. which appears in Chapter five. The Examiner, the "official organ" of the miners, provides a view of both local and national unions which may be balanced against that of the Forester. Later in the century the Tory Dean Forest Guardian balances the Dean Forest Mercury which took over the Examiner and attempted an appeal to Liberal working men. The tendency of the local papers to print much of the important correspondence generated by local organisations, and long verbatim reports of meetings, compensates in part for the absence of other sources. Where those reports can be checked, against the official records of Government Departments and Parliamentary Papers, they are on the whole accurate and reliable. Which is not to say, of course, that the papers were in any sense independent of party feeling on most issues. They often acted as originators and promoters of controversy. Where that was so their activity has been noted.

Official sources of one sort or another were more important than the newspapers so far as the rights were concerned. Since the Forest was Crown land most proposals for change had to find their way into a Government Bill, usually after an enquiry. Commissions and Committees in 1788, in the 1830's and in the 1870's, along with the Bills,

¹R. Harrison, G.B. Woolven, R. Duncan eds., The Warwick Guide to British Labour Periodicals 1790-1970 (1977).

rules and regulations which they produced are important bench marks of change. As well as being a record of particular matters - of how and by whom land was owned, mines were worked as sheep pastured - they were a record of Crown policy from time to time. That aspect of the work of Commissions and Committees, their use as positive instruments of Government, may be mapped by reference to the voluminous records of successive Commissioners of Woods kept in the Public Record Office.

There are two useful sets of records there. The first contain, as copies in bound volumes or as originals in loose binders, correspondence between the Commissioners in London and local officers and residents. The second consists of material in which important statements of policy are set out. These are the letters to and from the Treasury and the Treasury solicitor responsible for Woods and Forests. These latter are perhaps the most important documents of all and must be so in any account of the workings of a department of the civil service. They contain two types of statement. The first is the "case". Now, when the Commissioners of Woods wished to make some decision or take some action, if the matter seemed important, they wrote an explanation of it which elucidated their understanding of their right in law to do whatever they wanted to do and the administrative imperatives which made it necessary. The solicitor then returned an "opinion" in which he discussed the matters of law involved - common law and statute law - and set out the legal implications of alternative administrative actions.

In effect it was the solicitor who arranged the alternatives in an order of priority and decided which of them should be followed. In these books we find the administrative intelligence of the State, its planning of action, its definition of "expediency" so as to realise its administrative objectives in a way which would make the best use of law: place others under the weight of the law but ensure at the same time that no disadvantage accrued to the Crown. Much that the Crown did, much of the content of reports of Commissions and Committees, would not be properly intelligible without this source.

Some comment is perhaps necessary, by way of conclusion to this introduction, about the way in which this thesis is organised. Part I travels from about 1788 to 1841. Those dates are convenient because 1841 marks the end of a series of initiatives by the Crown of which an inquiry in 1788 was the first. Then there is a gap: Parts II and III cover principally the period 1870 to 1886. The reason for the gap is, in the first instance, that the free miners' and other rights, having been settled by 1841, remained settled for nearly thirty years: and this thesis is about the rights. Where, however, some understanding of events in the intervening years is necessary - as in Chapter five for example - an attempt has been made, within the limits of the evidence, to provide it. This method of comparing and contrasting using periods separated by three decades may not satisfy those for whom orderly chronological exposition is a precondition of satisfactory history. But it is in part the purpose of this thesis to look for contrast in the ways in which people thought about and invoked their rights and customs at different times in the century.

I wish to acknowledge the help of a number of people in the preparation of this thesis, most especially of my supervisors, Fred Reid and Tony Mason. Allen Campbell gave advice and guidance in an early part of the work. The material on Edward Rymer in chapter seven, and its interpretation, I owe in part to Pat Spaven, with whom I worked on a joint essay for the Social History Centre's volume of mining essays, Independent Collier. Michael Shepherd and John Field passed on references to the Forest of Dean which they encountered in the course of their own work and discussed with me several aspects of the thesis. I also wish to acknowledge the patient assistance of staff in a number of libraries: the University of Warwick Library and its Modern Records Centre, the British Library, the Newspaper Library at Colindale, the Public Records Office, the Scottish Record Office, the Gloucester Public Library and the Gloucestershire County Record Office. Mrs Jean Oswin typed the thesis. My wife and the United Kingdom Commonwealth Scholarships Commission gave the generous financial support without which the work would have been impossible.

Part One: Free Miners, 1788-1841

Chapter I

The Old System in the Forest

In days of old 'twas here and there a cot,
Of architecture, they'd little knowledge got;
None but a few freeminers then lived here,
Who thought no harm to catch a good fat deer,
Or steal an oak - it was their chief delight.
Old foresters, I'm told, did think 'twas right,
To steal an oak, and bear it clear away,
...noble miners, there have been I ken,
By their old works, stout able-bodied men;
They'd not the knowledge then, that now they've got,
To work by steam - hand labour was their lot.

Catherine Drew, The Forest of Dean in Times Past

Contrasted with the Present

(Coleford, 1841).

What were the "free miners' rights"? The term suggests something narrowly attached to mining. But in the course of the nineteenth century the foresters interpreted the miners' rights in broader terms than that, as having to do with the use and control of all the resources of the Forest: the timber, the land, the coal and the iron ore. In doing that they looked backwards to a time in the eighteenth century when the formal rights of the miner, together with the laxity of Crown control and the venality of Crown officials, allowed the miner to base his life on the small scale, independent proprietorship of land and the harvesting of the Forest, as well as the mines. In this chapter we shall examine briefly the old system in the Forest, looking firstly at the outlines of administrative control, at the formal provisions of the "rights" and then going on to examine the failure of administrative control over the course of the century and its consequences in the uses which miners were able to make of the Forest.

Two separate hierarchies of officials administered the Forest. The first, concerned with the Forest's primary purpose and value for the Crown, as a supplier of timber to the Navy, began with the Treasury in London. The Treasury appointed a Surveyor General of Woods and Forests, who had as his deputy in control of each particular Forest, a Deputy Surveyor. He, in turn, in Dean Forest, supervised the work of the Keepers of the six "Walks" into which the Forest was divided for administrative purposes. Sharing local authority

with the Deputy Surveyor and the keepers were six "verderers" who were responsible for preserving "vert and venison": they tried and punished such offences against Forest law as poaching. A number of other offices, that of King's bow-bearer for example, had only ceremonial purpose by the eighteenth century.

A nobleman headed the other hierarchy of control, as Constable of the Castle of St Briavels and Lord Protector of the Forest. He mediated between the King and his subjects in the Forest on all matters other than those concerning the timber. Through the "Gavellers", the "Deputy Gavellers" and the Mine Law Court, he supervised the mining industry and saw that the King had his share of profit from it. He also conducted a court which adjudicated claims of debt among the foresters and maintained a debtors' prison at the Castle.¹

The principal resident officer was the Deputy Surveyor. It was his responsibility to guard and manage the timber and ensure an efficient supply of it to the Naval dockyards. He received orders from them for quantities of timber, marked out the necessary trees and supervised their felling. From time to time he also held public auctions of timber and wood to obtain revenue for administrative purposes. He had also to make and maintain enclosures for the protection of new growth. While the Navy's demands constantly depleted the

¹This account is based on The Third Report of the Commissioners appointed to enquire into the State and Condition of the Woods, Forests, and Land Revenues of the Crown, and to sell or alienate Fee Farm and other Unimproveable Rents (1788) (hereafter, L.R.C. (1788)), pp. 26, 27.

stock of trees in the Royal Forests, the supply of timber from private sources contracted as woodland was enclosed and turned to other uses. Since an oak took about one hundred years to mature, advance planning and planting were necessary to ensure the future supply. For that purpose, and to protect the young growth against grazing animals, an Act of Charles II¹ had provided that the Crown might enclose and remove from all other uses 11,000 acres of Dean: about half its area. At the beginning of the eighteenth century these enclosures were probably in good order and the Forest efficiently managed as a timber nursery.

While the Crown reserved the farming of the timber to itself, it allowed the coal and iron ore to be mined by a specially privileged class of men who called themselves "free miners". The free miners' rights are obscure in origin, but were probably settled in their main outlines by the end of the thirteenth century.² The first formal statements of them which are extant date from the seventeenth century; the first printed copy from 1687. The "Laws and Customs of the Miners in the Forrest of Dean"³ (sic) was the result of an Inquisition by forty eight free miners at some time before 1610, at

¹20 Chas II c.3.

²See C.E. Hart, The Free Miners of the Forest of Dean, Ch.II.

³The Laws and Customs of the Miners in the Forest of Dean, In the County of Gloucester, in The Compleat Miner (issued by W. Cooper "at the Pellican in Little Britain", 1688). A copy is held in the Gloucestershire collection of the Gloucester Public Library (G.C.16655) with an earlier manuscript copy of the Laws and Customs. C.E. Hart has reprinted in its entirety in his Free Miners, and annotated, a 1673 transcript of the Laws. Clause numbers given here correspond to Hart's paragraph numbers. Further references to the Laws will be to L. & C., followed by the relevant clause number.

which they wrote down all that was remembered about the customary rights.¹ This was what the miners of the nineteenth century, for some unknown reason, called their "Book of Dennis".²

The Book expounded "what the Customs and franchises hath been that were granted time out of minde and after in tyme of the Excellent and Redoubted Prince King Edward unto ye miners of the fforreste of Deane and the Castle of St Briavels and the bounds of the said fforreste". It asserted the miners' right to take coal and iron ore from "every soyle of the King's of which it may be named and alsoe of all other folke without withsaying of any man".³ As well, according to the Book, the miners might build roads in order to carry coal from the mine to the nearest King's highway and might take timber from the Forest for use in the pits, without cost.⁴ In return for these privileges the miners were to pay a royalty on production to the King through the Deputy Gaveller, who was also to be responsible for registering the mines and seeing that the customary modes of working were enforced.⁵ If the Lord of the soil was some one other than the King, he too had a right to a share in the mine. In more detail, the Book also prescribed the distances to be kept between mines, the size of the containers to be used in carrying the coal and the procedures to be followed when workings met underground.⁶

¹C.E. Hart, Free Miners..., p. 96.

²H.G. Nicholls, Iron Making in the Olden Times (new ed., 1966; 1st ed. 1866); and see Hart, Free Miners..., p.36.

³L. & C., 12.

⁴L. & C., 13 and 26-28.

⁵L. & C., 15-19.

⁶L. & C., 31, 34 and 40.

Two provisions of the Laws were to become controversial in the nineteenth century. The first reserved the miners' rights to natives of the Hundred:¹

Alsoe no stranger of what degree so ever he be but only that been born and abiding within the Castle of St Briavels and the bounds of the forest as is aforesaid shall come within the mine to see and know ye privities of our sou'aigne Lord the King in his said mine.

The second stipulated that all disputes among the miners were to be tried before a Mine Law Court, presided over by the Constable, the Castle Clerk and the Deputy Gavellers. Matters were to be judged by juries of twelve, twenty four or forty eight free miners whose decisions were to be final and binding. No "foreigner" - a person born beyond the borders of the Hundred of St Briavels - was to be present at the sittings of the Court. The miners might not plead in any other court on any issue touching the mines. As well, the Court might make further laws and regulations for the government of the industry.²

The Court operated in the seventeenth and eighteenth centuries as a sort of ^{guild or corporation} ~~guild or corporation~~, governing the industry on behalf of the "Society of free miners".³ The Court operated in the manner set out by the Book of Dennis. Cases were decided by juries of miners whose jurisdiction

¹L. & C., 30.

²L. & C., 20-23.

³P.R.O., Forestry Commission Papers, Deputy Surveyors' Office, Records, Series 16, vol.1. See also Hart, Free Miners..., Ch.iv, in which he reprints the surviving records of the Court. References which follow will cite the Order number and its date. Order No.16, 2 March 1741.

was final and exclusive. Miners were encouraged to hold to the Court and to enforce its decisions by a regulation which awarded to the plaintiff half of any fine imposed on a man he sued successfully for breach of custom.¹ Occasionally the Court established the size of the measures to be used in selling and carrying the coal and set out and varied the prices to be charged to different customers in different places. To ensure that the miners set their prices in accordance with its scale the Court sometimes appointed panels of "Bargainers" whose job was to arrange prices with regional or industrial groups of customers.² To defend its regulations and jurisdiction the Court from time to time declared and collected quarterly levies on all miners and coal carriers to provide funds for legal expenses.³

The Court's primary function was to limit entry to the industry. Unlike those in other "free mining" districts, as Dobb has pointed out, the Dean miners set up restrictions against newcomers.⁴ Only the sons of free miners who had been born in the Hundred of St Briavels and who had served, to their fathers or to other free miners, an apprenticeship of a year and a day were permitted to become free miners.⁵

¹Order no.3, 9 March 1675 and no.16, 2 March 1741.

²Ibid.

³Order No.3, 9 March 1675, no.8, December, 1685, no.10, 27 January 1701, no.11, 1 July 1707 and no.15, 6 December 1737.

⁴M. Dobb, Studies in the Development of Capitalism (rev.ed. 1949), p.244.

⁵Order no.1, 18 March 1668.

The sons of fathers not born free had to serve an apprenticeship of seven years if they wished to gain their freedom.¹

The only exception allowed to these rules was that the Court might create honorary free miners who were entitled to the usual franchises and privileges.² The Court further guarded against the intrusion of outsiders by stipulating that only free miners should carry the coal to market and that no carrier should have more than four horses for his business.³ There was no ambiguity about the Mine Law Court's intention to limit the industry closely to natives and to exclude foreigners.

The Court ceased to function, probably in 1775, for reasons which are not at all clear. No contemporary evidence survives to show why the Court discontinued, but fifty three years later Thomas Davis, a free miner aged eighty, said in evidence before a Commission which was enquiring into the miners' rights, that:

The Mine Law Court was given up, because of a dispute between free miners and foreigners, whom we did not consider fit to carry on the works. I believe the Court was given up because somebody took all the papers away from the Speech - house, and they were considered to be stolen. The Gaveller, one John Robinson, was a partner in the Fire Engine (colliery), and was supposed on that account to have taken them away. ⁴

¹Order no.15, 6 December 1737

²Order no.17, 22 October 1754.

³Order no. 5, 19 September 1682 and no.15, 6 December 1737.

⁴The Fourth Report of the Dean Forest Commissioners (1835), Appendix No.I, p.17. The Reports of the Commissioners will be referred to from here on as D.F.C. followed by the number of the Report. See below p. for discussion of the Commission.

A memorial to the Commissioners on behalf of the free miners made much the same point, though it did not name Robinson specifically:

That the foreigners finding the Mine Law Courts an insuperable obstacle to their success and more particularly by the orders last quoted of 1775, there was no chance of their being permitted to work in the mines, found that the only means by which they could hope for success was to destroy the Mine Law Courts.

That the documents of this court were always kept in the Speech House in the Forest of Dean, but that after the conclusion of the last court in 1775, some person or persons broke open the chest in which they were contained and removed them. 1

These accounts are not implausible. The last meeting of the Court had reaffirmed the prohibition against foreigners:

Clause 16: Foreigners having any mine or coal work carried on in the hundred of St Briavels, shall sell it to some free miner by private contract if they can; or otherwise expose it to sale by auction, by the Mine Law Court.

Clause 17: If a free miner dies and leaves his mine or coal works by will or testament to a foreigner, or it comes to him by heirship or marriage, he shall sell it as aforesaid, or hire free miners to work for him.

Clause 18: If any free miner sells any mine or coal work to a foreigner, he shall be liable to a penalty of £20, to be recovered in the Mine Law Court. 2

That there was a need for this restatement suggests that there were some tensions between miners and foreigners. Which foreigners? Some of the officers, Deputy Constables and Deputy Gavellers, had been made honorary free miners

¹Ibid, p. 51.

²Ibid, p. 44.

at one time or another, probably for services rendered to the miners. And some of the honorary men had opened three mines: the Oiling Gin, or Fire Engine, the Brown's Green and the Gentlemen Colliers. In each case they had taken foreigners into partnership with them.¹ This, it seems likely, produced the resolutions of 1775. Two of the partners in the Fire Engine were John and Phillip Robinson, father and son and both Deputy Gavellers. One of them was also Clerk to the Mine Law Court and had possession of its records.² The inference which all this suggests is that John Robinson had stolen the Records and then, in his capacity as Deputy Gaveller, had refused to hold the Court again because there were no records. The records reappeared in 1832: in the possession of Phillip Robinson, son and grandson of John and Phillip and assistant to the Deputy Gavellers.³ None of this is ultimately convincing, but Thomas Davis' account is at least plausible.

Whoever took away the records, the cessation of the Court had no important immediate consequences. The three mines in which foreigners had a share were a small minority of the total number of mines and one of them at least, the Fire Engine, later passed back into the hands of free miners.⁴

¹Ibid, p. 7.

²Ibid, pp. 32-33.

³Ibid.

⁴Ibid, p. 7.

Those cases, involving the Forest officers, were the only substantial intrusion by foreigners before about 1800. This was probably so because of a successful defence of the custom by the miners in 1752. The Governor and Company of Copper Mines in England had enclosed land for their own mining and had attempted to exclude the free miners from it. William Collins, aged 77, deposed in 1832 that "the miners tried to stop the company and could only do it by cutting under and letting the company's work fall in".¹ The Company sued a party of miners for damages in the Court of the King's Bench but their action failed when the jury found in favour of the miners who pleaded the customary right to mine wherever they wished.² Any large scale, systematic attempt by foreigners to open mines in the Forest was thus vulnerable to undermining against which they had no remedy at law.

The industry which worked within the framework of the custom was made up of relatively shallow pits and levels which worked the outcrop of the seams in the Forest coal basin and were limited in extent by the difficulty of dealing with water in the coal. The coalfield was roughly contiguous with the borders of the Forest. It was a synclinal basin of fourteen seams which outcropped in three rough concentric circles, broken in places by faults: the lower measures marched with the ridge of hills which circumscribed the Forest; the middle measures outcropped in the

¹Ibid, p. 33.

²Ibid, p. 7.

narrow valley which separated the outer ridge from the central plateau; and the upper measures made up part of the central plateau.¹ Where they could, the miners took advantage of the slope of the seams to help with the drainage.

Nicholls offered this description of the method of working:

The existing remains of the coalworks of this period, combined with the traditions of the oldest surviving colliers, enable us to form an accurate idea of the way in which the workings were carried on. "Levels" or slightly ascending passages, driven into the hillsides till they struck the coal seam, appear to have been general. This was no doubt owing to the facility with which they effected the getting of coal where it tended upwards into the higher lands forming the edge of the Forest Coal Basin, since they required no winding apparatus, and provided a discharge for the water which drained from the coal beds. The usages observed at this time at the works entitled the proprietors of their respective levels to so much of the corresponding seam of coal as they could drain, extending right and left to the limits awarded by the gaveller.... If the vein of coal proposed to be worked did not admit of being reached by a level, then a pit was sunk to it, although rarely to a greater depth than 25 yards, the water being raised in buckets, or by a water wheel engine, or else by a drain having its outlet in some distant but lower spot.... the chief difficulty being found in keeping the workings free from water, which in wet seasons not infrequently gained the mastery and drowned the men out. 2

Steam engines might have been able to overcome the problem, but the capital available for their installation was probably not available in the Forest. Since the foreigners who

¹F.M. Trotter, Geology of the Forest of Dean Coal and Iron-ore Field (1942), Chs V and VII.

²H.G. Nicholls, The Forest of Dean..., pp. 238-9.

might have supplied the capital were, in general, excluded by the custom, only the one steam engine had been set up in Dean by 1788.

The miners conducted the works in "companies". Until 1824, when David Mushet published his survey of the strata, knowledge of the outcrop depended on local experience.¹ Though any miner might sink a pit wherever he chose, it was a matter of chance and judgement whether he would actually strike coal. Sinking a pit was thus, to some extent, a speculative venture. This was reflected in the names given to some of the pits: "Young Men's Folly", "Small Profit", "Pluckpenny", "Hopewell", "Prosper - on - time" and "Venture".² The miners spread the risk and achieved a necessary concentration of capital and labour by forming companies each partner, or "vern", in which had an agreed "dole" or share of the profit. One of them, the "first man in the fellowship", acted as leader of the company:

... the strict custom required that the mines should be worked by companies of four persons, called verns or partners, the King considered as a fifth.

... all the verns were required to be free miners and to proceed in driving and working the level, or sinking and working the water pit, by their own labour, or assisted by their sons, or by apprentices. ³

This system spread the ownership of the mines among a fairly large number of men: it was not concentrated in the

¹F.M. Trotter, Geology of the Forest of Dean..., p. 21.

²A. and W. Driver, Particulars of a Survey of the Forest of Dean in the County of Gloucester (1787), P.R.O. F.16/31.

³D.F.C., 4, p. 8.

hands of a few. Two sources of information are available about the mines and miners of Dean in the late eighteenth century. The first is the report of the Surveyors William and Abraham Driver to the Commissioners of Woods and Forests in 1787. According to them there were 98 mines at work, controlled by 66 companies of miners. (See Table 1.1) It is not possible to tell from the survey how many miners made up each company. In 1788, however, the keepers provided to the Commissioners returns of the numbers of miners in their Walks. (See Table 1.2) Four returned answers which distinguished among men, women and boys; one did not distinguish between men and boys; and one provided only the number of mines. There were, in the first four Walks, 71 mines and 229 free miners, an average of 3.22 per mine. Obviously, the custom of having four verna to a mine had broken down: the average ranged from 1.86 men per mine in Speech House Walk to 5.5 in Little Dean Walk. The average number of men, women and boys employed in five of the six Walks ranged from 3.28 in Speech House Walk to 8.87 in Little Dean Walk. Clearly, small scale cooperative proprietorship still characterised the industry at this time.

Ownership was not, however, evenly distributed. Though about two thirds of the companies held only one mine, the other third had multiple holdings. Twelve companies had two mines each, five had three, one had five and another, seven. There is no means of assessing the significance of this distribution of ownership since no record survives of the size of each mine. Some of the multiple holdings may

Table 1.1

Ownership of the Forest of Dean Collieries in 1787

No. of Mines Controlled by Each Company	No. of Companies	Total No. of Mines
1	47	47
2	12	24
3	5	15
4	-	-
5	1	5
6	-	-
7	1	7
	66	98

Source: Abraham and William Driver, Particulars of a Survey of the Forest of Dean in the County of Gloucester (1787), P.R.O. F16/31.

Table 1.2

Workers in the Forest of Dean Mines in 1788

<u>Walk</u>	<u>Mines</u>	<u>Free Miners</u>	<u>Average Miners</u>	<u>Boys</u>	<u>Miners & Boys</u>	<u>Women</u>	<u>Total</u>	<u>Average Workers</u>
Speech House	7	13	1.86	8	21	2	23	3.28
Worcester	17	81	4.77	17	98	-	98	5.76
Little Dean	8	44	5.5	27	71	-	71	8.87
Park End	39	91	2.33	22	113	-	113	2.89
<hr/>								
Sub totals	71	229	3.22	74	303	2	305	4.29
Ruardean	28	N/S	-	N/S	133	4	137	4.89
<hr/>								
Sub totals	99	-	-	-	436	6	442	4.46
Blakeney	7	N/S	-	N/S	-	N/S	-	-
<hr/>								
Total	106	-	-	-	-	-	-	-
<hr/>								

Source: L.R.C. (1788), Appendix No.24, Examination of the Keepers.

have comprised a number of pits or levels in the one "gale" or mineral holding. There is a strong hint of gradation and inequality among the miners in a report from the Gaveller that some of them were "so poor that no money can be collected from them, and there are great arrears of compositions (royalties) due".¹ There is, however, nothing to suggest the inequalities which would be evident only forty years later when Edward Protheroe alone owned thirty pits and employed between 400 and 500 men.²

The miners were not the only inhabitants of the Forest, though they were probably the largest single group. There were as well "about twenty-two poor men, who at times when they had no other work to do, employed themselves in searching for and getting iron mine and ore in the old holes and pits in the said Forest, which have been worked over many years".³ About forty others worked at stone quarrying and another eighteen at lime burning.⁴ Some other men were probably employed at the quarries and kilns and as woodmen for the keepers, but there is no record of how many there were. The other industries which had been long established in the area, such as iron making, tended to be located in small villages in the surrounding parishes.⁵

¹L.R.C. (1788), Appendix No. 25.

²See below Ch. 2.

³L.R.C., (1788), Appendix 25.

⁴A. and W. Driver, Particulars of a Survey....

⁵See C.E. Hart, The Industrial History of Dean (Newton Abbot, 1971).

Over the course of the eighteenth century the miners were able, through what Commissioners in 1788 saw as "waste and depredation", to turn the resources of the Forest, other than coal, to their own use. What the Commissioners saw as waste was, of course, for others, a source of income, a means of providing food and housing: of adding in diverse ways to a mixed family economy. The accounts which are left of the spoil of the Forest in the eighteenth century provide a glimpse of a way of life in which families were not solely dependent on wage labour for their livelihoods and were probably able to achieve something of the independence of peasant proprietorship of land.

According to the Commissioners, the waste in the Forest followed from an Act of Parliament in 1701 which restricted the right of the Crown to alienate its land, by sale or gift. Gentlemen of substance and property had once paid close attention to the Crown Lands and Forests because they were potential sources of grants and revenues to themselves, as rewards for services to the Crown. The timber and mineral deposits of Dean Forest had several times been granted away in that manner to individuals. But since that was no longer possible after 1701 the attention of gentlemen of rank, and of the Ministers of the Crown, lapsed.¹

Those who held the ancient offices of Verderer, Forester and Woodward lost interest in the Forests and allowed to fall into disuse the courts which they were bound to maintain to

¹L.R.C. (1788), pp. 21-22. The Act was the Civil List Act, 1 Anne c. 5.

enforce the Forest Law. The books of the Surveyor General of Crown Lands, which dealt extensively with the Forest of Dean in the seventeenth century contained only a few references to it in the eighteenth. Checks on the Surveyor General and his Deputies and other resident officers were inoperative. No books were kept and no system of thoroughly regulating the felling of timber maintained.¹ The result was that "the encroachments there are more numerous, the perquisites and undue advantages taken by the officers more exorbitant and destructive, and the waste and depredation more rapid than in any other forest belonging to the Crown".²

The Forest lay open to spoil. The Conservator of Dean Forest, Mr. Christopher Bond, complained to the Treasury in 1736 that:

After the Act 20 Charles II, 11,000 acres had been enclosed. The officers were duly elected, forest courts held and offenders prosecuted and punished, by which means were raised a great quantity of timber trees, but within the last 30 years these elections had been neglected, the courts discontinued, and offenders left unpunished, the officers of Inheritance, and others were grown remiss and negligent; so that a few enclosures, and those of a few acres only of the said 11,000 acres, were kept up, and those not carefully repaired; a great number of cottages were erected upon the borders of the forest, the inhabitants whereof lived by rapine and theft; there were besides many other offences committed such as intercommoning of foreigners, surcharges of commoners, trespasses in the Fence Month and Winter Haining, and in the enclosures; Keeping hogs, sheep, goats and geese, being uncommonable

¹Ibid, pp. 21-26.

²Ibid, p. 562.

animals in the Forest; cutting and burning the nether vert, furze and fern; gathering and taking away crabs (apples), acorns, and mast; and other purprestures and offences; carrying away such timber trees as were covertly cut down in the night time; by which practices several hundreds of fine oaks were yearly destroyed, and the growth of others prevented. It is feared that some of the inferior officers of the Forest, finding the offenders to go on with impunity, were not only grown negligent, but also connived at, if not partook in, the spoil daily committed. 1

Much the same complaint appeared in a letter to the Navy Board in 1769:

The Colliers (of which there is a great number,) who formerly were accustomed to make use of decayed Beech, Ash, Birch, or other Offal Timber, that grew in the Forrest, have for some Years past claimed a right to Oak Timber for their Works, and I have been well informed that they had one Year, thirteen Hundred Trees and oftentimes more, but seldom less than from Seven Hundred to a Thousand every Year, which Trees are delivered to them by the Keepers, by a Warrant which the Colliers obtain from the Steward of the Swanimote Court; a Court held by the Verdurers of the Forrest, who are chosen by the Freeholders of the County. This Court ought to be held by any two at least of the Verdurers annually on the 25th Day of September where the Keepers are to deliver an Account upon Oath of all the Timber delivered to the Colliers within the Year past, and of all the Deer killed that comes within their knowledge either by Warrant or otherwise. But this Court I am told is not regularly held nor any proper Register nor Entry of the Proceedings in it kept. The Colliers most of them have houses on the Verge of the Forrest, and in order to procure Grass for their Horses, often set fire to the Goss or Furze, and by that means the Bushes are destroyed, which would otherwise defend the Young Trees from the Cattle and encourage the Growth of them, but there are many Acres of the Forrest from that cause now wholly destitute of Trees, which was formerly covered with Timber. They also often take in part of the Forrest for Garden Ground, and keep a great number of Hogs to run in the Forrest... 2

¹Ibid, p. 23.

²A.L. Cross, Eighteenth Century Documents relating to the Royal Forests (New York, 1928), Document X, pp. 103-4.

The only means of preventing this, according to Mr Andrews, the Purveyor to the Navy in Dean Forest, was "to have a troop or two of Light Horse down to patroll the Forrest day & night, or to have an Act of Parliament made to oblige a man when Timber is found upon him, to tell how he came by it, and to proceed against him as the Law directs."¹

This situation resulted in part from the system of remuneration of the Forest officers. The Deputy Surveyor and the keepers took their pay partly through salary and partly through a scale of perquisites (see Table 1.3) which must once have been so designed as to encourage the officers, under adequate supervision, to attend properly to their duties: a sort of payment by results. Consider, for example, the division of an oak tree felled by timber stealers and recovered by the keepers. The keeper was entitled to a share of the offal wood and all the bark of the tree. The body went to the Deputy Surveyor. If the stealers had cut the tree into cordwood the keepers had a share of them. Similarly the keepers received one shilling for every order for timber for the miners and a share of the offal wood and the bark of miners' timber. These perquisites, together with a reward to the keeper for every timber stealer convicted, encouraged the keepers to look out for timber stealers and to regulate closely the supply of trees to the miners. A fee for each animal taken into the pound when the keepers drove the Forest at the winter haining and the fence month,

¹Ibid, Document XXIV, p. 138.

Table 1.3

PERQUISITES OF THE FOREST OFFICERS

(A) The Deputy Surveyor in Dean Forest

1. The tops of all Naval timber refused by the Purveyor of the Navy as unfit for Naval use.
2. The tops of all stolen timber.
3. All trees felled by wood stealers.
4. One moiety of the cardwood made from the offal wood of timber delivered to the miners and of stolen timber.
5. In some Walks of the Forest 4d and in others 6d for every tree felled for the use of the miners.

(B) The Keepers

1. On Deer

- (a) On every warrant for killing a buck: £1.1.0
- (b) On every warrant for killing a doe : 10.6

2. On the Herbage

For cattle trespassing on the Forest in the fence month and winter haining:

viz:- for horses, mares and horned cattle: 4d each
colts, unshod: 1/- each
sheep: 2d each
hogs, ringed: 4d each
hogs, unringed: 1/- each

3. On Timber and Wood

- (a) On every order for delivery of timber to the miners: 1/-
- (b) Moiety of all offal wood of timber cut for the miners.
- (c) Moiety of all cord wood of stolen timber.
- (d) All lengths or pieces of stolen timber (carted kibbles).
- (e) The bark of timber delivered to the miners.
- (f) A portion of fines imposed on timber stealers.

encouraged them to protect the young growth from grazing animals. But, obviously enough, without adequate supervision and bookkeeping, these same perquisites encouraged the officers to connive at the very offences they were meant to prevent. The more timber stolen, the more delivered to the miners and the greater the number of animals allowed to run in the Forest, the greater the return to the officers in the way of fines and perquisites.¹

Some idea of the extent to which the officers benefitted from the exploitation of the Forest is given by the returns of income they provided to the Commissioners of 1788. (See Table 1.4) The basic salary paid to the keepers was only £22; with perquisites, they admitted to incomes ranging from £95 to £230, excluding the value of their lodges and land. They had each enclosed, either for pasture, crops or orchards, between 21 and 40 acres of the Forest, the value of which, together with that of their lodges, brought their total estimated returns from office to between £125 and £270 per annum. As well, they each kept substantial numbers of stock: horses, cattle, sheep and pigs. (See Table 1.5) The Deputy Surveyor in Dean admitted to a total annual income from office of between £300 and £500, of which £50 only was salary.

The Forest officers were only one term in the equation of exploitation. The inhabitants were another. At the begin-

¹Ibid, pp. 28-30

Table 1.4

Returns to the Keepers from Office, 1788

<u>Walk</u>	<u>Keeper's Salary</u> (£)	<u>Annual Value of Land & Lodge</u> (£)	<u>Value of Perquisites</u> (£)	<u>Total Return from Office</u> (£)	<u>Non-Salary Income as % of total</u>
Speech House	22	40	208	270	91.85
Blakeney	22	33	78	133	83.45
Worcester	22	30	73	125	82.4
Little Dean	22	30	78	130	83.08
Park End	22	30	98	150	85.33
Ruardean	22	24	113	159	86.16

SOURCE: L.R.C. (1788), Appendix No. 24, Examination of Keepers.

Table 1.5

Keepers' Land and Stock, 1788

<u>Walk</u>	<u>Land Enclosed</u> (Acres)	<u>Stock</u>
Speech House	49	4 horses, 4 colts, 4 bullocks, 6 pigs, 40 sheep
Blakeney	30	20 horses, 6 oxen, "a few pigs", 80-100 sheep
Worcester	30	3 horses, 2 bullocks, 2 pigs, 30 sheep
Little Dean	30	3 horses, 5 cows, 5 pigs, 40 sheep
Park End	30	2 horses, 4 cows, 6 cattle, 3 pigs, 60 sheep
Ruardean	28	1 horse, 4 oxen, 6 pigs, 8 geese

SOURCE: L.R.C. (1788), Appendix No. 24, Examination of the Keepers.

ning of the eighteenth century there had been no inhabitants since, after the Act 20 Charles II, the keepers had cleared the Forest of cottages and cabins.¹ By 1788, however, with the relaxation of control, some 1,433 encroachments had been made, taking in about 1,350 acres of land: an average of 0.3.35 acres (acres. roods . perches) per encroachment. (See Table 1.6) It is not possible to tell how much land each encroacher held because the same name appears in survey lists more than once. The upper limit to individual holdings may be established, however, by consolidating all patches held in the one name. This procedure produces 899 holdings of an average size of 1.2.7 acres: about half of them were less than one acre; about 95% were of less than five acres. The 899 shared 593 cottages, mostly made of stone, but also of wood, turf, mud and rush. Only 8.12% of the encroachers owned more than one cottage.

The most serious weakness of Table 1.6 is that it does not allow for family group working of land. The surveyor's list, through its use of family group names, suggests that a number of members of a family living in the one cottage held land, as does the fact that 45% of the encroachments had no cottage attached to them. On the generous, though somewhat arbitrary, assumption that they were part of the economy of the cottage dwellers, we are left with 494 "family" holdings which average 2.3.12 acres each. Small scale

¹L.R.C. (1788), p. 20.

propriatorship thus characterised the foresters' working of the land as well as of the mines.

Cultivation on this scale did not make the foresters entirely self-sufficient. Corn, in particular, they obtained from the farms in the surrounding countryside in exchange for coal. When the Government bought up large amounts of corn for the army in 1795, the resulting scarcity created a disturbance among the miners. They rioted and seized grain from waggons and barges which were carrying it from the county. Soldiers suppressed the riot and two men went to the gallows. To alleviate distress the Government distributed £1,000 worth of grain amongst the foresters. This incident suggests clearly that the miners were vulnerable to shortages of grain and fluctuations in its price, despite their smallholdings.¹

As well as building cottages and enclosing land for gardens and orchards, the foresters pre-empted to their own use the areas which had been reserved as nurseries under the Act 20 Chas. II. They kept animals and turned them loose in the woods to graze. So that the animals might have better pasture the foresters burnt off the undergrowth and carried off the fences of the enclosures for sale in Bristol.² Consequently, where there had been 11,000 acres of enclosed land at the turn of the century, there were only "a few acres" in 1788.³

¹H.G. Nicholls, The Forest of Dean..., pp. 84-86.

²Mining Claims and Disputes; details of encroachments, depredations and abuses in the Forest. Representation to the Treasury, from the Office of Woods (hereafter Mining Claims and Disputes), App.5, P.R.O. F20/2; L.R.C. (1788), App. 39.

³Ibid., pp. 22-23.

Table 1.6

Cottages and Land held by Encroachers in the Forest of Dean
in 1787

<u>No. of Cottages Held by each Encroacher</u>	<u>Area of Land held by each Encroacher (acres)</u>						
	0- $\frac{1}{2}$	$\frac{1}{2}$ -1	1-5	5-10	10-15	Totals	%
0	174	79	138	13	1	405	45.05
1	130	85	189	12	5	421	46.83
2	1	8	36	6	-	51	5.67
3	-	1	13	6	1	21	2.34
4	-	-	1	-	-	1	0.11
Totals	305	173	377	37	7	899	
%	33.93	19.24	41.94	4.12	0.77		100.00

Note: All land held in the one name has been consolidated as one single encroachment.

SOURCE: Abraham and William Driver, Particulars of a Survey of the Forest of Dean in the County of Gloucester (1787), P.R.O. F16/31.

Table 1.7

Encroachments in the Forest of Dean, 1787

Total Forest Area	(a.r.p.)	24,714.2.29
Encroached Area	(a.r.p.)	1,385.3.21
Patches of Land Enclosed	(No.)	1,433
Average Size of Each Patch	(a.r.p.)	0.3.35
Patches held in the Same Name	(No.)	899
Average Size of Patches held in the Same Name	(a.r.p.)	1.2.7

SOURCE: Abraham and William Driver, Particulars of a Survey
of the Forest of Dean in the County of Gloucester
(1787), P.R.O. F16/31.

Then of course there was the opportunity, or the temptation, to turn all that fine timber to good use. Timber stealing was an important problem in the eyes of some at least of the officers who had to do with the Forest. The Purveyor to the Navy in Dean wrote to the Treasury in 1770 that:

... he had discovered and was informed of the most shameful depredations of the oak timber, which was cut every day by persons living around the Forest; and that for some years it had been the custom to steal the body of the tree in the night, and cut it into coopers' ware, leaving the top part on the spot which the keepers take as their perquisite; and that at that time whole trees were conveyed every spring tide to Bristol; and that when he was at Gatcombe, in one day there were 5 or 6 teams came with timber planks and knees winter felled, and other timber among which were several useful pieces for ships of 64 and 50 guns.... 1

He proposed that rewards be offered for the capture of offenders, but rewards proved to be of little use for two reasons. The first was that even if men were apprehended it was difficult to convict them because of:

... the lenity of the Magistrates before whom some of the offenders have been carried, and the unwillingness of the juries, by whom others have been tried, to give a casting verdict (even on satisfactory proofs being adduced) against persons guilty of stealing only the King's timber, a practice many of the persons residing in or near the Forest, appear to have been so long habituated to as to render it in their eyes only a trifling misdemeanour, if an offence at all. 2

¹Ibid, App. No. 37.

²Mining Claims and Disputes, p. 1.

Even if a conviction were recorded, the magistrates left profit to the stealers:

Some little time back, Bennett, the Keeper, detected a man who had peeled off the bark of five oak trees standing in Worcester walk; the offender was fined five pounds: this, altho' considered a large fine, was certainly inadequate to the offence; as exclusive of having destroyed the growth of the trees, the bark stolen and carried away was of more value than the fine imposed. 1

On balance the thing was still worthwhile. And what if the man could have both the profit and the reward for his own capture? A system of rewards introduced in 1791 had to be discontinued because:

Advantages are said to have been afterwards taken, by Confederates in the depredation, of the largeness of the reward and the mitigation of the penalties inflicted, to divert to their own emolument what had been meant to secure their punishment thus fully defeating the object in view. 2

The miners' right to take timber for their works provided the opportunity for more timber stealing. The Deputy Surveyor complained to the Commissioners in 1788 that:

...the great waste, spoil and destruction of the timber and wood on the Forest is and hath been occasioned by an improper application of the timber delivered to the miners for the use of their works, he... believes that one moiety or one half part of the timber which they have had delivered to them would have been more than sufficient to have answered every needful purpose to which it ought to have been appropriated... he hath frequently seized large quantities of offal timber, and much other timber as the miners could not use in their works (in 1783) he seized

¹Ibid, p. 51.

²Ibid, p. 64.

and took 586 feet of oak timber, and more than 200 pieces of cleft oak... on the grounds of one George Martin... he also seized at the Fire Engine on the Forest, between two and three waggon loads of timber, hewn up and converted by the colliers into coopers' ware for market. 1

Earlier, in 1780, the Navy Office reported stealing by the miners to the Treasury and commented that "it is well known, they now live more by timber stealing than by any other business."² The Surveyor General, asked about the report, replied dolefully that "the complaints are but too well founded".³ There is no way of telling how much timber was stolen or what it returned to the stealers and miners, but some reports suggest that this was not an insignificant activity.

It was sufficiently important for the Forest officers to employ men at their own expense to cut timber for the miners. Thomas Harvey, for example, the keeper of Speech House Walk:

(whose son is a dealer in bark and timber) had six men constantly employed in felling and stripping miners' timber during the last spring and summer, as long as the bark would run... that practice had been continued with the knowledge and connivance of the Deputy Surveyor, as long as any profit could be made by the stripping of the bark.... 4

The Deputy Surveyor was himself a man of considerable enterprise:

¹L.R.C. (1788), Appendix No. 23.

²Mining Claims and Disputes, p. 287.

³Ibid, p. 288.

⁴Commissioners of Woods to Treasury, 29.4.1789, P.R.O. Crest 40/62.

In our Third Report to Parliament, we took notice that the Deputy Surveyor in this Forest had a contract with the Navy Board, for supplying a certain quantity of timber to the Dockyards, as among other facts acknowledged by him, his having employed agents to buy for his own use, the greatest part of the timber sold by himself as Deputy Surveyor, under warrant issued in 1786 for raising £2,000 towards building Gloucester gaol. This same officer is also a considerable dealer in Bark and exports large quantities of it to Ireland in vessels of his own, built in his own dockyards at Lydney, within a few miles of the Forest. ¹

On a lesser scale women and children could add to the family income by harvesting bark and fern. Timothy Mountjoy's account of this part of the life of a Forest of Dean collier probably refers to the early part of the nineteenth century but may also be taken as an indicator of the ways in which families could use the Forest in the late eighteenth century:

I have heard my mother boast of the money she used to get at bark scraping, that was to follow the men who stripped the bark off the oak trees. The bits of bark not so big as a man's hand or finger were picked up and sold at a fabulous price to what it is now; I believe it was 3/6 or 7/6 a cwt; there were many who all the summer followed bark scraping. There was another thing women were employed in, that was to go day after day into the woods to cut, and then to burn, the green fern, to make ley to put into the hard water to wash our clothes and the clothes of the aristocracy. After we burnt it we gathered it up in baskets and damped it with water, and made it up into balls about the size of an orange, and sold them by the dozens to the shops in Gloucester... Another thing many of the Forest women got good wages at, and many of the men, was birch stripping. As soon as the birch came into leaf then the season began; we went into those parts of the Forest where it was plentiful, each one cutting a stick just as your hand would clip round the top, hit it into the ground, slit it at the top, and begin the day's work.

¹Ibid.

My mother and two of my sisters would strip off the rind almost as fast as I could cut it, because it wanted cutting to a certain length, then bleach it in the sun, take it home, tie it up into bundles with two bands round them like a besom, only so small, then take them to the clothing factories and sell them at 2/6 a dozen, if they were of good quality. Mother would trot off in a morning with eight dozen on her head, and return by ten at night... 1

The use of the Forest in all these ways followed from one form or another of co-operation among the Crown officials and the miners. One sign of this was the creation by the Mine Law Court of honorary free miners: some fifty one of them between 1700 and 1754.² Some of them were Deputy Constables, but many of them were the lesser officials, the resident Forest officers, including the Deputy Gavellers and the Deputy Surveyors. There was, as well, occasional conflict:

Whereas a notorious and villainous gang of persons have several times of late assembled themselves together in a riotous manner and committed diverse disorders by breaking open the pounds at the Castle of St Briavels and Park End Lodge, and discharged from thence several cattle. And upon Saturday night, the 5th instant, the same gang came to the lodge of Mr. R. Worgan, entered his garden, beat down his beans, cut up his cabbages and apple trees, broke his windows, and part of the pound wall; then adjourned to the Speech House Lodge which is in the possession of George James, commonly called Captain Whithorne. Upon their coming they immediately fell to work on the Pound, but being desired by the Captain to desist who rose to the window to disperse themselves, they returned him for answer a brace of slugs in at the window. The Captain upon that ply'd them warmly with small shot, who sent him in return a great quantity of slugs and balls, so that almost a continual fire lasted for

¹T. Mountjoy, *Sixty-two years in the Life of a Forest of Dean Collier* (1887), p. 76.

²C.E. Hart, *The Free Miners...*, pp. 142-144.

nearly half an hour, when their ammunition being spent, they had something else to pick besides stones out of the pound wall. On the morrow one of the gang was taken and on Monday committed by Thomas Pyrke Esq. to Gloucester Castle; but his company being apprised of it, seven of them disguised themselves in a dreadful manner, and armed with four guns and three swords, came several miles over the Forest but finding their comrade gone too long before, returned back to pull off their too ragged petticoats and clean off their too much like Devil's faces. But it is to be hoped the gentlemen of the county will lend an assisting hand to put a stop to these desperate and resolute fellows.

N.B. They are supposed to be what are called Fanside men, and come from in or about Clowerwell. 1

The Forest officers blamed the tendency of the miners to violence for the prevalence of timber stealing. The Surveyor General reported to the Treasury in 1780 that:

... the offenders were become so daring and desperate, as to bid defiance to his deputies and render every attempt of his, in a summary way, totally ineffectual;... in the preceding month, a number of persons in disguise had openly cut down two large timber trees at Yorkeley in Dean Forest, and wounded several keepers who attempted to oppose them. 2

The miners' right to take timber could not be summarily curtailed because "they are too numerous and formidable a body to be wantonly refused".³ Mr. Blunt, the Deputy Surveyor, also wrote that if the miners "took it into their heads to fancy that they had a legal right to oak timber, they would use none other, and that, if not delivered to them, he had not a doubt, but they would take it by force".⁴ These reports,

¹Gloucester Journal, 22 July 1735.

²L.R.C., (1788), App. 37.

³Mining Claims and Disputes, p. 291.

⁴Ibid, p. 319.

though they should be heavily discounted in the light of the obvious self interest of the officers who made them, do perhaps indicate that relations between the officers and the foresters were governed in part by the threat of force.

Here then, in summary, is a glimpse of what the Forest offered to the miners in the eighteenth century. This account is incomplete and unsatisfactory in a number of ways: there is no means, for example, of telling how many miners and other foresters there were or how the returns from mining and the spoil of the Forest were divided among them. Nonetheless, it is possible to see in the matrix formed by the richness of the Forest's resources, the laxity of the administration, and the venality of those who were meant to administer, the outlines of varied, and not inconsiderable, economic opportunity for those who lived there. The miners could have, and only they could have, the coal under the soil. Until 1775 at least, they sheltered behind the Mine Law Court and the customs and privileges of the free miners. The Court excluded outsiders from the industry and, by enforcing the customs, enforced a basic equality of opportunity to search for coal among those who were free miners. By regulating the carrying trade it guarded against the intrusion of middle men and the concentration of economic power in the hands of a few. The decision in the Copper Company's action for damages against a party of miners probably acted as a barrier against foreigners after the collapse of the Court. The Court could not of course stipulate equality of luck and skill. Some mines were undoubtedly worth more than others and some free miners better

off than others. The problems posed by wet coal seams and lack of capital probably prevented the development of very great inequalities.

The Forest provided cottages, fuel, gardens, orchards and pasture for animals. Timber and the herbage provided income for the men who worked in gangs to steal it or take it, ostensibly, for use in the mines, as well as employment for women and children in the bark season. In contrast with the keepers the miners encroached on the Forest on a small scale. Most had only one cottage and at most two or three acres of ground, a scale of cultivation which perhaps did not maintain the foresters at much above subsistence level and could not supply such essentials as grain.

The Forest, as Crown land, was extra-parochial. There were no rates or taxes to pay, no schools or schoolmasters, no churches or ministers, no soldiers or constables or large scale employers. Only the Crown officers represented authority and could restrict the miners' ability to exploit the Forest as they chose - and the officials had an interest in not restricting them. This is a sketch of a community of small proprietors and land holders who had a considerable degree of freedom from authority and of opportunity to contribute to the family economy in diverse ways. Their independence and their holdings of land and mines sprang, on the one hand, from the laxity of Crown administration of the Forest and, on the other, from a set of laws and customs which gave the free miner his individual and collective

identity, distinguished him from those other men who were not "free" and defined his "rights" against those of all other men.

Chapter 2

Administrative Reform and the Foreigners: Innovation

The King with honour did them so regard,
Made them free miners as a just reward;
The Forest Charter to them granted was,
And firm and sure were made the Forest Laws.
In former times, they gloried in the name,
But now the foreigners have got the game.

Catherine Drew, The Forest of Dean in Times
Past Contrasted with the Present
(Coleford, 1841).

In the first few decades of the nineteenth century the old system in Dean all but disappeared. Reforms in central administration curtailed the miners' open exploitation of the Forest and a capitalist re-organisation of mining turned the majority of free miners into wage labourers. The customary right of the miners in the Forest's resources came to be seen as anachronism and anomaly, to be eliminated in the interest of efficient administration and the security of property. The processes by which capital and the state transformed the Forest economy culminated in a series of inquiries and Acts of Parliament between 1832 and 1841 which gave formal shape and endorsement to the new order.

Perhaps the most important source of change in Dean was a new sense of the "public interest" in central administration. The seventeen Reports of the Commissioners of Woods and Forests followed on those of the Commissioners of Public Accounts which had enunciated the principles of "economical reform" in the Civil Service. That philosophy, among other things, asserted the primacy of the demands of the State and the "public" over those of office holders under the Crown:

We do not mean to violate, in the slightest degree, any right vested in an officer by virtue of his office. The principles which secure the rights of private property are sacred, and to be preserved inviolate; they are landmarks to be considered as immoveable. But the public have their rights also, rights equally sacred, and as fully to be exercised...

The principle which gives existence to, and governs every public office, is the benefit of the State. Government requires that various branches of business should be transacted, and persons must be found to transact them. The acceptance of the

public office implies an engagement to do the business, and a right to compensation. The officer has powers delegated to him necessary for the execution, but he has no other right than to the reward of his labour. 1

Behind the reports of the Commissioners of Woods there lay the same concern for the public interest and the benefit of the State, in the light of which they measured the adequacy of the administration of the Forests and of the Crown officials' performance of their duties. As Chapter I indicated, the Commissioners found the officers in Dean wanting in their attention to duty and remiss in not protecting the interests of the public. As well as the officers, of course, there were the miners and other "individuals" and the threat they posed:

... though the Encroachments, Devastation, and Spoil in the Forests were perhaps more rapid, in Times of Public Disturbance, and during the Reigns of weak or improvident Princes, than they even now are, yet such was the Power exercised by the Crown, that what was lost or granted away during a relaxed or profuse administration, was resumed, or amply compensated by the first Monarch who gave Attention to that Part of his Property... there was formerly more Danger to private Property from the violent Exertions of Power, than to the Property of the Crown by the Encroachments of individuals. The situation now is very different: Private Property, happily for this Country, is in perfect security; but the property of the Crown in the Forests is open to Daily Encroachments; and unless a stop shall soon be put to the Progress of existing Abuses, and some Interruption given to Intrusive Possession, the greatest Part of the Timber now growing in the Forests will be destroyed; and those Rights which are at present retrievable will be gradually lost. 2

¹The Eleventh Report of the Commissioners appointed to examine, take and state the Public Accounts of the Kingdom (1783), printed in part in H. Roseveare, The Treasury, 1660-1780 (1973), pp. 149-150.

²L.R.C. (1788), p. 560.

To ensure the timber supply and to make the Forest productive of revenue the Commissioners identified three main areas in which reform was needed. Firstly there should be efficient supervision of the Forest officers, sound book-keeping and an efficient system of planning and management. Secondly the officers should be paid a wage and not allowed perquisites and privileges to divert them from their duties. Lastly, and perhaps most importantly, efficient administration required that the rights of the Crown in the Forest should be identified and clearly separated from those of others.¹ It was necessary to end the "perpetual struggle of jarring Interests, in which no party can improve his own Share without hurting that of another"²:

Our Chief Objects have been to give a distinct View of the Rights appertaining to the Crown in this Forest, and of the claims made upon it by Individuals, as well as to explain the Abuses which prevail; in order that a Settlement and Separation of those Rights may take place on just Principles, and that Measures may be speedily taken to put an End to those Abuses. 3

Little was done about these recommendations until Lord Glenbervie took office as Surveyor General of Woods in 1803.⁴ By then the demands of the Navy in war had given the problem of timber supply some urgency. Nelson himself visited the Forest in 1803 and reported:

¹L.R.C. (1788), pp. 40-48.

²Ibid, p. 6.

³Ibid, p. 48.

⁴Commissioners of Woods, Forests and Land Revenues to the Treasury, 29 April 1789, P.R.O. Crest 8/1.

The Forest of Dean contains about 23,000 acres of the finest land in the kingdom, which I am informed if in a high state of cultivation of oak, would produce about 9,200 loads of timber fit for building ships of the line every year; that is, the Forest would grow in full vigour 920,000 oak trees. The state of the Forest at this moment is deplorable, for if my information is true, there is not 3,500 loads of timber in the whole Forest fit for building, and none coming forward...

Where good timber is felled, nothing is planted, and nothing can grow self sown: for the deer (of which now only a few remain) bark all the young trees. Vast droves of hogs are allowed to go into the woods in the autumn, and if any fortunate acorn escapes their search, and takes root, then flocks of sheep are allowed to go into the Forest and they bite off the tender shoot... Trees cut down in swampy places, as the carriage is done by contract, are left to rot, and are cut up by people in the neighbourhood... There is also another cause of the failure of the timber: a set of people called Forest Free Miners, who consider themselves as having a right to dig for coal in any part they please; these people, in many places, inclose pieces of ground, which is daily increasing by the inattention, to call it by no worse name, of the Surveyors, Verderers etc who have the charge of the Forest. ... knowing the abuses, it is for the serious consideration of every lover of his country how they can either be done away, or at least lessened... If the Forest of Dean is to be preserved as a useful forest for the country, strong measures must be pursued. 1

Glenbervie agreed with him. "The two principal objects in the administration of this, as well as the other Royal Forests", he wrote, "ought to be":

(1) To preserve from Depredation and Waste, and to turn to the utmost practicable account the wood growing there.

(2) To adopt such measures, and act upon them steadily and without discontinuance, as shall render the Forest productive of as great a successive quantity of Navy Timber particularly, and of any other wood not interfering therewith, as shall be compatible with their extent, the nature of the ground, and the rights belonging to the individuals therein. 2

¹The Thirtieth Report of the Commissioners of Woods (1852), p.223.

²Surveyor General to Treasury, 15 January 1804, P.R.O. Crest 8/1.

Accordingly, he deprived the Forest Officers of their land and perquisites and subjected timber felling to book-keeping and inspection.¹ In 1808, by means of an Act of Parliament, he reasserted the terms of the Act 20 Chas II and directed that 11,000 acres of Dean be enclosed and planted.² This task Glenbervie gave out to private contractors who finished it in 1818.³ Encroaching and timber stealing were gradually brought under control and virtually eliminated by 1829.⁴ Of a total of 2,010.2.6 acres of land which had been enclosed by encroachers before 1834, only 24 acres had been taken in after 1812.⁵ The appointment of permanent Commissioners of Woods, Forests and Land Revenues in 1810 overcame the problem of the Forest's vulnerability to the whims, venality or inattention of particular Surveyors General.⁶

¹Ibid, 7 April, 1803; and Report on Salaries in the Office of Woods, P.R.O. Crest 8/2.

²48 Geo. III c.72.

³The Third Report of the Commissioners of Woods, Forests and Land Revenues (P.P., xix, 1819), p.20.

⁴Report from the Commissioners of Woods, Forests and Land Revenues to the Lords of the Treasury, recommending measures for ascertaining the Boundaries of Dean Forest, and for inquiring into the Rights or Claims of persons calling themselves Free Miners, (hereafter Boundaries Report (1829)) (P.P., xxix, 1830).

⁵The Second Report of the Dean Forest Commissioners, (1834), App. 3.

⁶The Act 50 Geo. III c.65 of 1810 vested the functions of the Surveyor General of Land Revenues and of the Surveyor General of Woods and Forests in the Commissioners.

That the Act of 1808 was necessary is of some importance. The earlier Act of Chas II had given the Crown the necessary authority to enclose land and to remove it from all other uses including commoning and cabin building. Neglect over a century, however, had weakened the force of the Act and breaches of it had been implicitly sanctioned by the sufferance of the Crown. By its own acts of omission the Crown had defined the unrestricted exploitation of the Forest by its inhabitants not as criminal behaviour but as right which might be successfully defended unless explicitly curbed by statute.¹

A new administrative energy was not the only influence at work in the Forest. By the time Lord Glenbervie took office foreigners had entered the mining industry in partnership with free miners. Although the collapse of the Mine Law Court had produced no short term consequences of any importance, it had deprived the miners of the means of disciplining those individuals who were tempted to break the custom. James Teague was thus free to take foreigners into partnership with him in 1796.² Since he was a free miner and had properly registered his gale in his own name there was no question of the decision in the Copper Company's

¹The First Report of the Commissioners of His Majesty's Woods, Forests and Land Revenues (P.P., xii, 1812), p.364.

²This account of Teague's railroad is based on the Appendices to Mining Claims and Disputes.

case affecting his works. Teague built a "fire engine" at his pit and, more importantly, laid a small tramroad to the River Wye.

Teague's line was a crucial precedent and one which neither the Forest's officersⁿ or the largest part of the free miners liked very much. The officers' vision of the future was clear and it told them that the tramway was a threat and an intrusion. They:

... not only expressed their entire disapprobation of the same, and ordered it to be discontinued, but afterwards, with the approbation of the Lord Warden, caused the work to be broken up; notwithstanding which, said Teague, assisted by such partners, had thought proper to continue such railroad... if the Crown does not immediately order the same to be thrown up and destroyed the Forest will be laid open to the speculation of every person possessed of money to enter the same without the consent of the Crown or the officers of the Forest, to do what he pleases therein, and terminate in its destruction. 1

They were aware too that the railroad would not benefit all miners equally:

Some free miners desired Mr Jones and myself would meet them at the Speech House, the 4th of this month to hear their complaints against Mr Teague's partial railroad made against the consent of the officers of the Forest, which was universally condemned, and agreed, if suffered to go on singly would ruin great numbers of families; But several substantial colliers from the Ruardean side, and likewise a few from the Parkend side, thinking a general railrod... would be an advantage to the Forest, and the countries round it, we desired a few colliers to inquire if it could be done without

¹Ibid, App. I, Verderers to Surveyor General, November, 1801.

injury to the lower class. They reported that if general railroads were established by an Act of Parliament, in which the rights of the free miners should be confirmed, and that they should have the exclusive right of halling (sic) on the railroads to the Wye and the Severn and carrying to the different places, as by their laws they have a sole right, they thought few carriers would be hurt by it, and the people objecting to it were not many, but since that we have had different lists of free miners, I believe about 150, who have signed against railroads in general, many of whom say it may be a good thing for some of the richer colliers; but as for the poor ones, it will deprive them (they very much fear) of getting the scanty bread they now do... I cannot for one, in conscience, join in any Act that is likely to take the bread out of the mouths of the lower class of colliers, who are by much the most numerous. 1

In this, the question of Teague's line has shaded over into that of a general line and there is evidence of a division between the richer and the poorer free miners.

The Forest officers allied themselves for the moment with the poorer miners and appealed to the Treasury Solicitor to prosecute Teague.² The Solicitor, however, did nothing. A successful action against Teague might have proceeded on the grounds that the railroad was a nuisance, to be abated, and one which was not sanctioned by custom or right.³ But Teague had argued that he was entitled to build his line by virtue of the free miners' rights and that the line was not such a nuisance as the practice it replaced:

¹Ibid, Acting Deputy Surveyor to Verderers, 1800.

²Ibid, Verderers to Surveyor General, November 1801.

³Ibid, App. 2, Attorney General to Surveyor General, November 1803.

... the miners of the Forest have a right to get coal and ore in the said Forest, time immemorial. They have at the same time enjoyed the privilege of making such roads as the nature and situation of their works required, and this I believe has never in one instance been disputed. Various companies of miners have from time to time made such roads either with earth, wood or stone, as best suited their ability or purpose, without their right to do so being called into question. Indeed the situation of the Forest is such that without this privilege the right of working the mines would be useless, as the low delph seams of coal are situated in such swampy soil that, without the privilege of making roads, almost every pit would be inaccessible in the winter season, whilst the situation of the high delph vein frequently renders it necessary to sink shafts or drive levels in the declivity of hills, that without the power to cut roads would be inaccessible either by wagons or beasts of burthen.

Upon this ground my Lord, I in the first instance made a road with stone, where my tram road is now made... but having no hard materials to make it with, it soon became cut to pieces, and persons coming for coal soon began to adopt the general practice of going off the roads upon the swards, till the soil became cut up for one hundred yards wide as a perfect fallow. (The road) became so completely cut up as to be impassable in the winter season and frequently on this account my coal lay at the pit... I had no other means than to make my tramroad... You will not be unmindful that whilst envy directs its shafts against me for making a road that benefits the soil of the Forest and that in no small degree, all my competitors, and the miners all round the Forest, are still pursuing uninterruptedly the old mode of carriage, and are either making earth, wood or stone roads as best suits them, or else what is far worse, cutting up many acres of land by going on the greens in all directions for want of such roads; and neither the verderers nor keepers think they go in the smallest degree beyond the bounds of their right. 1

Since "a possible doubt may be raised, especially where the parties may have been at considerable expense, and great

¹Ibid, Teague to Treasury Solicitor, 16 November 1803.

mischief may be done by abatement, which upon trial, might turn out not to be justified", the Solicitor allowed Teague's line to go uncontested.¹

Teague's adventure encouraged foreigners to attempt a more ambitious scheme. In Hereford in November 1800 a most impressive gathering of gentlemen, including the Mayor, the Earl of Oxford and the Members of Parliament for City and County, settled that the most effective way of reducing the price of coal in the city would be to build a railroad "which at the smallest comparative expense would lead to the greatest number of collieries" in the Forest.² They commissioned surveys and estimates for the line and began to petition the Parliament and the Treasury for a Railroad Act. Some of the promoters acquired coal holdings along the route of the proposed line and one group of them "formed a connection with Teague etc, and are now preparing to erect a Steam Engine in the Forest, at or near Syrridge, with a view, no doubt, of getting the coal trade and the mines in their own hands".³

Once again the officers predicted the ruin of the Forest and the poorer free miners. The Acting Deputy Surveyor

¹Ibid, Attorney General to Surveyor General, November 1803.

²Gloucester Journal, 17 November 1800.

³Ibid, Acting Deputy Surveyor to Surveyor General, April 1802.

wrote:

... the total destruction of the Forest (if considered for a Nursery for Timber) must assuredly follow... It is intended to make four principal public roads for the four quarters of the Forest, at the expense of the Company, and collateral railroads to be allowed to be made by individuals into one or other of those principal railroads... Would not the Forest be cut into slips or strips? Take again into consideration the natural inequality of the ground, and as rail or tram roads must be nearly level, you will find deep ditches of long lengths must be cut in some places, and banks raised in others. Must this not be dangerous to travellers who have occasion to pass from one part of the Forest to another? And will it not be an effective barrier to the hauling the Navy Timber from the internal parts of the Forest... yet they will be singularly serviceable to Timber Stealers, who, when the trees are felled and cut into converted lengths for coopers' wares, can carry away almost any quantity with the greatest ease and with little fear of detection... as soon as the plan can be settled, powerful steam engines will be erected on those lines; and notwithstanding there is a lure held out to the present miners, that they shall be included in the Act, so as to give them authority to cut collateral rail roads into those principal rail roads, yet as you will know their inability to do so or cope with monied men, the consequence must be that 1,000 poor honest men (who now get but scarce sufficient to maintain themselves and families) would be ruined and must throw themselves at the mercy of those foreigners for employ, who when they have got all the coal works in the Forest into their own hands will in all probability take care to enrich themselves at the cost of the public. 1

Glenbervie had this advice before him in 1804 when the Treasury asked him to report on the proposed railroad. He also had memorials in favour of the line from the inhabitants and gentlemen of Hereford, from the manufacturers and dyers of woollen cloths in Gloucester and from fifty two

¹Ibid, Acting Deputy Surveyor to Verderers, 1800.

free miners. A memorial in opposition came from three of the four verderers and from 406 free miners.¹

Glenbervie's test of the scheme was its effect on the interests of the Crown as he saw them, but he also gave considerable weight to the possible consequences of the scheme for most of the free miners:

... the production and preservation of Navy Timber to the extent which has been expected will, I presume, be felt to be of paramount nature to this declared object of the memorialists, however desirable the attainment of (cheap coal) might be... it will require a period of little less than a century and a permanent, steady and vigorous administration of the Forests during that period... to secure to posterity the most indispensable article for the maintenance of that Navy on which not only the glory and the prosperity of the country, but its very safety and existence depend... their project might interfere with the measures which must be adopted in the Forest of Dean with a view to this general plan of prospective improvement... it is most probable that whatever increased emolument may arise from mining in consequence of the present plan, they will chiefly be reaped by strangers, possessed of adequate capitals, colouring the enterprises with the names of privileged persons too poor to avail themselves of their right, and that, as the privilege of each individual miner is claimed to be without stint, a comparatively very small number of them will be sufficient for the purpose of lending their names, while the others, being incapable of entering into competition with the capitalists I have alluded to, will find their rights no longer of any value. 2

Accordingly, Glenbervie recommended that the plan be not permitted to proceed.

Frustrated in their first attempt to obtain an Act the foreigners adopted another course.³ They obtained the

¹Ibid, Surveyor General to Treasury, 18 January 1804.

²Ibid.

³Surveyor General to Treasury, 15 July 1807, P.R.O. Crest 8/3; and 5 March 1809, P.R.O. Crest 8/4.

permission necessary to build a line on private land from the Severn to the edge of the Forest, thus obviating the need for a Railway Act. This raised the spectre of each mine owner following Teague's example and constructing his own line from the mine to the railhead. The threat this posed to the Forest was incomparably greater than that of an officially sanctioned and regulated general line. At the same time the promoters had altered their plans for a general line within the Forest so as to remove most of the earlier objections. There would now be two lines: one in the eastern valley and one in the western. They would not be for the use of a few but would carry all coal on equal terms. As well, provision was to be made for £3,000 of the £35,000 of authorised share capital to be reserved in £10 non-voting shares for free miners. New surveys had been made of routes which would run over uniformly sloping ground so that cuttings and embankments or any other destruction of the soil or timber would be avoided.

More importantly, the lines now came to be seen as a means of implementing the plans to improve the Forest as a nursery and of disciplining the miners who were cast, not as the probable victims of the foreigners, but as the chief threat to the interests of the Crown. If many of the roads in the Forest were closed and a railway built, timber stealing could be limited:

The lawful occupations of the persons employed will be confined to a narrow compass and that there will be less pretext for their being found

with their horses and carts as they now are
over the whole tract of forest land. 1

Inspectors paid for by the railway companies would prevent the use of the line by timber stealers and a provision in the railroad Act that no miner who used the line for the carriage of coal should be permitted to claim free timber would do away with that abuse. At the same time the miners' other right, to dig wherever they chose, might also be limited by regulations framed so as "to prevent the opening of new pits at a distance from these railways, in various parts of the Forest where they might interfere with and prevent the enclosures and plantations which may be undertaken under the efficient authority which has now been vested in His Majesty for that purpose".² A clause in the Acts to prevent new lateral lines being opened, or the carriage of coal from any new mine sunk at a distance of more than 100 yards from the main line, without the permission of the Surveyor General, would serve that purpose. Moreover the railways could pay a substantial licence fee, £400 between them, which would help to finance the enclosures provided for by the Act of 1808. A further provision that the railroads should fence their lines would also fence the enclosures where they marched together.³

¹Surveyor General to Treasury, 20 March 1807, P.R.O.
Crest 8/3.

²Surveyor General to Treasury, 5 March 1809, P.R.O.
Crest 8/4.

³Ibid.

On balance the railroad was now an attractive proposition. It had, by 1808, the support of the Lord Warden and the Forest Officers, and a Bill containing the necessary clauses received Glenbervie's approval in 1809.¹ The orderly development of the Forest as a timber nursery and the protection of the State's interest there, demanded an alliance between the State and the foreigners. The miners' rights were anomaly and anachronism, to be curtailed in the interest of efficient administration.

The Crown and the foreigners did not bear all the responsibility for opening the Forest to capital. James Teague was a free miner and fifty two others had petitioned in favour of a general railroad. Indeed all the holdings of the foreigners in mines were obtained through the cooperation of free miners. Again Teague had set the example by taking foreigners into partnership in a gale registered in his own name. Other free miners did the same. Edward Protheroe, a foreigner and the owner of the single largest group of mines by 1831, described the motives of the free miners and the consequences of their actions in this way:

As the shallow coal was becoming exhausted, the attention of the miners was directed to the deeper coal, which is accessible only by means of the steam engine, and its expensive pumping and drawing machinery. The free miners took out gales by way of experimental speculation, and in the first instance bargained with strangers possessed of capital for the opening of these works on the terms of holding shares therein themselves; but it was soon found that disagreements and quarrels ensued and the free miners were obliged to be bought out. It was also found that the expense of opening a deep colliery was so enormous, and

¹Ibid.

the difficulty of establishing a new trade so great, that the first adventurers among foreigners expended their fortunes and received no return to encourage them or others to go on with the system. This was the case with my uncle, who never received back one shilling for his large expenditure. Under these circumstances, he offered his works for sale, and I bought them in conjunction with Mr Waters upon the express condition that he should get conveyed to us all the shares of the various free miners who were concerned in the different collieries as partners with him. These shares he purchased for different considerations either in ready money or in annuities, some of which I continue to pay to this day... The free miners then finding that there was no profit to induce strangers to embark their money in the objectionable mode of partnership with them, adopted the system of taking out gales in the most eligible places, and disposing of them to strangers for a small sum of money paid down, and a nominal rent for a long term of years. It is generally acknowledged that these considerations, however small, together with other advantages attending the system, have been much more beneficial to the free miners than their independent speculations. They are mostly working men, and are employed in sinking the pits, in managing the machinery, and in working the mines. 1

At the end of the 1820's the Crown took yet further steps to rationalise its administration of the Forest by initiating a Bill to define and limit the miners' privileges. The restrictive provisions of the railroad Acts had satisfactorily curbed the miner's right to take timber at will but there remained their right to dig for coal wherever they wished. The officers of the Forest had long recognised that right in practice, as, by implication, had the Crown. The Commissioners of 1788 had concluded, however, that, despite the Copper Company case, the miners could probably not legally sustain their claim to special privileges against the Crown.² The absence of the records of the Mine Law Court

¹D.F.C., 4, 1835, p.52.

²See L.R.C., (1788), pp. 1-34.

was crucial: without the documents the miners could base a case for privilege only on what was remembered by individuals and this had become, over time, confused and contradictory. The Book of Dennis contained a basic outline of the rights but said nothing about the regulations made by the Mine Law Court. To those concerned with the administration of the Forest as a nursery, the miners' rights were obscure, ill defined, probably illegal, certainly unproductive of revenue and potentially destructive of the Forest.

As early as 1807 the Surveyor General had insisted to the Treasury that there should be some examination of the miners' rights:

It must be highly necessary to institute some vigorous enquiry into the claims of the persons calling themselves free miners, both with respect to the right of mining and the use of timber for their works, as there can be no doubt but more mines will be sunk, and more produce drawn from the Forest after the establishment of the proposed railways and if they shall continue to be supplied with timber... the whole of the Beech in the Forest must be exhausted. It would certainly be very difficult, and perhaps impracticable to obtain complete possession of the mines, from the lawless description of the persons by whom they are now worked. 1

This plan emerged again in 1828: in December of that year the Treasury ordered the Commissioners of Woods to begin an inquiry into the "nature and extent of the customary rights exercised by the free miners in the Forest of Dean and to ascertain what evidence can be adduced in support of those rights."²

¹Surveyor General to Treasury, 15 July 1807, P.R.O. Crest 8//3.

²Treasury to Commissioners of Woods, 15 December 1828, P.R.O. Crest 8/16.

The consequent report, which the Commissioners sent to the Treasury in 1829, set out the rights and privileges in a fairly complete form, but it adopted a hostile tone. "There has long been occasion to observe", they wrote, "the great injury that has arisen to the interests of His Majesty, and daily continues to arise, as well as the loss and inconvenience to individuals having invested their property in mining speculations in the Forest, from the undefined and conflicting claims of the persons calling themselves 'free miners'. The opinions of the best law authorities "who have been consulted on the subject are, that the exercise of such claims, in the manner and to the unlimited extent urged, cannot now be legally maintained".¹ Having stated the probable answer to any question about the legality of the miners' rights, the report urged that:

... competent professional persons... be appointed under the authority of an Act of Parliament, with all the power given in such cases, to proceed both by the examination of intelligent witnesses, on the spot, and upon oath, and by the inspection of any deeds, writings or other legal testimony which they may be able to obtain; and thereupon to report what rights the miners shall have appeared to have acquired either by grant prescription or otherwise; and if it shall be found that their claims cannot be maintained to the extent now sought for, then in what manner it may be expedient that they should be limited and defined by legislative enactment. 2

Earlier, in 1818, the Commissioners had declared that "we are not in possession of any Charters, Grants or Documents (concerning the free miners' rights) nor have we been able to ascertain that any such documents exist".³ The records

¹Boundaries Report (1829), p.3.

²Ibid.

³Return respecting the Mines in Dean Forest (P.P., XV, 1818), p.99.

of the Mine Law Court did not come to light until 1832. That being so, all that remained of substance in the Commissioners' recommendations was to discover an expedient manner of defining and limiting the rights by legislation.

The Bill prepared in consequence of the Commissioners' Report, and presented to the House of Commons in October 1829, was not concerned solely with the miners' right to dig coal. It contained, as well, an instruction to the Commissioners to be appointed under it to:

... report the dates, value and other particulars of all other purprestures, encroachments and trespasses in and upon the soil of His Majesty within the said Forest, in all cases in which it shall not clearly appear to the said Commissioners that a good title can be established against the Crown. ¹

The anxiety which this provoked found expression in an article in the Monmouthshire Merlin:

That laws framed under circumstances which no longer exist cannot be rightly available under the influence and power that all laws should possess; must be self evident; and therefore we approve of so much of this Bill as tends to define the rights of the foresters amongst themselves, because we think it at once conducive to their separate interests and their unanimity and prosperity as a body. Men and their political interests are necessarily open to those alterations which time and circumstances require, and thus it can be readily imagined that the same Forest laws which were framed, and fairly applied perhaps a century ago, when coal was procured at little or no expense, now require both revision and correction under the expenditure of immense sums to realise the same results.

¹A Bill for Ascertaining the Boundaries of the Forest of Dean, and for inquiring into the Rights and Privileges claimed by the Free Miners of the Hundred of St Briavels, and for other purposes. (P.P., 1830, ii).

But from the enactments of this Bill, much fear is entertained that an attempt will be made to oust the occupiers of small pieces of ground, tenements, etc, who, if not retaining their possession by any positive law, have nevertheless done so under the manifest conviction of those who might have interfered; that if any counteracting law did exist, there was much more honour, and policy too, perhaps, in submitting to its breach than enforcing its rigid observance. 1

The Bill thus threatened the cottagers in general as well as the miners in particular.

The Commissioners probably did not intend this inquiry to be directed against the foreigners. There had after all been considerable cooperation between the Crown and the capitalists: so much so that, Protheroe argued, the Crown had in fact established the foreigners' title to their coal:

In what way has the sanction of the Crown officers been given? - In the first place by their making the Crown a party to the different Acts of Parliament for forming railways in the Forest at the expense of the foreigners (as they are called), who held coal and iron mines, with whom they concerted all these clauses in the said Acts designed to give security to the Royal timber, and which have actually produced incalculable benefit to the Crown property, this security being attainable only through our intervention.

Secondly by their entering the various conveyances and leases of gales from free miners to or from foreigners, in the Crown books, and receiving the rents and dues from the foreigners. Thirdly, by their granting after such transfers, licences for engines and railroads, etc., directly to such foreigners describing the mines or works as the property of the said foreigners.

Fourthly, by their lending to the foreigners so possessed of works in the Forest the protection and direct interference of the power of the Crown in suits against free miners illegally interrupting the proceedings, or injuring the property of the foreigners, as occurred in my own case in the year 1824, when the Attorney General filed a Bill in

¹Monmouthshire Merlin, 5 June 1830.

the Exchequer for my protection against the Churchway Company of free miners and obtained an injunction on the proceedings, which was acquiesced in and obeyed....

Fifthly, by the written explanation and declaration from Lord Lowther, when Chief Commissioner, to myself in a letter dated 8th June 1830, written in answer to a formal inquiry on my part. His Lordship's words are, 'With respect to works carried on under licence from the Crown, we can have no intention of disputing a right exercised under such a licence, as that would be to quarrel with the title which we ourselves confer.' ¹

Protheroe's letter to Lowther, and the reply to it, indicate that they had discussed the problem of his title to the mines he worked. Discussions between them had probably gone on well before that. A letter from the Commissioners of Woods to the Treasury in 1828, approving engine licences for Protheroe, states that he had agreed to a limited form of licence because of the necessity at some time "soon, to investigate fully the respective rights and interests of the Crown, and of the Coal and other mining works."²

Protheroe and other foreigners might have hoped to gain a good deal from legislation limiting the miners' rights. There is a clue to this in the correspondence between Protheroe and the Commissioners concerning the drafting of the Dean Forest (Mines) Act of 1838.³ This Act was the direct consequence of the inquiries of the Dean Forest

¹D.F.C., 4, p.23.

²Commissioners of Woods to Treasury, 11 August 1828, P.R.O. Crest 8/16.

³Preparation of the Dean Forest (Mines) Act, 1838, P.R.O. F3/837.

Commissioners who were appointed as a result of the 1829 report and the Bill which followed it. One point stands out in Protheroe's comments: whatever other advantages might arise from the closer regulation of the free miners, property in the mineral rights had to be made real and not personal. That is to say, mineral rights had to be held on the same legal basis as any other property and be transferable through sale or lease and, therefore, be capable of use as mortgage security. Mineral rights held by the miners were personal: they accrued to individuals and were contingent upon birth and having worked in the mines. Though miners' rights had in fact been leased, sold and mortgaged, the property was not secure:

However good our titles may be for possession, we know that they are not legally marketable, unless in our own district where the whole system is known and understood. A variety of causes may render sales of importance to us, and for one, I should be quite content to make some sacrifice of profit, by a small addition to the Crown rent in return for a clear title to a definite extent of coal property. ¹

Equally worrying was the fact that the Laws and Customs gave protection to "water pits", mines worked by shaft, for a distance of only twelve yards around the pithead.² A capitalist sinking a pit had no guarantee that someone else would not sink another so close to his own as to render it worthless. For foreigners and Crown both, it was desirable that the free miners' exclusive right to the coal be eliminated.

¹D.F.C., 4, p. 26.

²T. Sopwith, The Award of the Dean Forest Mining Commissioners as to the Coal and Iron Mines in Her Majesty's Forest of Dean: and the Rules and regulations for working the same: with Preliminary Observations. (1841) (hereafter Award, 1841), pp. 21-22.

The Commissioners appointed under the subsequent Act began their hearings in the Forest in 1832. They issued five reports between 1832 and 1835.¹ From the fourth of these, on mining, there followed the Dean Forest (Mines) Act of 1838, the appointment under that Act of Mining Commissioners to examine the ownership of the mines in detail and the publication in 1841 of their awards of gales of coal and iron ore.² In considering the Mines, the Forest Commissioners, unlike the Treasury officials who wrote the report of 1829, had access to the records of the Mine Law Court which, together with other evidence produced, established that the mines had indeed once been worked in the manner prescribed by the Laws and Customs. But, the report concluded, the system had entirely broken down and the industry now operated on an illegal basis. The Commissioners recommended that the few free miners who had works should be given leases of their coal areas and that the other free miners should be given a sum of money in return for giving up their rights. The whole field "might then be let by the Crown as between landlord and tenant".³

The Mines Act of 1838 did not abolish the miners' rights at a stroke: as we shall see in the chapter which follows, opposition from the free miners made that course inexpedient. At first sight, indeed, the Act seemed to

¹D.F.C., 1-5 (P.P., 1835, xxxvi).

²1 and 2 Vict., c. 43.

³D.F.C., 4, p. 10.

give legislative sanction to the free miners' privileges for the first time, by stipulating that only registered free miners should be entitled to have gales of coal or iron awarded to them. The Mining Commissioners presented the Act in its best light to a meeting of the free miners at the opening of the Commission in 1838:

An antient privilege has been perpetuated from time to time, and one of the first objects contemplated by the Act, is to establish that privilege on a firmer and broader basis than it has hitherto existed. The basis is firmer in as much as it has the direct recognition of Parliament, not merely to the vague and indefinite right of galing, but to the possession of a definite tract of Forest coal. 1

What they did not stress at that meeting was that the definition of "free miner" had undergone alteration. Any male person born and living in the Hundred of St Briavels, at the age of twenty one years and upwards, who had worked in the mines for a year and a day, might register under the Act: the critical qualification of the old definition, that a free miner had to be the son of a free miner, had disappeared. There was, moreover, no provision in the Act that only free miners be employed in the mines. As well, the Act permitted registered free miners to sell or dispose of their gales in any way and confirmed all mortgages, leases or sales made before 1838. In other words, the Act, whose provisions the Crown had closely concerted with Protheroe and other foreigners, gave the foreigners clear title to a definite tract of coal, left them free to employ whomsoever

¹T. Sopwith, Observations addressed to a public Meeting of the Free Miners (1838), p. 30.

they chose and gave legislative endorsement to the processes of lease and sale by which they had acquired their mines in the first place. The operative principle in the Act, as the Mining Commissioners proudly pointed out, was the recognition of property rights. Whatever doubt hung over the foreigners' title:

... as regards its origin, or as regards its being an encroachment on the customs, is fully set at rest by the Act, which recognizes them as being now proprietors of mines, and entitled to a full enjoyment of that property... While, therefore, the rights of the free miner are not only recognized but confirmed and increased, it is due to common justice and to English fairness and uprightness, that the general rights of property shall be respected; this has been our object and it forms a distinguishing, and I have no doubt, when properly considered and understood, a highly popular feature of the present Act. 1

The Crown did not confine its assault on the anachronism of the Forest to the problem of the free miners' rights. The Commissioners made detailed surveys of the encroachments in 1834 and advised that they be sold, leased or granted freehold of inheritance to the occupiers so that, as with the Mines, Forest property might be held in the same way as any other.² A further Act gave the Commissioners of Woods and Forests the necessary powers.³ Yet another Act abolished the debtors' court which the Constable had maintained at the Castle of St Briavels and, again, substituted the general law of the land for the local procedure.⁴

¹Ibid, pp.4-5.

²D.F.C., 3, pp.23-4.

³1 and 2 Vict., c.42.

⁴5 and 6 Vict., c.83.

As extra-parochial land the Forest had, of course, been peculiarly set apart from the ordinary county government. The twin pillars of Parson and Poor Law had been largely missing. They were not entirely absent. Foresters tended to maintain a settlement in a parish by the simple expedient of bearing their children in the mother's parish of settlement and then bringing them back to the home in the Forest. Each generation of foresters thus maintained some sort of claim for relief on the parishes surrounding the Forest. This, since neither the foresters nor the mines contributed to poor rates, was a source of grievance to those who were rate-payers.¹ There had also been a good deal of Church and Chapel missionary work in the Forest after 1800. The incumbents of the surrounding Anglican parishes, believing that the foresters were as much in need of missionary help as the Maoris of New Zealand, had by 1832 opened three churches in the Forest, with schools attached, and were promoting the building of a fourth.² But church discipline remained weak and there was no power to celebrate marriages or baptisms in the Forest. Those who preached in the Forest churches, moreover, had to depend on an uncertain private charity for support, though the Commissioners of Woods had made available a small fund, the proceeds from the investment of which might be used for repairs and maintenance of the church buildings. Two further Acts divided the Forest into formal

¹D.F.C., 3, App. 1.

²See H.G. Nicholls, The Forest of Dean..., ch.x; G. Hainton, 'The Development of Elementary Education in Gloucestershire, 1698-1846' (Bristol M.A., 1953); D.R.A. Williams, 'Elementary Education in the Forest of Dean, 1698-1870' (Bristol M.A., 1963).

ecclesiastical districts, made provision for the building of churches and the payment of ministers and incorporated the Forest into the adjoining Poor Law Unions of Monmouth and Westbury-on-Severn.¹

The tightening of the Crown's control, the decision to allow railroads, the willingness of some free miners to act as middlemen between the Gaveller and the foreigners, and the willingness of foreigners to venture capital, wrought substantial change in the Forest in the first few decades of the nineteenth century. The mines passed predominantly into the hands of foreigners, who developed them in harness with machines, railroads and, in a few cases, with iron furnaces. Total population expanded and there was an influx of foreign workmen. At the same time the new administrative regime severely curtailed the uses the inhabitants could make of the Forest.

The most striking change was in the ownership of the mines. It is possible to make an assessment of the state of ownership of the coal in 1841 by reference to the Award of the Dean Forest Mining Commissioners.² Their lists allow us to distinguish among owners who were free miners, or foreigners, or who lived in the Forest or surrounding parishes

¹ 5 and 6 Vict. cap.65 and cap.48.

² Award, 1841. See also the Commissioners' Minute Books (1838-41), P.R.O. F20/6; Depositions and other evidences as to lights of mines laid before the Commissioners (1839-41), P.R.O. F20/7; Claims to Gales and mine workings inquired into by the Commissioners and evidence heard by them (1839-41), P.R.O. F20/8-10.

but did not hold as free miners. The Award also shows the annual tonnage to be taken as the basis for calculation of the minimum royalty to be paid to the Crown. These figures, calculated by the mining engineers John Buddle and Thomas Sopwith, tell us nothing about actual output but probably give a fair average assessment of the minimum capacity of each mine which may be used, in conjunction with the information the Award gives about the size of shareholdings, to obtain a picture of the pattern of ownership.

By 1841 there were 105 mines in Dean whose assessed capacity was 392,680 tons. (See Table 2.1) Free Miners acting alone or in partnership with other free miners had 34 mines and foreigners 39, 32.38% and 37.14% of the total, respectively. (See Table 2.2) When allowance is made for the relative capacities of the mines the foreigners are seen to have had a much more dominant position: the foreigners' mines accounted for 54.76% of capacity as against 19.68% for the free miners. After distribution of the portions of the mixed partnership mines, the proportion of tonnage owned by free miners increases to 27.78%, but that owned by foreigners increases to 64.93%. (See Table 2.3)

Inequalities developed within the groups as well as among them. Of the 147 shareholders in Forest mines, the sixteen, or 10.88%, whose individual holdings each amounted to more than 5,000 tons, accounted for 76.75% of total tonnage. Of the capacity held by free miners, 74.46% was in the hands of six men, or 9.68% of the total number of free miner shareholders. For foreigners the figures were 18.37% and 83.53%, respectively.

Table 2.1

Ownership of the Dean Forest Collieries in 1841.

Owners	Number	Per Cent	Royalty Tonnage	Per Cent
Free Miners	34	32.38	77,280	19.68
Foreigners	39	37.14	215,040	54.76
Other Foresters	8	7.62	8,600	2.19
Miners and Foreigners	10	9.52	67,560	17.21
Miners and Other Foresters	7	6.67	12,760	3.25
Other	7	6.67	11,440	2.91
Total	105	100.00	392,680	100.00

Source: Award of the Forest of Dean Mining Commissioners (1841), P.R.O. F.17/426

Table 2.2

Collieries in the Forest of Dean, 1841

<u>Royalty Tonnage</u>	<u>Number</u>	<u>Per Cent</u>
250	7	6.66
250 - 500	29	27.62
500 - 1,000	15	14.29
1,000 - 5,000	35	33.33
5,000 - 10,000	6	5.71
10,000 - 15,000	6	5.71
15,000 - 20,000	2	1.91
20,000 - 25,000	4	3.82
25,000 - 30,000	1	0.95
Total	105	100.00

Source: Award of the Forest of Dean Mining
Commissioners (1841), P.R.O.
F17/426.

Those figures tell us about the ownership of gales, about control of the coalfield and of the productive potential of the Forest. But what about actual production? We have, for 1841-1842, a report of the tons of coal raised, on which royalty was paid, between Midsummer 1841 and Midsummer 1842. By relating this to the Award of 1841 we can group the working mines of 1841-2 according to which of the ownership categories they belonged. Foreigners again clearly dominated: 77.61% of output came from mines wholly owned by foreigners. Mines wholly owned by free miners produced only 11.06% of output. (See Table 2.4) That was only to be expected, given the free miners' problem of finding capital. Some indication of the nature of that problem is given by the fact that in 1841, seventeen mines were subject to mortgage or other financial claims: eight of them were in the hands of the bankers James and Robert Morell, of Oxford, as mortgagees in possession.¹

Inequalities had developed in other ways as well. The foreigners had more machinery at work for them than the free miners. Of the seventeen pumping and winding engines for which the Crown had granted licences before 1831, fifteen belonged to foreigners.² Eleven of the machines belonged to the one man: Edward Protheroe. By 1832 he had twelve. They allowed him to push his mines

¹Award (1841).

²Award (1841), Third Schedule.

Table 2.3

Forest of Dean Collieries, 1841

The Number of Shareholders and the Size of Total Shareholdings
within each Ownership Group

(A) FREE MINERS

<u>Size of Total Shareholding (tons)</u>	<u>No. of Shareholders</u>	<u>%</u>	<u>Tons</u>	<u>%</u>
< 250	32	51.61	4,041	3.70
250 - 500	13	20.96	4,509	4.13
500 -1000	6	9.68	4,766	4.37
4000 -5000	5	8.07	14,557	13.34
>5000	6	9.68	81,232	74.46
	62	100.00	109,105	100.00

% of total Forest capacity 27.78

(B) FOREIGNERS

<u>Size of Total Shareholding</u>	<u>No. of Shareholders</u>	<u>%</u>	<u>Tons</u>	<u>%</u>
<250	14	28.57	2,486	0.98
250 - 500	5	10.20	1,540	0.60
500 -1000	7	14.29	5,470	2.15
1000 -5000	14	28.57	32,480	12.74
>5000	9	18.37	212,987	100.00
	49	100.00	254,963	100.00

% of total Forest capacity 64.93

(C) OTHER FORESTERS

<u>Size of Total Shareholding</u>	<u>No. of Shareholders</u>	<u>%</u>	<u>Tons</u>	<u>%</u>
<250	22	61.11	2,799	9.78
250 - 500	4	11.11	1,266	4.43
500 -1000	4	11.11	4,362	15.25
1000 -5000	5	13.89	13,030	45.54
>5000	1	2.78	7,155	25.00
	36	100.00	28,612	100.00
% of Total Forest capacity				7.29

(D) ALL SHAREHOLDERS

<u>Size of Total Shareholding</u>	<u>No. of Shareholders</u>	<u>%</u>	<u>Tons</u>	<u>%</u>
< 250	68	46.26	9,326	2.37
250 - 500	22	14.96	7,315	1.86
500 -1000	17	11.57	14,598	3.72
1000 -5000	24	16.33	60,067	15.30
>5000	16	10.88	301,374	76.75
	147	100.00	392,680	100.00

Source: Award of the Forest of Dean Mining Commissioners (1841), P.R.O. F17/426.

Table 2.4

Coal raised by Collieries in each Ownership
Group, 1841-42

<u>Collieries owned by:</u>	<u>Royalty Tonnage</u>	<u>Coal Raised</u>	<u>Per Cent</u>
Free Miners	14,920	28,158	11.06
Foreigners	110,120	197,550	77.61
Other Foresters	3,040	5,136	2.02
Free Miners and Foreigners	6,000	11,306	4.44
Free Miners and Other Foresters	3,800	12,384	4.87
Total	137,880	254,534	100.00

Source: Sir Henry de la Beche, Observations on the Mineral Produce of Dean Forest and on its present and proposed Means of Distribution (1842), P.R.O. F20/11.

from the outcrop into the deep coal:

The depth of my principal pits at Park End and Bilson varies from about 150 to 200 yards. That of my new gales, for which I have engine licences, is estimated at from 250 to 300 yards. I have twelve engines varying from 12 to 140 horse power, nine or ten of which are at work, the whole amounting to 500 horsepower. ¹

The machines made possible substantial increases in output. According to an estimate made by the Deputy Surveyor in 1818, the output had averaged about 70,000 tons a year from 1800 to 1806, about 100,000 tons a year from 1807 to 1816 and was, in 1817, 130,000 tons. The field's production had thus almost doubled between 1800 and 1817 and had almost doubled again by 1842. ²

Foreigners dominated the railroads as well as the mines. The lines sanctioned by Glenbervie's decision in 1809, the Severn and Wye and the Bullo Pill, opened in 1810. ³ Glenbervie divided the Forest between them and gave each one exclusive rights in the valleys through which it ran. Protheroe was again the leading man. He had about half the shares in the Severn and Wye and acted as its chairman in

¹D.F.C., 4, p.25.

²Return respecting the Mines in Dean Forest, (P.P., 1818, xv).

³Gloucester Journal, 21 May 1810, 4 June 1810 and 11 June 1810.

most of the years before 1831.¹ When the Bullo Pill collapsed financially in 1826, Protheroe bought out the whole of their interests. He kept for himself the Great Bilson colliery, which the Company had opened to provide traffic, and sold the line to the Forest of Dean Railway Company, which he formed for the purpose and of which he became chairman.² Protheroe thus came to control the carriage of coal to the eastern side of the Forest and to the Severn, the field's main outlet. This was the source of later complaints about a railway "monopoly".³

Small iron making and iron ore mining industries had also developed and they too were largely owned by foreigners: of the five blast furnaces in operation in 1831 foreigners owned three outright and held the other two in partnership, with one free miner.⁴ Foreigners owned shares of the iron mines which amounted to 79.22% of the total assessed royalty tonnage.⁵

Taken all in all it was clear that, so far as it concerned the free miners, "the monopoly and the customary

¹D.F.C., 4, p.22.

²Ibid, p.23; and H.W. Paar, The Great Western Railway in Dean, (Newton Abbot, 2nd ed., 1971), Ch.2.

³See below, p.

⁴C.E. Hart, The Industrial History of Dean..., Ch.3; H.G. Nicholls, Forest of Dean..., Chs. XII, XIV and XV.

⁵Award (1841).

workings, are practically at an end."¹ Most of the miners now were wage labourers. "By the greater outlay of capital, which has taken place under this new system," the Dean Forest Commissioners concluded, "the custom of working by partners and apprentices has been nearly abolished, and has been succeeded by the practice of working the mines by hired labourers".²

There is no way of telling how many men were employed in the Forest pits, but some rough indicators are available. In their fourth Report, the Dean Forest Commissioners listed the names of 947 men who wished to register as free miners. Of these, 56 were proprietors in greater or lesser degree. Allowing for them, there were about 891 employed free miners in the Forest in 1835. This, the Commissioners reported, was an underestimate since not all who were entitled to register did so.³ Neither does that number include the foreign workmen. The increase of 110.97% in population, from 3,325 people in Dean at the census of 1801, to 7,014 at the census of 1831, followed partly from natural increase and from the movement of people into the Forest from the surrounding parishes. But there had also been an influx of foreigners. Of the 1,520 families living in Dean in 1831, 1,193 had settlements in parishes within the Hundred of St Briavels. The balance of 325, or 21.24%

¹D.F.C., 4, p.10.

²Ibid, p.8.

³D.F.C., 4, p.8.

had come from remote parishes, beyond the border of the Hundred. (See Tables 2.5 and 2.6) Not all the men in those families would have worked in the pits, but a large proportion of them probably did. They would bring the number of men employed in Dean mining to something over one thousand. Of those between 400 and 500 worked for Edward Protheroe.

As might be expected, renewed administrative vigour, the restriction on encroachments, together with the increase in population that came with the development of the field, resulted in a shift in the pattern of use of the enclosed land from gardening and grazing to housing. In 1834 there were 1,542 patches of land with 1,380 cottages: an average of 1.1.2 acres per encroachment, a quarter of an acre less than the equivalent average for 1787 of 1.2.7 acres. More striking was the decrease of almost an acre in the average encroached area per cottage: from 2.1.14 acres in 1787 to 1.1.33 in 1834. (See Tables 2.7 and 2.8) There were again people in 1834 who held land but no cottage and others who had more than one cottage. (See Table 2.9) As well, individual holdings ranged in size up to fifteen acres. Most, however, in 1834 as in 1787, had less than five acres and one cottage or none. Over the forty six years the proportion of encroachers holding less than one acre increased from 53.17% to 62.07%; that holding between one and ten acres fell from 46.06% to 36.99%. This, together with the decline in acreage per cottage, suggests that there was a more intensive use of the available land for housing and a shift towards smaller holdings of land.

Table 2.5

Population of the Forest of Dean and the Hundred of
St. Briavels, 1801-1831

	<u>Census Year</u>				<u>Per cent increase 1801-1831</u>
	<u>1801</u>	<u>1811</u>	<u>1821</u>	<u>1831</u>	
Forest of Dean	3,325	4,073	5,535	7,014	110.97
Parishes	12,272	14,637	17,084	20,064	63.49
Total Hundred of St Briavels	15,597	18,710	22,619	27,078	73.61

Source: Census of England and Wales, 1801-1831.

Table 2.6

Number of Families living in the Forest of Dean
and their Parishes of Settlement in 1831

<u>Parish</u>	<u>No. of Families</u>	<u>%</u>
Hundred of St Briavels	1,195	77.97
Foreigners	325	21.24
No Settlement	12	0.79
Total No. of Families	1,530	100.00

Source: The Third Report of the Dean Forest Commissioners
(1835), p.5.

Table 2.7

Encroachments in the Forest of Dean, 1787 and 1834

	<u>1787</u>	<u>1834</u>
Number of Patches	899	1,592
Land Encroached	1,385.3.21	2,010.2.6
Average Area per Patch	1.2.07	1.1.2
Number of Cottages	593	1,380
Average Area per Cottage	2.1.14	1.1.33

Source: The Second Report of the Dean Forest Commissioners
(1834), App. 3; and William and Abraham Driver,
Particulars of a Survey of the Forest of Dean in
The County of Gloucester (1787), P.R.O. F.16/31.

Table 2.8

Encroached Land and Cottages in the Forest of Dean,
1787 and 1834

(A) Encroached Land

<u>Area Held</u> <u>by Each</u> <u>Encroacher</u> <u>(acres)</u>	<u>1787</u> <u>No. of</u> <u>Encroa-</u> <u>chers</u>	<u>%</u>	<u>1834</u> <u>No. of</u> <u>Encroa-</u> <u>chers</u>	<u>%</u>	<u>% Increase in</u> <u>No. of Encroa-</u> <u>chers in each</u> <u>Category</u> <u>1787-1834</u>
0 - ½	305	33.93	649	40.77	112.79
½ - 1	173	19.24	339	21.30	95.95
1 - 5	377	41.94	535	33.60	41.90
5 - 10	37	4.12	54	3.39	45.95
10 - 15	7	0.77	15	0.94	114.29
Totals	899	100.00	1,592	100.00	77.09

(B) Cottages

<u>No. of</u> <u>Cottages held</u> <u>by each</u> <u>Encroacher</u>	<u>1787</u> <u>Cottages</u>	<u>%</u>	<u>1834</u> <u>Cottages</u>	<u>%</u>	<u>% Increase</u> <u>in each</u> <u>Category</u> <u>1787-1834</u>
0	405	45.05	480	30.16	18.52
1	421	46.83	925	58.10	119.71
2	51	5.67	136	8.54	166.66
3	21	2.34	32	2.01	52.35
4	1	0.11	11	0.69	-
5	-	-	6	0.38	-
6	-	-	1	0.06	-
7	-	-	1	0.06	-
Totals	899	100.00	1,592	100.00	

Source: The Second Report of the Dean Forest Commissioners
(1834), App.3; and William and Abraham Driver,
Particulars of a Survey of the Forest of Dean
in the County of Gloucester (1787), P.R.O. F.16/31.

Table 2.9

Encroachments and Cottages in the Forest of Dean
in 1834

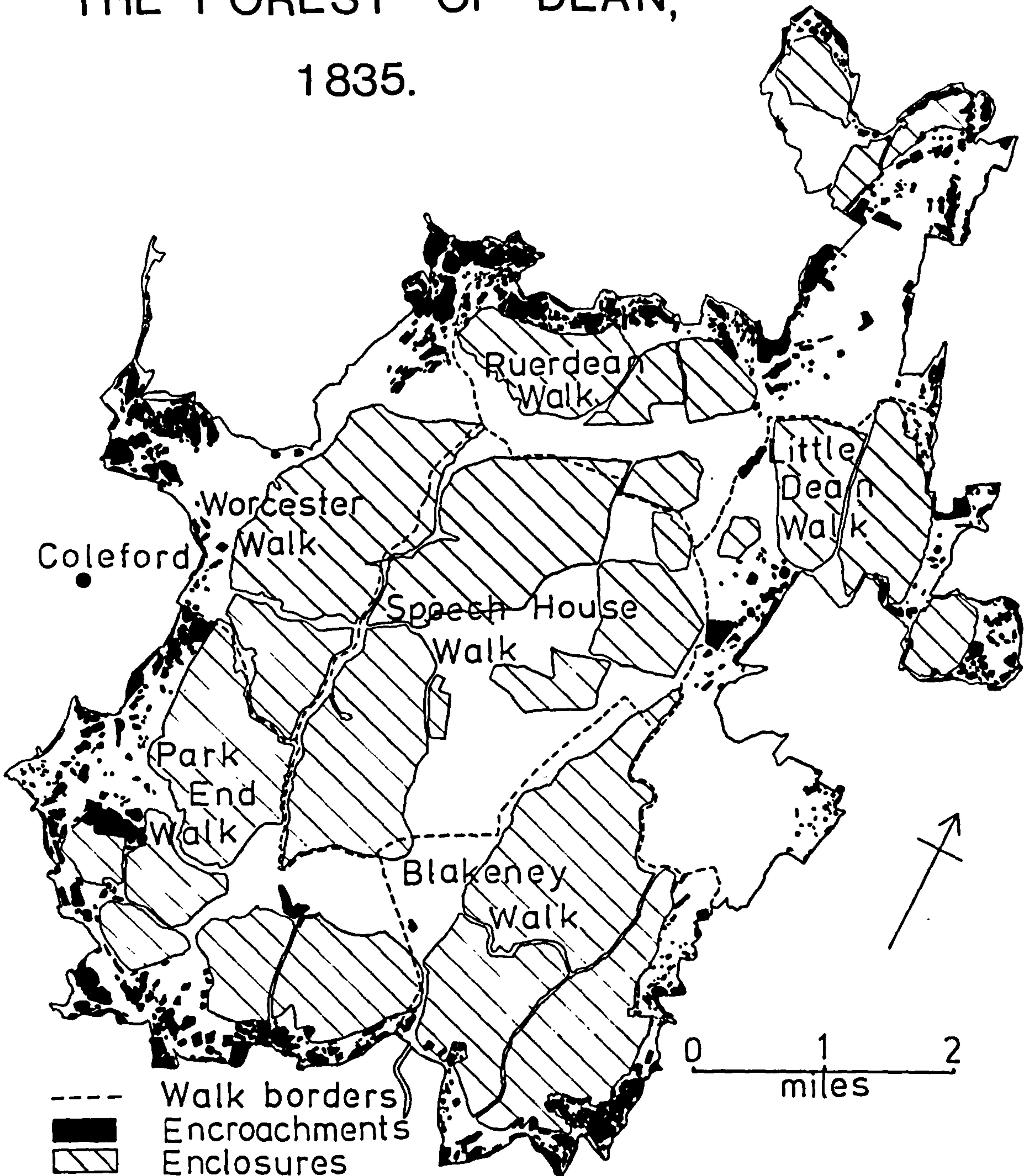
<u>No. of Cottages held by each Encroacher</u>	<u>Area of Land Held by Each Encroacher (acres)</u>					<u>Totals</u>	<u>%</u>
	<u>0-$\frac{1}{2}$</u>	<u>$\frac{1}{2}$-1</u>	<u>1-5</u>	<u>5-10</u>	<u>10-15</u>		
0	246	101	114	13	6	480	30.16
1	371	203	320	30	1	925	58.10
2	26	31	66	9	4	136	8.54
3	6	4	20	1	1	32	2.01
4	-	-	10	-	1	11	0.69
5	-	-	4	1	1	6	0.38
6	-	-	-	-	1	1	0.06
7	-	-	1	-	-	1	0.06
<u>Totals</u>	649	339	535	54	15	1,592	
<u>%</u>	40.77	21.30	33.60	3.30	0.94		100.00

Source: The Second Report of the Dean Forest Commissioners (1834), App.3; and William and Abraham Driver, Particulars of a Survey of the Forest of Dean in the County of Gloucester (1787), P.R.O.

F.16/31.

Figure 111.

THE FOREST OF DEAN, 1835.



FROM SOPWITH'S SURVEY MAP, 1835, PROF 17-20.

The change in the amount of land held in the names of those who were not cottage holders points to the same conclusion. These were most probably people who lived as tenants or members of a family in a cottage owned by someone else. In 1834, 480 holdings were of that sort: an increase of 18.53% over the 405 of 1788. But the proportion of encroachments in this category fell from 45.05% to 30.16%. In other words, the average amount of land comprised in family holdings or held by tenants was decreasing.

An alternative explanation, that the number of tenants was decreasing, cannot be supported. In 1787, 96 cottages out of 593, or 16.21%, were held as second, third or fourth cottages by the one owner. By 1834 there were 268. A further 82 cottages belonged to churches, to gentlemen who lived beyond the Forest's borders and to the coal and iron companies: they give us a total of 350 out of 1,462, or 23.93% of all cottages.

In the space of fifty years, then, within the lifetime of some of those who were miners in 1788, and of the boys who were working their freedom then, the old system in the Forest had disappeared. The mining industry had passed in the main from the hands of a relatively large group of working proprietors of small scale cooperative pits, into those of a small group of men, mostly foreigners, who brought with them the steam engine, deep mining, railroads and iron furnaces. Most of the miners were now wage earners. Administrative changes had curtailed the foresters' opportunities to use the Forest for timber stealing, pasture,

and cottages. The increase in population and restriction of encroachments produced a more intensive use of land for houses rather than for gardens or orchards and had increased the proportion of tenants rather than owners of cottages.

None of these tendencies had entirely done away with the old practices. Fifty six free miners had shares in coal mines and most families probably had small patches of land. But the horizon of economic opportunity had contracted sharply. A man might still register a gale but had to contemplate the possibility of competition with Edward Protheroe and others who had the advantages of capital and machines. He might still steal timber, and probably did on a small scale, but the open exploitation of the Forest of the old system was no longer permitted to him: half of it indeed was fenced off from him.

In the processes which brought about these changes three factors had been of critical importance: the determination of the state to reassert its control; the expediency for the state of an alliance with the foreigners; and the willingness of some free miners to act as middle men between the Gaveller and the foreigners or to take foreigners as partners.

Chapter III

The Free Miners: Resistance and Compromise

Then we were free, no tyrant did oppress,
And although poor did not know distress;
For all industrious, till'd his little land,
And built his cottage, as I understand.
But now there's tyrrany enough I know,
And foreigners over we free miners crow.

Catherine Drew, The Forest of Dean in Times
Past Contrasted with the Present (Coleford, 1841).

In this chapter we shall consider evidence about the response of the free miners to change. If some of them, as chapter two argued, welcomed the new order and turned it to their own advantage, others did not. There is evidence of both an individual and collective resistance to change. The latter came after the new Crown initiative of 1828. The miners began a campaign for the opening of the Forest and restoration of the Mine Law Court which culminated, against the background of unemployment and distress among the miners, in their seizing the Forest in defiance of the authorities for four days in 1831. In those events we may see the expression of a considerable resentment of the innovating principles which capital and the state had brought to the Forest. That sense of grievance, of dispossession, ran through the dealings of the miners with the Dean Forest Commissioners and informed their persistent demand that the Crown revive the Mine Law Court.

Some free miners were not willing to acquiesce in radical change. At one level their opposition took the form of individual refusal to conform to behaviour required by the Crown's new policy in the Forest. After 1808 the Commissioners attempted on a number of occasions to persuade the foresters to make a symbolic acknowledgement of the authority of the Crown and its title to the encroached land by paying a nominal rent for the land they had enclosed. This important act of submission the foresters refused to make.¹ Attempts to prevent new encroachments produced "a constant scene of warfare between the encroachers and the officers of the Crown."² Twenty five acres were encroached between 1812 and 1834.³ They were probably taken in, in small strips, by use of the "rolling fence" and represented the net surplus of land actually enclosed over encroachments abated by the officers. In the ten years after 1837, by which time the Crown's policy had been in force for nearly twenty years, 408 separate encroachments were presented at the verderers' courts. A few of the cases were substantial:

¹The Third Report of the Commissioners of Woods, Forests and Land Revenues (1819), p.20; and the Fourth Report (1823), p.29.

²Report from the Select Committee on the Woods, Forests and Land Revenues of the Crown (P.P., 1849, xx) (hereafter S.C.W. (1849)), p.239.

³D.F.C., 2, App.3.

Mr Crawshay the ironmaster, for example, built three dwellings and made a new railroad 1,150 yards long. No action seems to have followed that presentment. The typical case, however, was that of the rolling fence: "Benjamin Thomas, collier, for making an encroachment 25 yards long, from 1 to 2 yards wide, at Coleford Meend fined £1.0.0." The foresters persistently put up cabins, pigstyes, goose cots and fern ricks and just as persistently the verderers ordered them pulled down and the offenders fined.¹ In 1846 the officers took notice of a form of encroachment which had till then escaped them: perverse and ill disposed persons continued to plant fruit trees on the wasteland. A census revealed that in the previous twenty years 254 people had planted 2,602 trees on the waste. The Commissioners declared that the practice should cease and that legal proceedings would follow future offences.²

Poaching had not occupied the attention of successive Commissioners of Woods, largely because timber stealing was the more important threat to the revenue and because, until the new plantations were finished, there were few deer in any case. As the plantations grew the cover they provided allowed the deer to increase and, with them, the

¹S.C.W. (1849), App.35; and Verderers' Courts, Notes of Proceedings (1846-1865), P.R.O. F.16/21.

²Miscellaneous Papers, P.R.O. F.16/53.

problem of poaching. It was of course technically illegal for the foresters to take the deer but, as with encroaching, it was the new rigour of State administration which defined poaching as a crime to be punished and suppressed rather than as ordinary behaviour which, regardless of the statute books, was implicitly sanctioned by custom and the forbearance of the Crown. The deer were of no practical importance to the Crown. Indeed they positively harmed the young growth of trees and in 1788 the Commissioners had recommended that the Forest be cleared of deer altogether. Nonetheless the deer were Crown property and to be strictly guarded and accounted for. Predictably enough there was conflict between foresters and keepers. From 1839 to 1848 the Newnham and Coleford petty sessions dealt with ninety five people for offences against the deer, seventeen of them for assaulting keepers.¹ More seriously, the Deputy Surveyor, Sir James Campbell, reported:

...since I have been at Dean Forest, keepers and others have been absolutely killed by poachers. One man certainly was killed since I was there; that was a policeman. They took to shooting the keepers when they were not allowed to shoot the deer, and it was thought better to give the deer up. ²

Again the Crown was at one with the coalowners who saw the deer as a threat to discipline: "I think the effect of the

¹S.C.W. (1849), App. 42; and Papers on the stocking and control of Deer in Dean, P.R.O. F.16/52.

²S.C.W. (1889), p.31.

deer is very bad upon the general habits and morals of the population: if once a man begins to poach, we can never reckon upon them working afterwards."¹

At the time of the early railway promotion there had been some collective response against change by some of the free miners. As well as petitions in favour of the line, Glenbervie had others from 406 free miners opposing it.² From Glenbervie's decision in favour of a line until 1828 there is no evidence of collective action among the miners, perhaps because of the gradual and piecemeal nature of change. The new enclosures were made in stages over ten years and the Crown's pressure on encroachers was directed at individuals. So far as a free miner was formally required to give up any part of his rights it was an apparently voluntary act, made in order to obtain some benefit from the railways.

The scope of the Crown's initiative after 1828 did, however, provoke a collective response from the miners. They sent petitions in 1828 and 1829 to the Commissioners of Woods asking them to throw open the enclosures, as they were entitled to do twenty one years after the Act of 1808, but without success.³ On 11 June 1830, the day before the Bill which resulted from the Commissioners' Report of 1829 was due to be considered in Committee, the House of

¹S.C.W. (1849), p.182, evidence of the coalowner Thomas Nicholson.

²Mining Claims and Disputes, App.1, Surveyor General to Treasury, 18 January 1804.

³Boundaries Report (1829), p.2.

Commons received a petition from Warren James, "a native and free miner of the Hundred of St Briavels... taking notice of the Bill... and praying to be heard by his Counsel against the same".¹ According to a later report in the Gloucester Journal the miners had "levied large sums among themselves to support James."² Other evidence hints that he represented a "Fellowship of Free Miners" or "Committee of Free Miners".³ At this time too there appeared in the Forest a new edition of the Book of Dennis, which the Deputy Surveyor described as "that little book which they consider their Magna Charta".⁴ James' petition did not alter the course of the Bill which came due for another reading on 23 June 1831.

A month prior to that, persons unknown made a number of night attacks on fences around some of the enclosures.⁵ The Deputy Surveyor, Edward Machen, offered a reward of fifty guineas for the discovery of the offenders. The only

¹House of Commons, Journal (1831,85), 23 June 1831.

²Gloucester Journal, 25 June 1831.

³An "explanation" of the riot, which is discussed below, referred to a "Fellowship". Forester, 4 August 1831. The reference to a "Committee" appears at the foot of the manuscript copy of the notice which James posted up in the Forest which is among the depositions and evidence for the trial of Warren James. P.R.O. Assizes 6/2.

⁴Deputy Surveyor to the Chief Commissioner, 31 March 1838. P.R.O. F.3/837.

⁵Monmouthshire Merlin, 11 June 1831.

response to that came from an old miner who declared that he and his three sons had done the mischief and laid claim to the reward.¹ It is not recorded that he was taken into custody.

The night raids were only the prelude to a more serious demonstration. On June 3 James had printed a notice which read:

Take Notice, that the Free Miners of the...
Forest, intend to Meet on Wednesday next...
for the purpose of Opening the Forest, and
their Right of Common to the same, so long
deprived and All those persons who may chance
to have stock thereon contrary to the Rights
and Privileges of the Miners; are here
required to remove the same forthwith otherwise
they will have their stock impounded without
further notice. 2

He posted copies of this notice up "in the most conspicuous places; and that they might be more extensively circulated, a number were given to the attendants on a funeral from Whitecroft, which took place about that time."³

Clearly, in James' mind, the rights and privileges of the miners extended beyond the right to mine and included the right to use the Forest in other ways.

Machen appealed to James not to go on. "How can you think of misleading the people in this way", Machen asked him, "what are you doing?"⁴ Machen promised to read to anyone who came to see him the Act of Parliament which had

¹Ibid.

²Depositions in the Trial of Warren James, P.R.O. Assizes 6/2.

³The Life of Warren James. By A Resident Forester (Monmouth, 1831), p.5.

⁴Ibid.

ordered the construction of the enclosures, but no one listened. He then printed a counter-notice which contradicted James' assertion that the miners were entitled to open the enclosures. Only the Lords of the Treasury had the authority to do so, he warned. Without their sanction such an act would be "unlawful, and, therefore, if three or more persons shall assemble for such purpose, all that are present will be guilty of a riot; and this notice is given, that persons may not unwarily join such an unlawful assembly, and that the innocent may be safe and the guilty punished."¹ Clear warning had been given on both sides.

James was not deterred by the invocation of the names of the Treasury Lords: he insisted that he was supported by even greater authority. He variously asserted that he possessed a charter or an Act of Parliament which set out clearly the "rights and privileges" of the miners and gave the Forest over to them - the new edition of the Book of Dennis in all probability.² According to one of James' followers James had:

...through some nobleman in London...discovered an old charter or act of Parliament, giving certain rights to the Foresters of which they can never be deprived...that it was a document of undoubted authenticity, having been signed by seven English kings, amongst whom was his Majesty George the Fourth, who affixed his signature to it just before he died. ³

And even more than that, James said: "We have nothing to fear, for not only the King but the Duke of Beaufort is on our side - he is the poor man's friend and will see us righted."⁴

¹Depositions in the trial of Warren James, P.R.O. Assizes 6/2.

²The Life of Warren James..., pp.4-6.

³Monmouthshire Merlin, 11 June 1831.

⁴The Life of Warren James... p.8.

On the morning set for the miners' meeting Machen went to James and demanded to know under what authority the miners would lay open the enclosures. James indulged in no talk of Charters or Kings but instead "with a face of the most imperturbable gravity produced as the voucher of his privilege, an enormous pick axe".¹ He then led the way to the Park Hill enclosures and with about eighty other miners began to break down its fences. Machen read the Riot Act but the crowd ignored him.² P. Ducarel, another of the Forest magistrates read them the Act again twenty minutes later but that produced only laughter and jeers. Machen and Ducarel complained later that their presence seemed to make the rioters work with greater determination. What, after all, were the magistrates when the name of the King had been so confidently invoked? Moreover the magistrates had only the inadequate force of a small band of unarmed constables to support them.³ The impotence of the authorities seemed to the foresters to confirm what James had told them about the justice of the miners' cause and the great and powerful men who supported it:

...they are satisfied that the Crown agrees with them in opinion, because they gave formal notice of their intention to lay the Forest open some days ago; and contend that if the Government had been averse to their proceedings they would have sent down military to stop them.⁴

¹Monmouthshire Merlin, 11 June 1831.

²Depositions in the Trial of Warren James, evidence of John Langham, P.R.O. Assizes 6/2.

³Magistrates to Home Office, 11 June 1831, P.R.O. H.O.52/12.

⁴Gloucester Journal, 11 June 1831.

The crowd grew quickly. About 300 people joined it before the end of the first day. They included about eighty women who "seemed still more intent on the work of destruction than the men".¹ Over the next two days messengers went to the pits to bring those miners who were still at work in them to help pull down the fences.² The crowd included, as well as Warren James and one or two others who may be identified as the working proprietors of small mines, workmen in larger mines, women and children and cottagers: people who had land and cottages in the Forest but who did not work as miners.³ One of them, at least, described himself as a "respectable farmer".⁴ At its largest, the magistrates later reported to the Home Office, the crowd numbered between two and three thousand people.⁵ They remained in control of the Forest for four days and, using their time to good effect, levelled about sixty miles of fence. They breached most of the enclosures in some way and, in a number of places, drove cattle and pigs in to graze on the undergrowth and acorns.⁶

¹Life of Warren James..., p.6.

²Monmouthshire Merlin, 11 June 1831; Gloucester Journal, 11 June 1831.

³No more precise account than this may be offered of the composition of the crowd. The reports of the riot in newspapers used only such general terms as "workmen" or "cottagers". Newspaper reports of the Quarter Sessions and Assizes trials of some of the rioters do not identify the occupations of those tried. The depositions and other official papers of trials other than those for capital charges or treason have been destroyed.

Monmouthshire Merlin, 11 June 1831, Gloucester Journal, 11 June 1831 and 20 August 1831; Beaufort to Home Office, 15 June 1831, P.R.O. H.O. 52/12.

⁴Gloucester Journal, 20 August 1831.

⁵Beaufort to Home Office, 15 June 1831.

⁶Ibid.

Under the leadership of their "captain" the rioters worked in an orderly and disciplined manner. As the miners came in from the surrounding pits, he divided them into parties of from fifty to three hundred which, accompanied by carts carrying provisions and cider, scattered through the Forest to the various enclosures where, under the direction of other leaders, they set to work on the fences "in the same way as they would have worked at anything else."¹ And hard work it must have been for them, not just the brief violence of a moment's anger. James' anonymous biographer wrote this description of the work:

Their mode of proceeding was this; they took a few yards at a time, which a large body rushed on, and by mere muscular strength overthrew. This appears still more worthy of note, from the thickness of the walls, which were mostly composed of clayey earth, in some places seven or eight feet thick. Gorse of many years growth had strengthened these boundaries by shooting down roots into the earth of a prodigious size, and interlacing its branches in such a manner on the top, that it appeared to a spectator to require a work of time to effect its overthrow, and not that of two or three days. They first cut away some of the strongest of the roots and then proceeded in the way mentioned, tearing down all before them, and at the fall of each fresh piece giving loud and repeated cheers. 2

In harmony with its discipline and good order the crowd made few threats of violence to people or private property; the rioters were "civil in their deportment but resolute in their purpose".³ The magistrates wrote that

¹Monmouthshire Merlin, 9 July 1831; Magistrates to Home Office (n.d.), P.R.O. H.O. 52/12; Depositions in the Trial of Warren James, evidence of James James.

²Life of Warren James..., p.7.

³Gloucester Journal, 11 June 1831.

"the mob offered no personal violence and indeed confined themselves wholly to the destruction of the fences". The only exception they noted was that on the Saturday night some of the miners went in straggling parties to beg for food and beer. They qualified this note with the further comment that "the farmers in general supplied them willingly."¹ The Journal's correspondent wrote similarly that the "rioters committed no other outrage, either in language or deed, than that of destroying the enclosures."² Pressing his point, he reported that when the magistrates left the enclosures after reading the Riot Act to no good effect on the first morning of the riot, "James sent for a constable, and in his presence superintended the work of destruction, observing that he had sent for him to keep the peace."³

This picture of a peaceful riot should be modified a little. One member of a party of rioters was very rude to John Langham, the assistant surveyor of the Forest. "I should like", he said to Langham, "to cut your b----y head off."⁴ Another party threatened to put a woodward down a coal pit when they saw him taking down the names of the leaders, and offered to treat an unpopular bailiff in the same way if he appeared at the enclosures. A little later

¹Beaufort to Home Office, 15 June 1831.

²Gloucester Journal, 11 June 1831.

³Monmouthshire Merlin, 11 June 1831.

⁴The Times, 15 August 1831.

the mob levelled the fences around the house of Edward Protheroe's agent, Aaron Goold, and turned cattle in to graze in his garden. A threat to more substantial private property arose briefly when some in the crowd set up the cry to tear up the railroads but nothing developed from that. These few minor incidents aside, however, there is nothing in the evidence to contradict the Journal's assessment that "altogether they (the rioters) have behaved very temperately except in the act of destroying the enclosures."¹

The magistrates could do little to resist the mob, largely because "the feelings of the inhabitants in general are rather in favour of the proceedings of the mob and we have not been able to establish a constabulary force."² Since a sufficiently large number of men would not come forward to help them, the magistrates despatched a messenger to bring soldiers. The first military intervention, however, only underlined the weakness of the magistrates and confirmed the miners in their opinion that the inadequacy of the Government's response was evidence that their action had been correct. Since the regular troops in the Monmouth area were concentrated at Merthyr, where a much more serious disturbance was still in progress, only a makeshift group of soldiers composed of pensioners, militia and a marine recruiting party could be spared for the Forest.³ Though

¹Gloucester Journal, 11 June 1831.

²Magistrates to Home Office, 11 June 1831.

³Ibid.

armed, they did not overawe the foresters who "having had intimation of their approach, hastened down to welcome them, and whilst they waited in the yard of the 'Angel', for orders, greeted them from without by the appellation of the 'ragged regiment', and invited them up to the Forest, to see them at work."¹

The Monmouth party marched out again the following morning after spending the night in a room above the Coleford market house while the carousing crowd cheered and jeered at them from outside.² The magistrates wrote later that they did not use the Monmouth soldiers to execute the warrants sworn for the ringleaders of the riot because they feared that they "could not without shedding much blood."³ To the foresters the magistrates appeared to act, not from humanitarian motives, but from weakness. The departure of the troops "was no sooner announced in the forest, than the most enthusiastic joy was felt. They considered that they had now completely prevailed, and their rights were by this bold effort restored to them. They looked upon themselves as masters, where they had long been servants..."⁴

Their triumph was short lived: they had the Saturday night to themselves but regular troops arrived on the Sunday. That event struck the Merlin's correspondent

¹Life of Warren James..., p.7.

²Ibid; Monmouthshire Merlin, 18 June 1831.

³Life of Warren James..., p.8.

⁴Monmouthshire Merlin, 18 June 1831.

with awe:

The arrival in Coleford, on Sunday, of a squadron of the 3d (sic) Dragoons, with their loaded pistols and carabines - their naked swords glittering in the sun - their limbs of Herculean mould - and their dashing military appearance, struck terror into the hearts of the bravest. ¹

A little after the advance guard, the rest of the Dragoons arrived, in company with the Duke of Beaufort, the Marquis of Worcester, the High Sheriff of Gloucestershire, "every magistrate and gentleman of influence in the neighbourhood" and a party of special constables and woodwards. ²

This was a considerably more impressive force than Monmouth's ragged regiment and the rioters responded accordingly.

The advance guard had come at a trot, its Colonel expecting to meet resistance: but the town was quiet. There had been some reason to expect a more dramatic event, since the rioters had declared that they would meet force with force. They declared it again at a meeting called on the Saturday night to consider the news that a regiment of horse was on its way to the Forest. They "all swore to stand to a man" ³: but no one did. One small party continued to work on the fences at Ruardean Hill after Beaufort's arrival, but when they heard that the Dragoons were riding towards them they too scattered to hide in the woods and coal pits. ⁴

¹Monmouthshire Merlin, 18 June 1831.

²Ibid.

³Life of Warren James..., p.8.

⁴Magistrates to Home Office, 15 June 1831.

Authority, present now in full strength and with proper show, settled down to a selective and calculated punishment of the rioters. The distribution of punishment reflected a distinction which the magistrates and the press had made from the beginning between James and his followers. James, the leader, they saw as having a direct and personal responsibility for the riot.¹ The others were essentially good and loyal men who had been led astray by James and his talk of charters and rights. Most of the rioters, consequently, were allowed to expiate their disloyalty by rebuilding the fences they had levelled and this, at the last report of the matter, some of them were busily doing.²

But not all could be treated in that manner. It was necessary, the presiding judge said in his introductory remarks at the opening of the Gloucester Assizes, to "satisfy all persons, that the law will protect those who are in peaceful enjoyment of property, and punish such as assemble riotously together, to the terror of his Majesty's subjects, to attempt to enforce their rights."³ To that

¹Monmouthshire Merlin, 11 June 1831; Gloucester Journal, 18 June 1831, 25 June 1831; and see the warrant sworn for James' arrest by Machen before the riot began. Depositions in the trial of Warren James, P.R.O. Assizes 6/2.

²Monmouthshire Merlin, 18 June 1831; The Life of Warren James..., p.12.

³Gloucester Journal, 13 August 1831.

end, seven men were indicted for causing riot and tumult. They were not charged as capital offenders because "his Majesty's Attorney-General was of opinion that they had been acting under misguided notions."¹ Found guilty, they received sentences ranging from one month to two years at hard labour with, for four of them, strong recommendations from the jury for mercy.

Warren James could not be treated so leniently: it was his fault that the miners laboured under misguided notions and so he had to suffer the principal punishment. James did not disclaim his leadership of the riot once the Dragoons had arrived but, if his anonymous biographer is to be believed, played his part faithfully and with a full sense of its dramatic import right to the last. The soldiers did not take him until the Wednesday following their arrival when he was, in the correct manner, betrayed. At about midnight a party of foot soldiers concealed themselves around the pit in which James was hiding. William Watkins, one of the keepers of the Forest, then gave the signal which James' sister used to "draw him to bank." When James appeared in his pit dress, "almost as black as the coal he worked", the soldiers surrounded him. "Im betrayed by treachery", he cried, "was not this the case, nine hundred men would have surrounded and defended me with the last drop of their blood! But do your duty; I have nothing to fear." Properly proud and defiant, he

¹Ibid, 2 July 1831.

refused to change from his pit dress to appear before the magistrates: "No, I shant; my dress is good enough for the company I am going in".¹

At Gloucester James faced the capital offence of remaining with rioters for one hour after the reading of the Riot Act. The jury found him guilty but recommended mercy. Accordingly the judge undertook to make as favourable a representation of the case to his Majesty as he could and then recorded judgement of death.² James made no statement about the riot but said simply: "I dont care if they hang me, only let it lead to the good of my countrymen".³ They did not hang him but instead transported him to New South Wales for life.⁴

The accounts of the riot which are left to us, apart from those contained in the letters which Beaufort and the magistrates sent to the Home Office, seem in places less concerned with accurate reporting of the affair than with creating a sense of drama - or melodrama - or displaying a condescending refusal to believe that the rioters really knew what they were about. Still, it seems clear that the riot was not simply a spontaneous, casual outburst of

¹Life of Warren James..., pp.11-12.

²The Times, 15 August 1831.

³Life of Warren James..., p.15.

⁴Ibid.

violence. Nor was it what Nicholls believed to be an outbreak of that excitability to which the Celtic peoples are prone.¹ The miners and the others with them, had deliberately and in an orderly and disciplined manner set themselves against the authorities. The event had been planned in advance and warning given to and received from the magistrates. The rioters were a "mob" in the sense that they had ignored the reading of the Riot Act but not in the sense that they were a disorderly rabble.

Confrontation with the authorities had begun with James' notice about the rights and privileges of the miners. Concern for the rights, we shall argue below, was the main element in the making of the riot but there were others. Two obvious questions to ask of an event in 1831 are about economic and political background. Was this riot a "slump Explosion": the product of distress, hunger and unemployment?² Or was this riot of a kind with others in that year which Thompson has described as "insurrectionary climaxes to Radical agitation"?³

The fragments of evidence about the Forest in this period which have survived do suggest that, like those in neighbouring Monmouthshire, the Dean miners were suffering distress in 1831. In their report to the Home Office on the causes of the riot the magistrates remarked that: "the men in general have for the last 2 or 3 years suffered

¹See H.G. Nicholls, The Forest of Dean..., Ch.7; and H.G. Nicholls, The Personalities of the Forest of Dean (1863), p.180.

²E.J. Hobsbawm, Industry and Empire (3rd ed., 1969), p.130.

³E.P. Thompson, The Making of the English Working Class (Rev. ed. 1968), p.81.

considerable privations for want of full work having many of them not more than 2 or 3 days work in a week. This has caused dissatisfaction...".¹ The Gloucester Journal's correspondent also drew attention to the economic background to the riot. "The real cause of the evil", he wrote, "is a want of labour and of sufficient wages, so as to enable a man to live, and procure for himself and family the necessaries of life".² In March 1832 a meeting of free miners at Yorkeley in the Forest made much the same point. The meeting resolved that "a large portion of the Working Class of this Forest, together with their numerous Families, are great Sufferers for Want of Employment; to which cause they ascribe entirely the recent Disturbances which took place in the Forest".³ A letter to the Merlin in January 1831 described the "labouring classes" in the Forest as suffering "great and severe privations from the general distress" and another report in the same edition referred to the miners' "present distress".⁴ Later, on June 2nd, the Forester reported that Bilson colliery had closed and "a great number of men are now standing still because...the people interested in the tonnage dues will not submit to an abatement thereof".⁵ Bilson's owner, Edward Protheroe, asserted that a reduction of tonnage dues

¹Beaufort to Home Office, 15 June 1831.

²Gloucester Journal, 11 June 1831.

³Resolutions of a meeting of the Free Miners and Colliers of the Forest of Dean, 5 March 1832.

⁴Monmouthshire Merlin, 1 January 1831.

⁵Forester, 2 June 1831.

was necessary because the Forest's coal was too dear to compete with coal from Monmouth, Shropshire and Staffordshire.¹ Fragmentary though this evidence is, it indicates clearly that distress and unemployment formed part of the background to the riot.

There is, as well, evidence of Radical agitation. The first sign of this was a letter to the editor of the Merlin in January 1831, from "Acornpatch", which described the condition of the foresters as "poor, poor, very poor", and which also described them as "quiet, quiet and very quiet": "we have not had a single instance of incendiarism, disloyalty, rebellion or riot, in any town, village, or hamlet between the rivers Severn and Wye, whilst our neighbours on every side have had repeated acts of diabolical pursuits". Although there was great suffering in the Forest, there was still not to be "found in any class (and I am in the habit of visiting all classes daily) an instance of strife - stirring persuasion; they generally and universally hold the unpardonable incendiaries in the greatest abhorrence".² This letter, with its emphasis on riot, rebellion and suffering assumes the character of a warning in the light of a report on the following page that "an orator of the Cobbett school has lately been gulling the poor miners in the Forest of Dean by inflammatory speeches".

¹Ibid, 28 July 1831.

²Monmouthshire Merlin, 1 January 1831.

A number of the miners collected together at Bream village to hear the orator "harangue them on some topics which they could not understand, and then obtained a number of signatures to different blank sheets of paper, which he represented as intended petitions for doing away with the truck system".¹ The clever orator, moreover, persuaded "many of the poor creatures" to subscribe money to promote his campaign. The foresters may have been quiet, quiet and very quiet, but at least one strife stirrer had been among them and at least some of them had signed his petition and given him money.

The orator was perhaps William Birt who published the first edition of his unstamped newspaper, the Forester, on 26 May, a fortnight before the miners' riot. Its principal content reflected two main purposes: firstly to demonstrate that the English social and political system was immoral and, secondly, to argue that a number of problems peculiar to the Forest were symptoms of the oppressive working of the general system. Birt hoped for a society based not on the individual selfishness which he identified as the source of poverty and degradation in England, but on a collective regard for the welfare and the rights of all men:

The hostility generated by the fancied reality of individual advantage, has been universally diffused, and men have employed their inventive energies, to create means for the disadvantage and destruction of their fellow-creatures. But a bitter

¹Ibid.

climacteric - an ultimate demonstration of the insanity of selfishness - is now beginning to dispel the doctrine which assumed that private interest and individual aggrandisement are compatible with general welfare. In the unnatural inequality of fortune, in the ferocious delights of despotism, in the constant efforts for increasing individual power is the effect of this doctrine discovered. 1

English society, he argued, was dominated by the passions of sensual gratification and despicable avarice and it worshipped at the shrine of sordid gain and bestial licentiousness. This immorality in society produced, and was supported by, the unnatural and artificial concentration of power and property in the hands of a few men who dispossessed the majority.²

But though profoundly corrupt England was not completely lost. A new political era had dawned and brought with it the chance of regeneration:

...the intensity of social evil has hastened the period of its decay. Extremes have arrived, and the balanced medium must be restored. There is an incipient but advancing perception, that the present perverted state is not unchangeable, that some analogy, between the advance of intelligence and the improvement of the social compact must be gradually and extensively realised... the chains which bound mankind in darkness are rapidly corroding away, and the reign of despotism is verging to its close. 3

England's hope was, in general, moral reform and, in particular, a Reform Bill from a Whig ministry.

Birt's paper was the first published in the Forest. Aiming at the foresters as his readers, he discussed, within the framework of his general analysis, problems

¹Forester, 2 June 1831.

²Ibid, 26 May 1831.

³Ibid, 2 June 1831.

peculiar to the Forest. While the Monmouth and Gloucester papers referred only infrequently to the Forest, Birt began with a discussion of the truck or "tommy" system of payment in the Forest mines, the use of waste land to help the poor, and the operation of the Forest mining and game laws. That discussion mirrored all the distinctions which Birt made in general terms between the rich oppressors, with all their unnatural power, and the industrious majority. Birt aligned himself with "my poor fellow creatures, labourers in the Forest", against the "base and contemptible dastards" who operated the tommy shops, "many of whom I knew to be steeped in poverty to the very lips, a few short years ago... (who are now) snorting and looking down upon your plain but honest wives and families with heartless contempt or filthy pride". "I say", Birt declaimed, "that the hard working Forester ought to be treated like a man and an Englishman, by being paid his wages in money and left to his own choice in the disposal of it; 'Tommy' says he shall be treated like a Negro, and merely receive victuals for his work".¹

Birt also questioned the government of the Forest. He described the laws which regulated mining and commoning in the Forest as a "chaos of mixed plunder, meanness, oppression and litigation, from which he can best extricate himself who has the amplest means of establishing might

¹Ibid, 26 June 1831.

against right".¹ It had not always been so:

The good old straight-forward Foresters appear to have had a code of their own, which worked well and yielded a just apportionment of the Forest resources to the inhabitants at large, but now, from some cause or other, new laws and new results have the predominance. ²

This contrast between the fairness of the old laws and the oppression of the new he linked again with the contrast between the wealth of the few and the poverty of the many. The present laws produced on the one hand "pale and wan looking colliers" and on the other, men who "appeared as frequently, spruce, gay and waxing fat with the same temper as the ass emphatically alluded to of old. The Noblesse and Beggary of Italy in a petty way".³

Birt declared in favour of the "Foresters, the real Foresters, Those who work and toil for their bread"⁴: their condition had to be reformed. One way of doing that was to throw open the Forest's waste lands for cultivation by the poor. Another was to remove the restrictions on the taking of game, whose effect was to tempt the "starving peasant" to crime and then to punish him for it with transportation to the charmless Antipodes. That system should not be tolerated in the reign of the Fourth William, "the King who has so wisely identified himself with the people".⁵

Here then, in the two weeks before the miners' riot was a powerful new voice in the Forest: one which advocated

¹Ibid.

²Ibid.

³Ibid.

⁴Ibid.

⁵Ibid, 2 June 1831.

Reform, took the part of the poor against the rich and questioned the government of the Forest. But how important was the Forester in the making of the riot?

At the time there were rumours of plot and conspiracy. The correspondent of the Globe, who referred to the riot as "this levelling system", seemed to believe that the miners were the victims of the "seductive promises of wretches whose sole object is to make tools of them for their own purposes". He went on:

There is some movement in this business which demands prompt and strict investigation. The writer of this conversed with two men who were pressed on Thursday, and compelled to assist in throwing down the banks, and it is evident from their report, that the great majority of the foresters believe that Warren James, their openly avowed leader...and who is the O'Connell of the Forest, is but the tool or agent of one or more noblemen in town who are determined to 'see the foresters righted'. It would not be prudent or just to use the names of the parties mentioned, for perhaps it is a licence taken by the leaders of the rioters without authority. A sister of James', it is said, lives with a nobleman, who the foresters expect will be in the forests again shortly, and James has been twice to town to have interviews on this business; one fact is evident, that the poor men are acting under the impression that they are committing no illegal act, and that no resistance will be offered them... 1

James' biographer, possibly influenced by that newspaper report, accepted a version of the plot story. He too saw James' sister as the link between him and the London friend. James "had long, though secretly, brooded over the desire of delivering himself and countrymen from what he felt and was persuaded was a thralldom":

¹The Times, 14 June 1831.

...his London friend, falsely so called, encouraged this desire; and Warren was firmly persuaded that he should find friends among the higher powers. Whatever form or name is possessed by the malign being who thus urged him on, it is a subject of regret that he cannot be held up to public odium so fully as he deserves. 1

The first of these reports was, however, avowedly a rumour, and one couched in the vaguest terms. The Gloucester Journal's correspondent put the same rumour in a different light:

The most ridiculous reports are as usual current respecting the instigation of these riots. It is said that they are persons of wealth and rank, and parliamentary influence, but such nonsense is scarcely worth repeating. The only known leader is the Warren James, whose name was affixed to the handbill inviting the Foresters to meet to lay open the Forest. 2

The magistrates, in their report to the Home Office, equally disbelieved in a plot. Warren James, they reported, had gained great influence among the miners by "stating that he was countenanced by persons high in authority and by the Government itself... but we have no idea that (the miners) were assisted by any person of higher rank, or that the riots have any connection with any political cause".³

There is nothing in the surviving Home Office or Treasury Solicitor's papers to suggest that the Government took seriously any suggestion that political agitation lay behind

¹The Life of Warren James..., p.4.

²Gloucester Journal, 11 June 1831.

³Beaufort to Home Office, 15 June 1831.

the riot. The Solicitor's lenient treatment of the rioters who were taken into custody, apart from James of course, suggests the contrary.

William Birt's catch phrase, "King William and Reform", appeared once at the enclosures. It was written on a piece of paper handed to him by a rioter, according to Mr H. Davies, a banker from Monmouth, who was present at the enclosures on the first day of the riot.¹ But this was the only reported reference to Reform in the event. If the riot had been in some direct way promoted by Birt, more than that might have been expected. Although Birt addressed himself in the Forester to the problem of the poor, it was not until the issue of June 9, the day after the riot had begun, that he took explicit notice of the threat to destroy the enclosures.² He was, moreover, in a very difficult position: although his writing had been inflammatory, it had been tendentious. If he wished to stir up the foresters it was to the end of Reform and the return of a Whig Ministry, but it was obvious before the riot that the cause of anti-Reform had fared badly in the general elections of 1831 and that a Reform Ministry would regain office.³ That being so, Birt could not, without monstrous inconsistency, advocate anything resembling a want of confidence in the enlightened leadership. His advice to the foresters was, therefore, to be calm and rational:

¹The Times, 15 August 1831.

²Forester, 9 June 1831.

³M. Brock, The Great Reform Act (1973), Ch.6. The last returns from the election were in by June 1.

I have heard that threats have been used to enforce the re-opening of the enclosures, these are very blameable - to give them effect would be decidedly illegal and wrong. The time now is, when just complaints will not only be received but redressed... Never mind my good fellows, dont get waspish and angry with the flip-flaps and popinjays of things as they have been, just as they are about to die a natural death...Try to get relief by every rational and constitutional means, but by no other...Our old ship has been a long time on her beam ends, but we have got a good commander aboard and a capital pilot at the helm now, who...will soon put her on sailing trim again, and bring her safe into port, where there will be, I hope, plenty of 'fresh provisions'. 1

This was the theme of all Birt's subsequent comment on the affair and none of it contributes to an impression that he was in some way an instigator of it.

On balance it does not seem likely that the Dean riot was political in the sense that it was intended to promote the Reform Bill or that it was the result of direct political agitation. That is not to say that the general political context was irrelevant. Explicit criticism of Government, and the condition of the poor, the public statement by so many others of their grievances, may well have encouraged the foresters to attend to their own, to articulate them and seek redress. The environment of political unrest and agitation, of "Cobbites", Swingites and incendiarists, of attacks on the Popinjays of things as they have been, probably made the use of riot to draw attention to the miners' grievances seem a less extraordinary course of action than it might have seemed in more settled times. But

¹Forester, 9 June 1831.

it is unlikely that the Dean rioters were, for any political purpose, a hired band "operating on behalf of external interests".¹

The riot was, in the first instance, directed unambiguously against the Crown and an attempt, as James' notice made clear, to reassert what the miners believed to be their rights in the Forest:

The miners say that when Lord Lowther was the chief Commissioner, the Foresters had applied to him for the throwing open of the Forest, and he was disposed to listen to their application: that the Duke of Wellington had appointed to meet him in the Forest for the purpose of inspecting the state and condition of the trees. The death of the late King, and the consequent dissolution of the Parliament, and breaking up of the Wellington Administration, prevented any further proceedings. It is said that since that time the Foresters have memorialized the present Commissioners of Woods and Forests on the subject, but without success...Under the persuasion that they have been unfairly dealt with...they have taken the work of their real or supposed grievances into their own hands. 2

The press, the Government and the magistrates all, so far as it is possible to tell, believed that "the war word, as usual, is restitution of rights, which the foresters complain have been wrested from them by the Crown",³ though of course they all agreed that the miners had no such rights.

There were signs of resentment of the curbs which

¹G. Rude, The Crowd in the French Revolution (1972), p.239.

²Gloucester Journal, 11 June 1831.

³Ibid.

the vigour of state administration had placed on the miners. An 'explanation' of the riot printed in the Forester complained that:

(The miners) have been prevented from following their Mine Train through the enclosures...in the said Forest which is contrary to (the ancient rights and privileges). Of late years they have been compelled to pay for tinnet for our hedges, fern for litter, when the above grants express that they should have the underwood free of expense, free boot and fire boot. 1

"You have been our master a long while", one of the rioters told John Hatton, a Keeper, "but we will let you know that we are yours now".² And again, the Deputy Surveyor wrote that he "saw Henry and Richard Dobbs pull the bushes out of a gateway, and turn their cow into Cockshoots Enclosure, and when I went out and expostulated with them they said that they had been deprived of their rights long enough".³

The riot drew upon and expressed a considerable hostility to the foreigners as well as the Crown. In their account of the riot to the Home Office, Beaufort and the magistrates had reported that the miners were aggrieved by "the influx of foreigners of whom they are very jealous;... It is difficult to explain why a dissatisfaction on this ground should lead to an attack on the Forest Inclosures but this was certainly the most prominent ground of complaint".⁴ Along with petitions asking for the opening of the Forest the miners had sent others praying for the restoration of the Mine Law Court. The Commissioners of

¹Forester, 4 August 1831.

²Gloucester Journal, 2 July 1831.

³H.G. Nicholls, The Forest of Dean..., p.110.

⁴Beaufort to the Home Office, 15 June 1831.

Woods referred these to their Solicitor's Department, explaining that:

The works thus carried on (by foreigners) are much complained of by such of the free miners as are not connected with the adventures. These men (more than 1,000 in number) state that they are thrown out of employment by means of the new works in which they are not engaged; and being thereby (as they alledge) (sic) reduced to a state of penury...imagine that the speediest means of putting a stop to the Encroachments which have been made by the adventurers is to revive this Court. 1

Acting on the Solicitor's advice the Commissioners had decided that "it would be inexpedient to establish such a jurisdiction at the present day".²

The Forester's 'explanation' of the riot also complained that:

His Grace the Duke of Beaufort, as Constable of the Castle at St Briavels and Lord Chief Ranger of the Forest, has been for nearly three years past trifling with the patience of the free miners by denying their just demands of opening their free miners' Courts according to their rights and privileges, and which they usually enjoyed from time immemorial, the grants made to them by Edward the 3rd.... 3

The rioters had declared that they would drive the foreigners from the Forest.⁴ They destroyed, as we have noted, the fences around the house of Edward Protheroe's agent and on the Saturday night, celebrating their success in cider, they drank the toast "Confusion to all foreigners".⁵

¹Register of Cases and Law Officers' Opinions (1828-43), Commissioners' case on the Memorial of the Free Miners, 1829, p.2.

²Boundaries Report (1829), p.2.

³Forester, 4 August 1831.

⁴Gloucester Journal, 20 August 1831.

⁵The Life of Warren James..., p.8.

That the Crown and the foreigners should have been linked in the minds of the foresters was not such a difficult problem: they believed, with good reason, that the Crown had "favoured" the foreigners and had "materially assisted" them.¹ Crown and Capital were seen as allies in dispossessing the foresters and usurping their rights.

For some of the richer free miners a more direct form of self interest was at stake. About 1826, at about the time the Crown was preparing its new assault on the free miners' rights, the Purton Pill Railroad scheme had taken shape. This line was designed to run from Purton Pill on the Severn to roughly the centre of the Forest at Foxes Bridge. It was to run about midway between the existing Severn and Wye and Bullo Pill lines across an area of coal which was largely undeveloped.² The scheme thus offered new opportunity for free miners to acquire gales along a railroad that would make the gales worth having. Little is known about this scheme except that its main promoter was one Moses Teague, one of the few free miners who had prospered in partnership with foreigners and who owned a mine at Foxes Bridge.³ For Teague and for other free miners the Purton Pill scheme gave the miners' rights a new potential value at the very moment that the Crown had put their existence in question.

The foreigners, "who have crept in to rob us of our

¹Forester, 4 August 1831.

²H.W. Paar, The Great Western Railway in Dean (Newton Abbot, 2nd ed., 1971), Ch.10; and Gloucester Record Office Q/Rum 124-5.

³Award (1841).

rights left to the miners and their heirs forever", notably Protheroe, had opposed the Purton Pill scheme.¹ This gave a common interest of opposition to the foreigners to both rich and poor miners. For the latter the "monopoly" of the railroads held by Protheroe was an important cause of unemployment and distress in the Forest. A meeting of the free miners at Yorkeley in March 1832, drawing attention to unemployment and distress in the Forest, resolved that:

...at some of the most extensive Coal Works in the Forest, the Labour of the Workmen has already been reduced to Three Days per Week, (although in the middle of Winter,) and the approaching Summer is likely to witness more Distress than any preceding one in consequence of the Want of Employment.

That the whole of such Distress is to be entirely ascribed to the notorious Monopoly exercised by a few Individuals in the Forest, and that the Public at large together with ourselves, are greatly injured thereby.

That if anything was required to convince the Public of the truth of this Statement, this meeting would refer them to the WELL KNOWN FACT (established by Circular Letters from the Coalmasters of the Forest) declaring Forest Coal, conveyed along the present Lines of Railway, at Bullo Pill and Lydney, at the extravagant and enormous Price of FOURTEEN SHILLINGS per Ton, although within so short a distance of the Pit's Mouth.

That under such circumstances it is impossible for the Forest to secure a Trade, (except in a few months of the year) as the Coal from distant parts of the Kingdom is brought into our native Markets and sold at less than TEN SHILLINGS per Ton.

* * *

That it is in vain for the Proprietors and Abettors of the existing Railways to contend that the Roads already formed are adequate for such purpose or that Branches extending from their main Roads can be made beneficially applicable for the Transit of the whole of the Forest Produce. Experience has dearly taught us the contrary, and the numerous Population thrown out of Employ the greater part of the Year, fully and lamentably demonstrates the fact. The present Railways do not afford constant Employment at the Works situate immediately upon their

¹Forester, 4 August 1831.

main Roads: And how can the produce of the Forest depend upon Branches to be united with Roads not calculated to convey their own immediate produce to market, except at the enormous price we have already quoted? 1

The problem was that the railways were not operated as a subordinate or complementary service to the pits. As Protheroe wrote, "the truth is that the only persons who have ever ventured to open deep coal works have done it to serve their interests as rail road proprietors".²

Protheroe might have been able to strike a balance between the wish to profit from the mines and the wish to profit from the railroads, but for those who depended on the mines alone, and those who worked in them, a price for the carriage of coal which would provide the railroad with a good return could only be a source of grievance.

There was one other important grievance against the foreigners and one which probably affected the largest number of miners: "those foreigners introduced foreign miners in preference to the natives".³ The Dean Forest Commissioners concluded that:

The claims of the free miners to the exclusive holding of gales, and to be exclusively employed as labourers in the mines, occasion constant and never ending jealousy and dissatisfaction on their part. The foreigners who have got into possession of extensive works, although they in general give preference to the free miners, consider themselves quite at liberty to employ and do employ some foreign labourers. 4

¹Resolutions of a Meeting of the Free Miners and Colliers of the Forest of Dean, 5 March 1832.

²D.F.C., 4, p.24.

³Forester, 4 August 1831.

⁴D.F.C., 4, p.9.

Thomas Davis, a free miner, had said in evidence to them that:

What is the grief among the miners is, that foreigners should employ foreigners instead of free miners. We should not object to foreigners, if they were obliged to employ free miners to work. I have known many free miners distressed for employment when foreigners have been in work by preference. 1

Another free miner, John Worgan, had testified similarly that:

I think free miners are imposed upon very much by foreigners. They bring in their own foremen and their own foreign workmen; I was myself turned away to make room for a Bristol man, and we cannot remedy ourselves, unless our Mine Law Courts be revived. I think the Mine Law Courts would enable us to tell who was free and who was not; it would prevent foreigners managing everything their own way. 2

A considerable hostility to foreigners had thus grown up among the free miners. Distress and unemployment were the product of the monopoly which the foreigners had created by destroying the Mine Law Court and usurping the miners' rights. Not content with owning the mines, foreigners had brought other foreigners to work in the Forest. Here was a sense of injustice and of dispossession which found expression in the riot along with resentment of the State's intrusive assertion of control and its refusal to re-open the Forest. The campaign for the restoration of the Mine Law Court and the riot in which it culminated represented in sum a demand by the free miners to have control of the Forest economy returned to

¹Ibid, p.7.

²Ibid, p.19.

them: a control which miners had exercised in living memory.

With the closing of Gloucester Assizes and the banishment of Warren James to New South Wales, the miners' attention shifted to the hearings of the Dean Forest Commissioners. The miners' mode of action in this new phase was the public meeting, the petition and the representative committee. At this point we may begin to see greater complexity in the miners' demands and in the particular, central demand for the restoration of the Mine Law Court.

The first memorial to come before the Commissioners from the free miners, presented by a solicitor from Newnham on their behalf at the opening of the hearings, made five claims:

First. A free miner is defined to be a person born within the hundred of St Briavels, having worked his year and a day in the pits, and abiding within the hundred.

The free miners claim to work the mines of the Forest, having first applied to the King's gaveller for his consent; having obtained such consent (which they maintain cannot be refused), they proceed to open their works, and work them according to the custom of the Forest.

They claim the power of transferring, by will or conveyance, their right in any mine which they have opened to any person, free miner or not, together with all the privileges attending the original right.

They also claim for such of the free miners as do not use the rail-roads, the use of timber for their works, in whatever way these works may be conducted, whether by the use of steam engines or otherwise.

They also claim that the Mine Law Court shall be re-established for the preservation of their right, and the settlement of disputes between them. 1

¹D.F.C., 4, p.11.

The third part of this claimed, in other words, that the free miners should be free to sell to foreigners. This was probably the view of the free miner proprietors who had most to contribute to and to gain from partnership with foreigners. So far as they were concerned the only result of an exclusion of foreigners would be the drowning of the field when the pumping engines stopped.¹ These men, the Deputy Surveyor later wrote, probably wanted the "restoration of their Mine Law Court, not for the purpose of enforcing their former laws, but of making new laws, by which they would admit foreigners to have works and prescribe the terms".² Another meeting held shortly after the submission of this memorial also took an intermediate position "that if foreigners had a bounty allowed for the employment of free miners in preference to foreigners, the former would be satisfied; and that the capital of the foreigner was necessary to the well being of the Forest".³

The importance of capital to the development of the coal field, the improved revenue to the Crown and the usefulness of its alliance with the foreigners in the business of bringing the Forest under proper administrative control, were the grounds given by Protheroe, David Mushet and other foreign mineowners for their demand that the Crown confirm

¹See for example the evidence of the free miner proprietor Peter Teague, Ibid, p.14.

²The Report of the Deputy Surveyor on the Memorial of the Free Miners (P.P., 1836, xlvii), p.85.

³D.F.C., 4, p.137.

them in occupation of their mines.¹ A memorial from Mushet on behalf of the foreigners submitted

...that the honour and good faith of the Crown stand pledged to them to maintain the value and integrity of the investments which they have made in the mines of Dean Forest, and that under so solemn a sanction they confidently hope and believe that for the future the same protection shall be extended to them which they have hitherto enjoyed, and that whatever regulations the Crown may think proper to introduce in respect to the mines for the future, the property of your memorialists shall remain untouched, and stand upon the same footing as that worked by free miners alone.

...that the capital possessed by persons calling themselves free miners, is totally inadequate to the opening and working of deep and extensive mines, the construction of public tramroads to carry the produce of the same to market, and of maintaining at low prices, in the face of the Welsh, Staffordshire and Shropshire collieries, that active and unremitting competition, by which only a market can be obtained for the Forest coal.

That the capital invested by persons called foreigners in mines and tramroads...amounts to 700,000¹ and upwards, without the investment of which the mines would have remained comparatively unopened, no tramroads would have been constructed, coal to the public would have been nearly double the present price, the claims of the foresters to timber would have existed, and the Forest itself subject to the same waste and depredation which characterized it in former years, before the introduction of the capital of your memorialists.²

For the mass of the free miners neither this testimonial to the civilising and modernising influence of capital nor the intermediate position contained in the first memorial to the Commissioners was convincing. Their view was contained in another memorial which Mr James Clarke of Coleford presented on behalf of the free miners in April 1832. This document reflected the preoccupations of the working miners

¹Ibid, p.37.

²Ibid, p.45.

and was the successor to the notice posted up in 1831 by

Warren James:

That the free miners most respectfully wish... the Commissioners to take into their consideration the distress to which they have been reduced by the disuse of the Mine Law Courts, by which their rights and privileges were formerly protected, and which they have repeatedly solicited to have restored; the consequences of which disuse have been, that foreigners, who had originally no right to enter the mines, have gradually possessed themselves of property therein, and again sold the same to other foreigners, to the exclusion of the free miners themselves; that the free miners have not been able to obtain redress, owing to there being no tribunal except the Mine Courts which could legally investigate their claims; that in many instances they have been arbitrarily despoiled of their possessions by foreigners, and altogether, from the numbers of strange workmen and others introduced into the Forest, and employed in the hauling of mine, coal and ore, the free miners have been deprived of work, and themselves and their families reduced to the utmost distress. 1

There followed a statement of the claims of the free miners. They wished to have restored all their rights and privileges, including the right to mine wherever they wished in the Forest and to have timber for the pits. The Mine Law Court they wanted revived to adjudicate disputes and "for the purpose of ascertaining what persons have usurped the privileges of free miners". And, distinguishing this memorial from the earlier:

That the free miners alone have any right or title to hold or work any mines, quarries or coal pits within the said Forest; all other persons being foreigners, and holding and working such mines, quarries or coal pits, wrongfully and illegally, and to the great detriment and damage of the free miners. 2

¹Ibid, p.20.

²Ibid.

This position they reiterated and reinforced in 1835 in a further memorial signed by 1,036 persons. They blamed the foreigners for the destruction of the Court, the usurpation of the rights and insisted that only the revival of the Court could deliver them from "the oppression which they have long been suffering".¹ Moreover, they asserted, if the Court were revived, they should soon be able to find whatever capital they needed to work the mines.

What the Commissioners stressed, however, was that despite the previous existence of the Mine Law Court, the free miners and the Crown together had created a title for the foreigners in their works which could not now equitably be denied:

The free miners, by lending their names and giving their assistance to foreigners in obtaining possession of coal works, and being themselves parties to the legal fraud by which such possession is maintained, cannot justly or equitably demand that these foreigners should now be deprived of their property. The Crown having recognized the introduction of foreigners by receiving gale rents from them, and granting licences for steam engines, may be in a great degree barred from interference, although there can be no doubt but that, as the mineral property belongs wholly to the Crown, subject only to the rights of the free miners, a fraud is practised by the working of the mines by foreigners under the cover of free miners' rights.²

The Mine Law Court, they concluded, probably could not be renewed or made available to oust the common law jurisdiction, at least where the foreigners were concerned. The monopoly and the customary modes of working were at an end and the only way out of the difficulty seemed to be to

¹Ibid, p.52.

²Ibid, p.9.

extinguish the free miners' rights altogether, with suitable compensation, and to make the relationship of the Crown and mineowners that between any landlord and tenant.

This was a total rejection of the demands of the free miners who, in 1836, sent a memorial to the Commissioners of Woods complaining that the legislation which the Commissioners proposed was for "the purpose of entirely destroying the rights and privileges of the free miners, and of depriving them and their children of the customs and franchises which have been exercised by the free miners from time immemorial".¹ They prayed yet again that the Crown restore the Mine Law Court and threatened that the miners "cannot voluntarily consent to the arrangements proposed by the Commissioners".²

The Commissioners had other cards to play in the face of this intransigence. In November 1836 the foresters were "startled by the apparition of the agents of the Solicitors to the Board of Woods and Forests, traversing the district in all directions".³ These gentlemen placarded the Forest with notices of intention to bring in Bills in the next session of Parliament, two of which were to concern the encroachments and the right of common. Alexander Milne,

¹Memorial of Free Miners and Quarrymen, praying that their Rights and Privileges be not abolished, as recommended by the Dean Forest Commissioners (P.P., 1836, xlvii), p.78.

²Ibid, p.79.

³Monmouthshire Merlin, 19 November 1836.

one of the Commissioners, came to the Forest himself in June 1837 in order to consult the landholders of the surrounding parishes about commoning.¹ He proposed to disafforest the waste and to extinguish the right of common altogether. Since the Commissioners argued that the inhabitants of the Crown land had no right of common at all, Milne did not invite them to attend the meetings of parishioners which he convened. About 1,000 of the encroachers came uninvited to his meeting in Newland parish nonetheless, where they loudly proclaimed that they were as entitled to common as any other of the inhabitants of the Hundred and made it impossible for Milne to carry on the meeting.²

Shortly afterwards the free miners met to discuss the Mines Bill. They received a modified Bill which retained the free miners' privilege in a diluted form and decided to support it unanimously even though it meant the end of any hope for a renewal of the Mine Law Court and though it confirmed the foreigners' possession of their coal.³ Milne almost immediately announced the withdrawal of his plan to abolish commoning.⁴ Government also made useful concessions

¹Ibid, 17 June 1837.

²S.C.W. (1849), p.135; Monmouthshire Merlin, 1 July 1837.

³Gloucester Journal, 17 June 1837.

⁴Monmouthshire Merlin, 1 July 1837; Gloucester Journal, 1 July 1837.

on its Bill to deal with the encroachments in order to meet objections from the foresters. The Commissioners dropped earlier plans to impose restrictions on building on land after it had passed freehold into the hands of its occupiers and agreed to make all conveyances under the Act free of legal expenses and stamp duty.¹ The holders of land encroached after 1812, to whom it was originally intended to grant relatively short leases, had the option to purchase at a nominal sum:

...the announcement of these liberal concessions, which have the effect of giving the owners of upwards of 2,000 acres of land quiet titles to their possessions, and placing them on a footing with other freeholders of the empire, was received with loud cheering. 2

That Government did make concessions may partly be explained by the political context of these events as well as by the wish to carry through the Mines Bill. The balance in Gloucestershire politics between the Tory followers of the Duke of Beaufort and the Whigs, led by the Earls of Berkeley, had been upset in 1831 and 1832 by the return of two Whig reformers for West Gloucestershire.³ The Duke of Beaufort's eldest son, the Marquis of Worcester, took a seat back for the Tories in 1834, but the balance having once been upset it might be again.⁴ And might not circumstances so alter that the Tories could take both seats?

¹Monmouthshire Merlin, 19 May 1838.

²Ibid.

³The Hon. Augustus Henry Moreton and the Hon. G.C. Berkeley. They took 2,996 and 3,153 votes respectively, against 2,962 for Lord Edward Somerset. Gloucester Journal, 29 December, 1832. In 1831, assured of failure, Somerset had withdrawn on the eve of the poll. Monmouthshire Merlin, 14 May 1831.

⁴Ibid, 17 January 1835.

There had been great enthusiasm in the Forest for Reform in 1831. When the Whig candidates came to Coleford in 1831, 500 people came out to meet them and drew their carriage into the village, cheered their speeches and went on to break some Tory windows.¹ The Tory party, led by Lord Granville Somerset, had no such joy. A mob harassed them, thrust green boughs into their faces, pelted them with stones, prevented them from speaking and broke some more Tory windows.² At other places around the Forest they had an equally unhappy time of it. The passing of the Act produced celebration "which was never before witnessed".³ The houses of Coleford displayed illuminations and transparencies. Banners decorated the market hall, a band paraded in streets which were lined with fresh cut green boughs and the better off inhabitants distributed 750 loaves to the poor. Within the Forest proper, gatherings of several hundred sat down to whole roast oxen and carried on to "a country dance on the green".⁴

There was one problem in all of this: the leading Whigs of the Forest were foreigners. Edward Protheroe had been Whig member for Bristol between 1812 and 1820 and his son became member for Halifax in 1837.⁵ Protheroe's agent, Aaron Goold, organised the Grand Reform Dinner held

¹Ibid, 14 May 1831.

²Ibid.

³Ibid, 20 June 1832.

⁴Ibid, 21 July 1832, 28 July 1832, 4 August 1832.

⁵Gloucester Journal, 19 August 1837.

at Coleford to celebrate the passage of the Act and roasted oxen for Protheroe's workmen in the Forest.¹ No doubt the victory of the Reform Ministry in 1831 gave Protheroe hope that Government might take proper account of his wishes in matters concerning the Forest - as indeed they did - but had William Birt not promised that Reform would lead to the end of the oppression in Dean which Protheroe symbolised above all others? And what if the Whigs wished both to register the foresters as voters and to ensure that none of those votes went to the Tories?

When the Revising Barristers for West Gloucestershire came to Newnham, a village on the eastern side of the Forest, in 1832, 991 foresters attempted to register. The Tories objected to 559 of them and the Whigs to 113.² The foresters claimed the vote on the grounds that they occupied land and cottages; the Tories objected on grounds that the occupation was illegal, an objection which the Barristers upheld in 1832.³ But in 1835 the Barristers reversed their decision after complex legal argument which showed a precedent for allowing the vote to occupiers of Crown land where the encroachment was ancient and possession had not been contested.⁴ By 1836 it was clear moreover that the Commissioners' treatment of encroachers in Dean

¹Monmouthshire Merlin, 21 July 1832, 28 July 1832.

²Gloucester Journal, 1 December 1832.

³Gloucester Chronicle, 1 December 1832.

⁴Monmouthshire Merlin, 17 October 1835.

would give the largest section of them the vote when they obtained freehold title to their property.

Here was the dilemma which contributed to concession and compromise. The Tory Gloucestershire Chronicle recorded the embarrassment of the Whigs with glee:

A woman, a whig, and a walnut tree,
The more you beat them, the better they be.

Drawing attention to the liberality of a Tory Government in granting encroachments freehold in Sherwood Forest in 1818, the Chronicle went on:

...the sturdy Foresters were not to be so set down. They well knew that however the Whig members of the county might be kept to silence, the Tory members would have readily fought their battle in the committee on the bill. Away then with all hope of returning two Whig members for the Western division of Gloucestershire! Their voices were soon heard pretty loudly from all quarters of the Forest. We now understand that they have produced the usual submissiveness on the part of the government to the 'pressure from without'... The people have themselves, and 'her Majesty's opposition, to thank for the defeat of the government. The 'encroached' lands amount to 2,000 acres, separated among small proprietors, few of whom hold ten acres each, and the greater number from a quarter of an acre to two or three acres, all of which will now be entitled to vote for the county. 1

¹Gloucestershire Chronicle, 2 June 1838.

Though the main streams of working class organisation and concern in the first few decades of the century seemed peculiarly absent from the Forest, it was not isolated from or unaffected by innovating principles. The State and Capital together broke down the old system in Dean, under which the miners, through the operation of their Mine Law Court, the exclusive right of "free mining" which the Kings of England had allowed them time out of mind and the laxity and venality of Crown officials, had been able to base their lives on small scale, independent proprietorship of land and mines and the harvesting of the Forest. From about 1788 the body of custom and right which had governed Dean came to be seen as outdated and inconvenient, as a threat to the security of property and the interest of the State, defined with new emphasis by "economical" and administrative reform. The majority of the free miners became wage workers, their industry passed into the hands of strangers and the uses they had made of the Forest were outlawed. Some miners welcomed Capital and prospered in the new system but others, the mass of poor miners, manifested a sense of grievance and dispossession, in public meetings, memorials to the Crown, a riot and a demand that their Mine Law Court, symbol of their old control of the Forest, be restored to them. Conflicts about the process of production and the emergence of trade unionism which were evident in other coalfields did not appear in Dean. There conflict centred on the still uncertain ownership of the means of production. Some signs appeared of a consciousness of social relations which matched the new division between capitalist and workman and,

in 1831, some men for the first time invoked the custom and the rights in defence of miners as employed workmen, not as entrepreneurs. The greater gulf, however, remained that between native and stranger: free miners on the one side, whether employing or employed, and Capitalists and Crown officials on the other.

Part Two: Union, 1870-1886

Chapter 4

The Mining Industry and the Miners' Work
in the Forest

The forest now is numerous got of late,
Since married men come here to speculate;
Where once a little turfen but did stand,
You'll see a noble house and piece of land.
Nail-roads you see, and tunnel through Hay hill;
From Bilson coalworks, down to Bullo Pill.
Protheroe! thy name is to the Forest dear,
For many thousands thee hast ventured here;
Deeper thy pits than any here before,
The lowest vein of coal for to explore.
They were but shallow pits in days of old -
They'd not the knowledge then, as I am told;
But though here was not then great learning's store,
It was much better for the labouring poor;
Men loved their masters - masters loved their men,
But those good times we ne'er shall see again.

Catherine Drew, The Forest of Dean in Times Past
Contrasted with the Present
(Coleford, 1841)

The settlement which the Crown and the miners had worked out at the end of the thirties and in the early forties lasted effectively until the late sixties. The controversy about rights and customs which began again then coincided with two periods of union agitation - from 1870 to about 1877 and from 1882 to 1885 - which will be examined in this section of the thesis. Except for the years 1871 to 1874, union in the Forest was remarkable principally for its weakness. The Chapters which follow will seek to explain that weakness without, in the first instance, invoking free miners' rights or other possible local sources of a backward looking social conservatism. Emphasis will be given to three main sets of reasons why union faced difficulties: the structure of the market for the Forest's coal, the way in which work in the Forest's mines was organised and the nature of inter-district organisation among miners' unions. This Chapter will look at the development of the mining industry in the Forest up to 1871, at the miners' job and at the first moves by the foresters to form a union. Chapter five will consider the problems of national union and Chapters six and seven the effect of these national and local influences on attempts to maintain district union in Dean.

There was little of isolated antiquity about the Forest's mining industry in 1871. With the development of its railways, this chapter contends, the Forest had become exposed to competition from other coalfields. Most of its output coming from a small number of relatively large collieries whose principal trade was in household coal, the

Forest stood in the shadow of the Welsh and Midlands districts. The model of the restricted trade of the free miners, able to set the price of their coal through their "bargainers", gave way to the competitive melee. At the same time, within the pit, the model of the four "veens" working cooperatively had given way to the "butty system" in which the collier became a sub-contractor, a small scale employer and entrepreneur, bargaining for his "contract" and relying for his profit on the labour of the men he employed.

Between 1841 and 1871 the Forest's output of coal increased almost sixfold, from 145,136 tons to 837,893 tons. Up to 1860 output had grown steadily, with few setbacks, from an index number of 22 in 1841 to 89 in 1860: a fourfold increase. There was a marked slump, however, in the early sixties and, from 1863 to 1869, little increase in production. Though a good deal more volatile the output of iron ore showed the same rough trends: expansion, though uneven in character, to 1860; a trough from 1861 to 1863; and then a plateau in the late sixties. (Tables 4.1, 4.2 and Figure 4.1)

The tendency, evident before 1831, for production to be concentrated in the hands of a few firms, had continued. East Dean, though it had half or less the number of collieries of West Dean, produced from one and one half to three times as much coal. That indicates a great difference in colliery size between the two districts - where "size"

Table 4.1

Coal Raised in the Forest of Dean, 1841-1885

<u>Year</u>	<u>Tons</u>	<u>Index</u> (1874 = 100)	<u>Year</u>	<u>Tons</u>	<u>Index</u> (1860 = 100)
1841	145,136	22	1864	676,627	101
1842	255,592	38	1865	778,428	117
1843	220,777	33	1866	773,447	116
1844	264,571	40	1867	774,593	116
1845	309,228	46	1868	779,839	117
1846	284,227	43	1869	761,843	114
1847	316,404	47	1870	837,184	126
1848	316,571	48	1871	837,893	126
1849	337,119	51	1872	730,409	110
1850	337,948	51	1873	790,400	119
1851	335,687	50	1874	667,069	100
1852	363,157	54	1875	700,648	105
1853	402,623	60	1876	670,009	100
1854	412,028	62	1877	638,319	96
1855	460,280	69	1878	655,605	98
1856	460,432	69	1879	779,428	117
1857	487,686	73	1880	755,156	113
1858	491,284	74	1881	813,327	122
1859	527,219	79	1882	777,497	117
1860	590,470	89	1883	709,294	106
1861	573,159	86	1884	778,046	117
1862	474,168	71	1885	826,167	124
1863	747,971	112			

Source: Dean Forest, Coal and Iron Mine Rentals, P.R.O.,
L.R.R.O. 12/113,114.

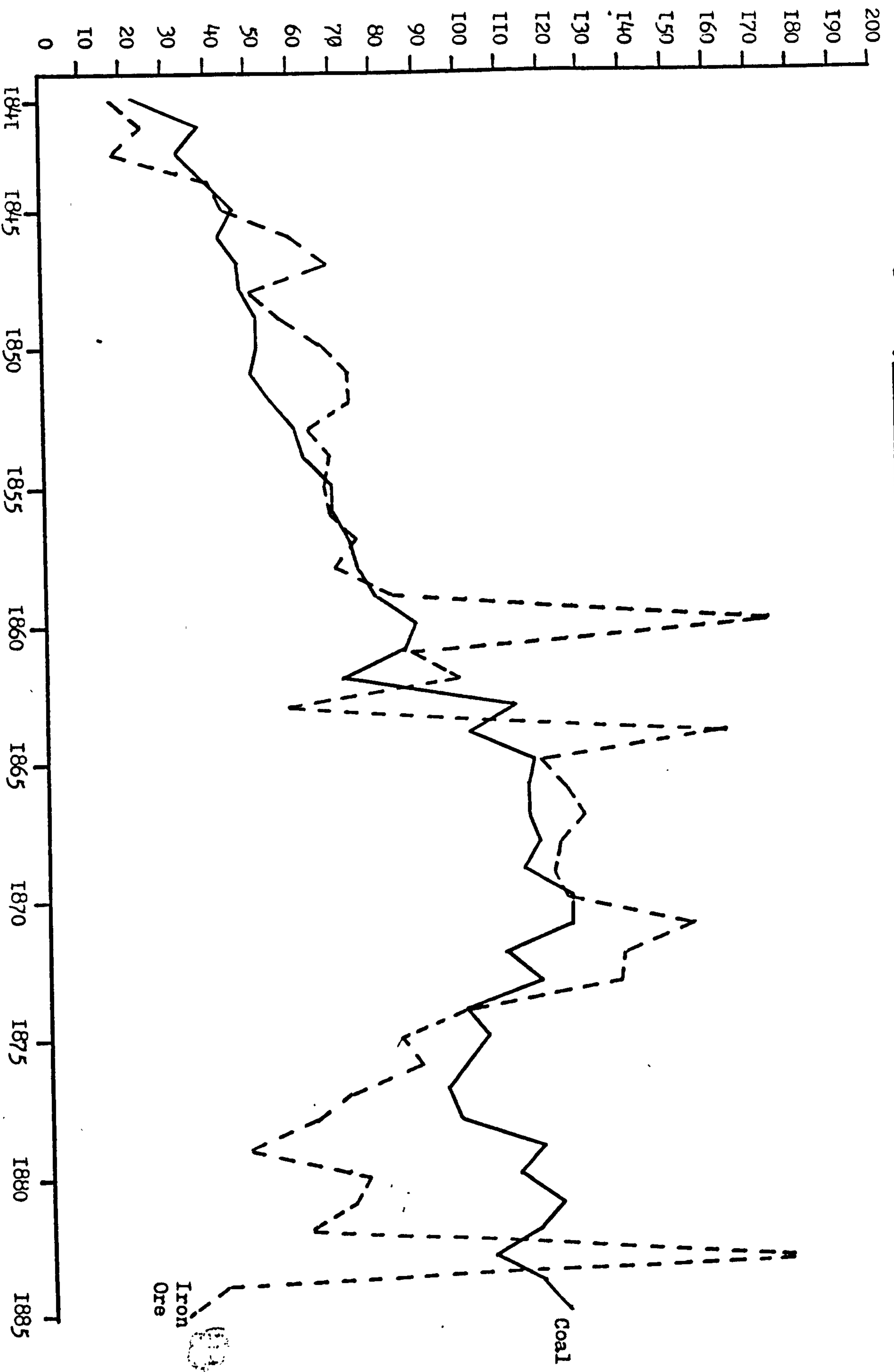
Table 4.2

Iron Ore raised in the Forest of Dean, 1841-1885

<u>Year</u>	<u>Tons</u>	<u>Index</u> (1874 = 100)	<u>Year</u>	<u>Tons</u>	<u>Index</u> (1874 = 100)
1841	18,872	17	1864	179,292	163
1842	27,537	25	1865	130,179	118
1843	19,795	18	1866	136,893	124
1844	43,717	40	1867	142,174	129
1845	49,463	45	1868	135,604	123
1846	66,032	60	1869	133,595	121
1847	76,199	69	1870	137,795	125
1848	54,507	50	1871	170,611	155
1849	63,134	57	1872	153,255	139
1850	73,990	67	1873	150,887	137
1851	80,531	73	1874	110,203	100
1852	80,907	73	1875	92,835	84
1853	69,570	63	1876	98,133	89
1854	76,205	69	1877	79,646	72
1855	73,370	67	1878	69,034	63
1856	75,042	68	1879	52,061	47
1857	82,140	75	1880	83,198	76
1858	76,622	70	1881	78,876	72
1859	91,384	83	1882	68,075	62
1860	192,074	174	1883	195,199	177
1861	95,770	87	1884	46,473	42
1862	109,056	99	1885	35,249	32
1863	62,473	57			

Source: Dean Forest, Coal and Iron Mine Rentals, P.R.O.,
L.R.R.O. 12/113, 114.

Figure IV : FOREST OF LEAN : COAL AND IRON ORE RAISED, 1841 - 1885.



Source : Tables 4.1 and 4.2.

is measured by output. Within East Dean the largest proportion of output came from a few collieries, each of which raised more than 50,000 tons per annum. In West Dean, one relatively large colliery produced 32.2 per cent of output but the rest came from those whose annual output was below 50,000 tons. (Tables 4.3 and 4.4)

Table 4.3

The number of collieries and tons of coal raised in East and West Dean, 1865-1885

<u>East Dean</u>			
<u>Year</u>	<u>Collieries</u>	<u>Tons raised</u>	<u>Per cent</u> ¹
1865	16	466,785	60.0
1870	13	569,208	68.0
1875	17	503,650	71.9
1880	20	563,132	74.6
1885	12	554,125	67.1
<u>West Dean</u>			
1865	30	311,643	40.0
1870	27	267,946	32.0
1875	36	196,998	28.1
1880	43	192,024	25.4
1885	40	272,042	32.9
<u>Total Forest</u>			
1865	46	778,428	
1870	40	837,184	
1875	53	700,648	
1880	63	755,156	
1885	52	826,167	

Note: 1 Proportion of the Forest's total output raised in East Dean.

Source: Dean Forest, Coal and Iron Mine Rentals, P.R.O., L.R.R.O. 12/113, 114.

The six collieries which produced over 50,000 tons in 1870 accounted altogether for 72.4 per cent of the Forest's total output in that year. They were: the Resolution (and Safeguard), the Soundwell (Lightmoor), the Foxes Bridge, Crump Meadow and Trafalgar pits, in East Dean, and the New Fancy in West Dean. The first two of these belonged to Mr Henry Crawshay, a son of Mr William Crawshay, the Welsh ironmaster. Henry Crawshay, in partnership with Mr Osman Barrett, also owned Foxes Bridge. The Crumpmeadow had belonged to Aaron Goold, Edward Protheroe's agent in 1831, and had come by inheritance to his sons Alfred and Thomas. All these men were foreigners, as was Mr James Sully, whose Parkend Coal Company owned the New Fancy. Only the brothers Thomas and William Brain, masters at Trafalgar, were free miners.¹

The coal, iron ore and iron processing industries of the Forest depended closely on each other. Iron mining and making were of course closely related: furnaces in Dean took almost two thirds of the ore raised there in 1869. (Table 4.5) The furnaces in turn supplied iron to the tin and wire works at Lydbrook, Cinderford, Parkend and Soudley.² The mills and furnaces together took about one fifth of all the coal raised in the Forest - in the three years for which we have any data. (Table 4.6)

¹Dean Forest, Coal and Iron Mine Rentals, P.R.O., L.R.R.O. 12/113, 114; Register of Free Miners, P.R.O., L.R.R.O. 5/8.

²R. Meade, 'The Iron Industries of Gloucestershire, Forest of Dean,' Mining Journal, 1 April 1876.

Table 4.4

The Number of Collieries in each Size Category
in East and West Dean, 1865-1885

(a) East Dean

<u>Year</u>	<u>Collieries</u> (No.)	<u>Output</u> ¹ (tons)	<u>Per Cent</u> ²	<u>Average</u> <u>Output</u> (tons)
<u>I. 0 - 5,000</u>				
1865	5	4,246	0.9	849
1870	4	8,178	1.5	2,045
1875	2	6,008	1.2	3,004
1880	10	11,946	2.1	1,195
1885	3	3,450	0.6	1,150
<u>II. 5,000 - 50,000</u>				
1865	8	186,701	40.0	23,338
1870	4	41,538	7.3	10,385
1875	11	185,119	36.8	16,829
1880	5	116,221	20.6	23,244
1885	4	91,074	16.4	22,769
<u>III. 50,000+</u>				
1865	3	275,838	59.1	91,946
1870	5	519,492	91.2	103,898
1875	4	312,523	62.0	78,131
1880	5	434,965	77.3	86,993
1885	5	459,601	83.0	91,920

(b) West Dean

<u>Year</u>	<u>Collieries</u> (No.)	<u>Output</u> ¹ (tons)	<u>Per Cent</u> ²	<u>Average Output</u> (tons)
<u>I. 0 - 5,000</u>				
1865	15	17,822	5.7	1,188
1870	15	24,436	9.1	3,258
1875	25	36,347	18.5	1,454
1880	33	36,612	19.0	1,109
1885	31	40,269	14.8	1,299
<u>II. 5,000 - 50,000</u>				
1865	14	203,358	65.3	14,526
1870	11	157,143	58.7	14,286
1875	11	160,651	81.5	14,605
1880	9	98,436	51.3	10,937
1885	7	90,777	33.4	12,968
<u>III. 50,000+</u>				
1865	1	90,463	29.0	90,463
1870	1	86,397	32.2	86,397
1875	-	-	-	-
1880	1	56,976	29.7	56,976
1885	2	140,996	51.8	70,498

Notes: ¹Total output of collieries in that size category in that year.

²Proportion of the district's output produced in that year by collieries in that size category.

Source: Dean Forest, Coal and Iron Mine Rentals, P.R.O., L.R.R.O. 12/113, 114.

Table 4.5

Disposal of Iron Ore from the Forest of Dean,
1855-1869

<u>Year</u>	<u>South Wales</u> (tons)	<u>Stafford- shire</u> (tons)	<u>Bristol</u> (tons)	<u>Bullo.¹ Pill</u> (tons)	<u>Used in Forest</u> (tons)	<u>Total²</u> (tons)
1855	20,810	31,042	-	-	40,756	92,608
1856	39,450	12,000	-	-	57,818	109,268
1857	49,049	21,773	-	-	56,732	127,554
1858	34,652	16,288	-	-	56,712	107,652
1859	22,587	18,524	1,726	-	63,455	106,292
1860	10,572	11,131	767	-	67,996	90,466
1861	33,020	483	3,444	-	62,468	100,499
1862	49,718	978	-	8,617	99,595	158,908
1864	51,210	32	335	14,741	64,164	130,492
1866	57,904	-	2,074	6,000	90,101	156,079
1868	50,068	257	-	-	110,403	160,722
1869	60,449	-	-	-	104,801	165,250

Notes: ¹Sent to both Wales and Staffordshire

²These totals include small amounts of ore from mines not within the Forest and, therefore, not included in the totals of Table 5.2.

Source: R. Meade, 'The Iron Industries of Gloucestershire, Forest of Dean,' Mining Journal, 1 April 1876.

Table 4.6

Disposal of Coal from the Forest of Dean
in 1867, 1868 and 1870

	1867 (%)	1868 (%)	1870 (%)
By Rail	36.31	36.98	33.24
Coastwise	18.96	20.16	22.05
Land Sales	9.67	9.43	9.04
Household Total	64.94	66.57	64.33
Forest Works	19.06	18.26	20.44
Canal	7.57	6.82	7.50
Manufacturing Total	26.63	27.67	27.94
Foreign	0.17	0.10	0.01
At Collieries and By Colliers	8.26	8.25	7.72
	<hr/>	<hr/>	<hr/>
	100.00	100.00	100.00
	<hr/>	<hr/>	<hr/>

Source: R. Hunt, Mineral Statistics of the United Kingdom

(Geological Survey,, 1867, 1868, 1870)

But the most important markets were outside the Forest. The iron making and processing industries of South Wales and Staffordshire were important, both taking a substantial proportion of the Forest's iron ore and pig for further working. Perhaps two thirds of the coal raised in the Forest went to the household coal trade of southern and south-western England. The house coal trade varied with the seasons, demand reaching its peak in the winter and falling away again in the spring and autumn. The exact timing of those movements and their extent in any particular year could be affected by unseasonably good or bad weather, by gales or snow which disrupted shipping in the Severn, or rail traffic, and by merchants who built up or reduced stocks with a view to manipulating price. As well as such local influences, the competition of other districts was important. From the early thirties the Forest's masters had complained of competition from Wales and Staffordshire. That problem did not ease over the century. By 1855 the further development of its railways had linked the Forest to the Great Western and the Midlands railway systems.¹ Table 4.7, showing the tonnage of coal carried by the Midlands railways in 1873 and 1874 indicates just how puny Gloucestershire was in comparison with those districts which shared its rail distribution networks. Alfred Goold complained of this to the Dean Forest Mining Commissioners in 1871. Asked if he could compete successfully with

¹Mining Journal, 10 February 1855, p.92.

South Wales or the Midlands, he answered:

Certainly not. We are within 12 miles of Gloucester, or less, as the crow flies, and yet the Midlands can compete successfully with us. Thus, if you take Cheltenham, we are within twenty miles of that town, and the complement of coal supplied to Cheltenham is 120,000 tons a year, and the most that the Forest sends is 15,000 tons a year. ¹

Markets which might once have belonged to the Forest had become more open, especially when, as the Forest masters alleged, the railway companies charged freight rates which favoured the large producing districts and allowed them to bring coal to the south of England at prices which pressed the Forest hard.² Mr James Sully confirmed Goold's evidence. He complained that "the north country coal has been sent down by railway to Exeter, and also that north country coal, having been discharged from vessels at Exeter, into trucks, has been sent by railway into Dorsetshire and Somersetshire".³

As a market force the Forest was plainly insignificant. As Mr Arnold Thomas, a coalowner, put it in 1882; "If the district were wiped off the slate tomorrow it would hardly make a bit of difference".⁴ The Forest, therefore, could never take the lead in setting prices,

¹Report of the Dean Forest Mining Commissioners, 1871 (hereafter D.F.C., 1871), P.R.O., F.26/19, p.30. On the Commission, see below pp. .

²Forester, 20 September 1884.

³D.F.C., 1871, p.55.

⁴Dean Forest Mercury, 1 December 1882.

Table 4.7

Coal Carried on the Midland Railway
in 1873 and 1874

<u>From:</u>	<u>1873</u> (tons)	<u>1874</u> (tons)
Derbyshire	5,197,550	5,252,740
Yorkshire	1,872,312	1,497,738
Leicestershire	1,074,816	1,049,664
Nottinghamshire	967,000	1,005,587
Gloucestershire	293,069	224,013
Durham	143,896	171,150
Warwickshire	158,799	162,512
Staffordshire	106,484	60,590
Lancashire	41,045	36,316
South Wales	36,690	154,876
	<hr/> 9,891,661 <hr/>	<hr/> 9,615,186 <hr/>

Source: R. Meade, 'The Iron Industries of Gloucestershire, Forest of Dean', Mining Journal, 18 March 1876.

it was "obliged to follow":

Their experience had taught them, that, when they had taken a position which was untenable, and in opposition to more powerful people, they found their position a somewhat microscopic one. In other words, when they in the Forest had said, "We will do this, or that, or we dont care about opponents", they had sorrowfully to confess afterwards they had made mistakes, as other districts had taken their trade, and the result was... they had to submit to months of reduced output, arising from the fact that they had attempted to do more than they had strength to do. 1

The consequences, for wage bargaining and the union, of that situation we shall see later. For the moment we shall turn from the mining industry to the miners. How many of them were there? Where in the Forest did they live? What was the miners' job and how was it organised? Answers to these questions will help later in understanding the nature of unionism in the Forest.

For evidence about the number of people employed in mining we must turn to the census enumerators' books. Table 4.8 shows the proportions of employed males in each of twelve occupational categories for East Dean, West Dean and the total Forest in 1851 and 1871. The categories were devised, firstly, in order to differentiate workers in the various industries of the Forest and, secondly, because of the often vague job descriptions used in the census enumerators' books. Descriptions such as "works in pit" or "at ironworks" do not allow fine discrimination among types and grades of workers. The category

¹Ibid.

Table 4.8 Occupations of Employed Males in the Forest of Dean, 1851 and 1871

	EAST DEAN				WEST DEAN				TOTAL FOREST				INCREASE 1851 - 1871					
	1851		1871		1851		1871		1851		1871		East Dean		West Dean			
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%		
Clerical, Non-Mining, Professional	24	1.0	38	1.0	14	0.7	29	0.9	38	0.9	67	1.0	14	58.3	15	107.1	29	76.3
Shopkeepers, Merchants	186	8.0	302	8.3	151	7.8	207	6.6	337	7.9	509	7.5	116	62.4	56	37.1	172	51.0
Industrial Trades	119	5.1	171	4.7	96	5.0	158	5.0	215	5.1	329	4.9	52	43.7	62	64.6	114	53.1
Metal Workers	88	3.8	154	4.3	83	4.3	234	7.4	171	4.0	388	5.7	66	75.0	151	181.9	217	126.9
General Labourers	281	12.1	531	14.7	292	15.2	426	13.5	573	13.5	957	14.1	250	89.0	134	45.9	384	67.0
Colliers	841	36.2	1570	43.4	871	45.2	1294	40.9	1712	40.3	2864	42.2	729	86.7	423	48.6	1152	67.3
Iron Ore Miners	158	6.8	398	11.0	72	3.7	342	10.8	230	5.4	740	10.9	240	151.9	270	37.5	510	221.7
Other Mining	51	2.2	63	1.7	25	1.3	56	1.8	76	1.8	119	1.8	12	23.5	31	12.4	43	56.6
Stone and Quarry	202	8.7	159	4.4	93	4.9	181	5.7	295	7.0	340	5.0	-43	-21.3	88	94.6	45	15.3
Agriculture	250	10.8	126	3.5	100	5.2	111	3.5	350	8.2	237	3.5	-124	-49.6	11	11.0	-113	-32.3
Wood and Timber	49	2.1	47	1.3	75	3.9	81	2.6	124	2.9	128	1.9	-2	-4.1	6	8.0	4	3.2
Miscellaneous	73	3.2	62	1.7	54	2.8	42	1.3	127	3.0	104	1.5	-11	-15.07	-12	-22.2	-23	-18.1
Total	2322	100	3621	100	1926	100	3161	100	4248	100	6782	100	1299	55.9	1235	64.1	2534	59.65

Source: Census of England and Wales 30 March 1851, P.R.O. H.O. 107/1,959/1,976/2,444; 2 April 1871,

P.R.O., R.G.10/2,596-2,605/2,686/5,296-5,300.

"industrial trades" includes carpenters, blacksmiths and others who might have been employed at factories or mines but who might equally have been independent of them. (Table 4.8)

Coal and iron mining and iron making and processing had become relatively more important as employers of labour. Employing about forty per cent of the male workforce, coal mining was the largest of the categories in 1871. In East Dean the number of colliers had grown by almost ninety per cent between 1851 and 1871, increasing their proportion in the workforce from thirty six to forty three per cent. In West Dean, however, the proportion of colliers fell from forty five per cent to forty per cent in the same period. The numbers of iron miners increased by over 200 per cent and those of metalworkers by 127 per cent. The stone, wood and agricultural industries on the other hand, suffered a relative decline. Where those groups made up almost a fifth of the male workforce in 1851, they were only about a tenth of it in 1871. The decline was most marked in agriculture, which lost about one third of its workforce.

Coal and iron miners lived in the parishes surrounding the Forest as well as within its borders. Bringing together the number of miners in the parishes and the Forest allows the construction of a table showing the number of miners in the Hundred of St Briavels at each of the census dates between 1841 and 1871. The same information may be obtained, from the annual reports of the Mines Inspectors, for each year from 1874 to 1880. In 1871, when the

Table 4.9

Colliers, Iron Ore Miners and Employed Males
in the balance of the Hundred of St Briavels
in 1841 and 1871

	1841				1871			
	Coal	Ore	Employed Males	% ¹	Coal	Ore	Employed Males	% ¹
Abinghall	-	-	85	-	-	21	95	(22.1)
Little Dean	55	9	247	22.3	64	17	293	21.8
Flaxley	5	6	57	8.8	61	11	392	15.6
Lea Bailey	4	-	50	8.0	18	6	72	25.0
Mitcheldean	1	-	222	-	-	35	240	-(14.6)
Newland	144	47	1,209	11.9	141	241	1,460	(3.9) 9.7(16.5)
Ruardean	58	3	309	18.8	115	5	335	34.3
Starenton	-	-	53	-	-	7	57	-
	<u>267</u>	<u>65</u>	<u>2,232</u>	<u>12.0</u>	<u>399</u>	<u>343</u>	<u>2,944</u>	<u>13.6</u> (11.7)

Note: ¹ Colliers as proportion of employed males. The figure in brackets is the proportion of employed males who were iron ore miners in certain parishes.

Source: Census of England and Wales, 6 June 1841, P.R.O., H.O. 107/364/365; 2 April 1871, P.R.O., R.G. 10/2,596-2,605/2,686/5,296-5,300.

Table 4.10

Employment in Coal and Iron Mining

in the Hundred of St Briavels and Forest of Dean,

1841-1885

<u>Year</u>	<u>Coal</u>	<u>Iron Ore</u>	<u>Total</u>
1841	1,544	236	1,780
1851	2,066	289	2,355
1861	2,732	533	3,265
1871	3,375	1,114	4,489
1873	-	2,322	-
1874	5,050	2,055	7,105
1875	4,694	1,860	6,554
1876	4,433	1,790	6,223
1877	4,148	1,814	5,962
1878	3,985	1,683	5,668
1879	4,291	1,627	5,918
1880	3,830	1,758	5,588
1881	4,419	-	-
1882	4,115	-	-
1883	4,167	-	-
1884	4,213	-	-
1885	4,240	-	-

Source: Census of England and Wales, 6 June 1841, P.R.O., H.O. 107, 364/365; 30 March 1851, H.O.107/1959/1976/2,444; 7 April 1861, R.G.9/1754-1,758/1,814/3,978-83; 2 April 1871, R.G.10/2,596-2,605/2,686/5,296-5,300; R.G.Hunt, Mineral Statistics of the United Kingdom (Geological Survey, 1873-1885).

Forest's miners formed their first union, the potential membership of coal and iron miners was 4,489. (Tables 4.9, 4.10)

How were the miners distributed around the Forest? Unfortunately it is not possible to provide for sub-areas of the Forest a set of tables showing development, or the lack of it, over time. Changes in the boundaries of the census enumerators' districts from one census to another, together with poor identification of the places covered by each enumerator's book, make that impossible. We may, however, group enumerators' districts for the 1871 census and consider them in conjunction with the first edition of the ordnance map of the Forest which was published in 1873. The groupings of census districts are shown in table 4.11 and their approximate locations, along with those of the principal collieries and concentrations of iron, tin and wire works, in Figure 4.2. The census districts were grouped in this way either because the boundaries shown are the only ones which may be located on the ordnance map with any degree of confidence, because they take in a complete settlement separated from others by woodland or by some other natural barrier, or in order to allow East Dean and West Dean to be distinguished. Thus groups e and k are the villages of Cinderford and Parkend and groups q and d as well as j and g are separated by the borders between East and West Dean. The large central area of the Forest had no significant population. Where there was a family living in, say, a

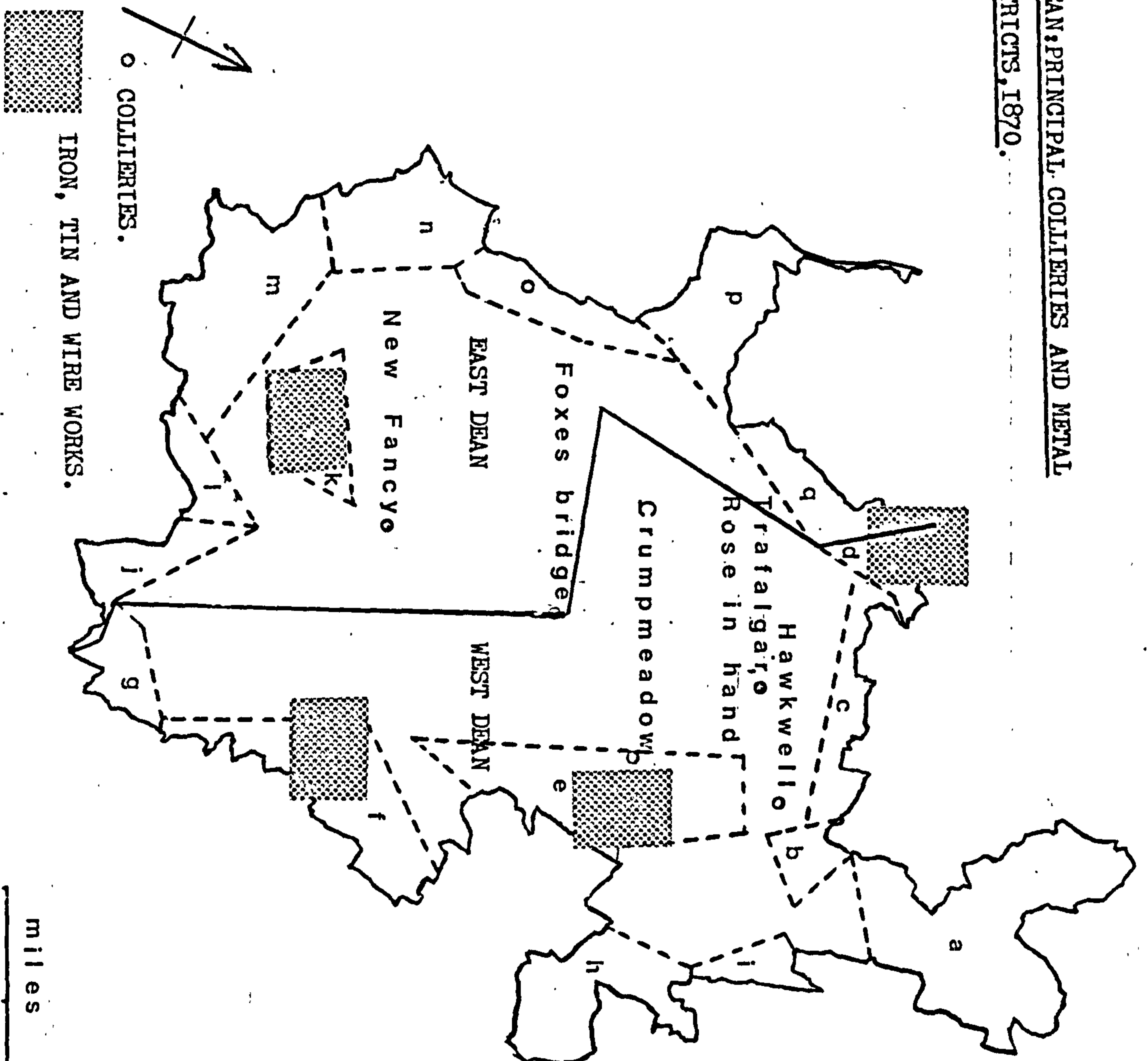
Table 4.11

Census Enumeration District Groups
for East and West Dean, 1871

East Dean		West Dean	
<u>Group</u>	<u>Census Districts</u>	<u>Group</u>	<u>Census Districts</u>
a Wigpool	1-3	j Viney Hill	2
b Drybrook	4,5	k Parkend	1
c Ruardean Hill	6-8	l Yorkeley	3
d Lydbrook	9,10	m Breams Eaves	4-6
e Cinderford	11-16	n Clearwell	7
f Soudley	17-18	o Lane End	8,9
g Blakeney Hill	19-20	p Christ Church	10,11
h Popes Hill	21-22	q Hangerberry	12,13
i Plump Hill	23-24		

Source: Census of England and Wales, 2 April 1871, P.R.O. RG 10/2,596-2,605/2,686/5,296-5,300; Six-inches-to-a-mile, Ordnance Survey of Gloucestershire, County Series (1st ed., 1873).

Figure V : FOREST OF DEAN: PRINCIPAL COLLIERIES AND METAL WORKING DISTRICTS, 1870.



Key

- a Wiggpool
- b Drybrook
- c Ruardean Hill
- d Lydbrook
- e Cinderford
- f Soudley
- g Blakeney Hill
- h Pope's Hill
- i Plumpp Hill
- j Viney Hill
- k Parkend
- l Yorkeley
- m Bream's Eaves
- n Clearwell
- o Lane End
- p Christchurch
- q Hangerberry

0 1 2
miles

Table 4.12

The Concentration of Certain Occupations
in East Dean, 1871

<u>Occupation</u>	<u>Districts</u> ¹	<u>%</u> ²
Metal work	D,E,F	97.4
General Labourer	E,G	62.2
Collier	B,C,E,	74.7
Iron Ore Miner.	A,F,H,I	58.5
Stone and Quarry	A,B,C,G	65.4
Agriculture	A,F,H	63.5
Wood and Timber	B,G,H	44.7

Notes: ¹Enumeration District Groups in which: (a) the proportion of males in that employment is above the proportion of males in that employment in East Dean as a whole and
(b) in which there were at least ten per cent of the men employed in that occupation in East Dean.

²The number of men and boys in each occupation in the listed districts as a proportion of the total numbers of men and boys in that occupation in East Dean.

Source: Appendix Tables 4.5 and 4.6

Table 4.13

The Concentration of Certain Occupations
in West Dean, 1871

<u>Occupation</u>	<u>Districts</u> ¹	<u>%</u>
Metal Works	K,Q,M	81.7
General Labourer	K,L,M	63.2
Collier	J,L,O,P,Q	78.7
Iron Ore Miner	M,N	80.4
Stone and Quarry	N,O	46.3
Agriculture	P	37.9
Wood and Timber	J,O,P	70.3

Notes: ¹Enumeration district groups in which: (a) the proportion of males in that employment is above the proportion of males in that employment in West Dean as a whole and (b) in which there were at least ten per cent of the men in that employment in East Dean.

²The number of males in each occupation in the listed districts as a proportion of the total numbers of males in that employment in East Dean.

Source: Appendix Tables 4.7 and 4.8.

cottage attached to a colliery, the employed males there have been counted in the nearest of the groupings shown in table 4.11.

Tables 4.12 and 4.13 list the enumeration district groups and the occupations particularly concentrated in them. "Concentration" is measured in two ways: firstly, the proportion which that occupation is of the sub-districts' workforce should be above the proportion which it is of the workforce of East or West Dean; and, secondly, the number of males in that occupational category in the district should be ten per cent or more of the total number of men in that category for the whole of East or West Dean. A concentration of workers in a sub district must thus, to be noticed, be both a significant proportion of the total number of workers in the industry as well as of the number of all workers in the sub district. The tests of "significance" are no more than arbitrary but, though crude, will still prove sufficient to the purposes of this chapter.

The metalworkers tended to concentrate in groups q and d around Lydbrook; in k and m near Parkend; in e around Cinderford; and in f around Soudley. The colliers favoured the areas near the large pits, in Drybrook, Ruardean Hill and Cinderford in East Dean; Viney Hill and Yorkeley in the south easter corner of the Forest in West Dean; and the Lane End, Christchurch and Hangerberry districts along the western borders. The iron ore miners tended to Wigpool, Plump Hill, Popes Hill and Soudley in East Dean; and to Bream's Eaves and Clearwell in the West.

Cinderford stands out in contrast with the other enumeration district groups. Sixty per cent of the clerical and non-mining professionals in East Dean lived there as did over half the shopkeepers and merchants. Three quarters of the metalworkers and half the labourers, almost half the colliers and a quarter of the iron miners and wood and timber workers lived there. No other district had such a concentration of all the occupations. (See Appendix Tables 4.6-4.8)

Attending more closely to the colliers: they clearly dominated the workforce, were sixty per cent or more of it, in four of the seventeen district groups. In another five groups four or five out of every ten workmen were colliers. But in eight district groups, three men, or fewer, in ten were colliers. Clearly there is no basis here for treating the Forest as an homogeneous area - so far at least as occupations are concerned - or for seeing the colliers as an especially isolated occupational group. In their area of highest concentration, near Drybrook, three men in ten were not colliers: in thirteen districts five men in ten were not colliers.

If not all foresters did the same work, nor did all "colliers". That term disguises differences among those who worked in the pits, in their levels of skill and their place in the labour process. There are two points to be made about the miner's job. Firstly, some contemporaries thought of it as a skilled trade and not merely as a mechanical, manual labour. Secondly, the miners were organised in work gangs in which some men were sub contractors

and others were dependent day labourers.

It is no novelty now to argue that the miner's job required skill as well as physical strength - despite the absence of formal apprenticeship barriers to entry to the trade.¹ The collier's basic task was to bring coal down from the working face and to take it out of the pit. But the exact way in which that was done varied a great deal from seam to seam, from working place to working place in the same pit and from time to time in the same working place. It was necessary not only that the coal be brought down but that it be in a saleable condition: large blocks of coal were required; the small and dust were separated at weighing and the miner paid little or nothing for them.² Normally, perhaps one third of the coal sent out might be small but the inexperienced man would send out more of it and, since he was paid by the piece, per ton of large clean coal, suffer for it on payday. Dust in the coal, bands of stone, clay or shale, was also penalized if it became mixed with the coal sent out in the skips. In the

¹See C. Fisher and J. Hagan, 'Piecework and some of its Consequences in the Australian Printing and Coal Mining Industries, 1850-1930', Labour History, 25 (1973); F. Reid and A. Campbell, 'The Independent Collier in Scotland', in R. Harrison ed., The Independent Collier (1978); and the introduction to A. Campbell 'Honourable Men and Degraded Slaves' (Warwick Ph.D., 1977). The account which follows of the coal seams and the miner's work in Dean is based on H.R. Insole and C.Z. Brenning, 'The Forest of Dean Coal field', British Society of Mining Students, Journal, v, vi (1881); J.S. Joynes, 'Description of Seams and some of the methods of working coal in the Forest of Dean,' Ibid, xi (1889).

²Miner and Workman's Advocate, 25 June 1864.

small seams of the Forest, the majority of them less than two feet in thickness, there were numerous dirt bands, each requiring different techniques of separation from the coal. The relatively high "Thick Lowrey" seam, for example, which ran from three to three and one half feet high, was made up of:

Roof: strong shale
Dirt: 3 inches thick
Top coal: 20 inches thick
Clod: nil to 3½ feet (where it becomes unworkable as one seam)
Bottom coal: 22 inches thick

From time to time a miner in this seam had to work in the bottom or top clod, in order to free the coal, to work with dirt bands of varying size and even, where the middle clod was particularly thick, to treat the coal as though it were two separate seams and to use the difficult and troublesome techniques that demanded. All this lying on his side, resting his hips and shoulder on a board, swinging his pick entirely with the forearms, using his knee as a pivot and working into the progressively narrower slit he drove into the clod.

There was no gas in the Forest to cause the difficulties and disasters which plagued other fields (in general the Forest's accident rate was low. See Appendix Table 4.9) but there was the problem of water. Shaped like a basin, the field trapped water which worked through the porous sandstone strata overlaying the coal and into the workings or into abandoned pits where it collected in reservoirs which could burst into the places of unsuspecting men cutting through the coal too close by. At

best, the presence of water in the coal made tools hard to handle and the work difficult and uncomfortable. More seriously, in particularly heavy rains, some pits became altogether unworkable and water in the roof and floor strata made it impossible to control them. In his autobiography, Timothy Mountjoy, the leader of the Forest miners in the A.A.M. period, described one such breaking through of the water from the "old men's workings":

One day as my place had worked up too near some old workings full of water, and the underground Bailiff asked me to come with him, and make some preparations where the water should run if it broke in very suddenly, we went up to where this water was running through the cracks down into the horse road from there into some deep workings at the top of the road, we went up and we put some long sticks all across the road, and some planks up against the other sticks to prevent a quantity of rubbish coming down with the water into the road where our horses did work. We had just finished, and taking a whiff, when to our great surprise we saw the whole body of water heaving out; my partner got over the fence we had put up, and made his escape with a good wetting; our lights were both put out, there was nothing to be seen or heard but the rush of water I stopped a moment to think what I had better do, If I stopped where I was the foul air would kill me, so I made a start, and was swept away with the flood, and carried fourteen yards down into the horse road, covered with water and skudge. The rush of water shifted me, and I found an upright stick, and with the aid of the stick put up under a broken cap, I scrambled up on my feet in an exhausted condition...The first thing I saw was a dozen men with lights wading through the water to find me, believing I was drowned; many of them wept with joy to see me yet alive. 1

¹Timothy Mountjoy, Life of a Forest of Dean Collier..., pp.41-42.

The Underground Bailiff appeared in this incident but, spread out over miles of underground working, the miners were largely independent of supervision. This was a frequent source of complaint from the Mines Inspectors, who were concerned with the question of safety:

...a visit once a day is considered adequate supervision...no colliery proprietor in this district will require his overmen or deputies to visit every working place more than twice a day, and but few will consent to its being done more than once a day. 1

Conditions were not uniform throughout Britain. In the south west the problem, as the inspectors saw it, of inadequate supervision, was far more a cause for concern than it was in the north east:

In the north of England collieries, which exhibit a smaller proportion of accident than any others, there are in collieries employing 400 persons, 2 overmen, 2 back-overmen, 20 deputies, 10 inspectors and wastemen, 4 furnace men and safety lamp-keepers, and 18 other persons, in all 56, in what may be termed the safety staff, for superintending, properly ventilating the mine and old workings, for keeping up the roads, setting timber, removing obstructions, and doing all things necessary for safety. According to Mr T.T. Hall, one sixth of the persons employed in the north of England collieries belong to the safety staff.

The arrangement in this district is different; the colliers themselves set the timber in the stalls instead of the deputies, and one overman and six firemen would have the whole of the supervision over 400 persons, which in the north of England would be distributed amongst 34 persons. 2

Since he was left pretty much to himself in this way, it was the skill and care of the individual miner which

¹Report of the Mines Inspector, South Western District, 1855 (P.P., xviii, 1856), pp. 121-2.

²Ibid, 1856.

mattered in the day to day working of the pit:

The circumstances of a mine are constantly changing. After every withdrawal of coal, as the working face advances, fresh danger may arise and the safety of each place depends on the individual care and attention of the collier in charge of it, and on him rests the responsibility of timbering and securing the place in the best possible manner... It is highly desirable that the best and most skilled men should be put in charge of working places. A colliers work cannot be learnt in a day; it is only after long experience that a man can master the difficulties of his occupation, and to the old hands we must look to initiate and instruct the younger men who are working with them... 1

And, as for the hewers, so for the timbermen:

The principal safeguards on which miners must rely against these accidents are careful and intelligent attention to the timbering of the roof and sides, and keeping a constant watch for any change or peculiarity which may appear in the overlying strata. The responsibility of securing his place rests with the collier, subject of course, to the direction of the overman or fireman, or other officials of the mine; and very considerable skill and knowledge of the local peculiarities of the seams worked are necessary to make a good timberman. For this reason it is very desirable that young men should be practically trained in this branch of their duty, and have the benefit of the experience of old and tried colliers who by years of service have become acquainted with the best ways of dealing with the dangers and difficulties which are daily and hourly presenting themselves.

The top and sides should be tested by sounding very frequently, this being almost the only way in which a dangerous place in the stratification can be detected, and a piece of ground which to the eye would show no sign of danger, on being struck will give out a sound that at once tells an experienced ear that it is not firm, and precautions should then be taken against accident. 2

¹Ibid, 1883 (P.P., xix, 1884), p.273.

²Ibid, 1886 (P.P., xxii, 1887), p. 283.

The question of whether the miner was a skilled man came to the surface when miners were trying to control entry to their trade. Thus in 1874 when the South Welsh, Somerset and Forest of Dean men were trying to impose a financial penalty on men entering the pits for the first time the Examiner addressed itself to Dr Adam Smith's view of the matter in an article which is worth quoting at length for its summary of the terms of the debate:

Some angry discussion in the several districts has recently been going on as to whether it is reasonable or just to impose a premium to be paid by a man commencing to work in a pit who has not been accustomed to do so, and much misconception evidently exists on the part of some as to the kind of labour he is called upon to perform - that is, whether it is a mere muscular and mechanical performance or one requiring judgement and the exercise of skill. If it is merely the former the collier is simply a common labourer, and the kind of employment in which he engages is of a kind which by common consent is free and open to all. If it is the latter it belongs to the class of skilled labour, in order to qualify for which other branches as in the case of artificers, artisans, and mechanics, the laws and customs of Europe, as Dr Adam Smith says, impose the necessity of apprenticeship. Adam Smith, it is true, speaks of a collier as only a labourer, in contrasting his wages for eight hours with those earned by a journeyman blacksmith in twelve; but the distinguished father of English political economy probably knew little about the skill required in mining, and might easily have been led into an error in his classification. The Somersetshire and South Wales colliers view the matter differently. They hold that it is an employment requiring a degree of skill, the want of which might not expose their own lives only, but theirs (sic), to loss of life or limb in a variety of ways; hence they have insisted upon a consideration in the form of a contribution to their accidents, widows, and orphans fund, and other funds of the union. True, boys on entering the pit have not to bind themselves apprentices, any more than they have in other trades where indentures are dispensed with; but where they are equally expected to serve under certain well defined forms and regulations for a specified time. They have, nevertheless, to undergo a course

of training which ultimately fits them for performing a higher class of work with ability and safety to themselves and others. From the more mechanical operations of opening and shutting a door he rises to horse driving, waggoning, loading, or sub-filling, and finally to setting a tree, getting the coal, and holing. A man who has gone through this process of training usually, but not uniformly, becomes an apt and clever workman. His skill is observable in his face, in setting his timber, and in his roof, and in the condition in which his coal is turned out. The high wages and short hours which have of late raised the condition of miners have naturally tempted men to engage themselves to work in a pit who have had no such previous training, and their want of it is at once evidenced to an experienced miner by their awkwardness in handling a tool, holding a candle or moving their bodies, and to be of use either to themselves or their employers. They are indebted to their fellow workmen for instruction, and are necessarily a tax upon, and an inconvenience to their butty workmen in many ways.

Go to the place of an unskilled collier, and you find it all confusion; you dare not trust yourself in it until you have made a personal examination. His props are set regardless of purpose; he does not prepare his coal for a natural fall, but hacks it to dust; he complains of having a bad place, and that his coal is more difficult to get than others, and he generally requires double the quantity of blasting powder his neighbour does; his roof is the very worst in the pit, and he gets the very worst timber sent him. In one sense the inexperience of a miner is its own punishment, where he is thrown upon his own resources, and he is dependent upon his own exertions, He is by no means so valuable a servant to his employer or the proprietor of a mine as another, for the force of his arm and that of his master's powder are expended with the least result, whilst the coal is reduced to slack. ¹

As well as attending to the skilled nature of the miner's work, it is also important to consider the way in which the employers mobilised that skill. They did that

¹Forest of Dean Examiner, 22 May 1874.

in the large collieries in the Forest through the "butty system":

The getting and haulage of the coal in large Collieries is done by contract. The contractor and his mate or marrow (here called "Butty",) undertakes to get the Coal and load it into tubs at the face of the stall, also to bring materials required from bank which are found by the Owners. In each stall the Contractor and his Butty, (who employ an additional man and boy), get and fill the coal: if two shifts are worked per day, the contractor takes charge of one and his partner the other.

...The coal from the face is taken by a contractor to the shaft; where another contractor onsets or "hitches" the coal and delivers it to the loading place, where at some Collieries the large coal is separated by screens and at others simply raked.

In fact the whole of the getting of the coal is done by contract, very few men being employed directly by the owners, and at one colliery... the underground Enginemen are employed by a contractor. 1

The coalowner paid the butty so much per ton of clean, large coal sent out, the contract, and the butty then paid his men, the daymen, at a fixed rate per day. The butty had to work his men so as to have some profit left to him when the wages of the underhands and his other expenses had been paid. The butty had discretion to offer his men more or less money depending on his assessment of their capacities and capabilities.²

¹H.R. Insole and C.Z. Brenning, 'The Forest of Dean Coal field'..., p.78.

²See for example: Colliery Guardian 5 August 1870; and the Forest of Dean Examiner, 21 November 1873 and 28 November 1873.

He also had the power of employment and dismissal. Indeed, the butty was an employer in his own right: not on the scale of the "charter masters" of Staffordshire who took in whole pits or sections of a pit to work, but employers nonetheless.¹ Timothy Mountjoy, the miners' agent in Dean during the A.A.M. period, tells us in his autobiography of the day that a collier lad started work. He did not go to a personnel office or even to a manager, but went down the shaft and then from stall to stall asking for work.² The power of employment was not unimportant, given the variable nature of the house coal trade. At the beginning of spring as trade slackened off and the prices of the house grades fell, the demand of the butties for labour also fell. Customarily the young men left the pits and went into the countryside to work at the harvest, returning to the coal when the weather cooled in the autumn and work on the farms slackened.³ Many men had a

¹"Whilst in Staffordshire I invariably made mention in my annual reports of the nature and tendency of the charter master system. In some places in my present district coal and ironstone are also got by contract, but it is not the absolute possession of the pit and exclusive mastery over the people that prevails among the Butties of South Staffordshire". Report of the Mines Inspector, South Western District, 1861 (P.P., xxii, p.862) p.73. And see H.S. Jevons, The British Coal Trade (Newton Abbot, 1969), pp455-457.

²T. Mountjoy, Life of a Forest of Dean Collier..., p.9.

³See, for example, Colliery Guardian, 3 August 1867 and 7 September 1867.

dual life over the cycle of the year as colliery daymen and agricultural labourers. The rate at which men were laid off and the rate at which pay altered as the seasons changed was the choice of the butty men. Within that larger cycle the butties adjusted to the fluctuations of demand at their own pits by working more or less turns per week or by working overtime:

...butty men... contract to get coal from a stipulated area at so much per ton, and in turn employ labourers. It is this latter class who make so little time when trade is slack; the butty men, naturally enough as masters of the situation, can generally find enough to do while they can send their labourers home. ¹

The daymen seem indeed to have been almost a casual labour force who suffered or benefited from every shift in the wind of trade. We can imagine that they experienced all the uncertainties and the relationships of dependency with their immediate masters that afflict any casual labour force.

No wages books or company accounts are available for the Forest of Dean in this period but a number of wages sheets were submitted to delegate meetings of the district union as evidence in disputes and these allow us some insight into the operation of the butty system. The first set of sheets refers to the two fortnights in March 1874 worked by four companies of men at the collieries of William Brain. Brain had sent the sheets to the delegate meeting in support of his contention that the men concerned were making relatively good money and that they could afford

¹Colliery Guardian, 31 July 1885.

to take a cut in wages because of bad trade. The delegate board did not contest the validity of the accounts but instead decided that they could not support the men in resisting cuts. Unlike the first set of accounts the second date from the period immediately after the breaking of the boom of the seventies. They were offered to delegates as proof that "there were exceptional cases in which the butty men were unable to get for themselves any money after paying their underhands". Though exceptional they do perhaps indicate the way in which the fortunes of the butty men could vary. The third account was submitted by two butty men in support of an application for help in taking the master to court in order to recover unpaid monies. The form and the content of the account were not in question, only whether the money had been paid.

Several features of these accounts are noteworthy. There is the variation in the earnings of the butty men. Brain's butties earned as little as ten shillings per day on average and as much as $21/6$. Samuel Sellsell and Jude Williams earned on the other hand, in the last month of 1874, less than they had to pay out to their undermen, and were left with $6/2$ to divide after a month's work. The rate for the daymen remains more stable, though in most cases well below that earned by the butties. The percentage added to the daymen's rates, the result of union agitation in the favourable conditions of the boom, of course varied as the depression deepened and the union lost strength. We notice also that the rate paid to different men was not uniform and that the number of days that different men in the same work

Table 4.14

Some Wages Sheets for Forest of Dean

Colliers, 1874-5

(A) March, 1874.

I William Meek's account fortnight ending £15.13.6
7 Mar. 1874:

Paid to:

Moses Meek, 9 days @ 3/8	1.13.0	
Richard Meek, 9 days @ 2/6	1. 2.6	
James Pritchard, 9 Days @ 3/4	1.10.0	
40 per cent	1.14.0	<u>5.19.6</u>

Equal to 21/6 per day for Wm Meek
working 9 days only. 9.14.0

fortnight ending 21 Mar. 1874: 16. 9.9

Paid to:

Moses Meek, 10½ days @ 3/8	1.18.6	
Richard Meek, 10½ days @ 2/6	1. 6.3	
James Pritchard, 10½ @ 3/4	1.15.0	
40 per cent	2. 0.0.	<u>6.19.9.</u>

Equal to over 18/- per day on 10½ days 9.10.0

2 Thomas Phillips' account fortnight ending 6.10.0
7 Mar. 1874:

Paid to:

Phillip Nichols, 5 days @ 5/-	1. 5.0.	
G. Kear, 5 days @ 5/-	1. 5.0.	<u>2.10.0.</u>

Equal to 16/- a day for Thomas Phillips
at 5 days 4. 0.0.

fortnight ending 21 Mar. 1874: 6.12. 3

Paid to:

Phillip Nichols 9 days @ 5/-	2. 5. 0	
Equal to nearly 10/- a day	<u>4. 7. 3</u>	

3 Elijah Mathews' account, fortnight ending 18. 7. 9
7 Mar. 1874:

Paid to:

Elijah Mathews, 9 days @ 3/8	1.13.0	
Jos.Roberts, 9 days @ 3/4	1.10.0	
J. Baggs, 9 days @ 3/8	1.13.0	
S. Powell, 9 days @ 3/8	1.13.0.	
Two boys, 9 days @ 3/4	1.10.0	
40 per cent	3. 4.0	<u>11. 3. 0</u>

Equal to 16/- per day at 9 days for
Elijah Mathews. 7. 4. 9

fortnight ending 21 Mar. 1874:

£24. 1. 9.

Paid to:

Elijah Mathews	11 days @ 3/8	2. 0.4	
J. Powell	11 days @ 3/8	2. 0.4	
S. Powell	9 days @ 3/8	1.13.0	
J. Baggs	9 days @ 3/4	1.10.0	
Jos. Roberts	9 days @ 3/4	1.10.0	
Two boys	9 days @ 3/4	1.10.0	
	40 per cent	4. 1.0	14. 4. 8.
Equal to 18/- per day			<u>9.17. 1</u>

4 Joseph Baldwin's account fortnight ending 7 Mar. 1874:

Paid to:

1 man	9 days @ 3/8	1.13.0	
Geo. Roberts	9 days @ 3/4	1.10.0	
Two boys	9 days @ 3/4	1.10.0	
	40 per cent	1.17.0	7.12. 0
Equal to 16/9 per day on 10½ days			<u>8.16.10</u>

(B) Account of Samuel Saysell and Jude Williams for first fortnight of December 1874:

Earnings

6 carts @ 10d	5.0	
293 carts @ 7½d	9. 3.1	
for cleaning ginney road	1. 0.0	
add 10 per cent		11. 8.10

Paid to:

George Evans	12 turns @ 5/6	3. 6.0	
Thomas Wright	10 turns @ 5/-	2.10.0	
Joseph Walden	8 turns @ 5/6	2. 4.0	
Wm Hall	10 turns @ 5/6	2.15.0	
Thomas Fry	2 turns @ 5/6	11.0	
Henry Thomas	11 turns @ 2/4	1. 5.8	12.11.8
		Loss of	<u>1. 2.10</u>

second fortnight of December 1874:

Earnings

15 carts @ 10d	12.6	
311 carts @ 7½d	9.14.4	
drawing 24 supports		
add 10 per cent	2.0	
		<u>11. 9.7.</u>

Paid to:

Geo. Evans	10 turns @ 5/6	2.15.0	
Thomas Wright	11 turns @ 5/-	2.15.0	
Jos. Walden	4 turns @ 5/6	1. 2.0	
John Saysell	4 turns @ 5/6	1. 2.0	
Thos. Fry	2½ turns @ 5/6	13.9	
Walter Hall	9 turns @ 5/6	2. 9.6	
Henry Thomas	10 turns @ 2/4	1. 3.4	12. 0.7
		<u>Loss of</u>	<u>11.0</u>

They had as well 5/- a yard on the cross headings which they let to Saysell's brother, excepting a few yards, and having relet the heading work at 4/- raised their net earnings by £2, which left them 6/2 to divide between them. In the first fortnight Saysell worked 6½ turns and Williams 11. In the second Satsell worked 8 and Williams 7 turns.

(C) Account of Shellah Russell and Joseph Burris
January to May 1874:

Earnings:

Preparing the Lowery Brow at Waterloo Colliery	16.10.0
Sinking pit from the Lowery seam to the Starkey seam	83. 0.6
Drove 16 yards and 2 feet of heading in the Regulator Colliery at 15/- per yard	12.10.0
Worked Regulator Colliery engine 19 turns at 6/- per turn	<u>5.14.0</u>
	<u>117.14.6</u>

Paid to:

Charles Coleman	10½ turns @ 6/-	3. 3.0	
Edward Davis	11½ turns @ 5/-	2.17.0	
William Morgan	9½ turns @ 6/-	2.17.0	
James Hall	4 turns @ 6/-	1. 4.0	10. 1.0
			<u>107.13.6</u>

Russell and Burris thus made an average of £5.7.8 each per week, assuming that there were ten fortnights in the period.

Sources: (A) Forest of Dean Examiner, 22 May 1874.

(B) Forester, 7 January 1875; Forest of Dean Examiner, 8 January 1875.

(C) Ibid, 5 June 1874.

gang put in varied. This is most marked in the second set of accounts for the period of slack work in the winter of 1874. While Thomas Wright worked eleven days for Saysell and Williams in the second fortnight of December 1874. John Saysell worked only four and Thomas Fry two and one half. There seems to be a clear difference between the earning potential of the butty and the underman. Perhaps there were exceptional cases in which the buttyman had little or no return but when the bargain he had made with the manager was a fair one, when demand was up and prices were high the butty was probably able to make a good deal more than the dayman. Unless that were so on average it is difficult to see how the system could have gone on. Unless there was some incentive for men to undertake risk it would have been difficult to persuade them to give up the at least predictable and relatively irresponsible position of the dayman. Certainly in March 1874 the four men that we know about earned between ten shillings and twenty one and sixpence per day on average, while the best of the experienced men employed by them made only three shillings and eightpence plus forty per cent. Perhaps the difference in normal times was not so spectacular but the peak demand for house coal in winter and the impact of falling demand in the spring, which fell first on the regularity of the daymen's work, made a permanent difference between the economic experience of dayman and butty.

These accounts suggest something also of the variety of the collier's work and of the ways in which his earnings might be made up. While the principal source of earnings was the cutting of coal to be sent out of the pit for sale there were other jobs to be done. The pit had to be developed: that is, roads had to be driven out through the bulk of the coal so that working places might be turned away and where the pit worked more than one seam or a seam had been broken or displaced by a geological fault, smaller drifts or pits had to be made within the mine. If pillars were extracted the space left, the goaf, had to be packed with stone or with timber supports or perhaps stone or timber left in earlier work had to be shifted so as to allow the roof pressures to shift from roadways or working places. At some pits men were employed to do this work. In others the colliers did it along with their other work. In either case the buttyman had to bargain for the work and the rate to be paid for it. Saysell and Williams made part of their money for cleaning the road and drawing roof supports. The third account indicates that Russell and Burris made most of the pay over a five month period from this "off hand" work. They made ready a section of seam to be worked by other men, sank a pit from one seam to another, drove headings and worked the pumps at another pit owned by the same master. For this they made an average of £5.7.8 per week over that period. The highest amount they paid out to a dayman in that time was £3.3.0 to Charles Coleman for 10½ turns or a fortnight's work. Again we note the

differing periods worked by the daymen: James Hall had only four turns from them. We may note also in the second set of accounts that Saysell and Williams had made a bargain for heading or road work at four shillings a yard. They let the cross headings to Saysell's brother and the headings to other men. This was not an act of charity to a brother or to brother colliers but a bargain which realised a profit of two pounds in the month for the butty men.

Here then was the context within which union in Dean would have to work. The Forest was not a single-occupation community in which a uniform occupational group-colliers-cultivated solidarity in splendid isolation from the rest of the world. There were other types of workers whose industries, iron mining, making and processing and agriculture, were closely linked to coal. A man who worked at the harvest in the summer and went back to get coal for the furnaces or the house coal trade in winter when demand for mining labour rose, had to look outside his own stall or his own village to make sense of his experience, of the rhythms of his working life and the rise and fall of his pay. More than to interdependence of industries within the Forest he had to look to the wider interdependence with Wales and Staffordshire which the railways had brought. Some miners, perhaps most of them, worked in a few relatively large pits: some of them in the little outcrop mines which still sold to the farmers around the Forest. Some coal miners were butty men, contractors and employers in their own right, while others formed part of a casual force of day labourers whose work and pay were variable and uncertain.

Effective trade unionism had not appeared among the Forest colliers before 1871, though there had been a number of letters of complaint about conditions in the mines in the Miner and Workman's Advocate in 1864.¹ There was also at that time an unsuccessful attempt to form a union lodge. Some men had been persuaded by a visiting Welsh miners' agent to call a meeting but the landlord of the house at which the meeting was to take place refused to allow it to begin and "we have been disappointed in making a start yet".² The Forest was a small place. If a man complained he had "the sack, and cannot get work at another place, because the one master says to another, 'That is a troublesome man; he knows too much; the sooner we send him out of the country the better. It is through such unjust acts as these that the men in the Forest of Dean are kept in subjection."³

Though no open union followed it is not improbable that some sort of covert activity continued. In December 1870 the Forester printed a letter from a "Miners' Committee" at Cinderford which indicated that the Committee had been in correspondence with miners' committees in other coal-fields.⁴ It also became clear later that the Cinderford men had corresponded with foresters who were working in

¹Gloucestershire Chronicle, 27 August 1842; Miner and Workman's Advocate, 25 June - 16 July 1864.

²Ibid, 25 June 1864.

³Ibid, 9 July 1864.

⁴Forester, 30 December 1870.

South Yorkshire, had discussed union with them and had from them copies of the South Yorkshire union's rules.¹

The first open dispute between masters and men - the first recorded dispute - broke out in July 1871 at the Trafalgar Colliery in East Dean which employed about 800 men and boys.² The masters, W.B. and T.B. Brain, had decided that a number of their daymen, those in the "rocky" seam, should be set to work for the butties and paid by the butties. The butties objected to the extra expense and struck work. They persuaded the other men in the pit, those working the "high delph" seam to join them and draw up a list of grievances which they then had printed under a block which showed two hands clasped and the motto "United we stand, Divided we Fall". They wanted fair weighing of their coal, the appointment of a check weighman, reduced deductions for dirt and small coal and increases in the level of tonnage rates. Prudently, they declared that no one man should be regarded as their leader. The Brains conceded that the butties might elect a check weighman, reduced the deductions for small coal and gave increases in tonnage rates.

Another strike followed two months later. Again it was a strike of the butties at a large house coal pit. About 600 men employed by the Parkend Coal Company, first

¹Ibid, 4 November 1871.

²Ibid, 7 July 1871.

those at the Fancy Pit and then those at the Parkend, took their tools home at the beginning of September 1871.¹ Following the Trafalgar men they wanted higher tonnage rates, weighing and a checkweigh[^] man. They also wanted a reduction of winding hours on Saturdays and to be paid at two rather than five weekly intervals.²

The masters complained in both these strikes that they could not afford to make the concessions. How would they pay for them unless they increased coal prices? If they did that they would lose the already slack summer trade and not be able to get customers back for the high prices of the winter season. But this argument soon lost its force. The market was rising and there was a strong demand for colliers, a condition made clear by agents from pits in Durham and South Staffordshire who came to the Forest to recruit men for their own works and who made the prospect of moving "up country" attractive with talk of the relatively high wages to be made there. On each day of the Parkend Strike trains left for the north carrying colliers, as many as 100 in a single day, all "in their 'very best', with bundles at back".³ That helped to bring the masters to compromise by the beginning of November. They granted an overall increase of five per cent on tonnage rates, a weighing machine and a check weigh[^]man.

¹Ibid, 15 September 1871.

²Ibid, 8 September 1871.

³Ibid, 15 September 1871.

In the third week of the strike a meeting of butties at Cinderford Town Hall had decided that it was time that they had a permanent union in the Forest. Mr Timothy Mountjoy, in the Chair, argued thus:

He would remark that his friends with him were of opinion that the demands of the Forest of Dean colliers were so moderate and reasonable that no dispassionate or thoughtful person could avoid being persuaded that a real want - and a real claim and simple justice underlay the spirit which had simultaneous possession of so large a section of the working classes. (Hear, hear) The time had come he believed when the working men must stand by each other and take united action. The time was come, he thought, when the class to which he referred should set at open defiance the tyranny and injustice of their employers. ¹

Their object, he said, was to bring all the colliers and mine workers in the Forest into a union to be built around an adaptation of the rules of the South Yorkshire miners. They wanted a hall of their own and a small subscription from every member so that they might establish a two sheet newspaper of their own - to be called the Foresters' Friend and Miners' Advocate - so that they might have the fair publicity which they believed the existing press denied them.

The union which they established at first was a "union club" which had no formal connection with any wider organisation. Mountjoy, however, in the month that the club was formed, attended a national conference of miners in Manchester from which he returned with news that the Amalgamated Association of Miners had allocated fifty pounds to be spent

¹Ibid, 22 September 1871.

"to raise us Foresters out of the darkness in which our lots have been cast".¹ Shortly afterwards a deputation from the A.A.M.'s national executive came to speak to the Forest miners who agreed that their club should become an A.A.M. branch.²

From the first, then, the union which the butties formed in Dean was part of a national organization which shaped and directed its affairs in a number of important ways. What was the character of that union? What could the foresters hope to gain from it? By joining the A.A.M. rather than another "national" miners' union, the Miners' National Association, had they committed themselves to distinctive policies and attitudes? The Chapter which follows will address itself to these questions.

¹Ibid, 24 November 1871.

²Ibid, 8 December 1871.

Appendix Table 4.1

The Number and Size of Collieries in the Forest of Dean,

1865-1885

<u>Year</u>	<u>(a) East Dean</u>			<u>Total</u>
	<u>0 - 5,000</u>	<u>5,000-50,000</u>	<u>Size¹ 50,000+</u>	
1865	5	8	3	16
1866	4	7	4	15
1867	3	7	4	14
1868	4	7	4	15
1869	5	3	5	13
1870	4	4	5	13
1871	4	7	4	15
1872	4	6	4	14
1873	7	7	4	18
1874	6	9	4	19
1875	2	11	4	17
1876	4	10	3	17
1877	8	10	3	21
1878	7	9	3	19
1879	9	6	4	19
1880	10	5	5	20
1881	7	5	5	17
1882	4	7	5	16
1883	5	5	5	15
1884	7	4	5	16
1885	3	4	5	12

(b) West Dean

Size¹

<u>Year</u>	<u>0 - 5,000</u>	<u>5,000-50,000</u>	<u>50,000</u>	<u>total</u>
1865	15	14	1	30
1866	15	12	1	28
1867	24	9	1	34
1868	18	12	1	31
1869	16	13	1	30
1870	15	11	1	27
1871	16	11	1	28
1872	24	10	1	35
1873	23	13	1	37
1874	24	15	-	39
1875	25	11	-	36
1876	25	8	-	33
1877	39	5	1	45
1878	29	8	1	38
1879	25	4	-	29
1880	33	9	1	43
1881	34	6	1	41
1882	34	5	1	40
1883	30	7	1	38
1884	25	9	2	36
1885	31	7	2	40

(c) Total Forest

Size¹

<u>Year</u>	<u>0 - 5,000</u>	<u>5,000-50,000</u>	<u>50,000+</u>	<u>Total</u>
1865	20	22	4	46
1866	19	19	5	43
1867	27	16	5	48
1868	22	19	5	46
1869	21	16	6	43
1870	19	15	6	40
1871	20	18	5	43
1872	28	16	5	49
1873	30	20	5	55
1874	30	24	4	58
1875	27	22	4	53
1876	29	18	3	50
1877	47	15	4	66
1878	36	17	4	57
1879	34	10	4	48
1880	43	14	6	63
1881	41	11	6	58
1882	38	12	6	56
1883	35	12	6	53
1884	32	13	7	52
1885	34	11	7	52

Note: ¹Number of collieries raising that many tons of coal in each year.

Source: Dean Forest, Coal and Iron Mine Rentals, P.R.O., L.R.R.O. 12/113, 114.

Appendix Table 4.2

Proportion of Coal Raised by Collieries
in each Size Group in the Forest of Dean,
1865-1885

(a) East Dean

Size

<u>Year</u>	<u>0 - 5,000</u>	<u>5,000-50,000</u>	<u>50,000+</u>	<u>Total</u>
1865	0.9	40.0	59.1	100
1866	0.8	30.7	68.5	100
1867	0.7	27.9	71.4	100
1868	0.6	23.0	76.4	100
1869	0.8	7.3	91.9	100
1870	1.5	7.3	91.2	100
1871	0.4	16.8	82.8	100
1872	2.0	24.9	73.1	100
1873	1.8	31.3	66.9	100
1874	1.8	34.2	64.0	100
1875	1.2	36.8	62.0	100
1876	2.3	46.4	51.3	100
1877	3.9	36.7	59.4	100
1878	2.6	39.0	58.4	100
1879	3.2	25.8	71.0	100
1880	2.1	20.6	77.3	100
1881	2.0	19.8	78.2	100
1882	1.1	24.0	74.9	100
1883	2.8	21.2	76.0	100
1884	2.0	19.6	78.4	100
1885	0.6	16.4	83.0	100

(b) West Dean

Size

<u>Year</u>	<u>0 - 5,000</u>	<u>5,000-50,000</u>	<u>50,000+</u>	
1865	5.7	65.3	29.0	100
1866	8.8	57.2	34.0	100
1867	14.8	47.3	37.9	100
1868	12.4	51.4	36.2	100
1869	7.5	64.1	28.4	100
1870	9.1	58.7	32.2	100
1871	7.6	65.1	27.3	100
1872	17.3	54.1	28.5	100
1873	15.6	60.7	23.7	100
1874	13.9	86.1	-	100
1875	18.5	81.5	-	100
1876	19.5	80.5	-	100
1877	21.8	38.4	39.8	100
1878	13.9	54.9	31.2	100
1879	11.5	66.3	22.2	100
1880	19.0	51.3	29.7	100
1881	22.2	37.9	39.9	100
1882	18.3	44.1	37.6	100
1883	12.7	56.5	30.8	100
1884	13.5	40.0	46.5	100
1885	14.8	33.4	51.8	100

(c) Total Forest

Size

<u>Year</u>	<u>0 - 5,000</u>	<u>5,000-50,000</u>	<u>50,000+</u>
1865	2.8	50.1	47.1
1866	3.6	39.8	56.6
1867	5.4	34.4	60.2
1868	4.7	32.7	62.6
1869	3.2	27.2	69.6
1870	3.9	23.7	72.4
1871	2.4	30.6	67.0
1872	6.5	33.5	60.0
1873	5.9	40.0	54.0
1874	5.3	49.3	45.4
1875	6.0	49.4	44.6
1876	6.8	55.3	37.9
1877	9.5	37.2	53.3
1878	6.2	44.1	49.7
1879	5.8	38.5	55.7
1880	6.4	28.4	65.2
1881	7.3	24.5	68.2
1882	5.9	29.7	64.4
1883	5.9	32.3	61.8
1884	5.7	26.2	68.1
1885	5.3	22.0	72.7

Source: Dean Forest, Coal and Iron Mine Rentals,
P.R.O., L.R.R.O. 12/113, 114.

Appendix Table 4.3

Occupations of Employed Males in East Dean in 1871

	Enumeration District Group											Total
	A	B	C	D	E	F	G	H	I	T		
Clerical, Non-Mining Professional	1	4	4	3	23	-	3	-	-	-	-	38
Shopkeepers, Merchants	21	19	22	9	167	8	23	25	8	8	302	
Industrial Trades	13	16	16	6	87	13	8	5	7	7	171	
Metal Workers	2	-	-	9	121	20	-	2	-	-	154	
General Labourers	28	23	36	23	261	44	69	34	13	13	531	
Colliers	90	222	248	142	703	24	80	51	10	10	1570	
Iron Ore Miners	45	9	16	3	103	48	36	54	84	84	398	
Other Mining	2	11	6	1	29	6	1	-	7	7	63	
Stone and Quarry	23	24	25	6	24	9	32	6	10	10	159	
Agriculture	41	6	5	3	11	19	9	20	12	12	126	
Wood and Timber	4	6	3	-	14	3	9	6	2	2	47	
Miscellaneous	5	6	3	-	19	4	10	6	9	9	62	
Total Employed Males	275	346	384	205	1562	198	280	209	162	162	3621	

Source: Census of England and Wales, 2 April 1871, P.R.O., R.G.10/2,596-2,605/2,686/

5,296-5,300.

Appendix Table 4.4 Occupations of Employed Males in West Dean in 1871

	Enumeration District Group										Total	
	J	K	L	M	N	O	P	Q				
Clerical, Non-Mining, Professional	1	5	3	8	-	8	3	1				29
Shopkeepers, Merchants	21	23	26	49	10	28	33	17				207
Industrial Traders	13	25	19	37	13	31	10	10				158
Metal Workers	1	92	3	50	15	23	1	49				234
General Labourers	24	87	79	103	24	51	29	29				426
Colliers	169	55	203	179	42	251	241	154				1294
Iron Ore Miners	6	-	7	185	90	22	31	1				342
Other Mining	-	5	8	15	8	13	1	6				56
Stone and Quarry	17	3	12	32	20	64	24	8				181
Agriculture	9	6	9	19	10	6	42	10				111
Wood and Timber	17	4	9	2	7	19	21	2				81
Miscellaneous	3	3	2	8	2	9	8	7				42
Total Employed Males	281	308	380	687	241	525	444	295				3161

Source: Census of England and Wales, 2 April 1871, P.R.O., R.G.10/2,596-2,605
/2,686/5,296-5,300.

Appendix Table 4.5 Proportion of employed males in each occupational category
within each Enumeration District Group in East Dean in 1871

	Enumeration District Group									
	A	B	C	D	E	F	G	H	I	
Clerical, Non-mining, Professional	0.4	1.2	1.0	1.5	1.5	-	1.1	-	-	-
Shopkeepers, Merchants	7.6	5.5	5.7	4.4	10.7	4.0	8.2	12.0	4.9	
Industrial Trades	4.7	4.6	4.2	3.0	5.5	6.6	2.9	2.4	4.3	
Metal Workers	0.7	-	-	4.4	7.8	10.1	-	1.0	-	
General Labourers	10.2	6.7	9.4	11.2	16.7	22.2	24.6	16.3	8.0	
Colliers	32.7	64.2	64.6	69.0	45.0	12.1	28.5	24.4	6.2	
Iron Ore Miners	16.4	2.6	4.2	1.5	6.6	24.3	12.9	25.8	51.9	
Other Mining	0.7	3.2	1.5	0.5	1.9	4.0	0.4	-	4.3	
Stone and Quarry	8.4	6.9	6.5	3.0	1.5	4.6	11.4	2.9	6.2	
Agriculture	14.9	1.7	1.3	1.5	0.7	9.6	3.2	9.6	7.4	
Wood and Timber	1.5	1.7	0.8	-	0.9	1.5	3.2	2.8	1.2	
Miscellaneous	1.8	1.7	0.8	-	1.2	2.0	3.6	2.8	5.6	
	100	100	100	100	100	100	100	100	100	

Source: Census of England and Wales, 2 April 1871, P.R.O., R.G.10/2,596-2,605/2,686/
5,296-5,300

Appendix Table 4.6 Distribution of employed males in each occupational category
among enumeration district groups in East Dean in 1871

	Enumeration District Group									
	A	B	C	D	E	F	G	H	I	
Clerical, non-mining, professional	2.6	10.5	10.5	7.9	60.5	-	7.9	-	-	100
Shopkeepers, merchants	7.0	6.3	7.3	3.0	55.3	2.6	7.6	8.3	2.6	100
Industrial Trades	7.6	9.4	9.4	3.5	50.9	7.6	4.6	2.9	4.1	100
Metal Workers	1.3	-	-	5.8	78.6	13.0	-	1.3	-	100
General Labourers	5.3	4.3	6.8	4.3	49.2	8.3	3.0	6.4	2.4	100
Colliers	5.7	14.1	15.8	9.1	44.8	1.5	5.1	3.3	0.6	100
Iron Ore Miners	11.3	2.3	4.0	0.7	25.9	12.1	9.0	13.6	21.1	100
Other Miners	3.2	17.5	9.5	1.6	46.0	9.5	1.6	-	11.1	100
Stone and Quarry	14.5	15.1	15.7	3.8	15.1	5.7	20.1	3.8	6.2	100
Agriculture	32.5	4.8	4.0	2.4	8.7	15.1	7.1	15.9	9.5	100
Wood and Timber	8.5	12.8	6.4	-	29.8	6.4	19.1	12.8	4.2	100
Miscellaneous	8.0	9.7	4.8	-	30.7	6.5	16.1	9.7	14.5	100

Source: Census of England and Wales, 2 April 1871, P.R.O., R.G.10/2, 596-2, 605/2, 686/
5,296-5,300.

Appendix Table 4.7 Proportion of employed males in each occupational category within each enumeration district group in West Dean in 1871

	Enumeration District Group									
	J	K	L	M	N	O	P	Q		
Clerical, Non-Mining, Professional	0.4	1.6	0.8	1.2	1.5	1.5	0.7	0.3		
Shopkeepers, Merchants	7.5	7.5	6.8	7.1	4.2	5.3	7.4	5.8		
Industrial Trades	4.6	8.1	5.0	5.4	5.4	5.9	2.3	3.4		
Metal Workers	0.4	29.9	0.8	7.3	6.2	4.4	0.2	16.6		
General Labourers	8.5	28.3	20.8	15.0	10.0	9.7	6.5	9.8		
Colliers	60.1	17.9	53.4	26.0	17.4	47.8	54.3	52.2		
Iron Ore Miners	2.1	-	1.8	26.9	37.3	4.2	7.0	0.3		
Other Miners	-	1.6	2.1	2.2	3.3	2.5	0.2	2.0		
Stone and Quarry	6.1	1.0	3.2	4.6	8.3	12.2	5.4	3.1		
Agriculture	3.2	2.0	2.4	2.8	4.2	1.2	9.5	3.4		
Wood and Timber	6.1	1.3	2.4	0.3	2.9	3.6	4.7	0.7		
Miscellaneous	1.0	1.0	0.5	1.2	0.8	1.7	1.8	2.4		
	100	100	100	100	100	100	100	100		

Source: Census of England and Wales, 2 April 1871, P.R.O., R.G.10/2,596-2,605/2,686 /5,296-5,300.

Appendix Table 4.8 Distribution of employed males in each occupational category
among enumeration district groups in West Dean in 1871

	Groups										
	J	K	L	M	N	O	P	Q			
Clerical, Non-mining, Professional	3.5	17.2	10.3	27.6	-	27.6	10.3	3.5	100		
Shopkeepers, Merchants	10.2	11.1	12.6	23.7	4.8	13.5	15.9	8.2	100		
Industrial Trades	8.2	15.8	12.0	23.4	8.2	19.6	6.4	6.4	100		
Metal Workers	0.4	39.3	1.3	21.4	6.4	9.8	0.4	21.0	100		
General Labourers	5.6	20.4	18.6	24.2	5.6	12.0	6.8	6.8	100		
Colliers	13.1	4.3	15.7	13.8	3.2	19.4	18.6	11.9	100		
Iron Ore Miners	1.7	-	2.1	54.1	26.3	6.4	9.1	0.3	100		
Other Mining	-	8.9	14.3	26.8	14.3	23.2	1.8	10.7	100		
Stone and Quarry	9.4	1.7	6.6	17.7	11.0	35.3	13.3	5.0	100		
Agriculture	8.1	5.4	8.1	17.1	9.0	5.4	37.9	9.0	100		
Wood and Timber	21.0	4.9	11.1	2.5	8.6	23.4	25.9	2.5	100		
Miscellaneous	7.1	7.1	4.8	19.0	4.8	21.4	19.1	16.7	100		

Source: Census of England and Wales, 2 April 1871, P.R.O., R.G. 10/2, 596-2, 605/2, 686
/5, 296-5, 300.

Appendix Table 4.9

The Number of Lives Lost per 1,000 People
Employed in the Forest of Dean and Great Britain,
1874-1880

<u>Year</u>	<u>Forest of Dean</u>			<u>Great Britain</u>		
	<u>Persons Employed</u>	<u>Lives Lost</u>	<u>Lives Lost per 1,000 Employed</u>	<u>Persons Employed</u>	<u>Lives Lost</u>	<u>Lives Lost per 1,000 Employed</u>
1874	5,050	8	1.584	538,829	1,056	1.959
1875	4,694	6	1.278	535,845	1,244	2.321
1876	4,433	4	0.902	514,532	933	1.813
1877	4,148	3	0.723	484,391	1,208	2.443
1878	3,985	-	-	475,329	1,413	2.972
1879	4,291	6	1.398	476,810	973	2.040
1880	3,830	6	1.566	484,933	1,318	2.718

Source: H.R. Insole and C.Z. Bunning, 'The Forest of Dean Coalfield', British Society of Mining Students, Journal (1881, v, vi), p.83.

Chapter 5

The General Agitation

To strike, or not to strike - that is the question.
Whether 'tis nobler in the mine to suffer
The stings and tortures of outrageous labour,
Or all combine to drop the pick and shovel,
And by a strike to end them? To strike, to work
No more; and by that act to say we end
Low wages, and a thousand ills beside
That make us suffer - 'tis a consummation
Devoutly to be wished. To strike - to rest
Our aching limbs - to claim, as with one voice,
What rightfully is ours. Ay, there's the rub -
For to what cursed fate we may be doomed,
When we have shuffled out of our employ,
Must give us pause. There's the respect
That makes us dig and delve like chain bound slaves.
For who would bear the horrors of hard work,
Bad ventilation, dangers without end,
The insolence of gaffers, and the pangs
That avaricious owners choose to inflict,
When he himself might leave the wretched job
with a bare notice? Who would these burdens bear?
To grunt and sweat under a heavy tool?
But that the dread of something in a strike,
Some undiscovered cause, may steal our cash
And bring us no returns, puzzles the will;
And makes us rather toil for others gains,
Than fly too hastily to take our ease.
Thus doubt doth make base cowards of us all;
And thus what might be won by men united
Is often thrown away without a struggle;
And enterprises that would bring us profit,
With this regard, we oft fail to engage in,
And lose the name of heroes.

(anon.) Miners' Advocate and Record, 17 February 1873.

There were two 'national' organizations of coal miners in existence in 1871 when the foresters first formed their union club: Alexander MacDonal'd's Miners' National Association, founded in 1863; and Thomas Halliday's Amalgamated Association of Miners, founded in 1869. The two Associations have been seen as rivals, distinguished by their attitudes to trade disputes. The M.N.A., on the one hand, was governed by moderates and industrial pacifists who brought their unions together to promote legislation but who did not have a common labour fund for the support of men who were on strike or locked out. The distance of the district and national leaders from their members, the commitment of the leadership to moderation and arbitration, their emphasis on Parliamentary activity and fondness for the friendship of men in high places, created a mode of unionism which stifled rather than realised the aspirations of the rank and file collier. The A.A.M., in contrast, was governed by militants whose primary concern was with wage bargaining, who were ready to use the strike weapon and who established a central strike fund to give substance to their militancy.¹ This chapter will contest the reality of this dichotomy. We will look in turn in what follows at the formation and wage policies of the A.A.M.,

¹See G.D.H. Cole, 'Some Notes on British Trade Unionism in the third quarter of the nineteenth century', International Review of Social History, II (1937); R. Challinor, Alexander MacDonal'd and the Miners (C.P.G.B. History Group Pamphlet, 48, 1967-68); R. Challinor, Lancashire and Cheshire Miners (Newcastle, 1972), chs.5-8; R. Page Arnot, The Miners (1949), pp.54-56; A.R. Griffin, The Miners of Nottinghamshire (National Union of Mineworkers, 1955), pp.20-33.

its involvement in Parliamentary agitation and the role in its work of conciliation and arbitration and argue that the distinction between the two Associations has been overdrawn.

The Amalgamated Association of Miners grew from a meeting of delegates from collieries in Lancashire at Manchester in July and August 1869. The two main items on the agenda for the first meeting were: "the cause of the present position of the Lancashire coal miners, and Its true remedy"; and "the best means of putting a stop to the reductions of wages going on in various parts of the country".¹

The delegates arrived at three main conclusions about those problems. The first was that if union were to be successful in Lancashire, and the downward trend in wage rates was to be reversed, it would not be enough to organise the colliers in that county alone: those in Wales and Staffordshire would also have to be brought into union. The second was that the new union would have to be centralised: that there should be an elected national executive with power to direct the affairs of the union subject to the decisions of delegate conferences. The third was that there should be a central labour fund for the purpose of supporting members who were on strike or locked out. The union was to begin at once to agitate for increases in wages and for reductions in the hours of labour.

¹Wigan Observer, 30 July 1869, 28 August 1869.

The decision to create a union of this sort was the product of a number of influences at work on the delegates. The first of them was the experience of unsuccessful strikes at Wigan and Farnworth in 1867 and 1868, which had left Lancashire colliers' unionism in ruins. Delegates argued that those strikes had failed because the local unions which fought them did not have the resources to maintain a long struggle against the great colliery companies like that of the Messrs Knowles at Farnworth. The existing national union, the Miners' National Association, offered no compensating power. Under MacDonald's leadership the M.N.A. had divested itself of its industrial function and had become an inter-county union only for the purpose of promoting legislation. Responsibility for the conduct of strikes remained with the districts and the support of one district for another a purely voluntary matter. The experience at Wigan and Farnworth seemed to lend substance to the analysis of those who, like Thomas Halliday, Secretary of the founding conference and first President of the A.A.M., had argued within the M.N.A. for the maintenance of a central strike fund and for centralised rather than federal union. Halliday had wanted a "national amalgamation to assist strikes and lockouts when they are unavoidable. That is what the miners want and what they expected would be done at the conferences held November 1863, in May and November 1864 and in May 1865. But this is not yet done".¹

¹Miner and Workman's Advocate, 9 September 1865.

The defeats of the sixties had made it clear too that Lancashire did not exist in economic isolation. Men and coal could move easily among Wales, Lancashire and Staffordshire, making it impossible for one county or part of a county to stand alone. The problems of Lancashire in 1869 were thought therefore to be those also of "coalfields adjacent to Lancashire" and their remedy to be amalgamated union of all those districts rather than just within the economically meaningless borders of a "county". For all those reasons the Wigan, Farnworth and Kearsley districts had decided before the July conference to send deputations to organise in other districts.¹

The A.A.M. made slow initial progress. Delegates came from North and South Wales and from North and South Staffordshire to the conference of January 1870 but the number of men represented had increased from only 6,000 at the first Manchester conference to 12,000. Slow growth matched the slowness of recovery from the fall in the coal markets which had begun in 1867 and which reached its lowest point in 1869. Delegates who had travelled to the unorganised districts reported uniformly unfavourable conditions: the masters were complaining of low prices and slack trade; the men were unable or unwilling to join in union. It should not be forgotten that the A.A.M. was very much the product of the boom which began in 1872. As late as March 1872 the A.A.M. claimed a financial membership

¹Wigan Observer, 30 July 1869.

which represented only 3.71% of the total male mining workforce in the A.A.M. regions at December 1872. (See Table 4.1) The A.A.M. consequently proceeded cautiously, making no demands but instead respectfully requesting lower hours and higher wages. As Halliday put it, to "send in an imperative notice would be dangerous, but he did not think it would be unwise to send in a respectful notice to the different employers asking them to reconsider their position and grant an advance of wages".¹

From about the Autumn of 1871, however, there were signs of an improvement as the coal trade and unionism entered on a period of remarkable prosperity. Led in the first instance by an upsurge in demand for iron, the demand for coal and the price of coal reached unprecedented levels. Where the price of coal had varied from six to nine shillings on the pit bank per ton in 1870 it had increased to over one pound in 1873.² The extraordinary scarcity and dearness of coal provoked the appointment of a Select Committee to examine the problem.³ One of the witnesses, a Mines Inspector, told of seeing colliers drinking champagne, a story which gained currency with others which suggested that the coalfields had become like the California or the Melbourne of gold rush days. On the rising market the colliers were able to restore some of

¹Ibid, 28 August 1869.

²Potteries Examiner, 12 April 1873.

³Report from the Select Committee appointed to inquire into the present dearness and scarcity of coal (P.P., x, 1873).

the cuts in wage rates which had been made after 1867, and to begin the movement which would bring the nominal working day down to eight hours in many districts by 1873.¹ Radstock, Bristol, the Forest of Dean and Cannock Chase joined the A.A.M. and the membership in Wales increased sharply. By the end of March 1872 the union had 23,676 members. The continuing rise in the price of coal and in wages, which pushed rates in some areas up to more than forty per cent over those of 1870, provided the best possible conditions for union. Between April and September 1872 membership of affiliated districts almost trebled from 23,676 to 71,224. In each half year thereafter the numbers rose, reaching a peak of 106,368 in March 1874. The proportion of the male mining workforce in union in the A.A.M. districts rose from 36.64% at September 30 1872 to 79.20 at March 31 1874. (See Table 5.1) It does not seem likely, it should be pointed out, that any of this should be attributed to the specific effects of centralised wage bargaining since the same process took place in the M.N.A.²

With the growth of the A.A.M. there came a remarkable experiment in the development of the working class press: the first syndicated labour newspapers. The syndicate, of the Examiner newspapers under the editorship

¹Wigan Observer, 8 January 1870, 22 April 1870;
Potteries Examiner, 5 October 1872, 12 April 1873.

²Glasgow Sentinel, 17 May 1873, 24 May 1873,
22 November 1873.

Table 5.1

Male Mining Workforce and Financial Membership of the
Amalgamated Association of Miners, 1871-4

	A.A.M. ¹ Member- ship	Males ² Employed (at Dec. 31)	Proportion ³ in Union
Sept. 30 1871	6,500	175,369	3.71
Mar. 31 1872	23,676		12.3
Sept. 30 1872	70,536	192,508	36.64
Mar. 31 1873	86,623		38.75
Sept. 30 1873	99,399	223,548	44.46
Mar. 31 1874	106,368		79.2
Sept. 30 1874	57,766	134,301	43.01

Notes: ¹ Financial membership at each date.

² Males employed at 31 December according to the reports of the Mines Inspectors for each of the districts covered by the A.A.M. These numbers do not include those of men employed in Cumberland, which are inseparable from the totals for a larger inspectorate in 1871-1873.

³ A.A.M. membership at each date as a percentage of males employed at December 31. Since A.A.M. membership includes the Cumberland branch from September 1872 to September 1874, the proportion in union is overstated in those periods, though not significantly. At 31 December 1874 Cumberland employed 5,678 men and, at 31 March 1874, there were 1,900 men in union, or 33.46%. The proportion of the whole A.A.M. region workforce in union, when Cumberland males are added to the workforce, is 75.99%.

Source: Potteries Examiner, 5 October 1872; Wigan Observer, 4 April 1873, 10 April 1874, 9 October 1874; Western Mail, 8 August 1873; Reports of the Inspectors of Mines, South Western District, 1871-4 (P.P., xvi, 1872; xix, 1873; xiii, 1874; xvi, 1875).

of William Owen, did not have its origins in the A.A.M., but used the A.A.M. as a vehicle. Its production of a number of journals in the districts of the A.A.M., including the Forest of Dean, makes a brief account of the scheme necessary.¹

According to his obituary, Owen was born in the Potteries in 1844, "the grandson of one who was related to Robert Owen, the social reformer".² Apprenticed by his father, who was a potter's printer, as a potter's turner, Owen became in 1868 the editor of the potters' journal, the Potteries Examiner. That he had ambitions which went beyond the publication of the Examiner became clear when he addressed the Birmingham Trades Union Congress in September 1869 on the "Necessity of Working Class Newspapers".³ Owen argued that the most liberal and sympathetic newspapers were unable to understand the working man, that no newspaper writers could fully interpret the ideas and wants of the working classes. As they stood,

...newspapers...were utterly dependent on capital, the bitter enemy of labour, and to capital they were, therefore, in most cases, subservient. The advocacy of the rights of labour had met with but few pecuniary rewards, and did not "pay". If a newspaper openly took the side of the working classes, its advertisements would soon be diminished.

¹See R. Harrison, G.B. Woolven and R. Duncan, Warwick Guide to British Labour Periodicals 1790-1970 (1977), for locations and publication details.

²Staffordshire Advertiser, 19 October 1912.

³Beehive, 4 September 1869.

Working class journals were necessary, he said, but they could not be established by private enterprise, because private enterprise meant capital. However a number of trade societies:

...might establish and carry on a newspaper on the cooperative principle. A national cooperative printing society would be a great field for the application of the principle. A working class newspaper, discussing all questions of public importance, but giving special attention to the interests of labour, would have a national influence, and would be recognised as the exponent of working class opinions. In addition to this national newspaper, each district should have a weekly working class journal. All should be printed by the national cooperative printing society, and the news in all should be alike with the exception of a page or two to be devoted to local matter.

Owen placed great emphasis on the inclusion of local matter.

Later, speaking of the Beehive, the existing national labour newspaper, he said that he thought that the reason "why the Beehive had failed to satisfy, was that it could not grasp general matters, and local trade news also, which alone could ensure its success."¹ At the Birmingham T.U.C. Owen's plans were upset by George Potter, the editor of the Beehive, who made an appeal for support for his own paper:

I must express my conviction that the chief reason that the working classes have not now advocates in the press, is that they have never rallied round and supported those papers devoted to their interests; and the best way I know of to support such a paper is to purchase it, and induce their friends to do so. The apathy of the working men is the only hindrance to their true progress; and their alleged ingratitude to former organs established in their interests is a blot which for their own sakes they ought as (sic) once to wipe away by rendering a hearty, united, and triumphant, co-operation with the Beehive the only central organ of labour at the present time in existence.

¹Labour Press and Workman's Examiner, 11 April 1874.

Congress did not adopt Owen's plan but resolved its sympathy for those working to establish papers in the interest of working men and called upon working men to give them support.¹

Failing to find concrete support for his schemes in the T.U.C., Owen took steps to realise them in 1871 and 1873 from his base in the Potteries. In 1871 he formed the Staffordshire General and Newspaper Cooperative Printing Society which took over the Potteries Examiner. The Society was composed of miners', potters' and ironworkers' lodges who sent representatives to its Governing Council and levied themselves to support the paper, which began to describe itself as the "official organ" of the miners, ironworkers and potters.² Owen extended this scheme in 1873. With William Brown, the North Staffordshire miners' agent and a member of the Society's Governing Council, he attended the annual demonstrations of the Forest of Dean, the Shropshire and the Derbyshire and Leicestershire districts. They obtained support from the meetings and from the local delegate boards for the publication of local editions of the Examiner. The Forest of Dean Examiner, the Shropshire Examiner and the Derbyshire and Leicestershire Examiner appeared shortly thereafter as the "official organ of the miners, ironworkers etc."³

¹Beehive, 4 September 1869.

²Potteries Examiner, 7 April 1871, 21 April 1871, 28 April 1871, 5 May 1871, 12 May 1871, 2 June 1871, 29 July 1871, 19 August 1871.

³Labour Press and Workman's Examiner, 11 April 1874; Forest of Dean Examiner, 2 August 1873; Potteries Examiner, 27 September 1873..

With this fait accompli, and the support of William Brown, Owen approached the executive and the October conference of the A.A.M. and obtained their support for the further extension of the syndicate.¹ The A.A.M. had, at previous conferences, decided that it was necessary that they should have a paper of their own and had experimented briefly with the Beehive but without satisfactory results. Accordingly, and since it would cost them nothing, the executive approved the plan and the conference resolved to adopt the "system of labour newspapers now published under the name of the Examiner, as a medium of intercourse and general organ of the Association".²

Before the end of 1873 Owen began publication of the Labour Press and Workman's Examiner and the Tamworth, South Staffordshire, Cannock Chase and Wednesbury Examiners. A West of England Examiner appeared in May 1874 for the Bristol and Kingswood trades. There was also a Labour League Examiner, published for the Agricultural Labour League.

Unfortunately few circulation figures are available for the Examiners. A notice of a testimonial to be raised for Owen in 1873 said that he had raised the circulation of the Potteries Examiner from 2,000 copies in 1867 to "upwards of 7,000 in 1873".³ In 1874 the South Staffordshire

¹Potteries Examiner, 18 October 1873, 27 September 1873, 8 November 1873.

²Ibid.

³Potteries Examiner, 5 April 1873.

Examiner sold 2,000 per week, the Forest of Dean Examiner, 1,500 and the Labour League Examiner, 4,000: according to Owen.¹ There were two types of financial support for the papers: in the one, as in the case of the South Staffordshire Examiner, lodges levied themselves to support them and the price was one penny; in the other, as in the Forest of Dean, the district "guaranteed" the sale of a certain number of copies and the price was one penny half penny.

What was important about the Examiners was not that they attempted to imitate the Beehive or any other national paper but that in accordance with the plan that Owen set out in 1869 they attempted to root themselves in the localities. This was an important parallel development with that of the structure of the A.A.M. itself. In 1874 at the peak of its development the A.A.M. was made up of forty five separate districts of an average size of 2,364 members.² Their interdependence was crucial, but they each had their own sets of market conditions, employers, local traditions and peculiarities and unevenness of development to contend with. Where the Examiners were published they helped, through the articles and editorials on the union and the

¹Labour Press..., 11 April 1874. For the previous attempt by the A.A.M. to establish a paper of its own see the Wigan Observer, 22 April 1870, and for the experiment with the Beehive, the Beehive, 15 October 1870 and and S. Coltham, 'George Potter, The Junta and the Beehive', International Review of Social History v, vi (1965).

²Potteries Examiner, 11 April 1874.

labour movement generally, to weld the parts to the whole: and they did this in part by devoting space to local issues and problems which could then be interpreted in the light of the developing experience of the movement as a whole. Employer aggression in one region, the behaviour of local politicians or the movement of prices and wages in the region could be related to similar developments elsewhere and a coherence given to the overall union structure - in print at least - which it might not otherwise have had.

A central executive, half yearly national conferences, a strike fund under central control and, associated with it, a syndicated labour press: this was the broad institutional character of the A.A.M. But what were its policies? Did the centralization and the strike fund mean that the A.A.M. had a distinctively aggressive attitude to employers and contempt for arbitration, conciliation and the legislative programme favoured by MacDonald and the M.N.A.? Were there, in the existence of the two Associations, two incompatible sets of political and social principles competing for the loyalty of the British miners?

The first point to be made and emphasized is that the A.A.M. was not intended to be a rival for the M.N.A., as Halliday made clear when he addressed a meeting of the M.N.A. in January 1870. "The Amalgamated Society had not been got up in rivalry to the National Society", he said, "its formation was made imperative by the state of trade in Lancashire in recent times".¹ MacDonald certainly did

¹Wigan Observer, 9 October 1869.

not discourage the formation of an Amalgamated Society, though he probably did not expect it to operate outside of the framework of the M.N.A. The M.N.A., indeed, called the meeting at which the A.A.M. was founded.¹ The printed agenda for that meeting was not only, as we have seen, concerned with the problem of union in Lancashire but also with the general problem of colliers' wages all over the United Kingdom. At that conference MacDonald had "suggested that an agitation should be got up throughout the kingdom in favour of an amalgamated society".² He was on his way to America when the second conference met in August, but he sent Halliday a letter to be read to the delegates. "Go on", MacDonald exhorted them, "till Wales, north and south, are in common with you; Go till Staffordshire, north and south, have joined in the same cry".

None of this is to say that those who governed the M.N.A.'s districts wished to see the principle of centralisation extended to include their own organisations. They made that clear at their conference in January 1870, when a deputation from the A.A.M. addressed them. In October 1869 the A.A.M. had decided that "some attempt should be made to amalgamate with the association".³ Correspondence followed between Halliday and the Secretary of the M.N.A. and in January 1870 the A.A.M. appointed a deputation to

¹Ibid, 14 January 1870.

²Wigan Observer, 30 July 1869.

³Ibid, 9 October 1869.

attend the M.N.A.'s conference a week later. Halliday and William Pickard, the Wigan miners' agent, attempted to reassure the M.N.A. about the stability and solidity of the A.A.M. Pickard said that:

The National Association was fully convinced long ago that a movement of this kind was absolutely necessary, and that it was desirable to secure a general confederation of miners, but the funds necessary for organising the disunited districts were wanting, and the result was that the project was not carried into effect. The agitation, however, had at length been proceeded with and the good it had produced had been seen. Many difficulties which would otherwise have had to be taken into consideration at that conference had been overcome, and the movement as a whole had been highly successful. ¹

Halliday made much the same point. "The financial position and the number of members of the Amalgamated Association of Miners", he said, "were very favourable, and the objects which they sought were the same as the National Miners' Association".

The M.N.A. delegates remained unconvinced of the stability of the A.A.M. Normansell from Yorkshire thought that until they had better organisation in the districts "it was madness to attempt to bring about an amalgamation". He approved of joint action on Parliamentary matters, "but thought they were not sufficiently organised to take up the subject of strikes and lockouts". Burt from Northumberland reminded delegates that the M.N.A.'s function was confined to "general legislative matters". A committee of delegates appointed to consider the matter produced a resolution which conference adopted unanimously stating

¹Ibid, 14 January 1870.

that:

...in the opinion of this conference we cannot at present see our way clear to take common action with the members of the Amalgamated Association of Miners in the Wage question, but as they agree with us on the general question we have in view, we respectfully ask them to join us, and contribute funds according to rule, in order to secure those objects. 1

Halliday seems to have interpreted this as a slight and thought that the deputation had not been treated well. The next conference of the A.A.M., in April 1870, resolved to make no further approaches to the M.N.A.² This, however, was mere pique. As we shall see below - and despite a reference by a delegate at the April conference to "thousands of pounds" spent by the M.N.A. "for sending gentlemen to London" - the A.A.M. and the M.N.A. did cooperate closely in promoting legislation.³ So far as the national structure of miners' organisations was concerned, the decisions of 1870 created precisely the situation envisaged by the M.N.A.: there was a number of regional unions, one of which was that of the interdependent districts of the A.A.M., each of which controlled its own strike funds and disputes policy, gave help to each other on a voluntary basis and came together for the sake of Parliamentary agitation.

From the first Halliday and MacDonald had shared the same view of the strategies which the A.A.M. - or, indeed,

¹Ibid.

²Ibid, 22 April 1870.

³Ibid.

any trade union - should adopt in dealing with the employers. In order to make this clear and to demonstrate an essential continuity between the miners' unionism of the sixties and the policies of the A.A.M., it is necessary to look more closely at MacDonald and his influence on the foundation meeting of the A.A.M. In particular, it is necessary to confront the opinion that MacDonald took a "classical liberal position" on the subject of trade unions, from which he departed only after 1873 and the onset of depression in the coal districts.¹

For the sake of a contrast which will allow us to see MacDonald's position more clearly, consider the policies of John Towers, with whom MacDonald had struggled for control of the M.N.A. in the early 1860's. Towers was an advocate of the "classical liberal position". He believed that the rate of wages depended at any time on the ratio of labour paying capital to the population of labourers and that, therefore, combinations for the purpose of raising wages were, despite their occasional short run successes, exercises in futility:

The object of our brief remarks, in which we have thus slightly touched upon a few of the leading facts relating to wages, is to point out that the payment of labour is ultimately governed by natural laws which do not admit of being transgressed...The power of preventing wages from falling unreasonably and disastrously low, so far as it exists, lies mainly with the people themselves, by the cultivation of habits of forethought, and the determination not to leave offspring who shall be worse off than themselves. 2

¹C.J. Kauffman, 'Lord Elcho, Trade Unionism and Democracy', in K.D. Brown ed., Essays in Anti Labour History (1974), p. 207.

²British Miner, 13 September 1862.

Towers set out to teach the miners the importance of the prudential virtues in place of wage oriented trade unionism. His purpose, he announced in the first issue of his journal the British Miner, in September 1862, was to "ameliorate the social condition, to elevate the mental and moral standard, to protect the interests - public as well as private - to sustain the Citizen Rights of this most important class of our countrymen"¹ Amelioration and elevation were the primary objects:

Free from all sectarian influences our pages will inculcate morality and a due observance of religious duties. Economy has been termed the daughter of prudence, the sister of temperance, and the parent of independence; we shall therefore urge upon our readers to prefer the Savings Bank to the Beer House as the depository of their surplus pence. We shall show that it is their interest to be prudent as well as laborious - that while intemperance and improvidence, rendering men reckless and dissolute, are the real sources of social degradation, temperance and economy can alone make us "healthy, wealthy and wise".

As the great and leading object we have in view is the safety of the Miner, and then to elevate his social condition, increase his comforts, and promote his general welfare, we shall press upon the legislature the necessity for improved mine inspection. To diminish, as far as possible, the perils of the men is, we are convinced, the desire of a large majority of the employers, as it is their imperative obligation. Every motive should urge this: self interest demands it. If the men feel themselves the victims of a selfish, rapacious covetousness, which treats them as beasts of burden, and drives them like oxen to the slaughter, what can be expected on their part, but sullen apathy in regard to their employers' interests? 2

¹Ibid; on the classical economists and labour more generally, see A.W. Coats, 'The Classical Economists and the Labourer', in A.W. Coats ed., The Classical Economists and Economic Policy (1971), pp. 144-180; and R.V. Clements, 'British Trade Unions and Popular Political Economy', Economic History Review, 2nd ser. xiv (1961-2), 93-104.

²British Miner, 13 September 1862.

For those purposes, the Miner recommended to its readers membership of a number of institutions: the Friend-in-Need Life Assurance and Sick-Fund Friendly Society, one of whose directors, William Whitehorne, became proprietor of the Miner in March 1863; the Reverend Solly's Working Men's Club and Institute Union, to provide alternatives to the Beer House; and the British Miners' Benefit Association.¹

The B.M.B.A. was to provide sick and accident benefits and a superannuation scheme but its great work was to be education. The prudential virtues were to be taught, through the pages of the Miner, through the establishment of schools, the offering of prizes and the encouragement of reading rooms, but so also was a proper understanding of the problem of labour and wages and of the duties of the employed to the employer.² When Towers attached himself to the movement for a new national union of miners which came from the Scots, Wigan and South Yorkshire districts in 1862 and 1863, his purpose was not to create a great trade union. He wanted a national friendly society along the lines of the B.M.B.A. and one, moreover, which would be governed from London by aristocratic patrons.³ However, despite a brilliant campaign in 1863 and 1864 in which, through the use of the language and techniques of

¹Ibid, 10 January 1863, 21 March 1863.

²Ibid, 13 September 1862, 22 November 1862.

³"A national organisation for the purpose of working the Friendly Societies Act, in connection with the Industrial and Provident Societies Act - let this be accomplished, and the great industrial classes - the wealth producers of our country, will be independent". Ibid, 6 June 1863. The rules of the B.M.B.A. are at *ibid*, 22 November 1862.

popular radicalism, he succeeded in creating an opposition to MacDonald and his supporters and came close to taking control of the M.N.A. from them, Towers slipped into obscurity after his group split off from the M.N.A. to create a rival union in 1864.¹

What of Alexander MacDonald? The central problem of the coal industry after the development of the midlands coal fields and the railway networks which made their development possible was, as Sweezy has argued, that of excess capacity.² Though there had been a great expansion in the demand for coal, according to Alexander MacDonald, there had also been over-investment and over-employment which together gave rise to the evil of over-production and, in turn, the price competition in which the masters defended their profits by battering down the price of labour, the largest of their costs:

It was generally stated that the cause of the lowering of the price of labour was the slackness of trade, but that he totally disputed. Slackness of trade as he understood it meant that there had been a falling off in the consumption of coal, and when it was stated that men were working half-time in so many districts, and that so many men were actually out of employment, there did at first glance seem to be some likelihood of the truth of the assertion that this was caused by a slackness of that kind. On looking into the matter, however, it would be found that in reality the coal trade had been gradually expanding. If the return for the past half year had shown that there was less coal consumed or exported than readily admitted that the lowering of wages was owing to a slackness of trade. He found, however, that as much coal had been produced and as much coal consumed and as much coal exported as before, and therefore he contended that the position of

¹Ibid, 26 November 1864, 31 December 1864, 7 January 1865, 17 June 1865, 15 July 1865.

²P.M. Sweezy, Monopoly and Competition in the English Coal Trade 1550-1850 (Harvard, 2nd ed., 1972), ch.x.

the miners must be attributed to some other cause. That cause he held to be over-production. Capitalists had invested enormous sums in the coal trade, and the result was over-production to a very large extent. This it was, and not slackness of trade which had caused the present state of affairs. 1

If Capital created that state of affairs, it was the purpose of union to remedy it. Union, MacDonald argued, was the miner's only and necessary defence against the market, against the savagery of 'ruinous competition'.² Though from time to time emigration, apprenticeship and other forms of craft control attracted their attention, the miners focussed their strategy principally on the market for coal.³ If over-production was the problem then they were to restrict their output and thereby force up the price of coal and, in turn, their wages. The Council of the National Association issued an address to the miners of Great Britain in January 1864 which, referring to the resolution of the founding conference to regulate their labour to a uniform eight hours a day throughout the kingdom, said:

¹Wigan Observer, 30 July 1869.

²See F. Reid and A. Campbell, 'The Independent Collier in Scotland', in R. Harrison ed., The Independent Collier (1978); A.J. Youngson Brown, 'Trade Union Policy in the Scots Coalfield, 1855-1885', Econ.Hist.Rev., 2nd ser. vi (1953-54); A. Campbell, Honourable Men and Degraded Slaves, unpublished Ph.D. thesis, University of Warwick (1976) ch.9; MacDonald's address from the chair, Wigan Observer, 30 July 1869. The British Miner's correspondence columns from the first issue to the formation of the National Association in November 1863 contain discussion of the problems and purposes of restriction as do the editorial articles of the Colliery Guardian for 1862 and 1863. See in particular the response from John Holmes, first treasurer of the M.N.A., to criticism from the Guardian, Colliery Guardian, 26 December 1863. See also MacDonald's evidence to the Royal Commission on Trade Unions (P.P., 1867, xxxii; 1867-68, xxxix; 1868-69, xxi), QQ 16,330-16,353 and 15,237-15,762.

³The Wigan miners, in their correspondence with the Scots

The Council are glad to see, by the terror shown in the impotent and blatant opposition of the Colliery Guardian and such other organs of capitalists, that the resolution of the conference meeting to restrict labour is beginning to tell. Capitalists have long told colliers that price depends upon supply and demand, and oversupply was always the cause of low wages. But when the miner uses the lessons so taught to him, so long, in such a bitter school of experience, and resolves to restrict supply, it is all wrong again....As there is no possible way of pleasing such political economists, perhaps it may be as well of the miner to please himself a little at last; and in this way it may perhaps follow, that the regulation of supply to demand will procure for the workmen, by necessity, that which they have long asked for, in the way of right and justice, in vain. 1

It was bad enough that the miners wanted to restrict output but they wanted even more than that. The Colliery Guardian, persistent advocate of free trade in men and coal, watched and detested the tendency of collier's unionism through the sixties. The principle of restriction, it thought, was nothing less than a blueprint for a conspiracy of producers against consumers:

They (the miners) believe that the present state of the coal trade has been mainly, if not wholly, brought about by reckless competition on the part of the masters; and their idea is that the cure for evil should be sought in the institution of amalgamations or unions for the regulation and restraint of production, by which means they conceive that the Mining Interest, in its aggregate of masters and men, would be able to hold the market in their grasp, and to fix and regulate prices in accordance with the interests, real or supposed, of producers alone. 2

in 1863, laid it down that there should be a national conference of miners, one of the purposes of which was to be the drawing up of a petition "praying that mining may be registered as a trade, prohibiting any person, be he who he may, being employed in mines until he was passed an examination, and proved his competency for such employment". British Miner, 2 May 1863.

¹Ibid, 2 January 1864.

²Colliery Guardian, 10 September 1869; see also 11 April 1863, 2 May 1863, 12 December 1863.

That was no new aspiration for the miners. In 1843 the national conference of the old Miners' Association of Great Britain and Ireland issued an address to the coal-owners which invited them to just such a conspiracy:

We intend to lay before you the following specific and simple plan, viz, that each colliery-owners (sic) shall be furnished with a copy of such prices as shall be thought necessary and reasonable, and which it is intended to go on the principle of making the cost price as far as labour is concerned equal or nearly so at every colliery in the trade, and to such uniformity of cost price the masters to add what they may deem a proper and reasonable return for their capital; it being our firm and decided opinion that as we risk our lives and you your money to dig from the bowels of the earth a commodity on which it may truly be said the existence of Great Britain as a nation depends, it is not too much to request that the price of that article shall be such as to give ample remuneration to both the labour and capital employed.

Something of this kind must be done. We have had to submit this year to a very great reduction of prices; and we opine if you as coal-owners get once into the path of ruinous competition by underselling each other in the market, and then endeavouring to reduce the wages to still keep a market, it is a process which is alike ruinous to both parties, and which must have a tendency to keep up a contentious war of strikes and stagnation - Labour and capital contending for the mastery; while the public as consumers reap the benefit without so much as soiling a finger.... 1

Labour and Capital were like two noble animals exhausted in battle over a piece of prey and unable to prevent a third predator, "of diminutive size and strength", robbing both of them. The same sort of invitation to recognise a community of interest in price control was there too in the address of the M.N.A. to the owners and managers of mines in Northumberland and Durham in 1864:

¹Northern Star, 16 September 1843.

...it is a fact which cannot be denied, that individuals are to be found who watch every opportunity, and who take every advantage of other employers, and in order to increase their gains often exercise an artificial pressure on the law of supply and demand both in the coal and labour market, which has a most injurious effect on the honest employer who may be wishful to do justice to the poor workman....Such artificial pressure then, by even a single individual, has sometimes caused no inconsiderable reduction of wages throughout a whole branch of industry, and likewise paralysed to some extent the commercial enterprise of many engaged in that particular branch....In all sincerity then, we are perfectly satisfied that it is to the interest of the well-intentioned employer, as well as the men, that the workmen should have some well defined and understood system of action...¹

It was to a reaffirmation of the principle of restriction that MacDonald turned after the coal markets had fallen in 1874. The "Daily Twaddle" and the "Daily Lieograph", MacDonald told the M.N.A.'s winter conference, would tell them that they were not in harmony with the views of political economy but "had they not as much right to fix the rate of wages as the newspaper to fix the price of the paper?"²

The proprietor of the 'Daily Lieograph' would no doubt give particular instructions that no more copies should be printed than was necessary to meet the demand, and if he were to see a large number of papers printed than was necessary there would be a considerable amount of profanity and knocking about. Overproduction did not pay there and it did not pay miners....They had seen the miner working for so low a rate of wages that he was too poor to pay for his own coal, and he had to steal to have a little fire. If that was the result of political economy they would have none of it. They might be called ignorant, but they wanted a law with something more for it than that.

¹Miner and Workman's Advocate, 2 January 1864.

²Glasgow Sentinel, 21 November 1874.

MacDonald had brought Mr. Lloyd Jones along to the meeting to speak on the same subject. Jones told the delegates that the "law of supply and demand" was a shadowy subject and that "they were not in the least bound to accept the interpretation of anyone on this law of supply and demand unless when they saw by their application to their own lives"¹(sic). The miners' own experience and the restriction of output were more to be trusted than political economy. There was no new departure for MacDonald or the miners in this strategy: the belief that they could and should "hold the market in their grasp" had distinguished them, from John Towers and other men who argued that union was futile, long before 1874.

Here was MacDonald's analysis of the problems of the Lancashire colliers in 1869:

In his opinion the development of the coalfields in that locality had been so great that it was possible for the Wigan district alone to meet all the requirements of Lancashire, Yorkshire and Cheshire at present. That development was still going on, and the over-production it was causing was the curse that rested on the Lancashire colliers (Cheers). Under these circumstances he held that it would be the duty of the men if possible to limit the trade, and this limitation in his opinion fell specially under the province of a trade union. ²

MacDonald agreed with Thomas Halliday that the Lancashire men should send deputations to Wales and Staffordshire. Over production and its consequences in competition among the districts made that essential:

¹Ibid and Wigan Observer, 27 November 1874.

²Ibid, 30 July 1869.

...unless labour was restricted in Wales as well as in Lancashire the action agreed by the delegates would be of no use whatever. The Welsh proprietors would enter the market and occupy the ground that ought to be occupied by Lancashire men.

The delegates did not reject this analysis: indeed it informed the whole of their response. Mr. Michael McCarty, the delegate from Leigh, said that:

...one great cause of the depression of trade was the fact that notwithstanding the reduction of wages the men continued to send up more coal than they did when prices were better, hoping by adopting this plan to maintain their weekly income at its usual amount. If men persisted in working twelve hours a day their position would never be remedied. In his district he believed the men were prepared not only to restrict their labour materially, but if necessary to put down their tools altogether until the slackness of trade was done with. (Cheers) For his part he would much rather suffer for a month and have done with it, than be called upon to endure the present state of things for another year. (Cheer) If the matter were not at once taken up the men would suffer still more; no time must be lost, for there were threats of a further reduction in all directions. It was not bad trade that had brought them to their present position but too much work, and their remedy was to work less and to get more money for what they did.

Thomas Halliday offered no alternative: he agreed completely with MacDonald. In his presidential address to the conference of the A.A.M. held in August 1869, Halliday said that:

All that was required was a common understanding and a powerful organisation. By obtaining these they would be able to put a stop to the present excessive output, and increase the marketable value of their produce. In many districts, and especially in Lancashire, wages had in recent years been reduced to the extent, he believed, of forty per cent through nothing but the competition which had arisen among the masters in consequence of the coal produced being a great deal more than could possibly be consumed. 1

¹Ibid, 28 August 1869.

It was this long established analysis, of which MacDonald was the leading exponent in the sixties, which lay behind the A.A.M.'s commitment to a campaign in which their demand was for increases in wages and shorter hours as necessarily interrelated parts of the one strategy. The link between the A.A.M. and the approach adopted by MacDonald was demonstrated clearly at the meeting of the A.A.M. held in January 1870. Adjourning at the end of the first day's sitting "it was ascertained that they were unanimously of opinion that the presence of Mr MacDonald, President of the National Association, at the conference was desirable."¹ MacDonald's presence was desirable in order to help the delegates sort out a strategy for their eight hours campaign. MacDonald attended on the third morning and advised the A.A.M. that they should take some definite action. He advised them to begin to implement the eight hours on the first of March or the first of April: here is MacDonald advising the A.A.M. at their own request and advising them to impose the eight hours unilaterally by industrial action. The meeting then resolved to commence the system on the first of April.²

Previous accounts of the A.A.M. by concentrating on the organisational differences between the A.A.M. and the M.N.A. and on the A.A.M.'s concern with wages, ignoring the relationship between wages and hours in the context of an overall argument about over-production and its consequences,

¹Ibid, 8 January 1870.

²Ibid.

have greatly exaggerated the distance between the A.A.M. and MacDonald. If there was division at these early meetings, it was not between the principles of MacDonald and those of Halliday but between those delegates who, regardless of the state of the market and the weakness of their organisation wished to make an immediate peremptory demand for wage increases and those who would go more cautiously. Halliday, like MacDonald, was cautious and a strategist:

As to the steps which should be taken at once, he trusted the delegates would proceed with great caution. Perhaps it would not be advisable to demand anything at present, but it was certainly wise that the efforts to strengthen the association should be continued. ¹

The basically cautious and conciliatory attitude of the A.A.M.'s leadership to the employers was especially clear in its policy on arbitration. The A.A.M. did not hold aloof from the vigorous movement for the settlement of industrial disputes by arbitration or conciliation, rather than by strikes, which had begun in the late sixties. On the contrary, arbitration was an important part of the union's strategy. Here again there was nothing to separate Halliday and MacDonald.

Perhaps the most important stimulus for the movement against strikes in the coal and iron districts in the late sixties came from the Royal Commission on Trade Unions, which Lord Elcho used to propagate his own version of conciliation. While the Commission drew from employers and workmen glowing tributes to the efficacy of "table talk", Elcho set to work behind the scenes.² In July 1868 he

¹Ibid, 9 October 1869.

²Elcho referred to his schemes as the "Elcho version of Coleridge's 'Table Talk'". S.R.O. Wemyss Mss, R.H. 4/40/9, Elcho to Archibald Briggs, 17 July 1868.

called a meeting at his house of Alexander MacDonald, William Pickard, Lord Lichfield, Mr Mundella, Mr Lancaster of Wigan, Colonel Hollins of the Potteries, Colonel Ackroyd and Mr Harries Creed, the editor of the Colliery Guardian and Secretary of the Masters' Association. They agreed to begin an agitation in the coal and iron districts for the formation of Boards, in anticipation of a "table talk" recommendation from the Royal Commission and the formation of a "National Association to Promote the Friendly Inter-communication of Capital and Labour".¹ There followed then a campaign in the coal and iron districts by Elcho, Lancaster, Mundella and others, in which they addressed meetings of workmen and held private meetings with employers.² The majority report of the Royal Commission produced the expected conclusion:

...we see no reason why, in every case, results should not follow from the establishment of boards of conciliation, as satisfactory as those at Nottingham and in the Potteries to which we have before referred. Under such a system, we should look hopefully for a peaceful, prosperous future for the industry of this country. And if this Commission were to have no other result than to be the means of drawing attention thus pointedly to this simple, speedy, practical way not so much of settling, as of anticipating and preventing disputes between masters and workmen, and of establishing lasting friendly relations between capital and labour, we believe our time will not have been mis-spent, and that good will come of our Inquiry. ³

¹Ibid; and see Elcho to MacDonald, 7 July 1868; Elcho to the coal and iron masters of Scotland, 6 October 1868; Elcho to Colonel Hollins, 20 October 1868; MacDonald to Elcho, 16 July 1868.

²Ibid, Elcho to Harries Creed, 23 October 1868; Harries Creed to Elcho, 22 September 1868; Hollins to Elcho, 26 October 1868; Creed to Elcho, 30 October 1868. On the early movements of Mundella, Hollins, Elcho, Lancaster and others, see the reports on arbitration in the Colliery Guardian for 1869 and 1870.

³Royal Commission on Trade Unions..., p. xxviii.

Elcho's movement failed in the face of employer opposition, but the campaign he set in motion helped define a commitment to arbitration and conciliation as part of that reason and respectability which the coal and iron unions felt obliged to display to the "public".

MacDonald's participation in the movement to find an alternative to strikes was consistent with his restrictionist solution to the problem of wages. He did not condemn strikes out of hand. After having given evidence on 29 April 1868 to the Royal Commission on Trade Unions, MacDonald came back to give evidence again on 5 May. He came, he said because a "statement has been made repeatedly here by witnesses on the other side that advances come by the employers spontaneously. During the whole course of my life I have never known but one solitary instance in which the advance was not the result of a pressure by combination".¹ Again, he said:

I am satisfied upon the whole, and am able to show on the whole, that strikes, although in those periods (of over-production) to which I have referred they have proved disastrous, yet as a whole they have been a gain to the men in wages. I will put it thus: I am satisfied upon the whole that combinations have given more to the workmen by an advance of wages than the loss has been on the other side in the way of privations or in the way of destitution caused by them. ²

In other words the strike was useful in forcing masters to grant rises on the rising market but not where there was "over-production". With coal at bank the masters could

¹Ibid, Q. 16,330.

²Ibid, Q. 16,346.

easily starve the men into submission and, in the course of a long strike, demolish the union. The strike was only a superficial remedy:

I have to say that I am firmly convinced that even had those strikes not occurred, there would have been the same amount of want of work extended over a greater period, because in these periods there was over production, and the over production was bound to be removed either by a strike or by the men getting only two or three days work in the week. ¹

Under those circumstances the union should avoid pointless strikes and, though fencing them off as long as possible, accept the inevitable reductions.² Arbitration was essential in order to minimise losses and to prevent the destruction of the union in strikes.³

Thomas Halliday was hardly less committed to arbitration than MacDonald. As early as the conference of January 1870 it was clear that Halliday had taken important initiatives in the matter. He introduced to the conference Mr William Lester, a coalowner of Wrexham, who was to propose to the delegates a new scheme of arbitration. Lester said that Halliday and Pickard had been to his district to discuss his plans and that they had decided together to recommend a clause for the Mines Regulation Bill which would give the Board of Trade power to conduct compulsory arbitration of disputes. Halliday and the conference approved of the scheme. No weak conciliation of the Elcho sort for Halliday

¹Ibid, Q. 15,604

²Ibid, Q. 16,343-4.

³The miners' leaders accepted in practice the fluctuations of the market and the notion of a fixed relationship between prices and wages long before 1874, though of course it was only after that time that formal agreements embodying the relationship in "sliding scales" were made

but compulsory arbitration.¹

As with the A.A.M.'s commitment to legislative action we may trace through the reports of successive conferences a consistent support for arbitration and conciliation. William Owen addressed the delegates in October 1870, Mr Alexander MacDonald in October 1871, Mr Rupert Kettle in October 1872, Mr Tyrell (a district court judge) and Mr Lloyd Jones in April 1873: all of them advocating arbitration or conciliation in one of their varieties and all meeting with approval and support.²

This support was not merely symbolic. From 1871 the A.A.M. attempted, though with little real success, to establish Boards of Arbitration in all its member districts and to have all disputes settled by sweet reason rather than by strikes.³ Halliday was one of the strongest advocates of reason. He hoped "that this conciliatory spirit may deepen and widen - grow and grow until strikes and lock-outs should be unknown amongst them".⁴ In 1873 he was the

in the coal industry. This is a matter which the Webbs seem to have misunderstood in writing that "The compulsory maintenance in good times and bad, of the workman's standard of life was thus gradually replaced by faith in a scale of wages sliding up and down according to the commercial speculations of the controllers of the market". S. and B. Webb, History of Trade Unionism (1894), p. 325.

¹Wigan Observer, 8 January 1870.

²Ibid, 15 October 1870; Potteries Examiner, 7 October 1871, 12 October 1872, 5 April 1873.

³Ibid, 12 May 1871.

⁴Ibid, 5 October 1871.

author of a resolution which read:

That this conference recommends the various districts of the association to do all in its (sic) power to make an arrangement with the employers to form Boards of Conciliation and Arbitration, by which any disputes which may arise between both parties may be amicably settled, without having recourse to the barbarous mode of strikes, and that the Executive render all the assistance in their power to establish such boards. Further, we consider that the time has arrived when the settlement of these disputes may be easily effected. 1

There is an interesting echo in this of Alexander MacDonald's evidence to the Select Committee on Coal in May of that year.²

Arbitration had played an important part in the union's activities in South Wales. In 1871 the A.A.M. had taken charge of a wages dispute which had broken out there. From the beginning of the strike the colliers and Halliday had asked to have the matter referred to arbitration but the owners had refused. After the strike had gone on some time without result, MacDonald intervened. He met Sir George Elliot M.P., one of the principal coalowners, to discuss an arbitrated settlement. They met Halliday in the lobby of the House and with the help and influence of Lord Elcho were able to bring about a reference of the dispute to, and its settlement by, arbitrators.³

¹ *Ibid*, 5 April 1873.

² Select Committee on Coal (1873), Q. 4923. MacDonald said: "I look upon strikes as the barbaric relic of a period of unfortunate relations between capital and labour...".

³ *Ibid*, QQ 5,242-5,244, evidence of Halliday and QQ 4,923-4,924, evidence of MacDonald.

Halliday made use of the same connections in 1872 and 1873 when it seemed that the agreement might break down. In April 1872 Elcho wrote to MacDonald to tell him that he had had word from Elliot that a strike was brewing. "Pray do what you can to stop this," Elcho wrote, "and make these wild Welshmen stand to their agreement as settled by arbitration".¹ As the probability of a strike grew towards the end of the year Halliday wrote to Elcho to ask for an interview, which Elcho graciously granted him.² They, along with Elliot, Bruce and Mundella, were able to work out an agreement which kept the "arbitration collieries" at work, though another section of the Welsh colliers, those working for the ironmasters, entered on a strike.³ Earlier in the year, when Halliday had written to Elcho to convey the A.A.M.'s thanks for his work on the Mines Bill, he had added: "seeing what that unions among both workmen and employers engaged in the coal trade are assuming gigantic dimensions your Lordship will perform invaluable service to the whole community if you can again bring the employers and the representatives of the miners together in order to talk over and agree upon some principle of settling disputes and differences by arbitration all over the mining districts".⁴ Halliday was not at all

¹S.R.O. Wemyss Mss. R.H. 4/40/10, Elcho to MacDonald, 22 April 1872.

²Ibid, Halliday to Elcho, 10 December 1872.

³Ibid, Elcho to Elliot, 12 December 1872; Elcho to Halliday, 12 December 1872; Halliday to Elcho, 8 May 1873; Potteries Examiner, 5 April 1873; and Select Committee on Coal (1873), QQ 5,317-5,392.

⁴S.R.O. Wemyss Mss, R.H.4/40/10, Halliday to Elcho, 26 October 1872.

insensible of the advantages to be gained from working with the "New Model" employers and men like Elcho, in industrial as well as legislative matters. Halliday wrote to Elcho in January to tell him of the success of their work and, in May, to convey the thanks of the A.A.M.'s Newport conference, "in which I beg to join for your great kindness to me their representative".¹

William Owen and the Examiners were an important source of support for the arbitration movement. We have noticed that Colonel Hollins, the secretary of the Potteries Chamber of Commerce was one of those who worked with Elcho in 1868. His experience in arbitration had come in the first instance through his contact with Owen. Owen's first notable public act after leaving the potters' bench had been to approach Hollins and obtain his help in setting up the Potteries Board of Arbitration on the model of Mundella's Nottingham board.² In 1869, as well as addressing the T.U.C. on the working class press, Owen delivered a paper on conciliation and arbitration.³ He, along with MacDonald, consistently urged the commitment of the T.U.C. to the principles of arbitration. The T.U.C. of 1871 adopted resolutions in favour of arbitration from both Owen and MacDonald, heard papers from Mundella and Rupert Kettle and issued an address to the unionists of the United Kingdom

¹S.R.O. Wemyss Mss, R.H.4/40/10, Halliday to Elcho, 8 May 1873.

²Royal Commission on Trade Unions..., Q. 19,555.

³Beehive, 28 August 1869.

advocating the appeal for arbitration before the strike.¹ Owen advocated arbitration in a series of eight articles in the Beehive in 1870, in a paper to section B of the Social Science Congress and at the October conference of the A.A.M.² He continued his advocacy through the pages of the Examiners and gave strong support to attempts by Thomas Halliday to establish boards in the A.A.M.'s member districts.

There were a number of reasons for this emphasis on the peaceful settlement of disputes. At one level, arbitration was part of a general argument involving industrial copartnership and cooperative production.³ Arbitration presupposed union both of the employers and the employed. They would gradually evolve comprehensive national associations which would so arrange wages and prices through arbitration that the market and the harmful consequences of its operation, in price and wage cutting, would be suspended. At the same time master and man would begin to unite in industrial copartnership, through profit sharing and such schemes, which would lead in the end to the dissolution of the distinction between capital and labour on full cooperative production. Full cooperative production was the goal in that plan, a project which Halliday "warmly eulogised". "He trusted the day was not too far distant

¹Ibid, 11 March 1871, 18 March 1871.

²Ibid, 26 March 1870-28 May 1870; Wigan Observer, 15 October 1870; Colliery Guardian, 30 September 1870.

³See for example William Owen's articles on Capital and Labour, Potteries Examiner, 13 September 1873-4 October 1873; and from a different point of view, the series on 'Capital and Labour' in the Miners' Advocate and Record, 6 September 1873-25 October 1873.

when instead of being receivers of wages they would have confidence in each other, and be the proprietors of the pits in which they worked".¹

Arbitration would also help in the struggle to restrain the market in the short run. Halliday and the A.A.M. accepted in practice, indeed the whole restrictionist strategy assumed, the sort of relationship between prices and wages which the "sliding scale" later formalised. Before 1871 that relationship had been one of custom: wages in Halliday's own district customarily rose and fell by two-pence for every rise or fall in price of tenpence.² But that movement had been, in the competitive process, uneven among the districts. Competition began with reductions in wages and prices by some masters whose lead others followed. Wage differentials which gave some masters a competitive advantage were in themselves an important stimulus to competition.

The logic of union policy was to even out wages, to make the cost, the wage cost, of producing, the same in all districts and to convince the rational employer at the conference table that the wage goad to competition was no longer operative. The union and the selective use of its strike power against wage and price cutting employers, would guarantee cost uniformity. "The object of the association was", according to Pickard, "to put an end to

¹Potteries Examiner, 11 October 1873.

²Select Committee on Coal (1873), Halliday's evidence, QQ 5, 180-5, 189.

the ruinous competition of which both parties complained, to place all coal producers on a level in the market, and maintain prices. Nothing could, in his opinion, effect this but a combination amongst the men."¹ Here was the regulation and the control of the market by the producers at the expense of the consumers which the Colliery Guardian had complained of in 1869. As Halliday saw it:

They wanted all masters to be served alike, and this could not be done while in one district coal was worked on cheaper terms than in another. This was not fair to those masters who had given the increase, and who had doubtless done so under the belief that a similar course would be taken in the neighbouring districts. 2

The same principle informed the A.A.M.'s campaign for shorter hours. There was no point in having the short hours in one district: that would simply put the masters who had made the concession at a disadvantage in competition and they would soon have to go back to the unlimited hours system. "The hours of labour varied in different parts of the country", Halliday said in his presidential address in October 1871, "and no two districts agreed upon a system. He thought it was most desirable to have one general system all over the country. The question was how to bring it about."³

One of the problems in the way of bringing about uniformity of hours was in the habits and attitudes of the men themselves. William Pickard said at the October

¹Wigan Observer, 9 October 1869.

²Ibid, 8 January 1870.

³Wigan Observer, 6 October 1871.

conference in 1871:

...in that district which he represented they had tried in vain to establish the eight hours regime, but it would surprise them perhaps to learn that the great opposition which they had to contend with proceeded not from the masters, but from the men. He declared before the Conference that it would not be accomplished until they had cured some of their fellow workmen of some of their habits, and removed them from the associations by which they were surrounded. It was the curse and the sore place of the colliers that they indulged in their regular two or three idle days a week, and then strove to make up lost time by cramming two day's work into one. There was not a master in all the Lancashire district who would offer any opposition to the eight-hour principle if they could get the men to give them 10 or 11 day's work in the fortnight. ...Some men were so unrestrainable that they would submit to no influence whatever. ...These men took their two or three days a week, Saint Monday leading on to Saint Tuesday and Saint Wednesday....What they had to do was to prepare the men's minds for the change which was so desirable, to persuade them of the justice of giving a fair and reasonable day's work on the working days of the week. ¹

Halliday agreed. He thought that the men now neglected their work as much as they ever did and was not hopeful that agitation would reform them. He "really thought that so long as men were allowed to idle the first half of the week, and kill themselves with double work in the last, there would be found men willing to do so."

Once uniformity and equalisation had been achieved, what then should follow? Could the nexus between prices and wages not be broken altogether? Thus Halliday said in May 1871:

¹Ibid, 13 October 1871.

The miners in (South Wales)...received notice from their employers of a reduction of 10 percent in their wages, but a...compromise was agreed upon, the miners being determined on trying to do their best to secure an advance on the 1st of May, and at the present time they were disposed to do their best to recover the position which they had lost, so that they might be put on an equal footing with the miners of Lancashire. He regretted deeply that there should be such fluctuations in the wages of the miners, and hoped that as their union was now a power in the country, such fluctuations would be prevented in future. He thought it was generally admitted that the miners were entitled to the comforts of life for endangering their lives in going into the pits to fetch out the material which gave trade and commerce such an immense impulse.¹

In the euphoria of 1872 it seemed for a moment that the nexus might be broken in practice. The A.A.M. resolved on the suggestion of Halliday in October that

..we as an association, do not recognize for the future the custom of advancing or decreasing wages with the advancing or falling market, but that we, by all the means in our power, regulate the wages of the various districts, and bring them as far as possible to an equal point. ²

This, given the needs of capital, was nearly Utopian, but in it we see the heart of the miners' wage strategy clearly: restriction of output, equalisation of wages and hours, the end of the custom of linking wages to prices and the securing for the collier of the comforts of life - independently of the competitive economy. Arbitration was central to the strategy as a means of bringing employers to substitute rational behaviour for the irrationality of ruinous competition.

¹Ibid, 5 May 1871.

²Potteries Examiner, 12 October 1872.

There was also the fact that the A.A.M. ~~was~~^{could not} more than any other union, ~~could~~ stand the strain of continual strikes. The strategy supposed that if there was to be struggle it would be localised and that the men in one or two districts would be able to call on the support of the rest of the membership through levies. But in 1870 and 1871 the districts were already complaining of loss of membership because of the levies.¹ Weakness had been indicated by the Welsh Strike of 1871 in which the executive had been unable to fulfil its promise of strike pay for the men in dispute.² Arbitration was a means of avoiding the divisive potential of strikes.

On the question of conciliation^{and} arbitration, then, as well as that of strategy on wages and hours, there was little to separate the leaders of the two great national miners' associations. The same was true of the movement for the amelioration of the miners' condition by legislative means. From its founding conference in 1869 the union engaged systematically in the various campaigns for new legislation. At one time or another the Mines Regulation Act, the Trade Union Bill, the Master and Servants Act, the Criminal Law Amendment Act and the desirability of compulsory and non-sectarian education came under discussion in the A.A.M.

The movement for the amelioration of the miners' condition by legislative interference in the industry was not, of course, new in 1869. The activities of Lord Ashley,

¹Wigan Observer, 22 April 1870, 8 January 1871, 14 January 1871, 15 October 1871.

²R. Challinor, Lancashire and Cheshire Miners..., pp. 105-6.

the first Mines Inspectors, the Children's Employment Commissioners and the host of demands for amelioration in the miners' unionism of the forties and the work of W.P. Roberts are well known.¹ The first Mines Act had been passed in 1855. Attempts to amend the Act had brought the Scots and South Yorkshire miners together in an attempt to form a national miners' union for the purpose of promoting legislation in 1858, 1859 and 1860. "It was in 1856", to repeat a much used quotation from Alexander MacDonald,

...that I crossed the border first to advocate a better Mines Act, true weighing, the education of the young, the restriction of the age to twelve years, the reduction of the working hours to eight in every twenty four, the training of managers, the payment of wages weekly in the coin of the realm, no truck, and many other useful things too numerous to mention here. Shortly after that, bone began to come to bane, and by 1858 we were in full action for better laws.²

Though the passage of the Mines Act of 1860, which contained some of the amendments which MacDonald had wanted, had suspended concerted action among the miners for a time, a revival of interest in Parliamentary action had come in 1862 with a movement for a new miners' national association.

The Miner and Workman's Advocate persistently urged legislative action, which it saw as one of the primary purposes of any combination of workmen. The nature of its advocacy reflected a principle difficulty which confronted the miners in working for legislation. If the miners wanted change through the Parliament they would have to depend upon someone in the Parliament to promote

¹See especially E. Welbourne, The Miners' Unions of Northumberland and Durham (Cambridge, 1923), ch.v; and R. Challinor and B. Ripley, The Miners' Association (1968).

²Glasgow Sentinel, 22 November 1873; and see F. Machin, The Yorkshire Miners (Barnsley, 1958), ch.iv.

their demands, to give them correct shape in the form of a Bill, to be willing to speak for the Bill and marshal support for it among other M.P.s. If the miners believed that they were entitled to protection and help as a matter of right, they had to appeal for it on grounds of philanthropy, relying on a sense of paternal magnanimity among their social betters. The whole of the legislative campaign of the sixties and the early seventies was marked by the apparently irreconcilable raging of miners' leaders against tyranny and oppression and a fawning, sycophantic dependence on "patrons" in the Parliament.

Thus Towers in the Miner, cast the collier as a man worthy of the pity and the philanthropic intervention of those able to better his lot:

Year after year the great army of British miners has marched to its dismal battlefield of labour, and those for whom they have toiled have looked coldly on. The fiercest warriors have ever been unwilling, needlessly to sacrifice the troops on whose valour they depend; but during generation after generation society has carelessly stood by whilst the returns from its mining hosts have year by year come in. "Ten thousand wounded and a thousand killed". And what even has been the fate of those who have escaped from wounds or sudden death in their perilous calling? Has society ever gazed upon the pitman, without whose exertions itself must necessarily sink into the abyss of barbarism? Has it ever looked upon his distorted figure, his hollow cheeks, and overhanging, pain-laden, brow and felt the heart-pang of self reproach at the sight of humanity sacrificed to itself? ¹

The model of duty for the miners' social superiors was the Viscount Raynham (later Lord Townshend), patron of the B.M.B.A.:

¹British Miner, 22 November 1862.

Now, the British Miners' Benefit Association is most fortunate in having for its leaders men, not only of the most distinguished position, but of the most distinguished ability. It must be a matter of sincere satisfaction to the Marquis of Townshend, to find that he who, in the course of events, will one day succeed him, has devoted his time and energies to that great class which has hitherto been so neglected. It must, to the noble sailor, be pleasurable indeed that his son is not unmindful of the "hero's" words "England expects that every man will do his duty". And right nobly is the young Lord discharging his. 1

Philanthropy and paternalism were to be the duty of the coalowner as well as of the aristocrat, according to the Miner. The master should go among his men, ask how they were getting on and make friends with them. It was his duty to ameliorate their condition, to educate them, improve their dwellings, encourage reading rooms and libraries, cooperative stores and permanent relief societies. Towers invoked a contrast between two owners in their attitudes to the establishment of a widows and orphans home, Mr Hugh Taylor of Northumberland and Mr Phillip Williams of Staffordshire.² "Look on this picture":

Mr Taylor: I am sure I am consulting my own interests, the interests of my partners, the interests of my men, and the interests of society at large, by doing all I possibly can to promote institutions like the one we have met this day to celebrate. I would that coalowners and masters of all kinds would endeavour to obtain more intimate and close connection with the workmen, to ascertain their names, and to talk to them on matters relating to the concern, because I am sure it is the interest of both to do so.

Mr Williams thought there was a provision in the workhouse for the widows and orphans of our hard-worked and ill-paid colliers, with which it was not right to interfere. The ironmasters conceived that the scheme would interfere with the respect due to THE MASTERS FROM THE MEN, that it would break down the distinction. 3

¹Ibid.

²Ibid, 25 October 1862.

³Ibid.

Perhaps the most brilliant aspect of Towers' journalism was its use of the language of mass radicalism to clothe his limited programme of amelioration and his drive to distract the miners from unionism, in the glory of a vigorous, manly struggle for the rights of the citizen. This was the other side of the paternalist coin. If the miners needed philanthropy, they were also entitled to it as a matter of reciprocal duty among the orders of society. Thus we find, running alongside the appeal to charity and duty, that stock cry of the miners' agents of the sixties and the seventies, that "all wealth is the produce of labour - that without, nothing is produced".¹ For that reason the demand for amelioration - as expressed by the Miner - was a demand for justice and an appeal to morality:

At the same time that we admire and applaud the intervention of charity, we shall inculcate the assertion of manly independence and our great aim will be so to raise the moral and social condition of the people that, when entitled to demand justice, justice cannot be denied. 2

The programme for reforms which Towers advocated became a demand for the "Citizen Rights" of the miner.³ The campaigns for temperance and against the truck and butty systems, for improved mines regulation and against forced drinking customs, were for "those rights, both social and political to which you are entitled".⁴

In all this the Miner was engaged in a struggle against tyranny and oppression; it was the true defender of liberty:

¹Ibid, 1 November 1862.

²Ibid, 13 September 1862. Emphasis in original.

³Ibid.

⁴Ibid, 25 April 1863.

The press is the light of the social world, and in all light there is an element of Providence. Liberty of thought is more than the right - it is the very breath of man. He who endeavours to shackle liberty of thought offers violence to humanity. To speak, to write, to print, to publish, are, in respect to the rights of man, identical. They are the circles, ever ceaselessly widening, of intelligence in action - the sonorous waves of thought. ¹

Thus words "just warm from the lips of the great French poet, Victor Hugo", helped to identify the Miner's aspiration to make men prudent, thrifty and careful of their employers' interests, with the struggle for the rights of man.

When MacDonald and his allies had defeated the Towers group they did not turn away from the aristocratic alliance, though they did avoid the obvious controls of the B.M.B.A. In March 1864, after an interview with Lord Townshend and Lord Kingsdale, the M.N.A.'s Council had resolved to appoint a central committee "to transact such parliamentary and other general business of the association as could only be properly attended to in London".² The committee included Townshend, Kingsdale, A.F. Zaba, H.G. Wright, A. Noel Sherryon, Alexander Ross, Colonel Townsley, Colonel Steward, Professor Beesly, J.M. Ludlow, Thomas Hughes and J.M. Furnival. Alexander MacDonald, Richard Mitchell and the Reverend J.R. Stephens were to cooperate with the London committee on behalf of the Council. The national conference of May 1864 confirmed the appointment of the committee.³ Later, when the Towers and MacDonald

¹Ibid, 1 November 1862.

²Colliery Guardian, 26 March 1864, Glasgow Sentinel, 27 February 1864.

³Colliery Guardian, 21 May 1864; Beehive, 21 May 1864.

factions had begun open warfare for control of the M.N.A., Townshend issued a circular calling a meeting of "the real and not the pretended friends of the miners".¹ The consequent meeting agreed that MacDonald and the Council represented the miners of the United Kingdom and appointed a further Committee, the "London Association for the Benefit of the Miners", whose members were: Townshend, chairman, Edmund Beales, Beesly, Herbert Fry, John Grossmith, Frederic Harrison, Thomas Hughes, Sir Fitzroy Kelly, J.M. Ludlow, Vernon Lushington, Godfrey Lushington, W. Shaen, H.B. Sheridan and H. Taunton and T.G. Facey.² The association between MacDonald, the M.N.A. and the London Committee continued until the conference of November 1865 at which Mr Facey, the Committee's Secretary, presented a proposal from Townshend that the miners should have a permanent secretary in London to look after parliamentary business. Conference, however, did not like the idea of spending £100 a year to provide a salary for a secretary and perhaps MacDonald did not like the idea of business being taken out of his hands. They regretfully, therefore, declined to appoint a secretary, after which relations between the miners and the Townshend group seem to have cooled and MacDonald to have turned to Lord Elcho for patronage in the Parliament.³

The advent of the A.A.M. did not fundamentally alter this approach to legislative action by the miners. The

¹Ibid, 9 July 1864.

²Ibid, 16 July 1864, 13 June 1865, 17 June 1865; Glasgow Sentinel, 16 July 1864.

³Beehive, 12 November 1864, 2 December 1864; Glasgow Sentinel, 25 November 1865.

A.A.M. was closely concerned with legislative reform and in particular, between 1869 and 1872, the promotion of a satisfactory Mines Regulation Bill. Halliday had emphasized the need for a Mines Bill in his first presidential address:

Explosions were constantly occurring, and while they were endeavouring to reduce the hours of labour and obtain an increase of pay, they must not forget the importance of agitating for those measures which they believed necessary for the safety of themselves and their fellow miners. ¹

In this agitation the M.N.A. and the A.A.M. worked closely together as did their presidents, Halliday and MacDonald. This collaboration and the A.A.M.'s contribution to the campaign for the Mines Bill have been, hitherto, minimised. Challinor sees the role of the A.A.M. as that of providing opposition to Alexander MacDonald, opposition provoked by a letter from Professor Beesly to the October 1871 conference of the A.A.M., warning that the miners would not prosper by the alliance with Lord Elcho which MacDonald had cultivated.² Though warned in this way: "In practical terms the A.A.M. could do very little".³ But, to the contrary, the A.A.M. did a great deal in practical terms, in support of MacDonald, Elcho and the Bill.

Consideration of the Mines Regulation Bill was on the printed agenda for the founding conference in 1869. In the week before the conference met the deaths of fifty eight men in an explosion at Haydock painfully underlined

¹Wigan Observer, 28 August 1869.

²R. Challinor, Lancashire and Cheshire Miners, pp.134-6.

³Ibid.

the need for such action. A discussion of this disaster took up the first session of the conference, after which the delegates resolved to petition the Home Secretary, Mr Bruce, and the Commons, for a Royal Commission on the causes of explosions in coal mines.¹ Halliday took the petitions and a deputation to London. As a result of his interview with Bruce, he reported at the next conference, he had learned that the Government would only go so far in promoting legislation as "public opinion" would push it and it was necessary therefore::

...that every possible endeavour should be made to put the matter before the public, so that constituents might be induced to require from their representatives in Parliament that something should be done by way of protecting the lives of the miners. Before the next session of Parliament commenced this might be in great measure accomplished, provided the miners themselves were united in their endeavours. 2

The miners, of the M.N.A. and the A.A.M., did unite in their endeavours, under the leadership of Alexander MacDonald. MacDonald's strategy was to push the Government, through the use of memorial and petition, into the introduction of a Mines Bill which his "patron" in the Commons, Lord Elcho, might amend in order to meet the specific demands of the miners. The A.A.M.'s conference in January 1870, which had been addressed by MacDonald, agreed to follow this strategy rather than to press for

¹Wigan Observer, 30 July 1869.

²Ibid, 23 August 1869.

the introduction of an independent Bill drawn up by the miners themselves.¹ The executive had already been empowered to work with the Council of the M.N.A. in petitioning and Halliday had already been in correspondence with Lord Elcho, who had assured him of support for a Bill.² In October that year the A.A.M. expressed its thanks to "Lord Elcho and other friends to miners in Parliament", a resolution which Halliday duly conveyed to Elcho.³ Earlier, Halliday had written to Elcho to say that "I have informed our men of the very valuable services you have rendered on the miners' behalf..."⁴ He invited Elcho to Lancashire to attend a "social party, which is contemplated to be an auxiliary influence to the getting passed this session the Mines Regulation Bill now before Parliament".

This unity of action was not impaired by a squabble between the South Wales districts and MacDonald, Pickard and Normansell over the qualifications to be demanded of Mines Inspectors. This episode has been used as evidence of the antipathy between MacDonald and the A.A.M. Dr Challinor thinks that on this issue "Halliday attacked MacDonald, Pickard and Normansell in his presidential address to the Wrexham conference".⁵ On the contrary,

¹Ibid, 8 January 1870.

²Ibid, 28 August 1869, 9 October 1869, 8 January 1870.

³Ibid, 15 October 1870; S.R.O. Wemyss Mss, RH 4/40/9
Elcho to Halliday, 8 November 1870; RH 4/40/10,
Halliday to Elcho.

⁴Ibid, RH 4/40/9, Halliday to Elcho, 10 May 1870.

⁵R. Challinor, Lancashire and Cheshire Miners, p.293.

Halliday said: "It was said that the MacDonalds, Pickards and Hallidays wanted to be made inspectors, but they wanted no such thing, but they did want practical men appointed...". And further to the contrary, Halliday said: the "Amalgamated Association wanted a number of practical men appointed as sub-inspectors; but the National Association had given up that idea as the Government would oppose it 'tooth and nail'. The Amalgamated Association did not mind the sub-inspectors question dying away if they could get thoroughly practical as well as theoretical men as inspectors." Far from there having been an attack on MacDonald for "his pusillanimity", the A.A.M. resolved to adopt the M.N.A.'s proposed amendments to the Bill.¹

Nor, clearly enough, did the M.N.A.'s reluctance to amalgamate with the A.A.M. interfere with a united campaign. Halliday and other delegates from the A.A.M. served with M.N.A. men on the Parliamentary Deputation of the Miners of the United Kingdom, under the presidency of MacDonald.² In August 1871 the executives of the two associations had decided at a joint meeting, again under the chairmanship of MacDonald, that he should issue an address to the miners on behalf of the "united Parliamentary Committee", that he should prepare a petition to be circulated among the miners and that there should be a conference of the two associations in November to consider: "A Mines Bill: what it should be to meet the requirements of the mining population.

¹Ibid, p.99; Wigan Observer, 22 April 1870.

²Beehive, 7 October 1871, 14 October 1871; Wigan Observer, 8 January 1870; Potteries Examiner, 7 October 1871.

What a Truck Prevention Bill should be. The necessity for new law for compensation for death and injuries through the neglect of employers or persons in charge of mines or collieries. Also to consider the operation of the new Criminal Amendment Act".¹

By way of prelude to the November conference MacDonalld spoke at the A.A.M.'s October meeting at Merthyr Tydfil. His presence there has been overlooked. There has been instead an unwarranted emphasis on a letter which Halliday read from Professor Beesly which, Beesly later wrote, contained a hint that the miners would not prosper by working through Elcho.² The hint was, however, muted. The A.A.M. received warmly Beesly's sympathy with their legislative needs but undertook no change of strategy. It is not the case the the A.A.M., after thanking Beesly for his letter, "followed this up by expressing its hostility to the middle class Parliament and its intention to seek the return of M.P.s who would promote working class interests."³ This decision came later - in response to a speech on direct labour representation by Alexander MacDonalld.⁴ His influence on the conference was clear. He made a strong speech there which prepared the way for the November meeting, threatening that if the miners did not have their Bill they would lay down their tools from John O'Groats

¹Wigan Observer, 9 September 1871.

²R. Challinor, Lancashire and Cheshire Miners, pp.135-6.

³Ibid, p.13.

⁴Wigan Observer, 13 October 1871; Potteries Examiner, 7 October 1871; Beehive, 7 October 1871, 14 October 1871.

to Lands End. Subsequently both associations participated in the November meeting, at which they listed in detail the clauses they wished to see in a Bill, protested at the long delay by the Government and launched their new wave of petitions.¹

By Easter 1872 the miners had seen the draft of a Bill, which Halliday described as "an honest effort to meet the wishes of the men."² But though the Parliamentary Deputation was content with the Bill, the coalowners were not. Halliday pointed out that the owners would resist the clauses of the Bill compelling them to pay their miners for coal by weight instead of by measure and imposing penalties on those owners found to be in violation of the Act. He was especially unhappy about the possibility of losing the weighing clause. Although he was opposed to strikes, he said, "his advice to the miners, in case the Government were defeated on the clause, would be to cease work until a weighing machine stood on every pit bank."³

Between the second reading and the Committee stages of the Bill the miners were able to effect a compromise. MacDonald, Halliday, Pickard, Burt, Normansell and other members of the Parliamentary Committee met the owners under the chairmanship of Lord Elcho. In return for allowing the substantial dilution of clauses imposing penalties on the owners, the miners obtained the withdrawal of opposi-

¹Beehive, 14 October 1871, 11 November 1871; Wigan Observer, 11 November 1871.

²Potteries Examiner, 6 April 1872.

³Ibid.

tion to the weighing clause and in that agreed form the Bill went through. The Home Secretary and the positivist Professor Beesly criticised the compromise and argued that it had been unnecessary to dilute the Bill in any way.¹ Halliday joined MacDonald in repudiating their criticism in a letter to the Beehive and in offering an explanation of the compromise. Bruce, as "an act of justice to a number of gentlemen who had acted as delegates from colliers in the north", said when he introduced the preamble to the Bill that "he certainly was inclined to place entire confidence in the statement".² Halliday again defended the compromise at the Leeds Trades' Union Congress in January 1873 when delegate Yardley from Oldham offered criticism. Here again Halliday and MacDonald were in complete agreement.³

Predictably enough, given his role in obtaining the Act, Halliday spoke favourably of it at the next A.A.M. conference. He:

...referred to the efforts which the association had made to get a Mines Act passed, and spoke of the recent Act as a good one, in which the Government had done their best to mete out justice to the mine owner, the miner, and the public generally (Cheers)... He sketched the difficulties which had to be surmounted before the Bill could be got through the House, and acknowledged the invaluable service rendered by Lord Elcho, at the same time denouncing the attempts of the Duke of Richmond to mar the Bill. ⁴

¹On this incident see the articles by Professor Beesly in the Beehive, 6 July 1872, 20 July 1872, 3 August 1872, 24 August 1872; the response of MacDonald and Halliday, Beehive, 13 July 1872; and by MacDonald, 27 July 1872 and 17 August 1872.

²Beehive, 3 August 1872.

³Miners' Advocate and Record, 17 January 1873.

⁴Potteries Examiner, 5 October 1872.

Halliday wrote again to Elcho to express the A.A.M.'s gratitude for his work on their behalf.¹ Six months later the conference's opinion of the Act had not altered: they still considered it "on the whole to be satisfactory".²

In their long campaign for a Bill, MacDonald, Halliday and the other members of the Parliamentary Deputation had worked closely with Lord Elcho who had helped to press their objections to successive unsatisfactory drafts of a Bill. As Kauffman has argued, that relationship was not one of simple dependence: of the patronage and control of MacDonald by Elcho.³ Each hoped to gain from the association, but their politics and their political economies did not coincide. The superficiality of the relationship was clearly demonstrated by the fact that far from convincing the miners that the patronage of great men was the solution to all their problems, the campaign for Mines Regulation led them into work for the direct representation of labour in the House of Commons.

MacDonald had stood before the formation of the A.A.M. as the people's candidate at Kilmarnock but had been forced to withdraw for want of funds. In his evidence to the Trade Union Commission too, he had made it clear that he thought that the working classes should have their own men in Parliament. That led to a series of questions from Elcho

¹S.R.O. Wemyss Mss, RH 4/40/10, Halliday to Elcho, 26 October 1872.

²Potteries Examiner, 12 April 1873.

³C.J. Kauffman, op.cit.

which led him into absurd and sycophantic tributes to the men already in the House which have been held against him. He made his position clear to the Durham miners in 1872, however:

...it was true that for a number of years past he had shown some reluctance to declare decidedly his views on many political questions; but, at the same time, he thought every one of the delegates would presume that he held liberal views. It was true that he had been called a Tory, and several other pleasant names; but the reason he had not taken any decided stand on politics was because he had to deal with gentlemen of all shades of opinion. Both Mr Normansell and himself believed that they might endanger and retard the passing of that measure they were all at one time so anxious should be passed - the Mines Regulation Bill - if they took any decided stand on one side or the other. But it had passed, and their hands were free. He might now state that he had always entertained a strong opinion that the working classes would never be thoroughly represented in Parliament until men of their own order were returned to the House of Commons (applause). 1

Within the A.A.M. the matter of direct representation arose in January 1870, specifically in connection with the Mines Regulation Bill:

The President said he was certain that he might on behalf of the delegates say that they were highly gratified with the address from Mr MacDonald. The subjects dealt with were of great interest to miners generally, and had been admirably treated. He thought if the miners could not get members to take up their grievances they ought to send some of their own order to Parliament. 2

Halliday raised the subject again in his presidential address in April 1871. There followed a resolution that:

This conference views with regret the wilful delay of the Government and Parliament from time to time in taking up the Mines Regulation Bill and other matters relative to the interests of

¹Durham Chronicle, 15 November 1872.

²Wigan Observer, 8 January 1870.

the miners: and also expresses the conviction that matters affecting the miners' interest will not be properly attended to until the miners have representatives from their own class to look after their interest in Parliament. 1

The joint executive meeting of August which had arranged the November conference on Mines Regulation had also decided that:

...the coming conference also consider how the miners would best be able to get some of their own order into the House of Commons to represent fully their interests. They would at the same time, respectfully solicit all the trades unionists in the kingdom to consider this question. 2

The October conference of the A.A.M. at Merthyr Tydfil again heard an address from MacDonald on direct labour representation after which the delegates adopted another resolution in favour of sending some of their own men to Parliament. Then, at the November conference, the delegates decided that labour should be directly represented in Parliament, that there should be a labour representation committee made up of men elected from the organised bodies of miners and that the districts be recommended to contribute voluntary subscriptions to support the campaign.³ This was the basis of a further resolution at the October conference of the A.A.M. in the following year:

That in the opinion of this conference the time has arrived when miners and other working men should be represented directly in the House of Commons, and therefore direct the executive to instruct their district committees to make arrangements for collecting subscriptions from miners and other working men to raise a fund to pay the expenses of returning and maintaining a working man as a representative in Parliament. 4

¹Potteries Examiner, 12 May 1871.

²Wigan Observer, 9 September 1871.

³Ibid, 11 November 1871.

⁴Potteries Examiner, 12 October 1872.

Halliday told the meeting that the Morpeth miners were thinking of sending Thomas Burt to Parliament and that the Durham men were in favour of supporting MacDonald.

The rest of that story is well known. The A.A.M. decided to support two candidates at the next general election: Thomas Halliday and William Pickard who stood unsuccessfully at Merthyr Tydfil and Wigan, respectively, in 1874.¹ MacDonald and Burt were returned as the first "labour" members of Parliament.

That did not bring the cooperation between MacDonald and the A.A.M. to a close. In April Halliday defended MacDonald against accusations that he had betrayed the working classes by agreeing to serve on the Royal Commission on Labour Laws which the Government had seemed to appoint in order to delay legislation action which trade unionists had been demanding for a number of years:

Referring to the Royal Commission on the Criminal Law Amendment Act, the Masters and Servants Act, and the Conspiracy Laws, he thought that the Government had shirked the question by appointing a commission to inquire into subjects upon the importance of which everybody was agreed. Nothing was so preposterous as the suggestion that Mr MacDonald would betray the working men, and he believed that Mr Hughes was also above suspicion. Whether or not they had made a mistake in going on the commission was another point. Though he regretted that the commission had been appointed he had come to the conclusion that under the circumstances it was better that Mr MacDonald, Mr Burt, and Mr Hughes should be on the commission than off. 2

¹Ibid, 12 April 1873.

²Wigan Observer, 10 April 1874.

Harmony reigned at a joint meeting of the executives of the A.A.M. and the M.N.A. in March which adopted a resolution of thanks to the electors of Stafford and Morpeth and:

...resolved to agree that both associations should agree to act cordially together in carrying out those legislative questions which were necessary for the well being of working men generally, and miners in particular. ¹

After the business of the meeting was finished the executives retired to a congratulatory dinner for MacDonald and Burt.

This, then, was the national background to union in Dean Forest. The leaders of the national unions saw the miners as producers, whose interests should be identical with those of the employers, the suppliers of capital, with whom they believed the organized miners could combine so as to "hold the market in their grasp", extracting from the consumer a "just" price for both labour and capital. Some such scheme was necessary if the system of "ruinous competition" was to be overcome. How could the most benevolent employer raise his prices and pay higher wages when he would be undercut immediately by his competitors? There was too much coal and there were too many coal mines. The strategy of the miners' unions was governed by the need to deal with these problems. Through their unions the miners would do what individual employers could not, or would not, do: through the restriction of output, the equalisation of hours and wages, arbitration and the effective use of the Parliament. It was believed that in order to achieve these goals in western England and Wales - though not in order to pursue

¹Miners' Advocate and Record, 14 March 1874.

some peculiarly militant policy towards the employers - a distinctive form of organization was necessary. The economic position of those districts, their competitive interdependence, dictated union across county borders, a relatively powerful central executive and a central strike fund, raised by contributions from all the districts and available to them all when necessary. The great achievement of the A.A.M. was that this organizational form made stable union possible for a time in little districts like the Forest of Dean, offering them an otherwise inconceivable bargaining power. The consequences of this for the Forest will be examined in the next chapter.

Chapter 6

Strength: the Amalgamated Association of Miners
in the Forest

Oh! workmen awake for the strife is begun!
Be faithful and true, both father and son;
To vanquish oppression go, fearlessly go,
And stand like the brave with your face to the foe!

Chorus

Stand like the brave,
Stand like the brave,
Stand like the brave, with your face to the foe!

For years that are passed asleep we have been
To our interests as men in the Forest of Dean;
To help in the conflict go, fearlessly go,
And stand like the brave with your face to the foe!

A.A.M. song for the Forest of Dean Forester, 29 December
1871.

Under the shelter of the national union and in the favourable conditions of the boom the A.A.M. branch in Dean grew rapidly and drew concessions from the masters easily. The union brought with it, this chapter will argue, a new sense of the need for unity among working men both within the colliery workforce and among those employed in different industries. With its new newspaper, the Forest of Dean Examiner, and an attempt to assert a working class presence in politics, the local A.A.M. forced change in the pattern of social relationships in the district. But this argument will be qualified severely by a discussion of the tensions and divisions within the union which followed from the working of the butty system.

By the time of the local A.A.M.'s annual demonstration in August 1873 there were thirteen lodges in the Forest and another five in the immediately adjoining parishes.¹ Eleven of those were in East Dean, four of them in the Cinderford area and one in the Little Dean district next to Cinderford. Two others were in census enumeration district group c and its adjoining parish and there were single lodges at Blakeney Hill, Lydbrook, Drybrook and the Point Inn, Mitcheldean, adjoining district a. In West Dean there were two lodges in district o, at Broadwell Lane End and Coalway Lane End and another serving the miners living nearby in Coleford. District n had a lodge at Whitecroft and another nearby. There were single lodges in district 1, at

¹Forest of Dean Examiner, 2 August 1873.

Yorkeley, and at Berry Hill in p. It would not do to make too much of this data: there is no information about the membership, the leadership and the precise location of each lodge to allow close analysis. But again we may note the disproportionate presence of Cinderford and the districts near the big pits. We cannot give greater substance to that statement by a discussion of the numbers in each lodge but we do know that the union had a financial membership of 4,500 at its peak in 1874 and that about 1,000 of those were members of Cinderford No.1 lodge alone.¹

Table 6.1

A.A.M. Lodges in the Forest of Dean in 1873

<u>East Dean</u>		<u>West Dean</u>	
<u>Lodge</u>	<u>E.D.G.</u> ¹	<u>Lodge</u>	<u>E.D.G.</u>
Cinderford	e	Broadwell Lane End	o
Ruspidge	e	Coalway Lane End	o
Tunip	e	Coleford (a)	o
Cinderford Bridge	e	Whitcroft	m
Little Dean (a) ²	e	Bream (a)	m
Ruardean Woodside	c	Yorkeley	l
Ruardean (a)	c	Berry Hill	p
Point Inn (a)	a		
Drybrook	b		
Lydbrook	d		
Blakeney	g		

Notes: ¹Census Enumeration District Group

²In adjoining parish

Source: Forest of Dean Examiner, 2 August 1873

¹Potteries Examiner, 11 April 1874, Forest of Dean Examiner, 30 August 1873.

District organisation was straightforward enough.¹ The members of each lodge met once a fortnight at the British Schoolroom or the committee room of the local inn. The members appointed a committee composed of a chairman, secretary and treasurer who looked after the collection of members' fees, called and conducted the fortnightly meetings and negotiated in the first instance with the masters on any matter in dispute. The lodges also elected delegates to the district delegate board, which met once a month to discuss those matters coming from the lodges which required the statement of a district wide policy, which needed interpretation in the light of the rules of the A.A.M. as a whole or which might have resulted in strike action. The district also administered the sick and accident fund which it set up early in its life in opposition to the "ground clubs" which operated under the auspices of the masters at some of the collieries.

The delegate board was also the link in the hierarchy of union between the lodges and the national conference and executive. Conference made the overall policy statements for the union and, so far as the conduct of important strikes was concerned, the national executive administered it. Since the prior approval of the executive was necessary if the local union were to receive support for a strike, the district was very much in the hands of the executive on the

¹The following account of the organisation of the union and the work of the miners' agent is based on the detailed reports of the monthly delegate meetings in Dean which appeared in the Forest of Dean Examiner in 1873, 1874 and 1875.

larger issues between master and man which might provoke a strike or lockout. There was thus, built into its structure, the possibility of serious tensions within the A.A.M. The lodges and the districts were concerned with problems which arose in the context of local economy, local practice and local tradition. The national executive had to take an overall view of the mining industry and attempt to bring the districts to act in accordance with its analysis.

The man most immediately affected by that problem was the district miners' agent, arguably the most important man in the district union and the one who took the greatest part of the burden of the work of the union. Chosen by the men, he was responsible, as a full time paid official, for the organisation of the district. He arranged, and was usually the chief speaker at the series of meetings held around the forest when the men had to be informed of some decision, asked to make one, or simply reminded to pay their dues. Whenever matters arose at individual pits which seemed likely to end in strikes or penalties on individuals, he attended with the lodge committee or the master or manager and often acted as its spokesman. If the problem were not solved on the spot, the agent took it to the delegate board where he had to report, to justify his actions to that point, to advise on union policy and to accept or suggest instructions for further work.

The agent had to face in two directions at once. He had to be acceptable to the men in dispute. If they were truculent or aggressive they had to be brought to act in a disciplined manner and perhaps persuaded that they were

acting unreasonably. And the master had to be listened to with every appearance of deference and respect. At some pits the masters refused to deal with him and would see only deputations of their own men or listen only to men who came as individuals to make a complaint. But the attempt to deal tactfully with the master of that sort might provoke from the men accusations of treachery and double dealing - especially if the agent recommended some form of compromise.

The new organisation, and its agent, won a number of easy victories within a short time of its formation. As prices had risen to over one pound per ton for best Forest block, wages had followed them upwards. By 1873 the butties had pushed their rates up by forty per cent over those of mid 1870 and the daymen had the 1870 day rate plus forty per cent. The collier's actual earnings, given the heavy demand and the regular work of the boom years probably increased by more than that. It was complained indeed that the colliers were earning so much that they were sending out less coal: total output in the Forest actually fell from 170,611 tons in 1871 to 153,255 tons in 1872. (Table 4.3) In conformity with national policy the union had also been able to bring winding hours at the large pits down from ten to eight and had insisted that weighing machines be installed. Shorter hours, weighing machines and higher rates of pay: all signs that the colliers had come out of Egypt.¹

¹Forest of Dean Examiner, 2 August 1873, 9 August 1873, 3 July 1874, 12 February 1875.

The union had made a clear difference in these matters but what sort of influence had the union been on relations between masters and men? The Forester summed up a widespread sense of unease about what union meant:

We refer to the breaking up of old ties. How many of these have existed in the Forest of Dean, as a consequence of its isolated character, and how strongly they have bound together masters and men will be acknowledged by all whose life has been spent here, or who have lengthened acquaintance with the district. The bond has been of a primitive, in many cases of a patriarchal, nature. Families whose names are as familiar to Forest ears as household words, have generation after generation continued in the same employ. Men have grown grey in the service and have been followed by their children in a like simplehearted, undeviating adherence to one firm. There are those who have spent more than half a century upon the Parkend Collieries, who have never worked a day elsewhere, and who, moreover, never meant to work elsewhere, until the present unhappy disturbance came. But a sudden, and, as is being proved, a very natural dislocation has taken place, and the old order of things is breaking up. Any man with eyes to see can perceive it. Not only has the "foreign" element permeated the ranks of the employers; it has entered in amongst the workmen as well - not, indeed, to be seen in any serious addition to their number from without, but in far different influences operating upon native labour. It is patent now that the events which are happening in our day are exciting the minds of our colliers; that direct pressure is being brought to bear upon them by the workmen of other districts, who will not suffer this or any other hitherto quiet corner of the labour market to fail in contributing its quota to the general movement... The result is that the clannish relationship in which employers and employed have been bound together is perishing - dying, in fact - before our eyes. We shall never see it again as it has been, we may depend upon it. The conditions of its existence are being swallowed up by the advancing tide of a general agitation, and along with the conditions must go the bond itself - its rights, privileges, influence and all. 1

¹Forester, 6 October 1871.

Where there had been vertical divisions in the Forest community, in which the masters might count on the loyalty of their men - or so it was assumed - the divisions were coming to be horizontal with the working men uniting against the employers.

The first problem of the organizers of the union had been to overcome disunity within the colliery workforce. If the union was to be successful, they thought, it would have to be industrial in character and not just a union of the skilled stratum. When Mountjoy took the chair at the founding meeting he shared the platform with "representatives from the majority of the pits and mines around the neighbourhood, including several of the butty-men from the collieries at Parkend on strike".¹ The butties had, as we have seen, led both the Trafalgar and Parkend strikes and the matters at issue were buttyman's problems: tonnage rates and weights. But the butties could not afford to ignore the daymen who, more or less experienced, might welcome the chance to take up stalls of their own. The problem had become immediate because Edwin Crawshay, owner of the Bilson and Crump Meadow pit, which employed about 800 men, had attempted to exploit the division between butty and dayman by offering an advance of five per cent to the former but not to the daymen he employed directly himself.

A surer way, Mountjoy argued, of rousing animosity among the men could not have been conceived. The serpent

¹Forester, 6 October 1871.

of old could not have had a more designing purpose than this when he went into the Garden:

For this reason. When 20 or 30 of your young colliers go into a public house after their pay - and there is no denying the fact that they do go into such places - Bill says to Jack, "Thee needn't swagger. If thee gets a shilling a week more than I, I be as good a man as thee beest any day". They then wrangle amongst themselves about this percentage and then they will fight. I say that (Crawshay is) thus providing a cause to promote discord, and probably bloodshed. 1

He argued at length that the daymen and the banksmen had as hard, as dangerous and as unpleasant work to do as anyone in the pit and that both classes were necessary for the success of the union:

Then I mean to say stick to one another. I will venture to tell the coal and mine cutters of the Forest of Dean that it is as much your duty to stick to the day men as in your case, if you are dissatisfied with the price paid for cutting the coal, to expect the men to stick to you. (Loud Applause) When the butty men recently gave notice to their masters they wished all the daymen to turn out along (sic), and in some cases they have done so. Now if they stick to you, my advice is to stick to them. If we are to have a union let us have it. (Applause) The fact is, we have been frightened of one another - I repeat frightened, that if anything was said Tom would take Jim's place, and Jim would take somebody else's place. In this way we have been frightened, and have thus given our masters an advantage over us. 2

There was another good reason for his concern then. The butties had won at Trafalgar but some of them had not passed on a proportionate pay increase to their daymen.

¹Ibid.

²Ibid.

John Hodges, a Trafalgar butty who had been a prominent spokesman in the strike said it "was quite true there were a few of the butties who had not raised their under-men, and among those there were men who received their 8/- and 9/- a day, keeping the whole to themselves. The very men who did so were those whom the masters most encouraged".¹ For the union the resolution of that early meeting to demand that all advances go in proportion to all pit and mine workers was as important as the capitulation of the Parkend masters.

Thus the union was an influence in favour of unity and cooperation among all grades of the colliery workforce in the face of the common opponent. So it was too in its dealings with other groups of workers: mechanics, enginemen, ironworkers and agricultural labourers. Their national or county organisers came to the forest under the auspices of the miners' agent. He went to the meetings for the visitors, had in fact arranged them, took the chair and made the first speech of the evening, usually on the theme of the intellectual, social and moral benefits of union. This, preceded by the inevitable union melody, led into the more specialised appeal of the visiting speaker. The annual demonstrations were not for the colliers alone: John Kane of the ironworkers', Thomas of the enginemen's and Yeats of the agricultural labourers' unions addressed them as well as Halliday and MacDonald.² The mechanics,

¹Ibid, 8 September 1871.

²Ibid, 2 August 1873, 19 December 1873, 30 January 1874, 31 July 1874, 30 July 1875.

the ironworkers and even the bargemen of the Severn actually asked to be allowed to form lodges of the A.A.M. but were encouraged to form unions of their own.¹

The agricultural labourers were of some importance to the colliers. Over a few seasons the man who worked on the farm in summer and came to the pits in winter might pick enough skill to become a strike breaker. During the Parkend strike of 1871 a buttyman, John Beddis, spoke harshly at a meeting about a dayman who had been set to cut coal by the company. "This man he designated as a clod-hopping collier and one who tried to take the bread out of the mouths of those on strike. A voice: he is a farm house collier (Laughter)".² It was men of that sort rather than the Irish who were the principal competitors for Dean colliers in the labour market. As table 6.2 shows, there were only three Irishmen in the forest pits in 1871. About seventy per cent of the men came from the forest. The majority of the balance, the "foreigners", came from the surrounding, predominantly agricultural, areas of Gloucestershire and Herefordshire. Thus Yeats, the secretary of the Gloucestershire labourers' union, expressed the hope at the demonstration of 1874 that he should see the "day when all working men, no matter what their calling was, or who they were, should unite in one

¹Ibid, 30 August 1873, 19 December 1873, 23 January 1874.

²Forester, 6 October 1871.

grand federation... and that when one part was assailed, the other part should rise and protect them".¹ He explained the blessing that would be to the colliers:

He (the speaker) and those who, like himself, were in the habit of addressing the labouring classes in question, were endeavouring to make it worth their while to stop at home, to remain in their own village without entering the mineral districts and competing with their labour with the miner or collier (Cheers). He had some knowledge of the matter to which he was about to refer, and he would remark that he never knew an agricultural labourer go to a coal pit and ask for work because he liked it or because of any desire to leave the green fields and the plough, but because the poor man - probably having a large family - was (sic) tempted to leave his village home and old associations on account of earning more money. This was to the agricultural labourer a great temptation, and hence it arose that the agricultural labourers had found their way to the collieries and offered their labour. Well, then, if by the aid of their union they were able to make it worth the while of that class to stop at home the miner would be benefited, and, moreover, the miner would be enabled more effectually to fight their battles than before (Cheers).

As the only full time resident union official in the region, it was logical that the miners' agent should be at the centre of this sort of activity. That he was and that the miners, ironworkers, and labourers shared platforms gives us a strong sense of the development of a trade union movement in the Forest in this period.

Part of that sense comes from the fact that the union brought a new newspaper for the working classes to the Forest: the Forest of Dean Examiner. William Owen addressed the foresters at their annual demonstration in 1873, arguing,

¹Forest of Dean Examiner, 31 July 1874.

Table 6.2

Forest of Dean: Place of
Birth of Colliers in 1871

	East Dean		West Dean		Total	
	No.	%	No.	%	No.	%
East Dean	985	62.7	44	3.4	1,029	35.9
West Dean	62	3.9	938	72.4	1,000	34.9
Other Gloucester shire	342	21.7	222	17.2	564	19.8
Herefordshire	71	4.5	24	1.8	95	3.3
Other English	67	4.3	30	2.3	97	3.3
Wales	41	2.7	33	2.6	74	2.6
Ireland	1	0.1	2	0.2	3	0.1
Not known	1	0.1	1	0.1	2	0.1
Total	<u>1,570</u>	<u>100.0</u>	<u>1,294</u>	<u>100.0</u>	<u>2,864</u>	<u>100.0</u>

Source: Census of England and Wales, 2 April 1871,
P.R.O., R.G.10/2,596-2,605/2,686/5,296-5,300.

with the support of William Brown and Mountjoy, the need for an alternative to a press which they believed served only the needs of the coalowners. The gathering, in response, resolved to adopt the Examiner as its "official organ". This move had been clearly planned well in advance since the first issue of the Forest of Dean Examiner appeared the following week with a full report of the demonstration and other local news.¹

The Examiner served just those national and local purposes which Owen had discussed at the T.U.C. in 1869. The paper was, in the first instance, the colliers' book of record. Each issue carried full and often verbatim reports of miners' meetings. The delegate meetings were reported in full and the reports taken as the minutes of the meeting. Publicity for union events, local trade reports, reports of meetings of local institutions other than unions and the opportunity to comment on reports of miners' activities which appeared in other papers, were provided by the Examiner. As well, the paper served the important function of linking the colliers in Dean to other districts and to the labour movement at large. Other unions and other strikes than those of the colliers were reported. Parliamentary business was not neglected and editorial and other articles discussed problems ranging from education to the work carried on by Mr Plimsoll.

¹Ibid, 2 August 1873.

All this was done on the assumption that working men as working men and not as foresters, methodists or odd fellows had a point of view which required representation. We cannot say how far the paper was read or understood by its intended audience but the subscription for 1,500 copies in a small community seems not unimpressive. Even after the union had been soundly beaten by the masters and had lost most of its membership, the delegate board decided to keep up the Examiner subscription, which perhaps indicates the importance they thought that it had for their work.¹ The Examiner ceased publication in 1877, after the depression had robbed it of its market, but in its brief life it had visibly altered the pattern of social relationships in the forest: if the foresters had largely been cut off from the labour movement at large, that was no longer so much the case; and if the colliers had played little part in the making of "public opinion" that was no longer entirely so.

The consequence of the sense of the community of interest of all working men which the A.A.M. branch and the Examiner brought to Dean was a fracturing of other, older, loyalties. For some christians - as well as for supporters of the established press - the intrusion of the union into the Forest raised doubts and difficulties. It is difficult to estimate the religious affiliations of the foresters in the early seventies but it seems likely that the majority of them were Nonconformists of one sort

¹Ibid, 12 February 1875.

or another. An inspection of the ordnance survey map gives the list of places of worship shown in table 6.3. There were six Anglican churches, five Baptist, three Primitive Methodist, three other methodist, two Bible Christian, two Independent and seventeen other chapels whose denominations were not recorded on the map: in all, thirty eight places of worship of which six were Anglican.

The strength of the Nonconformist presence that suggests is likewise suggested by the results of the first School Board elections in the Forest in April 1875.¹ Of the nine places on the Board, six were won by Nonconformists. The Forester thought that the polling supported "the calculation that the Foresters are two thirds Nonconformists and one third churchmen". Of a total of 19,593 votes, 5,498 went to churchmen, and 14,095 to Nonconformists. A total of 2,177 ratepayers voted: 611 for churchmen and 1,566 for Nonconformists.

At the head of the Nonconformist party stood the coalowners. The successful Nonconformist candidates were W.B. Brain, colliery proprietor, S.J. Thomas, colliery proprietor, Alfred Goold, colliery proprietor, Joseph Thompson, colliery clerk, Cornelius Griffiths, Baptist minister and Thomas Nicholson, Baptist minister. Edwin Crawshay, coal and iron master, headed the Church party, along with Sir James Campbell, the Deputy Surveyor of the Forest, and W.H. Taylor the vicar of Christchurch.²

¹Forester, 1 April 1875.

²Ibid.

Table 6.3

Places of Worship in the Forest of Dean, 187

Church of England

1.	Holy Trinity	nr. Drybrook	E.D.
2.	St. John's	nr Cinderford	E.D.
3.	Holy Jesus	Lydbrook	W.D.
4.	St Pauls	Parkend	W.D.
5.	Christchurch	Christchurch	W.D.
6.	All Saints	Blakeney Hill	E.D.

Baptist

7.	Ruardean Hill		E.D.
8.	Beulah	nr Cinderford	E.D.
9.	Lydbrook		E.D.
10.	Yorkeley		W.D.
11.	Parkend		W.D.

Primitive Methodist

12.	Ruardean Hill		E.D.
13.	Blakeney Hill		E.D.
14.	Coalway Lane End		W.D.

Wesleyan Methodist

15.	Whitecroft		W.D.
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Methodist (Unspecified)

16.	Stockwell Green,	nr Cinderford	E.D.
17.	Dark Hill		W.D.

Bible Christian

18.	Upper Soudley		E.D.
19.	Oldcroft		W.D.

Independent

20.	Drybrook		E.D.
21.	Moseley Green		W.D.

Chapels - Not Specified

22.	Drybrook	E.D.
23.	Ruspidge	E.D.
24.	Cinderford	E.D.
25.	Cinderford	E.D.
26.	Cinderford	E.D.
27.	Littledean Hill	E.D.
28.	Brains Green	E.D.
29.	Viney Hill	W.D.
30.	Oldcroft	W.D.
31.	Reddings	E.D.
32.	Lydbrook	E.D.
33.	Lydbrook	W.D.
34.	Pillawell	W.D.
35.	Breams Eaves	W.D.
36.	Breams Eaves	W.D.
37.	Clements Tunip	W.D.
38.	Five Acres	W.D.

Source: Six-inches-to-a-mile, Ordnance Survey of
Gloucestershire, County Series (1st ed., 1873).

Some christians thought it a bad idea to have unions in the Forest. They expressed their disapproval in small gestures like that of the refusal of the Baptist chapel at Cinderford to allow its schoolroom to be used for an organising meeting early in the life of the union.¹ In the case of the lay preacher Henry Jones, a buttyman, union was synonymous with "confusion, starvation and death".² He reminded the foresters of the fate of the Chartists in Wales who had followed Frost at Newport and of the bad end of Warren James. Mountjoy, like them, would only bring suffering:

If you establish a union at Cinderford Town Hall, and get a few pounds in it, there will soon be a strike or strikes which will prove more hurtful to the men in the Forest district than those in South or North. The man who has a pig in his pigscot must let the shopkeeper have it; the man who has a cottage may lose it; and thus confusion will be found between masters and men, and men and their wives and children. What else will strikes do? Clothe wife and children with rags, empty the cupboard, and send the children to bed with empty bellies. Consider this, brother foresters, and let him who stands connected with a Christian Church make peace instead of destroying it.

Churchmen could be influential in ways that did not turn on their interpretation of the Book. Mindful of their responsibilities they might feel duty bound to attempt a more thorough going critique of unionism. In the Forest of Dean the only attempt to confront union in any systematic way came from the minister of the Baptist Church, Thomas Nicholson. While the coalowners kept their thoughts on

¹Forester, 22 September 1871.

²Ibid, 13 October 1871.

political economy largely to themselves and demonstrated their attitudes in action rather than in print, Nicholson kept up throughout the life of the union in Dean, and long after, a stream of letters to the local newspapers, of sermons, of addresses to public meetings and pamphlets, which were designed to show that union was not only wicked but contrary to the laws of political economy.¹

But these christian admonitions seemed to have little effect partly because it was possible to question the motives and understanding of some of those who offered them. Perhaps Mr Jones' God was one who smiled too exclusively on the buttyman:

Your correspondent can talk about the consequences of strikes, but I am one of those who believe that if he felt the hardship of low wages like some men, his theories would be at least slightly different. Now he is not thus placed, because, always having help from his sons, and invariably good places in the pits, he has not felt the shoe to pinch. But are his "bowels of compassion" closed against the poor banksmen who have to toil far harder than himself to be ever closed! And will he condemn those who stand forward to point out the manner in which they are unfairly treated? I would ask Mr Henry Jones this local divine how would he like to toil for 2/8 per day? Whether he could quiet his "Christian brethren" in the same soft tones and with the same fine broadcloth he now dons? I think not. But, again, has he no word of correction to this master who makes fish of one class of his men and flesh of another? Can he look on and approve this injustice to the daymen? But sir, he is not a dayman, and therefore will not suffer neither will his cupboards be scanty in fare. 2

¹See for example: "Fallacies of the Strike", Forester, 3 November 1871.

²Ibid, 20 October 1871.

More importantly, perhaps, the A.A.M. men were not merely defensive in their dealings with religion. They were frequently religious men themselves, taking justification for union, not condemnation of it, from their creed. It was sometimes difficult to tell whether it was converts to union or converts to Christ that were wanted. After William Brown had been to the Forest on the first of the deputations from the A.A.M. he wrote a newspaper account of the work there. He concluded his account of their meetings:

On the Sunday we held our last and best meeting in the Baptist Chapel, Cinderford. The meeting should have been held in the schoolroom, but, it being far too small, the people assembled in the Chapel which was kindly lent to us. Let me venture to hope that good was done and God's name glorified. We had a fair chance to speak a few words of admonition to a number of poor outcasts who never attended a place of worship, or if so, on very rare occasions. The congregation was a very mixed one, and, as I thought, it would be my last day I should have come among the forest people for some time to come we could not separate in a better way than by asking the Almighty to bless our efforts in trying to benefit mankind, and more especially the mining population. ¹

For that sort of work by unionists the Baptist Chapel was available.

The Book provided them with the parable and metaphor which made effective their speeches about matters at issue between master and man. God was watching the masters, whether they liked it or not, and the day of judgement was bound to come:

¹Ibid, 27 December 1871.

To a certain extent he held they were their brothers' keepers, and should be determined to work for each other not only in heart but in hand, and if their masters oppressed them they should remind them that it was wrong, for there was woe to the oppressor. Ungodly men would be dispersed like the chaff before the wind. ¹

The banner carried by the Lydbrook lodge to the annual demonstration of 1873 depicted a master and a man, the latter carrying a pick in his hand. Between them stood a female carrying a pair of scales. Beneath her was inscribed: "A just weight is God's delight but a false balance is an abomination to the Lord".² He had his eye on the buttyman as well: "A poor man that oppreseth the poor is as a sweeping rain that leaveth no food".³ And while he watched sternly the enemies of the working man he lent his power to the miner's attempt to raise himself up:

Now referring to the agitation in Dean Forest when it first commenced, there were some religionists who expressed themselves as surprised that I should take part in it; but at Manchester I met preachers of the Gospel, class-leaders, and circuit stewards, and I am happy to say that the gentleman present (Mr Mitchard) is a member among the Primitive Methodists. I believe there is a hand superior to any human hand directing our movement. (Applause) I honestly and candidly believe that a time favourable to the forester is come, and as I have said before, a power lies within us which we have not of late years been able to estimate. ⁴

Their religion was important to these men but it was not for them a religion which neglected the need for a weighing machine on the pit bank or for better wages in favour of

¹Ibid, 6 October 1871.

²Forest of Dean Examiner, 2 August 1873.

³Ibid, 28 November 1873.

⁴Forester, 24 November 1871.

a heaven to come in the after life.

Perhaps the surest sign that the old order was changing came in 1879 when, as it became clear that a general election was likely, the Forest miners began to agitate for a working man's candidate. Until then West Gloucestershire politics had been dominated by the contest between the Tory and Conservative Dukes of Beaufort and the Whig and Liberal Berkeley family. In the Forest division, the leading Liberals were, in 1870 as in 1832, mine and pit owners. In September 1870 the Liberals held a demonstration at the Speech House for Colonel Kingscote, landowner, and Mr Marling, a Stroud clothier, who had been returned in the Liberal interest in 1868. Mr W.B. Brain of Trafalgar colliery, whom we have already met, arranged the marquee in which the assembled voters sat down to their cold meat and hot potatoes; Mr William Crawshay, coal and ironmaster, brought the Members from the station in his carriage; and Mr Osman Barrett, Mr Henry Crawshay and Mr Goold, coal and iron masters, waited with the M.P. for Stroud to receive the visitors. At three o'clock when they moved to the tables there were another seventeen owners of coal and iron mines among the diners. The Liberal masters owned all the large and medium sized collieries, and iron mines and all the ironworks in the forest.¹

Beneath the masters, in the order of things political

¹Forester, 23 September 1870.

in the Forest, came the mass of voters. What was the nature of the Forest electorate? More particularly, since we are interested in the election of 1874, what was the nature of the electorate in 1874? Table 6.4 shows, so far as it has been possible to discover them, the occupations of the persons listed in the 1874 electoral register. Each voter was traced in the 1871 census enumerators' books and his occupation recorded where it was clear that the man listed as a voter and the man listed in the census were the same. A number of those listed in the register were not to be found in the census. More importantly, in a number of the enumerators districts, and even in smaller areas within those districts, there was a number of people having the same name but employed in different occupations. Where the number of people of a given name and address in the register did not correspond with that in the census, all the people of that name were taken as "not known". This problem arises in part because the enumerators books are imprecise in their recording of addresses. Most people are simply listed as living at "Viney Hill" or "Yorkeley Slade". The nature of the Forest settlements - with few streets set out and named - probably prevented closer identification. Fortunately it is enough to know for most voters that they lived in such a sub-area and that no one else of that name lived there. Table 6.4 also excludes those who were on the Forest register but who were to vote elsewhere. There were 1,565 voters in the Forest polling divisions in 1874. Table 6.4 groups 1,121 of them according to the occupational categories used in chapter four.

Table 6.4
Occupations of Voters in the
Forest of Dean, 1874

<u>Occupational Category</u>	<u>East Dean</u>		<u>West Dean</u>		<u>Total Forest</u>	
	No.	Per Cent	No.	Per Cent	No.	Per Cent
Clerical and non-mining, professional	11	1.9	6	1.1	17	1.5
Shopkeepers, merchants	94	16.0	62	11.6	156	13.9
Industrial Trades	30	5.1	31	5.8	61	5.4
Metal Workers	11	1.9	17	3.2	28	2.5
General Labourers	64	10.9	35	6.5	99	8.8
Colliers	203	34.6	224	41.9	427	38.1
Iron Ore Miners	55	9.4	50	9.3	105	9.4
Other mining	29	5.0	21	3.9	50	4.5
Stone and Quarry	46	7.8	40	7.5	86	7.7
Agriculture	19	3.2	21	3.9	40	3.6
Wood and Timber	12	2.1	24	4.5	36	3.2
Miscellaneous	12	2.1	4	0.8	16	1.4
Total	586	100	535	100	1121	100

Source: Census of England and Wales, 2 April 1871, P.R.O., R.G. 10/2,596-2,605/2,686/5,296-5,300; Register of Persons entitled to vote at any election of a Member or Members to serve in Parliament for the Western Division of the County of Gloucester between the thirty first day of December 1873 and the first day of January 1875 (Gloucester, 1874).

Clearly this was a plebeian division of the electorate. Colliers were 34.6% of the voters in East Dean and 41.9% of those in West Dean: 38.1% of the total Forest. These categories which were unequivocally part of the working classes - coal and iron miners, tin, wire and iron workers, stone and quarrymen, general labourers and the agricultural and wood workers - were about 70% of the electorate in East Dean and 77% in West Dean. This was the constituency to which Mountjoy believed he might appeal in 1873 when the Bristol conference of the A.A.M. in October called on its member districts to investigate the possibility of bringing forward their own candidates.

In November, when the colliers gathered at Cinderford to present a purse to the Reverend T.D. Mathias of Merthyr Tydfil for his services in a strike there, Mountjoy raised the question of parliamentary representation:

It is time for the workmen of England to share more largely in the privileges which others possess and use to a higher level. I hope... to see the working community of this and every other country represented in Parliament by men who have risen from their own ranks. In the borough of Wenlock, in Shropshire, the working men are trying to return one of their own class, Mr Brown, to the House of Commons, and they also felt sure that two of their own rank would be made Town Councillors. And now let me ask what part the foresters intend playing at the coming election; my opinion is the working men can never be truly represented except by working men. Brother Foresters, never again send any man to represent you who contemptuously ignores the rights of farm labourers. Some have gone so far to say the present system of government does not need renovating, I say it needs abolishing or reversing. The more useful a man is to the community, the lower he is placed in the social and political scale. The farm labourer and miner, instead of being honoured are dishonoured. Is it not an outrage on justice that the least useful class of

all should have a representative in Parliament for every family, while the most useful class, which produces all the wealth shall not have one representative for a million families. I hope the members of trade unions will at the forthcoming election, choose men to represent them who will do what is right, and which they should do. Let us no longer sit down in contented ignorance and fondle the chains that bind us. 1

Colonel Kingscote had referred in a speech to a number of agricultural labourers and their families who had gone to Brazil and come back in rags. Their experience he had blamed on the labourers' union as organisers of the emigration. Their union and the colliers' union deployed that as evidence of a more general hostility to working men.

The delegates discussed the problem of choosing a candidate at their meeting a fortnight after this speech and decided to ask George Howell to contest the seat on behalf of the working men. They instructed the Secretary to write to Howell and his opponents and invite them to address the working men at Cinderford and Coleford "on questions which the working classes deem of great importance to them".² They also resolved that:

...the end and aim of a salutary legislation should be the enlargement and preservation of the people in their individual as well as their corporal capacity. We indignantly condemn the Master and Servants Act, and the Criminal Law Amendment Act, as oppression to the working men of the country, and demand such reconstruction or abrogation as may remove the stigma they imply and the wrong they inflict.

Howell took some time to respond to the letter sent to him and in the meantime the agitation continued. The

¹Forest of Dean Examiner, 7 November 1873.

²Ibid, 21 November 1873.

speeches in favour of working men's representation were of two types. In the first place they offered a general criticism of the working of the whole of the British political system:

What is wanted within the walls of Parliament as well as among the people is a sound, healthy political morality. This will be a work of time. We might ask the question as we pass along - how many of the 658 members in the House who really understand the great questions which will have to come before them for consideration before long. As long as men are selected by private favour from select circles rather than for public worth, we shall always, more or less, have a corrupt Parliament, no matter what the extent of the franchise may be. No matter what bad laws there might be, they will not be abolished so long as the working men are without Parliamentary representation. 1

It was necessary, secondly, to preach against the established loyalties of the ~~Forest~~. In 1874 men still spoke of the agitation against the Corn Laws and of how they had marched to vote for Colonel Kingscote. They had paraded behind two poles, a large loaf of bread hanging from the one and a small loaf and a herring from the other: the Tories then and in 1874/^{they portrayed}as the party which wanted the working people to have the small loaf. Kingscote's campaign literature made great play of that:

True-hearted KINGSCOTE, foremost he,
Who valiantly fought,
When Tories ruled a penny loaf
Was worth a poor man's groat.
We raised the Big Loaf flag on high,
"Cheap Bread and Kingscote" was our cry:
 He met the foe
 And straight they go
Off with their tax to Jericho. 2

¹Ibid, 5 December 1873.

²G.R.O., Colonel Kingscote, elections, D 471/X9.

But the Liberals and the masters were one and it was against the masters that Mountjoy spoke:

...the Forester tells us that some time ago we were very well contented to act upon the advice of our masters in political questions, and now we should with equal confidence trust them. Yes, I admit that we were poor, blind, down-trodden, ignorant things, but now the dawn has come upon us. Our eyes are no longer shut, and we can ask ourselves the question, "will this man serve us in Parliament?" Then it was true we did the bidding of our employers, but is that a virtue to be repeated? Then we went like little lambs saying "Hurrah for the bonnets of yellow" and we are "Jovial Forester". I say such doctrines as this neither reflect credit upon ourselves or our leaders. Was it not a "screw" as much as anything ever was? We trusted and followed our masters - (laughter) - and did what they desired, whether it was right or wrong, wise or foolish. If we didnt do the wise or foolish thing, we were told that we "might go"... Well our district committee have ventured to invite Mr George Howell to come down, and I believe there is a good chance of success; but according to the Forester, if he does it will be unwise. I will say to the men of Dean Forest, "Dont be discouraged", The Forester has estimated the Forest men as one-sixth of the constituency. Now, supposing that to be true, have we not a brave army of colliers in the Bristol district? Then have we no help to expect from the agricultural labourers of West Gloucester? Let me tell you that their interest is with us, and they will give us all the support in their power. Now I feel as much sympathy for the agricultural labourer as I do for my own more immediate brethren, and we, as colliers and miners generally, I venture to say, are not indifferent to their claims. We think that no men should have our sympathy like those men. We have the promise of their help. 1

He thought that the masters would be showing good feeling if they were to rally behind the men in the way that the men had once rallied behind them. It would be more in the

¹Ibid, 5 December 1873.

proper order of things if the "minority were going up with the majority". A score of meetings on this theme gave to West Gloucestershire politics an entirely new character.

In the event the effort was wasted. Howell had already compromised his independence and was not ever likely to have taken to the platform in Dean.¹ The union, once it was clear that Howell would not stand, attempted to persuade a coalowner, Captain Heyworth, to come forward as their candidate.² This was a retreat from their resolve to have a working man as candidate but was nonetheless an attempt to demonstrate their importance and independence by choosing their own man. Heyworth, not surprisingly, declined to stand and Colonel Kingscote and the Hon. Charles Berkeley, took the field against the Tory, Mr Plunkett. The union offered support to the Liberals but of a grudging sort:

At the Gloucester meeting I had the unpleasant task of telling Colonel Kingscote what the forest men thought about him. (Laughter and cheers). It was a very painful thing to do I assure you, nevertheless I had courage enough not to flinch from the duty I was instructed by the district working men to perform. Notwithstanding the plainness of my remarks, I am pleased to know they were taken in a good spirit as given by myself. (Hear, hear) I need not go over the details of what I said yesterday, but I want him to understand distinctly that what I said to him had been previously said by Forest men to myself. I am very glad to see Col. Kingscote and the other gentlemen present, and also glad to see so large a number of the electors present, but this, continued the speaker, and addressing the hon. candidate, is only a handful of my constituency. (Cheers and laughter) I want members to understand that in future the Forest of Dean men intend to keep their eyes open, for it is quite true that
In years which are passed asleep we have been

¹R. Harrison, Before The Socialists (1965), p.293.

²Forest of Dean Examiner, 6 February 1874.

To our interests as men in the Forest of Dean. I trust this sudden dissolution of Parliament will teach the representatives of Dean Forest such a lesson as they never learnt before.... I am sure that the little bit of schooling Colonel Kingscote has had in the Forest this week will do him a power of good. 1

This disturbing election ended badly for the colliers. Several hundred of them did not turn out to vote at all, perhaps confused by the shifts in tactics of the leadership and by uncertainty over a number of purely local issues which arose in the second stage of the election and which we shall discuss in detail below. This, the agent and the Forester complained, was what gave the Tory the small margin by which he went ahead of Berkeley to take the second seat for West Gloucestershire.² Kingscote topped the poll to take the other.

At the other extreme from the apathetic or uncertain were the working men who congregated around the door of the Tory headquarters, in an inn owned by Mr James White, and pelted the people entering and leaving with herrings, the symbol of Tory disregard for the interests of workers. Upset by this, Mr White produced a revolver with which he threatened the crowd. They retaliated after the closing of the poll by ransacking White's inn along with two or three others - the publicans were plumping for the Tories - a butcher's and a pawnbroker's. Once again the forest magistrates felt compelled to call on the military for

¹Ibid.

²Ibid, 6 March 1874; Forester, 13 February 1874.

assistance and again a squadron of dragoons came to the forest to keep order. In what the miners' agent characterised as a spiteful act of revenge, the magistrates kept twenty men in custody for two weeks without having sufficient evidence to bring charges against them. Most were subsequently released.

In a sense the local A.A.M.'s missionary attitude to the working class and its disruption of the social bonds between masters and men was an exact reflection of the policies and attitudes of the national union, its leadership and its conferences. At the same time it is important to offer the caveats about the local union which were offered about the national: there was no distinctively aggressive attitude to wage bargaining and the employers, though there was the rhetoric of class harmony. It is also important to notice local attitudes which were not quite consonant with those of the national union, particularly those which stemmed from the operation of the butty system.

For Timothy Mountjoy, far and away the most loquacious and apparently influential of the local men, the union was to teach piety, respectability and sobriety. Mountjoy was born in 1824, the son of a lime burner who lived on Little Dean Hill.¹ Mountjoy remembered his father as a sober and industrious man who "used to get those of us that could read around the table, and the old family Bible covered with green baize, each one of us reading his verse in his turn".² Young Mountjoy attended the Sunday School at a

¹ Timothy Mountjoy, The Life of a Forest of Dean Collier..., p.1.

² Ibid.

Wesleyan Chapel near his father's house, later becoming a Sunday School teacher himself, and spent much of his time tramping the district to visit the sick and the dying and distributing tracts. The Sunday School had a library:

I read a great deal then, which has proved a blessing to me in after life. I read the "Boy's Start in Life", so ought every thinking boy; Baxter's "Saints' Rest"; "Luther and Cromwell", "Pilgrim's Progress"; "Come and Welcome to Jesus Christ", by Bunyan... "The Jerusalem Sinner Saved", and "The Holy War". I read the "Dialogue of Devils", which was the cause of my taking more heed to my ways". 1

Though all this no doubt encouraged piety it also made of Mountjoy an austere man, not fond of frivolity or disorder. Thus, on his marriage, he put himself to some inconvenience in "order to avoid being tanged, that is, to undergo the old-established process, now thankfully dismissed, by neighbours beating pots and kettles and tins around you and about your door".² Some of his fellow colliers Mountjoy regarded as unregenerate, disorderly fellows whose influence was to be avoided, whether they were drunkards or sheep stealers:

I did my best to keep my mouth as with a bridle while the ungodly were in my sight. My companions at the pit were always planning how to do mischief; several of them owned sheep, as they do now; they did not always kill their own, but another's. I will tell you how it was done then, and it may be now in some cases. One fine morning old Farmer Smith found that two dry ewes were missing out of the Fishpool orchard; he went riding round to ask if these other men who kept sheep had seen them in their walks; he was told by the very man who was taking the skins off their backs, that he did see them down in Badcox Bailey, marked like Smith's. The old farmer went off on the jog trot to find them, but he never did, for their flesh was eaten on the Hill. This is how unregenerate men will act towards the other. I hope that these dark days are for ever past, and that in the future everyone will kill only those that are his own. 3

1 Ibid, p.12.

2 Ibid, p.17.

3 Ibid, p.12.

He was only seven years old at the time of Warren James' riot in 1831, but he did remember it. His version of the event reflects his strong antipathy to disorder and violence. James and his followers might well have believed that they were fighting for the miners' rights but that sense of resistance to oppression had been lost to Mountjoy, who saw only more "mischievous foresters":

Some forty-five or fifty years ago, many of the Foresters acted as though there was no law to be respected; they got it into their heads that the office of woods and forests had no right to enclose the forest lands and plant trees thereon, and, under this belief, they banded themselves together, under the leadership of one called Warry Williams, to pull down and throw open again Her Majesty's enclosures. They did a great deal of mischief, and I do not know where the mischief would have ended, had not a cavalry regiment come upon the scene; it was useless for the woodmen to attempt to stop them, they did get one hundred in a rank against a stone fence, or a turf fence, and sent it down like madmen. I saw them at work near to Latimore Lodge, but as soon as the soldiers came it was real fun to see the tall fir trees, with a bank-puller halfway up it, hiding from the soldiers; others in cowsheds, taking the Sunday's meal, others in mine holes, many were taken and put to prison, others got clear away. Another mischievous band of Foresters. 1

Much to be preferred was the sort of man who would join the East Dean Economic Benefit Society which Mountjoy helped to found in 1854 at the Old Baptist Chapel in Cinderford.² This society was to be strict in its behaviour, "held in a schoolroom, and no beer, and no parade, and no music or feast days". That was not to the

¹Ibid, pp.10-11.

²Ibid, pp.38-39.

liking of all the foresters. Some of the notices advertising the first sandwich and tea meeting were torn down and put into the fire. The society paid accident and death benefits, kept a good sum in reserve and was less expensive to run than the "public-house club" according to Mountjoy. Within a year of its beginning, he asserted, the society had 365 paid up members.

Not surprisingly, these sorts of values informed Mountjoy's unionism. Union was to:

...extend the principle of self help, and spread the noble principles of our association around us... it is calculated to further improve our moral and social position, and our usefulness to society... And let us individually try to secure steadier habits among our fellow miners by removing all our benefit clubs and lodges to places where no intoxicating drinks is sold (sic)... 1

Steady habits were important, in part, at least because they helped to create reliable and useful workmen, and, so far as the union was responsible for that, it was of as much benefit to the employers as to the men. Because they had not learned the habits of sobriety and thrift, non-union men were of no use to anyone:

...he unhesitatingly said that masters were fighting against their own interest when they selected non union men to work in the place of others, for they were most assuredly cultivating the worst propensities of the worst class of men that were amongst them. The non union men in the present Staffordshire struggle were being bribed and petted to work, but those men as a rule, cared nothing of their master's interest or any other principle; they only wanted the

¹Forest of Dean Examiner, 30 August 1873.

treats the pays and less work. They were true Adulamites, seldom at work, not worth a day's pay, the most dissatisfied of men, and, as a rule, those who made the most mischief. They were often turned off for neglect of work and disorderly conduct, often having to flee from their creditors, and were well known to the police... To capitalists they were wholly unproductive, and to labour a disgrace, they did a world of evil and lowered their class, engendering hate, strife, disorder and crime. Such was his experience in Dean Forest as the most industrious and upright miners were union men and warm supporters of the organisation. 1

The demand for steady habits and discipline brought the union into occasional conflict with the membership, who were not always as committed as Mountjoy or the delegates to the worthy principles which Mountjoy preached. The night men in particular were prone to bad behaviour for which the delegate board chided them.² They sent out wildly varying numbers of carts, attended irregularly and displayed less than the correct earnestness to their work:

Mr Mountjoy drew attention to a company of men who on a recent Monday night went into this colliery, and on reaching the bottom tossed up to see whether they should work or return to bank. He said that according as he was informed the toss went against the first time, when it was continued until it was decided to return to bank which was done. He urged that a vote of censure be passed on them, and also on those persons at the same colliery who had destroyed 365 admission tickets belonging to the company. 3

¹Ibid, 3 July 1874.

²Ibid, 20 September 1873.

³Ibid, 27 September 1873.

The delegates censured these men and similar offenders, especially the sixty six men out of 150 who failed to turn up for the most recent Monday night turn. The Chairman thought it was part of their business to "do all that could be done to prevent irregularities".

Discipline was important to the union too, for its own purposes. If the union was to prosper its rules and regulations had to be obeyed and its procedures as laid down in the rule book closely adhered to. Men often became impatient with that. At Lightmoor colliery in August 1873 a group of men had taken action on their own account and then appealed to the union for support.

Mountjoy complained to the next delegate meeting:

It was unfortunate when men kept off without doing so in the right way. On Saturday he went up to Lightmoor, as he learnt there was a grievance there. He found that notice had been put up, calling a meeting to discuss a matter, viz., an advance of wages of 9d per day. On finding the notice up, he at once took it down and wrote another, to say that if the timber men had a grievance as to wages they should see the manager - see rule 32 - and if they could not come to terms with him, then they had according to rule, to see him (the speaker) in order that the matter might be brought before the district meeting - he reminded the men that if they intended to go against rule their case could not be heard. 1

Again, at a delegate meeting in 1874, we find G.F. Goode, the Chairman of the district union, making the same sort of complaint:

When men acted independently like that, he did not think they should knock up a lot of bother... The fact was that their district had rules and regulations and these must be obeyed. In cases of dispute the agent was to be consulted, and steps taken before parties could come upon the union. 2

¹Ibid, 30 August 1873.

²Ibid, 19 June 1874.

Their need of order and discipline was only one of the ways in which the interests of masters and men were alleged to be identical. The general harmony of the interests of Labour and Capital was preached at the local as well as the national level. William Owen argued in the Examiner that working men "are not likely to kill the goose that lays the golden eggs by impoverishing or driving out of the country those most useful allies of theirs, the capitalists who provide the resources necessary for carrying out large industrial operations...". For William Brown Capital and Labour were like the blades of scissors, "unless there be the two blades there can be no cutting. (Cheers) Capital cannot succeed without labour, neither can labour succeed without capital."¹ So too for Mountjoy. In August 1873 he went to the village of Clearwell to speak at the opening of a new lodge. He said to the men assembled for the occasion:

I hope that the interests of employer and the employed will go hand in hand together and your lodge will bear fruit. Let Truth and justice, and not might rule, and strikes and lockouts cease to be. Combination is power, and I hope this gathering will be good and trade and commerce still improve on this side of the district. I also hope that moderation and equity will guide you. We desire for our society the strength which intelligence and true unity can give; what we want is fair remuneration for masters and men - The united interests of both considered. 2

Thus, Mr Brown told the demonstration of 1873, union would bring progress and respectability:

¹Ibid, 27 February 1874.

²Ibid, 30 August 1873.

You can talk a little better, you are clothed a little better, you are shod a little better, and generally look a little more respectable... You used to meet in this place I have been told, and were in the habit of pulling off your smock frocks; but it was not for the purpose of elevating yourselves or getting better wages. Your object then was to break one another's heads. Thank god those days are past, or at least, fast dying away and I hope never to return. 1

This vast condescension did not produce a riot but, if the Examiner is to be believed, applause.

Stern, pious, disciplined and respectable, this was not a union which confused the individual worth of one man with another or promoted - so far as its own membership was concerned - any foolish egalitarian ideal. We may see this in the principles which underpinned the union's wage bargaining. For Mountjoy and the delegate board the demand for a fair wage was a demand that men should be paid "market value".² What was market value and how was it to be known? Market value was the wage dictated by the labour market from time to time and it was to be known indirectly by watching the price of coal:

...the masters are never weary of saying that the rate of wages is governed by the state of the labour market, and not by the price of coal or iron. As an abstract proposition this is true but as a matter of fact the prices of coal and iron are the only index to which either masters or men can refer for guidance as to the condition of the labour market and they form an infallible guide. The present position of

¹Ibid, 2 August 1873.

²Forester, 22 September 1871.

affairs proves it. Prices have gone up and from all parts of the country there is a cry that labour is scarce. Let us therefore hear no more of the deluding fallacy that workmen are not entitled to a rise of wages just in proportion as the price of production advances. They are, and what is more, if they are wise they will insist on having it. 1

Thus in the local as well as the national union the logic and the mentality of the sliding scale were to be found long before the institution of formal sliding scale agreements.

Market value, however, was not to be understood as the same rate for all men: the distinction between the skilled and the unskilled was reflected in what it was thought their market values were:

The Agent said he had had a conversation with the manager at Lightmoor, who told him that if there were any men working at the colliery not receiving marketable value for their labour - he was referring to the men who could do a day's work either in putting timber or beginning and finishing their work in a proper manner - they should be paid it. 2

The manager said he had increased the pay of some men and would do the same for others "but not to the men who could only fill a cart". This was not at all unacceptable to the delegates. To the contrary, their discussions were often punctuated with the disclaimer that it was only the skilled men to whom the speaker referred. Within the district there were variations in the rates paid at different collieries. Where these were thought to be

¹Ibid, 20 September 1870.

²Forest of Dean Examiner, 30 August 1873.

justified by the state of the market or by circumstances which might influence a company's ability to put its coal on the market at competitive prices these variations were thought to be acceptable by the delegate board:

Mr Mountjoy said the men about Clearwell were now 1s per day below the market value of their labour. The union had never, however, been able to raise that part of the district equal to others, until the men began to move themselves. But it was only right to say that they could not expect to get as much wages - and he had told them so - until the facilities for taking the material away were improved. It had now to be taken in waggons and carts to Monmouth Parkend. He was glad to believe, however, that there was some prospect of a railway being cut. ¹

The local union never truly grasped the nettle of division in the colliery workforce. It could not even decide what the answer was to the question "What is a fair day's wage?", which the delegate board pondered in September 1873. They were able to agree that the dayman, so long as he was, and only so long as he was, a skilled man, should have his six shillings a day. But they could not come to the same conclusion for the butty. That there should be some minimum below which his earnings should not fall they all agreed but his earnings were likely to vary so much that it was impossible to set a standard wage for him. The chairman of the meeting summed up the argument:

...the butties or contractors...made the best contracts they could with the managers or bailiffs. The latter, if he was well known, made as tight a bargain as possible. Now there was very often great uncertainty in carrying out the work; because no man on being allotted a stall could say what difficulties might be

¹Ibid.

met with: colliery work was not like some other work which a man could see what he had to do... He did not, himself, see how it was possible for their district at present to lay down any rule as to what was or should be a standard wage.¹

This discussion of the problems of setting a wage for all daymen or all butties provoked a series of letters in the Examiner which give us some insight into the tensions inherent in the butty system, the obstacles to effective union and the nature of the union. A buttyman, one Henry Jones, wrote to say that:

...I find there is a spirit of restlessness and disquietude in the breasts of some men about the question of wages, and that there should be an average throughout the Forest district. I wonder where we shall find either the man or men that can bring about such a state of things. In the first place a butty man or men are supposed to be experienced and steady colliers: but I am sorry to say that there are many that take the charge of a stall to get coal that know very little about it. Then if an experienced man, either by mental or physical powers, can so manage his stall as to send more coal than the other, shall both have the same wages?

Secondly as regards day men's wages, here they are - some from the smith's shop, others from the shoemakers bench, others from the plough tail, and so on. First they begin to have them to fill, then to pick up, and some of them both; and others are very neglectful, where others are more provident. Shall all these men have the same wages? How monstrous to talk of such a thing, when I, for one, know that some men are worth 1s per day more than others. Thirdly as regards timberers in the road, these men are obliged to be kept on all coal works in the district, but these vary, both in steadyness and experience. Some of them will stay away from their work while others will be found at their work, and one man can make a pair of timber, while the other may be turning the timber about. Again, one man will see which way to put the setting up, and do it, while another will be taping (sic)

¹Ibid, 27 September 1873.

this and that, and sacking up his trousers. Shall these have the same wages? If the timberer is a steady and good workman and his wages will not do for him, let him ask for a stall, and tell his master his reasons, and not think to bring wages on an average. 1

For Jones all men were not equal. For him, providence and steady work habits were measured at the end of each month with the totting up of the number of carts sent out.

The same issue of the Examiner put the timberman's case:

...I know that the dayman is thought very little of by some men. But we must not condemn all for some. However, I would advise them not to take any notice of that, but ask the master to give him the chance of a head or job work and not only one but all men that could do such work as timbering, and then the master would soon see which class of men was worth the most, head men or road men, for if all that class of men would do that it would be better than meeting and talking things over, for I believe that there is not one in ten, take the Forest through, that work in the heads, that can do the work as a timberman, although they think that because they are butty-men they are all. But if the roads were fast where would they be? They could not send coal till it was opened... 2

A correspondent who asserted that he was a dayman lamented his vulnerability to sharp practices by the butties:

...I can of my own experience assure you that there is and has been considerable discontent dwelling in the minds of many men on this question of wages.

Many believe that an average rate of wage throughout the district should be insisted upon by union men. Mind you, Sir, I do not mean that Mr Henry Jones's "clod-hoppers" or "Hodges" from the plough tail should receive as high

¹Ibid, 25 October 1873.

²Ibid.

wages as the experienced coal cutter. On the contrary, taking - if I may be permitted - the Rocky men in Lightmoor Pits. I object to the system of butty-men there making a distinction between practical hands of from 6d to 1s per day. I am one of those who believe the time has come when the ordinary collier should speak plainly out, objecting to the present unsatisfactory method of paying the daymen.

I venture to say that every day collier able to do a fair eight hours work ought to have the same uniform standard wages together with his forty per cent. Having in general terms explained the grievance of our day-men - or at least many of them - I would affirm that in the Rocky vein, where I am a day collier, there are some butties who out of every five per cent pay their men at a reduced rate, instead of what is fair, just and honourable. The fact being they (the butties) keep to their own check what is due to others.

Again, some of the butties object to pay the coal money, others pay none at all, and such is the state of things prevailing at the colliery named.

I would, in conclusion ask, is it right these men should be allowed to continue a system attended with so much injustice? I should like, sir, to see the day arrive when the butty men - if we are to have butty-men - and daymen combine in that which is right, instead of the former trying to rob the latter. 1

He might have added that the butties, or some of them, continued to own small shops and beerhouses and to pay their men in truck. The old custom of sharing out the pay at the beerhouse and insisting that all the men in the company contribute to a drinking fund for the night also continued, to the disgust of the union officials.²

Another correspondent who also claimed to be a day-man wrote to say that the attacks on the butties were unfair. He emphasized the insecurity of the butty's earnings:

¹Ibid, 14 November 1873.

²Report of the Royal Commission on Truck (P.P., xxxvi, 1871) pp. xci-xcii.

...I am a day collier, and have worked for different buttymen...and I am proud to work for a butty... After a butty has been working month after month, and no money to carry home to his wife, then the wife would say, "What, no money this time?" "No: I have had to borrow the money to pay the chaps". Well, the wife goes to the shopkeeper. Mr "so-and-so" I want you to trust me with another fortnight's things, my husband has brought me home no money again. The reply - oh, I cant let you go on any further, you must transfer your pig over to me for things you have had already. I know this to be the fact. I will not say this is the case with all in opening their stalls: It has been with more than one or two I have worked for. 1

To this "A Forester" responded not at all unreasonably:

With regard to the buttyman's loss from month to month...I will ask why are these old buttymen, when they finish out a stall, so anxious to get another? We daymen have nothing to do with the contract between the buttymen and the masters, that is purely their own affair. I for one, however, protest against having my wages deducted in the way and manner that some buttymen treat their underhands. 2

For the butties who responded, the case was a simple one: mining was a skill which some men possessed to a greater degree than others and differences among men were a matter of personal worth or quality:

I am sorry to say that there are a great number of persons at Lightmoor who are not capable of being in a stall without the butty. I might say without hesitation, that a great many more lives would be sacrificed than at the present time, because there are a great number of persons who are not competent miners, and do not possess those capabilities which are requisite to enable them to carry on a stall either safely or beneficially... they ought to be thankful to think of the butty taking

¹Forest of Dean Examiner 21 November 1873.

²Ibid, 28 November 1873.

them from the plough tail, and for the instruction given them to try and bring them as financial as good as themselves. The butty does not scandalise any incompetent person, but is doing much good for him daily in trying to make them if possible, practical miners. 1

Another man wrote to say that the debate should be discontinued because it was divisive: that such discord surely would kill the union tree. In a letter cast almost in the form of a sermon he exhorted them to charity towards one another and urged them to keep in sight the need for brotherhood. For all that he was not able to resist a word or two on behalf of the butties and against the sort of dayman:

I have had to contend with this thirty years, if they are taught one rule just to cut a yard of paling, or get a lump of coal with an iron bar. That they have gone so far, and they know all better than their employers, the butty as they call him. I have had many of that sort that have thought they had been getting 3d or 4d a day for me, and I mean to assert that 19 out of 20 such never do enough work to pay their own expenses, and hundreds can testify to the truth of my assertions. But on the other hand I have known some butty colliers very austere and exact, so much that they have been too keen to be honest... If you are an accomplished man as a collier, if you cannot prevail on your present employers to entrust you with a place, you shall come with me, and whether you are old or young, if you do the same work as myself, you shall fully share the profits. I have refused a great many of these public house slashers and have put them in stalls by asking the bailiff for them, and they have cut and mangled their work place to such an extent that in less than a fortnight they have grown to such an enormous size that they were not able to get their body under the roof, and have come back to me, acknowledging that they have not got 1s 6d per day. 2 (sic)

It is important to notice that there was conflict and competition among the butties as well as between butties

¹Ibid.

²Ibid, 2 January 1874.

and daymen. There was firstly the problem of the "decoy birds", the men "whom the masters most encouraged". Resentment of favouritism had surfaced at the beginning of the Parkend strike. Because some men always had the best and easiest places given them and others always had the hardest and least rewarding, some of the butties wanted the stalls to be allotted by ballot every three months as they were in the north of England.¹ William Morgan, a buttyman, had raised the question of division among the men at the October 1871 meeting at the Cinderford Town Hall:

I have seen a good many "places" in my time where the men after working ten or eleven days could not obtain their wages. At these times men have gone to their bailiffs and begged for a little more money, and at times "it has been given". At other times the bailiff would say "go to the master". They had gone and were told this, "Your place don't pay me to work it you must shut it up, if you cannot make it pay for that money let it stand". Hoping it may turn out better men have toiled and toiled...and we have gone labouring and toiling on month after month hoping that the place would turn out better, and then at last after long struggling have been obliged to give up the place altogether. After a bit another man has been given money "just to try it", and in that way it was not unusual for these men to reap the fruits of other men's labours. What is to prevent this being done? There is no other way open to us than to have a union and stick together. 2

If a miner asked for a rise of rates in a difficult workplace, Morgan said, the employer would say "so and so will do there very well", "making believe they have better men and more experienced colliers." Some men allowed themselves to be used in that way and thus they all fell to

¹Forester, 8 September 1871.

²Ibid, 6 October 1871.

"wrangling and fighting". As well as the problem of decoy birds, there was also competition among butties in bidding for work. In October 1874 Mr Jones of Whitecroft appeared before the delegate board complaining that another member had taken his work. Jones and another man had tendered for a job at one pound per yard but lost the work to Mr Tyler who offered to do it for fourteen shillings. This, Mr Jones thought, was contrary to the spirit of unionism:

The Chairman reminded Mr Jones that this work was to be estimated for, and he had the same opportunity as others to put in a tender for it. It was not a question as to the men but who was the lowest, at the same time it was scarcely creditable to Tyler who had another job, to estimate in this case.

A Delegate stated that...he (the speaker) would have as much right to give in a price at 12s as Tyler did at 14s, and Jones at 20s. It was given to the lowest man, and was now nearly finished, and doubtless there would be a chance for others to estimate on any further work. He could not see how any censure could be passed on Tyler. 1

The delegates let the matter drop.

These divisions have been dwelt on at some length here because they are usually little attended to in histories of colliers' unionism: union policies and attitudes may not properly be understood without that sort of analysis. The union did stand in opposition to the employers. Its demands were for a fair relationship between the returns to capital and the returns to labour, as measured by the ratio between the price of coal and the hewing rate. But at the same time the union was well aware of differences in skill and earning power among its members and not at all concerned to abolish

¹Forest of Dean Examiner, 6 November 1874.

pay differentials among them. The union was no leveller of men: even the dayman had someone to despise: poor, unskilled, clod-hopping "Hodge".

There was a vigorous union among the Forest miners in the period 1871 to 1874. Centred very much on the larger pits and on Cinderford in East Dean, the union had been formed by butty men and was primarily concerned with their problems. The cry of tyranny and oppression arose when the terms of the contract were unfair, when weights were not taken accurately and market value, according to the price of coal for the time being, was not paid. To ensure that the contract was fair, union was necessary and co-operative behaviour among the men had to replace the suspicious individualism and competitiveness of the butty system. If that were to be done successfully the butties had to bring their daymen into union. The organization of all grades of colliery labour, a missionary attitude to the organization of workers in closely related industries such as agriculture and iron making, a newspaper aimed at the working classes and the attempt to assert a working class presence in politics: all this more than justified the feeling of contemporaries that the old order was changing.

But this was also a union which valued piety and respectability, which demanded that its members observe proper industrial discipline and which saw the interests of master and men as identical; or, at least, argued that they should be so. The butty after all was no mere labourer. He was a sub contractor, having a great deal of control over the rhythms of his working life, exercising a skill,

bargaining with the coalowner for his contract, employing men himself and deriving profit from their work. The coalowner provided the capital structure within which the butty had his opportunities and took his risks. Among the miners there was an awareness of gradations of skill, of the differences between daymen and butty-men, and a concern that they should be reflected in pay differentials. Because of the presence of the butty-men, their view of matters, there was a gap between what the local and national unions wanted for the miner. The local union debated and rejected the policy of equalization of wages and hours. The local union accepted - so long as prices and contract rates moved up and down together in acceptable proportions - the dictates and fluctuations of the product market. Few in the Forest railed against "ruinous competition" or advocated openly the conspiracy of producers.

Chapter 7

Weakness: the Collapse and Revival of District Union

United we stand, divided we fall;
Then Foresters one, then Foresters all,
To ask for your rights go, fearlessly go,
And stand like the brave with your face to the foe!

Our object is good, that most men will say,
To lessen the hours of labour each day;
To hasten that period go, fearlessly go,
And stand like the brave with your face to the foe!

There's one thing besides that the union provides -
Higher wages to all as the markets do rise;
To enter the union go, everyone go,
And stand like ^{the} brave with ^{your} face to the foe!

A.A.M. song for the Forest of Dean.

Forester, 29 December 1871.

The union in Dean was vigorous enough when coal prices were high, when the demand for mining labour was strong and the A.A.M. seemed to offer convincing protection. Sometimes Mountjoy, Halliday and other miners' leaders spoke as though they believed that the boom was not a temporary condition but a stable, permanent upward shift in the level of economic activity, that wages and prices would never fall again or the union ever be weak again. But the markets did fall. What happened to district union in the Forest in the years of depression which persisted until 1881 and in the five relatively comfortable years after that? How, in circumstances which did not justify euphoria or prophecy, did the miners imagine their relations with the masters should be arranged? What were the sources of union weakness in the district? The first problem which depression brought to the foresters was the collapse of the A.A.M. and subsequent weakness in central organisation.

The potential weakness of the A.A.M. was fully realised in 1874. As the trade cycle began to move downward the owners began what Owen called the "attack along the whole line".¹ In every district they demanded wage cuts of from ten to twenty per cent. Halliday and the executive responded in two ways. At conferences in April and October they reasserted their faith in the restriction of output as the only true remedy and in arbitration as the only fair way of dealing with disputes.² At the same time Halliday attempted

¹Potteries Examiner, 18 April 1874.

²Wigan Observer, 17 April 1874, 9 October 1874.

to orchestrate the wage cuts, accepting any "reasonable" reduction rather than strike, so as to maintain the principle of cost parity: he wanted an orderly and disciplined retreat rather than an uncontrolled scramble into "ruinous competition".¹ But he was unable to prevent the decline into competition or a succession of defensive strikes in Wales, Staffordshire and Lancashire. Under that pressure the A.A.M. broke up.

Halliday demanded that the men accept discipline, that they accept compromise wage cuts, that they keep up their levies and membership subscriptions so that the union ship would not sink. But the membership did not agree. As early as the April conference there were demands that the M.N.A. and the A.A.M. join in a national strike to resist the cuts.² The Glasgow Sentinel noted in January that:

It would appear that the time of revolt against authority in the unions is come now. In South Wales several collieries have turned out against the express wish of the Amalgamated Association of Miners. The strikers claim all the union leaders have sold them and are working for the masters. ³

The nature of the division which was developing between the leaders and the men in the face of the falling market is well indicated by this exchange at the October 1874 conference:

Mr Mountjoy said, seeing that the masters had agreed, east, west, north, and south, to reduce the wages of the men 10, 15 and 20 per cent, he suggested that the men should give their masters counter notice that they would cut no more coal until the masters would consent to conciliation and arbitration. (Laughter and 'Oh')

¹Ibid, 16 October 1874.

²Ibid, 17 April 1874.

³Glasgow Sentinel, 24 January 1874.

The President: Keep within the bounds of reason in all your advances. If you intend to go out to play until the masters are brought to reason, a good public will be the sufferers from such an act.

Mr Mountjoy: I think we should try to bring the proprietors within the bounds of reason.

The President: but you must consider the public.

Mr Bowen asked if the public ever told the men that they were working for too low wages when they worked in the mine for twelve hours for 3s6d per day? (Cries of 'No') He cared not for the public or the country He thought the miners ought to stand up for wages which would properly feed and clothe them, no matter what the public said. He did not study the public so much as that (Applause). 1

"Public opinion" - what the Miners' Advocate and Record called "that incarnate Moloch; that self-conceited and sensuous Mephistopheles of the 19th century"² - reason, arbitration, the restriction of output and all the paraphernalia of MacDonald and Halliday's political economy, and the union strategy that followed from it, had to confront the demand that men should fight to preserve the fair price for their work. As Robert Lewis of Wigan put it, complaining of manipulation and compromise by Halliday and Pickard in a dispute which led the Wigan men to abandon the A.A.M., "the men would rather fight and be beaten and have a twenty per cent reduction than accept a ten per cent dishonestly".³

Quarrels broke out in the A.A.M. over who, if anyone, should be allowed to strike, over whether compromise cuts should be accepted, over the non payment by the executive

¹Potteries Examiner, 18 April 1874.

²Miners' Advocate and Record, 11 October 1873.

³R. Challinor, Lancashire and Cheshire Miners, p.124.

of strike pay and the non payment by districts of their levies.¹ Members began to leave the district unions and districts to leave the A.A.M. Some left because of the burden of levies, and the threat of even more of them, and the fear that strikes in other districts would sap their own strength too far. Some went to the M.N.A. on the grounds that it could not do worse for them than the A.A.M. had done. There at least they would not have to pay the continual levies.² By April 1875 most districts had taken one or two heavy cuts in wages, the union had been beaten all along the line and the financial membership had fallen to 58,687. In 1875 the bankrupt A.A.M. joined the M.N.A. in a new national union, the Miners' National Union, under the presidency of MacDonalld.

The formation of a new union had been foreshadowed some time before this. As early as 1873 there were nervous suggestions that wider unity would soon be necessary. The employers had taken a disturbing path in forming the National Federation of Associated Employers of Labour.³ Surely this was the massing of an army for war on labour? Some trade unionists thought that labour in turn should bring its divisions into closer order. At the A.A.M. conference of 1873 Thomas Halliday advocated "the federation of all trades for support and defence in one great whole."⁴ He

¹Potteries Examiner, 18 October 1873, 11 April 1874, 18 April 1874; Wigan Observer, 3 October 1874, 9 October 1874, 16 October 1874.

²Potteries Examiner, 10 October 1874.

³Potteries Examiner, 9 August 1873.

⁴Western Mail, 9 October 1873.

explained why he had urged this after an overly enthusiastic delegate from the Rhondda had proposed that each member pay one shilling to a fund for supporting strikes in any trade:

The PRESIDENT thought that as an individual association they could not do anything in this matter, but that it must be left for the trades congress to consider. He, however, wished to point out that while the matter could not be considered here, the employers in the country had already taken the initiative in trying to form one gigantic union amongst themselves to crush the working men of any particular branch of industry, and prevent them getting what they considered to be their rights. And he wanted to state, through the press, that the remark he made in his opening address was made with the knowledge that the employers, particularly those in Lancashire, were forming an association for the purpose of crushing trades unions. They thought that unions were of no use, and yet they were forming one amongst themselves, and it was with that knowledge of the matter he made his observation a few days ago. He did not think it necessary to form a fund immediately, as Mr Coles had suggested, but he ventured to say that if the employers in this country formed into one great federation, the workmen would be able to follow, step by step, in the same road. ¹

In the M.N.A. no such urge to wider combination appeared until a year later. Then, when they had felt the force of reductions and had been beaten in strikes, some of the M.N.A. districts began to demand that the rules of the union be altered to provide for the support of strikers and that the Council should work with the Council of the A.A.M. in a general resistance to wage cuts.² MacDonald argued against this course. They had, he said, the example of the A.A.M. before them: a great union pulled down by indiscipline, disorder and strikes. "Had there been in the

¹Ibid, 17 October 1873.

²Barnsley Chronicle, 21 November 1874.

history of trades organisations any collapse so complete - any destruction so universal?...I ask you to pause before you attempt to create a rock on which another vessel is at the present moment quietly sinking into destruction."¹ The attempt to amend the rules failed but the delegates appointed a committee "to take into consideration the advisability of strengthening the various districts concerned therewith", and resolved that the M.N.A.'s Council should meet the A.A.M.'s Council to consider some sort of joint action.

As the pressure for a national federated union continued from within the M.N.A. and it seemed more likely that the A.A.M. would break up altogether, MacDonald altered his tactics. He did not meet the A.A.M. but acted unilaterally, calling a national conference for April 1875.² The A.A.M. agreed to send two delegates to it and advised each of its member districts to send representatives. Before the conference met MacDonald issued a circular which stated the demands of several of the M.N.A. districts.³ Durham suggested "the desirability of concerted action; or some National scheme of federation whereby the whole of the miners in the United Kingdom can act together. This action to be, to let the whole of the coal miners in this country remain idle at one and the same time. This might, for the time being, be in some measure

¹Ibid.

²Western Mail, 7 April 1875.

³Ibid, 14 April 1875.

commercially disastrous; but better than that permanent privation and starvation for ourselves and our families." For the longer term there should be a federation with power to raise levies in support of strikers. Leicestershire and Derbyshire wanted "that all miners throughout England, Scotland and Wales ought to form one federation, so that, in the face of a falling market, we may have a general fast from labour as often as the conditions of the market may require - namely, one or two days a week, or a month, as the case may be."

At Leeds, in April, delegates spoke strongly for federation and the creation of a power to make levies but this was not to be another A.A.M. The defenders of federalism prevented any immediate commitment either to complete unity or to levies. The conference adopted only weak and tentative resolutions:

- 1 That the members of this conference are of opinion that a National Union or Federation of all workpeople employed in and about mines is highly desirable; but before the object can be thoroughly attained, this conference feels convinced that the various districts and associations must be better organised than they are at the present time.
- 2 That a committee of seven members of this conference be appointed to draw up a code of rules for the government of the Federation in all cases of difficulty affecting wages in all districts connected with the Federation; that such committee meet at the earliest convenience after the closing of the conference, and be empowered to call another national conference within a period of three months from the present date, for the purpose of finally agreeing (if possible) when to commence such Federation by such district or local associations as may decide to become connected with it.
- 3 That in the event of any district or local association being thrown in the same or similar position as the South Wales men, this conference

pledges itself to render in a voluntary way all the support possible to such districts as associations until the meeting of the next conference, when it is to be hoped the national union or federation will be formed, and come into full operation.

- 4 This conference strongly recommends the establishment of boards of arbitration and conciliation, supported by sound organisation, together with cooperative collieries, as the best means of arriving at the true interest of capital and labour, invested in the mines of the nation; as this conference is of opinion that until this be accomplished, strikes and lockouts will occur, and the rights of the workmen be entirely ignored by a large number of employers.
- 5 That in consideration of the great sacrifice of life and the heavy injuries received by the miners and pitmen of the country, and to a great extent through inexperience of adult workpeople being employed in the mines, this conference recommend all local associations to take into consideration the advisability of taking legal organised action with a view of diminishing such occurrences by not employing any person, and to use every legitimate means to prevent any person being employed in mines after they arrive at the age of 16 years. 1

The rules which emerged, and which Halliday presented to the rump of the A.A.M. at a special meeting at Shrewsbury in August 1875, made some concessions to the principle of centralisation but made it difficult for districts to obtain support.² A central fund would pay 7/6 per week to each married man on strike. However, that was only to be paid if moderate principles failed to prevent a disruption. The member district was to approach the employers in the first instance and request arbitration. If they refused the district was to refer the dispute to the central committee

¹Leeds Evening Express, 28 April 1875, 29 April 1875.

²Western Mail, 26 August 1875. The A.A.M. disbanded at the Shrewsbury meeting. Forest of Dean Examiner, 3 September 1875.

which would send a deputation to negotiate with the employers, again seeking arbitration. Only when these successive attempts to go to arbitration had failed might there be recourse to the central fund. Halliday recommended these rules to the conference which advised the districts to join the National Union and dissolved the A.A.M.

Weak at birth, the new union did not offer the successful strategy and the mutual support which some had hoped for. In the unfavourable economic climate after 1875, resistance to wage cuts proved near impossible - and it was not thought in any case, by the MacDonalldites, to be possible. The old faith in the restriction of output and in arbitration and the acceptance of the fluctuations of the market, and consequent fluctuations in wages, continued, given expression in some districts by the institution of formal sliding scale agreements which stipulated that coal prices and colliers' wages should move up and down together in a fixed relationship. Though this type of arrangement removed the arbitrary appearance of wage cuts and the membership of some miners' leaders on sliding scale committees gave the appearance of consultation, it did not offer a stable secure standard of life.¹ Bitter division between those who wanted a more aggressive strike policy and those who did not, the failure to use the central fund to any good effect and the continuing turmoil of Lancashire which could not achieve strong county union, meant that there was no effective national union up

¹See S. and B. Webb, History of Trade Unionism (1894), pp.323-7.

to the formation of the Miners' Federation of Great Britain in 1889.

The foresters were among those who left the A.A.M. before the union with the M.N.A., bitter about the failure of Halliday and the national executive to support them in resisting wage reductions in 1874. When the markets turned downward and it seemed that the A.A.M. was over-committed nationally, the masters' association in Dean - made up of the owners of the large house coal pits - gave notice of a twenty per cent reduction.¹ When they refused to allow arbitration the national executive intervened and sent Thomas Halliday to the Forest to negotiate with them.

The last thing that the executive wanted at this point was for the 4,000 men in the Forest to go onto union pay. It was more important that they do as they had at other times: stay at work and contribute through levies to the support of strikers in other districts. Halliday had to persuade the men to stay at work, accept a reduction and to pay more money away from the district in levies. The report of the meeting which Halliday held in the Forest tells us something of the gap which was opening between the national executive and the local unions.

He began with a militant enough speech in justification of union. There had been implanted in the human heart, he said, a desire to get as much of the world's goods as possible even at the expense of others. It was because of

¹Forest of Dean Examiner, 12 March 1874, 20 March 1874.

the deceitfulness of the human heart that the working classes had been so miserably paid and underfed. But now the working classes had united so that they might make the best bargain they could for their labour:

That union of theirs had given them a power which they had been fighting inch by inch against capital - that was to say, with a view to get a fair remuneration for their labour. With their union they had tried to raise themselves to a better position in life, which could only be obtained by better wages. 1

That was all very well, but trade had faltered and now the employers had begun the suicidal business of competition for markets. Under those circumstances the men should make the "best bargain possible" and accept reasonable reductions:

He would urge that the present position of the trade should not be aggravated by the forcing on of any strike in Dean Forest. Such a step could only result in aggravating the position of affairs. He had not addressed them so far without having ascertained their determination to accept no reduction of wages (Hear, hear). But he told them plainly that that meant a strike, and, it might be, the ten or twenty per cent would be required to get back what they as men lost in the matter. Now, he thought that as a further conference with the masters was on the following day, the deputation, whoever they might be, should be trusted with the necessary powers to make the best bargain possible. (A voice: "No, No" and laughter; and "No reduction"). He regretted to find so much determination on the part of the men: but he might remind them that there were rocks ahead. (A voice: "No there are not" and renewed laughter) whether they believed him or not, he thought it was necessary for them to pull in their sails, for there was danger before them... Seeing the position of affairs, the best bargain that could be made should be made, and in fact that policy should be pursued at all times. 2

¹Ibid, 8 May 1874.

²Ibid.

So he carried on until he and Mountjoy had persuaded the men to allow the deputation which was to go to the masters to make the best bargain.

That turned out to be a compromise reduction of ten per cent in the striking of which the employers gave great weight to Halliday's assertion that he was about to make the same sort of arrangement in the neighbouring and competing coalfield of Bristol.¹ In coming to that agreement, and in bringing the men to allow them to make it, Halliday had to overcome what was already a strong suspicion among the men that there would not be the firm resistance to cuts that they wished. Shortly before Halliday came to the Forest, the men likely to be affected by reductions had accused Mountjoy of double dealing and resolved that future deputations to the masters should not have the power to make bargains until the terms had been brought back to delegate meetings for discussion and ratification.²

The full extent of the A.A.M.'s weakness became clear later in the year when the masters in the Forest and South Wales gave notice of a further ten per cent reduction.³ The Examiner supported Halliday in calling for moderation, arbitration and the establishment of formal sliding scale agreements to meet the situation. Arbitration in the Forest, as in Bristol and South Staffordshire, would serve

¹Ibid.

²Ibid, 3 April 1874.

³Ibid, 21 August 1874.

the best purpose if it produced a sliding scale. Once a basis for the scale could be fixed "the great contention of wages need no longer be a bone of contention between master and man. And that evil removed, there is very little left to quarrel upon."¹

The "basis" was the problem between the Forest masters and their men. There was no disagreement about the relative degree to which prices and wages should vary: for every rise or fall in the price of coal of one shilling wages should move by five per cent.² There was nothing new, as we have seen, about the assumption that prices and wages should move together. But the boom had upset custom: as Halliday put it custom had been "outraged".³ The sudden fall in prices in 1873 and 1874 created two difficulties: there was disagreement about the point at which falling prices should provoke a cut in wages; and the competitive scramble made it difficult to tell just what prices were. The miners in Dean argued that, since their wages had not gone up at the same rate as coal prices, there should be no wage reductions until prices had fallen to the same percentage margin over those of 1871 as wages were above those of 1871.⁴ And no one seemed definitely able to say whether coal sold at 16/- or 14/- the ton.⁵ What made it even more confusing

¹Ibid.

²11 December 1874.

³Select Committee on Coal (1873), Q.5,261.

⁴Forest of Dean Examiner, 13 November 1874.

⁵Ibid, 20 November 1874.

was that the masters themselves were divided. The "masters association" in Dean was made up of the house coal firms. The iron masters, having not the same market and cost conditions to deal with as the house coal owners, both held aloof from the association and did not impose wage cuts on their men when the house coal owners did. The largest employer among the ironmasters, Henry Crawshay, even went so far as to write to Mountjoy a letter which declared that there was no real reason at that time for the masters to attempt to enforce reductions.¹

This letter was useful indeed to Mountjoy. It helped to reinforce the impression that the masters were simply using their arbitrary economic powers to pass the full burden of falling prices on to the men: the fairness and the reasonableness which the union had preached as the basis of relations between masters and men was not to be seen among the masters, however willing the men were to submit to an independent inquiry into their case. Pushed by an angry and defiant membership, Mountjoy and the district executive led the men affected by the cuts, about half the Forest's mining workforce, into a strike which lasted from November 1874 to February 1875.²

At the beginning of the strike the Forest delegate to the national executive had led the foresters to believe that they would have the financial support from central funds.³

¹Ibid, 13 November 1874.

²Ibid, 20 November 1874, 27 November 1874, 4 December 1874, 22 January 1875.

³Ibid, 13 November 1874.

But the executive continued to take a moderate line.

Pickard came from up country after the strike had begun but not, he said, "to say hard and naughty things".¹ He met Tom Goold, chairman of the masters' association, and appealed to him to send the problem to arbitration.

Goold argued that reductions in Bristol and Radstock made those in the Forest necessary and complained that when he had struck the bargain with Halliday earlier in the year, Halliday had agreed to accept whatever further reductions the state of trade and of competition made necessary.²

No result coming from that exchange, Halliday came to the Forest again, in company with Pickard, and again met Goold. Once again, there was an appeal for arbitration and compromise. Once again, Goold refused. Moreover the men who attended on the foresters' deputation also refused to accept Halliday's terms:

I venture to say the employers were and are in the wrong and whatever Mr Halliday and Mr Pickard may say, I can assure you gentlemen, that the men will not accept it. (Applause from the deputation) 3

Mountjoy, who had preached reason for so long and had so often pleaded with the masters for arbitration machinery to be set up, was most especially aggrieved because while the owners would talk at length with Halliday and Pickard, they denounced Mountjoy and the district president George Goode as inflammatory agitators and would not deal with them.⁴

¹Ibid, 20 November 1874.

²Ibid, 4 December 1874.

³Ibid, 11 December 1874.

⁴Ibid.

Halliday came back to try yet again a short time later and held a private meeting with Goold at Newnham. Mountjoy had by this time become bitter about Halliday and the national executive. Mountjoy said that he had been invited to meet Goold and Halliday but had refused to go. He told a meeting of the men that he did not believe in "fly away meetings".:

If our case is not worth his (Halliday's) attention for a day or two, let him go on to London or South Wales or where he likes, and we will settle the question without him, for we are advanced in the sixth week of the strike and no letter come to say when we are likely to get any help from the amalgamation...¹

In 1873 the Forest had sent away £2,666/14/- in levies for the Welshmen and all they had in return from the "26,000 counterfeits of Wales" was £2/10/-. Altogether the foresters had paid £8156/7/4 to the A.A.M. and nothing had come from the executive.² Halliday said that it was the conference which had decided that the foresters should have nothing until the arrears due to other districts had been paid, blamed the Forest's leaders unfairly for precipitate action and hinted that Mountjoy was plotting with William Brown, whose district, North Staffordshire, had already seceded from the A.A.M. Not convinced by that, and it was of no relevance to their situation, the Forest men rejected the compromise which Halliday had worked out with Goold at Newnham - under which the men would lose the ten per cent in two stages instead of at once - and carried on with the strike.³

¹Ibid, 1 January 1875.

²Ibid, and 29 January 1875.

³Ibid, 1 January 1875.

In the end the foresters had to compromise, but their intransigence gave them a better result than Halliday's bargaining would have allowed in that they went back to work at a five rather than a ten per cent reduction.¹ Compromise was unavoidable. As the strike went on divisions appeared among the men, little response came from appeals to other districts, bitter quarrels broke out between union and non union men, the number of men paying to the union fell away and by the end of January funds had almost run out. Above all, nothing had come from the A.A.M. At their first meeting after the conclusion of the strike the district delegate board resolved unanimously that:

...seeing in what manner the Forest of Dean Miners' Union had been treated by the Amalgamated Association Executive, we cease to form any part of the Amalgamated Association from this day...²

The Amalgamated had failed and there was little faith left in centralism and its levies but the lost strike had proved that the tiny Forest district could not hope to stand alone. The union funds ran out, the savings of the men disappeared and the employers had simply to wait till hunger drove their men back to work. It was necessary that there be some greater power to sustain them. The new federation offered the sort of compromise between the two organisational poles of the A.A.M. and the M.N.A. which

¹Ibid, 5 February 1875.

²Ibid, 12 February 1875.

might work. If each man paid seven pence per week, one penny of it might be sent to the central fund so as to ensure outside help in lockouts or strikes but sixpence would be kept in the district to build up a strong local fund. Mountjoy attended the conference at Leeds in April and brought its resolutions back to a mass meeting in May, which agreed to them and agreed also to join the federation.¹ In July, MacDonald himself came to the fourth annual demonstration with William Brown and William Owen to promote the new union.²

This was, from the outset, a forlorn task. Some of the employers had been vindictive and had shown clearly that they did not want unions. Mr Leadenham of Cinderford lodge had worked fifty seven years for the Bilson and Crump Meadow Company but had not been taken back after the strike. He had tramped to Newnham to appeal to his master, Alfred Goold, personally, but without success:

The Agent: Is it not a fact that when your master first came to Cinderford as an infant, you carried him from his mother's arms?

The Chairman: Yes. I took him out of his mother's arms - out of the tram in which she was riding, and carried him to the house where Jim Webb lives; and I have always beloved Mr Alfred ever since - (applause). The speaker resumed his seat somewhat overcome. ³

As the Forester had predicted in 1871, the bonds of the old order had perished.

Wage reductions continued. A five per cent drop in April and another in July left the colliers at fifteen per

¹Ibid, 21 May 1875.

²Ibid, 30 July 1875.

³Ibid, 9 July 1875.

cent above the rates of 1871.¹ In July, the union, without even the money to support the expense of an appeal to arbitration, had agreed to its first sliding scale at a meeting with the masters at Littledean. The "basis" for prices was taken to be twelve shillings per ton at the pit mouth for best screened block and, for wages, fifteen per cent over the rate of 1871. From that base wages were to move five per cent for every movement of one shilling in prices.² By the end of July, when they held the annual demonstration, union membership had fallen from its peak of 4,500 members to 1,000.³

Mountjoy and Goode attempted many times to revive the union. They brought Thomas Halliday back to address the foresters, as secretary of the M.N.U., as well as William Brown from North Staffordshire, William Crawford from Durham and Conway of the South Yorkshire miners.⁴ But none of this halted the decline: in 1875 and 1876 as coal prices continued to fall further reductions by the associated masters - who included the Crawshays now that the iron trade had collapsed - took off all the wage gains of 1871

¹Ibid.

²Ibid, 30 July 1875

³

⁴Forester, 3 August 1876, 25 January 1877, 22 March 1877, 26 August 1880, 26 August 1882.

to 1874. Secret reductions and tampering with hours and weights at the little pits and by the non-associated masters further eroded the collier's position.¹

By 1877 there was severe distress in the forest. The Reverend Nicholson wrote in November that he had "lived 70 years amongst the Foresters and have witnessed many seasons of depression, but I never before saw the like of this."² He estimated that some 5,000 people "are in unparalleled privation and distress, having no employment, nothing coming in, many of them not having bread to eat, their chief means of subsistence being their potato crop, which is wasting away by the potato disease, and will soon entirely fail." Most of the distress was concentrated in West Dean where nearly 500 families were affected by the closure of the Parkend furnaces and the impact of that on the ore and coal mines.³ A meeting of coalowners, clergymen and gentry from the neighbouring parishes set up a relief committee which, with support from the Commissioners of Woods and Forests, employed two to three hundred men at roadmaking, until their funds ran out in May 1878.⁴ The roadmaking had begun at 2/6 per day for each married man but as funds ran out the rate dropped to 2/- per day and then to 1/6.⁵ A new fund opened in March for the relief

¹Ibid, 16 September 1875, 16 December 1875, 13 January 1876, 2 March 1876, 17 August 1876.

²Ibid, 8 November 1877.

³Ibid, 22 November 1877.

⁴Ibid and 27 December 1877, 31 January 1878, 11 April 1878, 9 May 1878.

⁵Ibid, 10 January 1878, 7 March 1878.

of distress in East Dean which had been relatively little affected till then.¹

After May, relief in West Dean came from the Monmouth Guardians whose attitude to the distressed foresters was hostile. The guardians asserted that the reports of poverty were exaggerated and were reluctant to provide help. Nicholson called a meeting of the poor and from it sent 200 women in a group to wait on the relieving officer "who was utterly unable to cope with such an unusual army of applicants."² Nicholson also wrote a song for the poor which he called "Lamentation of the Suffering". A note in his handwriting on a printed copy of it which survives reads: "Sung by the poor women and children at a gathering in the open air in a snow storm. They sang it beautifully."³ Such extraordinary demonstrations moved the guardians not. They set men to stone breaking at ninepence per cubic yard for married men, sevenpence below the usual rate. One of those who took this work made $1/1\frac{1}{2}$ after a full day's labour.⁴

From late 1878 to March 1880 better trade eased the situation. Nicholson believed that the crisis had passed and he issued an account of his part in the relief work called "A Grateful Retrospect."⁵ But in March 1880 the

¹Ibid, 7 March 1878.

²Ibid, 4 April 1878.

³Gloucester Public Library, Gloucestershire Collection, 3082, Distress in the Forest, 1879.

⁴Forester, 16 May 1878, 23 May 1878.

⁵Gloucester Public Library, Gloucestershire Collection, 3081, A Grateful Retrospect (Coleford, 1879).

the Parkend and Fancy collieries in West Dean closed, throwing 700 men and boys out of work. The two pits together produced 90,717 tons in 1879 but only 16,475 tons in 1880 and 10,647 in 1881. This left only one large pit, the Royal Forester, in relatively full production in West Dean in 1880 and 1881. There were still thirty four pits at work in West Dean but they were mostly tiny affairs producing less than 5,000 tons in the year.

The distress provided the opponents of the union with the opportunity to state their case at length. As usual, Nicholson was the most aggressive of those who thought that union was to blame for the trouble. There were three causes of misery:

- 1st The unwise restriction in various ways of profitable labour and mischievous interference between employers and employed, infringing upon the freedom of contract between capital and labour.
- 2nd The consequent decrease of production (undermining the only foundation of National Prosperity) and enhancement of the cost of all articles produced.
- 3rd The inevitable decrease of consumption, the stagnation of trade, the destruction of confidence, and the collapse of the demand for labour. 2

Alexander MacDonald came in for his share of denunciation:

There was great responsibility somewhere, and he was afraid the mischief was going on now. He thanked God that he had the moral courage four years ago, as the men were following the advice of evil counsellors, to say what he feared would be the result. Mr MacDonald M.P., was continuing his agitations among the colliers in various parts of the country, and was earnestly endeavouring to effect a combination amongst them. Mr MacDonald

¹Dean Forest, Rentals, Coal and Iron Mines, 1872-1881, P.R.O., L.R.R.O., 12/13.

²Forester, 8 November 1877.

had been telling the mining community that if they reduced the output it would bring about an immediate advance in wages... Mr MacDonalld had ridiculed what he called the foolish teaching of political economy. They might try to argue away political economy if they liked but it was like the man who being told the facts were against him said, "so much the worse for the facts." 1

The background of unemployment, falling prices and wages and overt hostility to unions was calamitous for the union. Two disasters overtook it in 1877. First, the masters, in imposing a ten per cent wage reduction which took the men below the rates they had earned in 1870, repudiated the Littledean agreement.² Secondly they refused to deal any further with the union. They would negotiate with deputations of their own men but not with Mountjoy or Goode.³ From that point the masters began to lose some of their own cohesion and to engage in competitive price cutting, which brought with it a scattered pattern of pressure on wages and ad hoc attempts to resist it at separate pits.⁴ From that point too, though Mountjoy attended meetings of the men to advise them, he took no part in negotiations with the masters. By the beginning of 1877 there were less than 400 union men in the district.⁵ Shortly after, the Examiner, after an attempt to maintain

¹Ibid, 22 November 1877.

²Ibid, 1 February 1877, 15 February 1877.

³Ibid.

⁴Ibid, 10 May 1877, 24 May 1877, 11 September 1879, 6 November 1879.

⁵Ibid, 16 May 1878.

sales by appearing as a "family" rather than as a trade union paper, ceased publication. The remnant of the District Council acknowledged reality of its defeat in 1878 and suspended Mountjoy. The union, Mountjoy said, would now go on the "secret principle."¹

District organisation was not renewed until late in 1882. Mountjoy took part in the new agitation but this time the union men were looking for a fresh start. They brought in a new miners' agent from outside the district: one Edward Allen Rymer. Rymer's career in the Forest was brief - it lasted only four years - and, despite a promising beginning, he had probably less success than Mountjoy. In order to understand some of the problems which Rymer had we must look at his background as a miners' agent before he came to the Forest.

Rymer had taken part in the single most disruptive struggle in the ranks of the miners in the sixties: that between MacDonald and Towers. Chapter four above discussed some of the ways in which they differed from each other. They differed as well about the ways in which they thought collective action among the miners should be undertaken. While MacDonald and his group favoured strong regional unions, the appointment of paid district agents and bargaining with employers around the conference table, some of those attracted to Towers looked back to the experience of

¹Ibid, 16 May 1878.

Chartist unionism, with its peripatetic "lecturers", its central group of charismatic orators and its newspaper. The MacDonalldites thought such means were inadequate. Richard Mitchell of South Yorkshire, who became first Secretary of the M.N.A. wrote in 1863 against the sort of unity which was "merely the offspring sensation has begot upon selfishness":

The fact remains that the leaguings of colliers for the attainment of an object has been found to be next to impossible. What efforts have been fruitlessly wasted in aiming to mould them into the shape of a defensive institution? Where are the combinations that have arose from a calm consideration of their known necessity in times of peace? We know of none that have not sprung from the mutilated fragments of strife and contention. And are we to expect resisting and enduring qualities from those brittle materials? Will some miraculous power interpose and bring success out of the means that have hitherto produced only disaster? Shall we rely on the old sensation tactics - still hold to the futile excitement theories that these errors should be avoided - that all schemes for improving the condition of the collier have begun at the wrong end, and there is only one method by which our purpose can be affected, and that is to begin with the man himself... We believe it to be the duty of those entrusted with the direction of miners' affairs to wean them from a dependence on others for help, and to learn them to depend mainly on their own exertions for the working out of their own salvation. 1

Where the MacDonalldites sought in a conciliatory manner after the moderate discourse of reasonable men who recognised their true identity of interests, the Towers men favoured the rhetoric of the apocalypse, the challenge to tyranny and oppression broadcast to thousands massed on a moor or in a town square: they brought back the old "Miners'

¹Miner and Workman's Advocate, 22 August 1863.

Attorney General", W.P. Roberts to act as their leader.¹ If MacDonald offered a careful calculation of the possibilities of the market, Towers appealed to morality, justice and to the rights of the citizen. Towers' defeat by MacDonald was the defeat of "old unionism", of the methods of mass radical agitation, by the union official and the union institution.

Rymer was among those attracted to Towers' group. He regarded the Miner with adoration as the "pioneer of our salvation."² He accused the MacDonaldites of trying to destroy it, threatening that "they will be brought to justice and obliged to answer for their crimes."³ When the Towers men formed the Practical Miners' Association Rymer followed them out of the M.N.A., acting as the delegate for Durham.⁴ With the failure of that venture he made another attempt to revive union in Durham, again using W.P. Roberts to rally support, but with no success at all.⁵

In 1866 he moved to St Helens where he found himself pulling against the MacDonaldites again in the South Lancashire strike of 1868. That strike, over a reduction

¹Ibid, 27 February 1864, 12 March 1864, 19 March 1864.

²Ibid, 27 May 1865.

³Ibid, 13 August 1864.

⁴Ibid, 20 May 1865, 12 August 1865.

⁵Ibid, 30 December 1865. Durham Chronicle, 9 February 1866, 16 February 1866.

of fifteen per cent, was of great importance to MacDonald, since it took place during the hearings of the Royal Commission on Trade Unions. MacDonald intervened in the strike, seeking agreement to refer the wage dispute to arbitration but the men rejected his plan.¹ Rymer avoided the behind-the-scenes negotiations with the employers which MacDonald carried on: according to one of the employers Rymer's district was the first to strike.² Taking an intransigent line, "no surrender", he rejoiced in the decision of the men to "continue the struggle until a final victory was obtained."³

After the defeat of the strike in Lancashire, Rymer moved to Yorkshire where he remained through the seventies. He held no union office among the miners in these years but was active in the Republican movement, corresponding with W.H. Riley's International Herald, which was the official organ of the International for most of its life, and acting as principal columnist for the Miners' Advocate and Record, a republican newspaper for miners run by Cleveland ironstone miners.⁴ Rymer belonged to one of a number of republican clubs which had sprung up in Barnsley, Sheffield and some of the mining villages of Yorkshire by late 1872.⁵ In October 1872 delegates from

¹Royal Commission on Trade Unions, QQ. 12,115-157, 15,620-22.

²Ibid, Q. 12,139.

³Wigan Observer, 17 April 1868.

⁴Published at Middlesborough from 17 January 1873 to 31 October 1874 by Joseph Gould. Its editorial staff were ironstone miners, probably J. and W. Gilbert, two brothers, who were President and Secretary of the Eston and Nurmaby Republican Club. National Reformer, 10 November 1873. Miners' Advocate and Record, 19 September 1874, 31 October 1874.

⁵International Herald, 10 August 1872, 26 October 1872.

those clubs, including Rymer, met at Mexborough to establish a district republican organisation.¹ Rymer chaired the meeting and another miner, Abraham Tibbott, became secretary of the committee the meeting established.

The South Yorkshire republicans were a small surviving fragment of the opposition to MacDonald: part of what MacDonald described in 1873 as the "bitterness which may be found here and there to this hour."² Tibbott, a Welshman, had been a miner in Yorkshire in the sixties and, like Rymer, had thrown in his lot with the Towers group, criticising his own district leaders as well as MacDonald.³ He corresponded with Rymer at this stage and they were later together for a short time at St Helens.⁴ Robert Archer, delegate for the Wombwell republicans, had been an agitator in the forties and had been part of the opposition to MacDonald in Durham.⁵ Yet another Towers man made his way to Yorkshire, John Deakin of South Staffordshire, who became secretary of the republican club at Barugh Green, a mining village to the north west of Barnsley.⁶

The strand of republicanism to which these men adhered was not that of Bradlaugh and his National Reformer. It was more radical, had stronger links with the International

¹Ibid.

²Glasgow Sentinel, 22 November 1873.

³Miner and Workman's Advocate, 9 July 1864, 30 July 1864.

⁴Ibid, 13 August 1864; Miners' Advocate and Record, 31 May 1873.

⁵R. Challinor and B. Ripley, The Miners' Association (1968), pp.128, 140; Miner and Workman's Advocate, 30 April 1864.

⁶Ibid, 8 October 1864; International Herald, 7 December 1872, 4 January 1873.

and was dominated by W.H. Riley, editor of the Herald, John de Morgan, a slightly eccentric full time agitator and Thomas Smith of Nottingham, who Collins assessed as "probably the most original thinker among the English branches of the International."¹ But despite the presence of the professional agitators, the working men in Yorkshire were not uninfluential. At the Mexborough meeting they formed a Provisional Committee, to which Rymer and Tibbott were elected, which was to initiate a National Federation of republican clubs.² Their intentions were explicit: "We must, as reformers, separate ourselves from the present dominant political parties and form a new one - a people's party."³ The first national conference of delegates from republican clubs met at Sheffield in December 1872 and formed the National Republican Brotherhood.⁴

The brotherhood was a short lived organisation. Even before the Sheffield conference met, there had been opposition from Bradlaugh.⁵ Although he sat on the executive of the Brotherhood for a little over two months, he soon quarrelled with De Morgan and promoted a rival conference at Birmingham in May 1873.⁶ After Bradlaugh's departure,

¹H. Collins, 'The English Branches of the First International', in A. Briggs and J. Saville, eds., Essays in Labour History (1967), p.256.

²International Herald, 26 October 1872.

³Ibid, 9 November 1872.

⁴Ibid, 7 December 1872.

⁵National Reformer, 8 December 1872.

⁶International Herald, 24 May 1873.

Rymer joined the executive but the faction fighting had weakened the movement in Yorkshire. By the end of 1873 the Republican movement there had virtually died away.¹

Rymer was unlike Timothy Mountjoy in a number of ways. Most conspicuously there was Rymer's disavowal of Christianity. "can you tell me of one single act of charity", he asked in 1864, "done by the church to benefit the poor pitman, the backbone of the whole country."² And for the chapel too, words of reproof: "We call upon the dissenting body not to go sneaking about after canny jobs, but to come out like men or God will disown them."³ By the 1870's he styled himself as a freethinker and was a member of a Secularist Society at Barnsley.⁴ He recorded in his autobiography that "...coal trade Christianity... only vexed and perplexed my soul, and the only Providence I could see and feel was that of self-help by the millions."⁵

Neither had Rymer shown much circumspection in his approach to coalowners. "You talk about South American slavery", he wrote in 1865, "but there are deeds done and crimes committed in dungeons of darkness that would make slaveholders blush and turn away from the scene in disgust.

¹Ibid, 8 February 1873, 15 March 1873.

²Miner and Workman's Advocate, 13 August 1864.

³Ibid.

⁴Barnsley Chronicle, 17 March 1888.

⁵E.A. Rymer, The Martyrdom of the Mine, p.17, reprinted in History Workshop, 2, (1976). The first instalment of the Martyrdom is in issue 1 of History Workshop (1976) with an introduction by R.G. Neville. A criticism of the autobiography and the introduction, by C. Fisher and P. Spaven, appears among the letters in issue 3 of the Workshop (1977), pp.200-202.

Yes man and beast are counted as one, and the latter sometimes has the preference in the pit."¹ He did not subscribe to any notion of the identity of interests of Capital and Labour whose measure was to be found in the fixed ratio of coal prices to colliers' wages. "Whatever be the price of coal or iron, or whatever be the state of trade in the money market, we must have our position made secure and our labour protected from the wolves and vultures of a mean, selfish and brutal generation."² Labour was the creator of value and that, not the law of supply and demand, should determine labour's reward:

We create annually over £12,000,000,000. We only get one third of the money in wages. We shall demand it all as our own property and hurl your dirty law from us with a philosophical disgust that has never penetrated your numskulls. 3

Arbitration was "but another means of concession to capital, for it allows them to use their organised knowledge in commercial matters against our ignorance."⁴ What he wanted was a "national federation of miners" under one centralised leadership: "...at a signal from headquarters the wires of the union could be set in motion to turn out every colliery in the country, until honourable terms be made by the commercial and money demons of the empire."⁵ He attacked the

¹Miner and Workman's Advocate, 20 May 1865.

²Miners' Advocate and Record, 18 October 1873.

³Ibid, 26 July 1873.

⁴Ibid, 26 September 1874.

⁵Ibid.

M.N.A. in 1874 for its "miserable recommendation to its districts to do the best you can "against wage reductions!"¹ These attitudes separated Rymer from the leaders of the M.N.A. district unions like Normansell and Casey. "It is from a careful study of your public life for the last ten years", Casey wrote in 1873 during a dispute with Rymer, "that we are satisfied you are not by nature fitted for the position of a leader amongst the miners."² As a relic of "old unionism" Rymer was an anachronism. As he put it: "Firebrands used to be very useful when paid agitators were out of fashion."³

But not even Rymer could cross the desert of the late 1870's unchanged. Two district unions had collapsed under him, at Durham and St Helens, and now the breaking of the boom swept away the Advocate and threatened to destroy miners' unions altogether. Perhaps it would be better to get rid of wage disputes and resort to sliding scales and arbitration:

South Yorkshire...should seek to mind her union constitution and her policy, instead of pursuing the old rotten doctrine of retaliation, try to create, and carry out higher principles of mutual reciprocity, conciliation, arbitration, sliding scales or any other intelligible plan or scheme that will for ever rid us of the curse of strikes and lockouts. ⁴

In opposition to John Frith and the rump of the South Yorkshire Miners' Association at Barnsley, which was

¹Ibid, 17 October 1874.

²Ibid, 30 August 1873.

³Ibid, 5 July 1873.

⁴Barnsley Chronicle, 5 March 1881.

pressing demands for a ten per cent wage advance, Rymer helped William Chapell - a man we shall meet again in the forest - organise an ultra-conciliatory breakaway union in the Rotherham area.¹

The new miners' agent for the forest of Dean was thus a curious mixture. For most of his life until then he had worked in opposition to those who thought about unions in the way that MacDonald, Halliday and Timothy Mountjoy did. His approach to organisation and the assumptions he made about relations with employers differed fundamentally from theirs. The disappointments of the period after 1875 moved him into their camp but the change of policy could not wipe out the practice of the previous years: elements of both old and new unionism informed his behaviour as the agent in Dean.

When he first came to the forest it was the moderate, market-conscious union official who dominated. He began by asking for an advance in wages but his tone was respectful:

No one can deny, Sir, the right of the men to participate in the improved state of the coal trade generally, and as they do not desire to enter into strikes or lock-outs, I take this opportunity of appealing to their sense of honour and Christian philanthropy, to offer the miners, colliers, and all other colliery workmen a fair share of the blessings now enjoyed by the country. If the coalowners desire to meet the men and talk over the matter we are ready

¹See P. Spaven, 'Accommodating the Miners' (Warwick Ph.D, 1978), Ch.4.

and willing to meet them to establish our claim, and if possible to form a Board of Conciliation, on a sound sliding scale for the district, or make such other arrangements as may help us to continue the most kindly relations for the mutual benefit of all concerned. 1

To support him in his agitation came, not rabble rousers, but his old friend Chappell and William Brown from North Staffordshire, who spoke on the good effects of amicable dealings with the employers in their districts.² Responding well to this approach the employers offered a five per cent advance at the beginning of November 1883, to match an increase of one shilling in the price of coal.³

Rymer and the district council came back almost immediately with another set of demands: for a further five per cent and for a Board of Conciliation with a sliding scale.⁴ The employers agreed to the principle of a board initially, though they refused the demand for five per cent, arguing that a further wage and price increase would drive away the trade.⁵ They soon reversed this line, increasing their prices by one shilling and conceding the five per cent.

¹Dean Forest Mercury, 13 October 1882.

²Ibid, 24 November 1882.

³Forester, 28 October 1882.

⁴Ibid.

⁵Dean Forest Mercury, 1 December 1882.

But, though Rymer had not been unduly intemperate by the standards of his calling, his reported statements about what the miners would demand had upset the employers, who refused to have anything further to do with the proposal for a conciliation board:

If a Conciliation Board meant anything at all, it meant a board meeting to discuss, temperately and fully - in all their bearings questions in dispute - and then after so doing, wisely to decide upon the best course of action. But for men to come their (sic) with their minds fully made up as to what must be done, made the meeting of a Conciliation Board simply a farce. 1

For the moment this was not of the greatest importance to Rymer. The union had after all won ten per cent for the men and membership jumped from 1,000 shortly after its foundation to 3,000 in December.² In appreciation of these results, the members of the Drybrook lodge in 1883, in the presence of William Brown, presented him with a "silver, keyless chronometer watch with a gold chain."³ In a very short time, however, Rymer was in serious difficulty.

At the beginning of March, as the spring slackening of the trade began, about 2,500 miners met at the Speech House to sing union hymns and to consider the employers' notice of a ten per cent reduction.⁴ Rymer denounced the reduction: the employers, he said, were determined to

¹ Ibid, 22 December 1882.

² Forester, 21 October 1882, 2 December 1882.

³ Dean Forest Mercury, 16 February 1883.

⁴ Ibid, 2 March 1883.

crush the union and drive himself and the union officers away. What was wanted, the resolution he proposed to the meeting said, was a suspension of the notices until a board of conciliation could be set up. Mr Brown thought as much too. If England could go to arbitration on the Alabama question, surely the masters could follow her example. The meeting applauded these sentiments and adopted the resolution.

Deputations from the men waited on their masters at each pit. Mr Arnold Thomas at Foxes Bridge agreed to conciliation but, at Lightmoor and Trafalgar, Mr Crawshay and the Messrs Brain continued to refuse it. The report from Speech House Hill colliery was even more disturbing: "There were no masters, nor money, and nothing could be done... nothing could be done without the Receiver."¹ The threat of unemployment for 500 men and boys, together with the spring drop in trade did not provide the best conditions for a strike, even if the national conference of the M.N.U. at Manchester declared that the reduction was "unwarrantable" and that the delegates would do their best to drum up support for the forest.²

The owners showed their strength almost immediately. Arnold Thomas persuaded his fellow masters to meet a deputation from the men a few days after the Speech House meeting but the terms laid down for the meeting confirmed

¹Ibid.

²Ibid; Forester, 10 February 1883.

Rymer's view that the masters did not want the union. Though agreeing to meet six men from each of Lightmoor, Crump-meadow, Foxes Bridge and Trafalgar - again we are dealing with the large house coal pits - they would not see any of those who had taken part in the negotiations in November. That, of course, included the miners' agent and the district council. At the same time they neatly split the leadership by agreeing to talk to William Brown - just as they had agreed to talk to Halliday and Pickard but not to Mountjoy - and locking their men out.

From this point there was division in the leadership. When the colliers met at Cinderford Town Hall in March, Rymer and the district council were with them: but the masters were simultaneously meeting Ned Cowey of Yorkshire and William Brown to discuss the terms of a settlement.¹ Rymer acknowledged that it had been necessary to have the outside men if negotiations were to take place at all but he felt aggrieved nonetheless, insisting that he had a right to be there and that he would not permit a settlement unless the forest union "had a thorough knowledge of all the circumstances".² The chairman of the meeting hoped that Cowey and Brown would bring back the news that the masters had agreed to let the men back to work and submit the whole of the disputed reduction to arbitration. The terms which

¹Dean Forest Mercury, 16 March 1883.

²Ibid.

came back to the meeting, however, were not so acceptable: the men were to accept at once a drop of five per cent while the other five per cent was to go into the bank until a board could give a judgement on it.

Coming to no conclusion about these proposals at that meeting, the colliers met again two days later to continue the discussion. The Mercury reported that "the employers' new conditions became the subject of animated discussion among numerous knots of men, and it was not difficult to perceive the emphasis imparted to the discussions. It was manifest there was little disposition on the part of any of the speakers, or even the listeners, to surrender. The mere mention of compromise gave rise to explosions which rendered the undertaking an experiment attended with personal risk".¹ Only old Timothy Mountjoy, at the edge of the gathering, suggested compromise and took a "hustling" for his trouble. Rymer's appearance was the "signal for an extraordinary expression of enthusiasm":

But for the masters' "sting", the Agent might be regarded as a "happy man". There can be no doubt the Agent holds his popularity among the men, which has been shown in a very marked way, at these meetings, since the notices of reduction were posted at the collieries. 2

Rymer read a resolution which said the men were willing to resume at the old rates until the whole ten per cent had gone to arbitration and went on to advise the men not to accept the reduction. The spirit which had guided him

¹Ibid.

²Ibid.

at St Helens had taken over again. The meeting sent this resolution to the masters who as promptly wrote back:

The employers beg to refer you to Messrs Brown and Cowey, whom they had the pleasure of meeting on Saturday. They acceded to the suggestion these gentlemen made, and they very greatly regret that the workmen have cast aside the suggestions of their accredited leaders. 1

This was a shock. Had Brown and Cowey suggested the compromise? Indeed they had. In a swipe at Rymer, Brown wrote to the Mercury to say that matters of this sort should be done decently and in good order: "passionate people cannot reason and conciliate in a rational and logical manner."² Brown set out his position in more detail in a letter to a member of the council who read it to a meeting convened for the purpose:

I am heartily sorry that a settlement of the wages dispute (sic) could not be amicably arranged. I am sorry to hear that Mr Cowey and myself are charged by some unthoughtful and unprincipled people with selling the miners' case into the hands of the employers. Dear Sir, I know the financial state of nearly every mining district, south and west. Yorkshire have not enough money to pay their debts. We in North Staffordshire have not £50 in our district funds. Durham and Northumberland have a fair balance at the bank, but they will not support any miners who will not arbitrate when any dispute about wages crops up. Mr Rymer knows all this, and I am sorry he is got into such hot water with the coal owners... I am afraid the Forest miners will not be well supported. If work could have been resumed when I was over, or when Mr Cowey was in the Forest, suffering would have been checked, and the injury done would not have been so great, but I fear that a great majority of the unthinking miners in the Forest have not been well advised. I thought that

¹Ibid.

²Ibid, 23 March 1883.

for the sake of the poor miners and their families, it would have been a wise act on the part of Mr Rymer if he had stood on one side for a day or so, and given myself and other well disposed persons a chance to settle the wages dispute by conciliation or arbitration. I have a letter from Mr Cowey informing me that he has wired Mr Crawford at Durham, secretary to the Miners' National Association (sic), to keep away from the Forest for the present; 1

The reading of this letter produced "considerable excitement", a resolution condemning Brown and Cowey and another which demanded again the withdrawal of the notices. Rymer roundly denounced Brown, Cowey and all other "spies, tale bearers and informers" and stubbornly maintained that we "shall stick to our principles and hold on to that which we believe is due to the miners of England, a living price for their labour and the right of combination."² But there was no hope for Rymer in this dispute. His intractability, his policy of "no surrender" proved ineffective. Having offended Brown and Cowey there was pitifully little support from outside the Forest. After five weeks the experience of 1875 recurred: there was little money and no choice but to go back to work. In April a group of delegates from the council met the masters seeking a settlement, while Rymer waited in an outside room, taking no part in the business.³ Two days later he urged the men to accept a compromise whose terms were those he rejected when they had come from Brown. Like Mountjoy before him he was bitter about the failure of outside support:

¹Ibid, 23 March 1883.

²Ibid, 30 March 1883.

³Ibid, 6 April 1883.

The cry from every part of the Forest was "Send us bread! Give us fire, and food, and shelter, and we will continue the struggle". He had written and telegraphed, and had delivered hundreds of speeches to get support from all quarters of England, Scotland and Wales, but up to the present moment, he was sorry to say, the various districts represented at the Manchester conference had not fulfilled their pledge. They had now to face starvation and the cry for bread was continuous. This was the weapon of the masters - the hunger of the people, and that it was with which they had to contend. 1

Rymer now moved back to the sorts of arguments which had characterised his writing in the seventies: the forest miners, he declared to the world, were bound in chains and slavery. There was slack trade but that was no reason why the people should starve:

Are there not now tens of thousands of tons of provisions and clothing stocked up all over the country, waiting to be sold and consumed? Yes, there are; and while the earth gives forth its bountiful produce for man and beast, in abundance, no man or man-made laws, should be allowed to stand in the way of the people being fed. 2

He set himself against "pagan" political economy and its law of supply and demand, repeating the old argument of those who did not think it just that wages should fall when prices fell:

It is simply absurd to ask the miners to submit to a reduction to give other people cheap coal, for this would cause fresh and keener competition all round, which would have soon brought wages down all through the Forest. The game is played out, and its blighting consequences have taught our men a bitter lesson all over the country,

¹Ibid.

²Ibid, 15 June 1883.

though experience and facts do not yet appear to enter into the calculations of some employers; time, however, will teach them a modern political economy, by which labour will demand a living price for all work done. 1

Railing against competition and political economy, he raised up the old cry of the producer, that the price of his product should be set at the level which would allow him justice:

The miner seeks not to injure his honest employer - to do so would be a violation of all just principles - he seeks to claim from the country a fair reward for his labours, and, as the country employs her wealth, and possesses her power and influence through the manhood, skill and labour of the workmen, he sees no reason why he ought to toil and live in poverty, and a surplus of that wealth being hoarded up day by day, and he thinks that if the coal owners are unable to pay more wages, that a higher value should be put on the coal, and labour paid accordingly. The old economic laws (?) are with him a mockery. He sees around the order of nature being openly set at defiance by employers competing and underselling each other in every market, and forcing sales of cheap manufactured articles to the utter ruin of all the best and honest trades. He hears of bankruptcy and roguery and gigantic swindling going on every day in almost every town; he reads the wills of millionaires, sees mansions, churches, and temples rising over his head on every side, while pauperism, misery and crime disfigures the land. He beholds the land lying waste and thousands of hungry people seeking employment. He finds the true natural order economic arrangements of supply and demand arrested by selfish villainy and converted into a heartless man-made system called "political economy", - a thing to be used and abused at the will of the worst in creation. He knows nobody cares of any political economy beyond what he can get out of it. No one ever attempts to regulate their business affairs on "economic laws" but rush on planning and scheming wherever they can. All is chance, speculation and competition, and get what you can, though you "beggar your neighbour" and bring him to ruin. This the miner sees, and determines not to allow his blood and life to be bartered away like dead metal, or as though he were a mere chattel. 2

¹Ibid. Emphasis in original.

²Ibid, 30 November 1883.

In search of a new alliance - or perhaps the A.A.M. alliance under a new guise - the forest miners joined the Lancashire Federation of Miners, as the North Staffordshire men had, but it was too late to avoid the consequences of the strike.¹ The terms on which the men had returned to work included the provision that the disputed five per cent should go to arbitration. Enoch Edwards of North Staffordshire and Rymer's old ally William Chappell acted as arbitrators for the men - the miners' agent was to take no part. The terms finally agreed upon by the arbitrators split the five per cent between masters and men, a division only reluctantly accepted by Rymer. But, more importantly, there were two other provisions. First, there was to be a sliding scale which tied wage advances to increases in the price of coal. Secondly, the sliding scale was to run to Spring 1884 without alteration, at which time it was to be revised by the same arbitrators.² The agreement thus took wage negotiations entirely out of the hands of the district council and Rymer: for that central purpose the district union was now redundant.

Isolated and powerless on the wage question, Rymer turned the union increasingly to political activity. He had never had a narrow vision of what trade unions were for: they were not only to deal with wages and working conditions but to be the vehicle for the complete realisation of what he called the "social revolution".³ To enjoy a whole

¹Ibid, 13 July 1883, 28 September 1883, 19 October 1883. On the Federation see R. Challinor, Lancashire and Cheshire Miners, chs.10-12; and Griffin, chs.3-4.

²Ibid, 6 April 1883, 20 April 1883, 11 May 1883, 18 May 1883, 13 July 1883.

³Miners' Advocate and Record, 14 March 1873.

independence as citizens, to enthrone justice in every kingdom, the collier had to grasp "every subject that belongs to social, commercial and political life,"¹ and there were many of them:

...socialism, communism, politics, commercialism, money, labour and capital, political economy, unions, cooperation in production, militaryism, war, national debts, credit and usury, emigration, treason, monarchy, republicanism, democracy, starvation, pauperism, prostitution, drunkenness and revolution. 2

On any or all of these, he wrote, he would lecture for forty minutes at any place within fifty miles of Barnsley. Monarchy and the Civil List, standing armies, war and the consequence of them all, the National Debt, were all anathema to Rymer. His remedies were, first, moral and social, to be achieved through temperance and education. The base that provided would be added to by the dispossession of the robbers of the land: the "proud, haughty, worthless, costly and idle aristocracy."³ In industry, productive cooperation would sweep away the capitalist and the loathsome usurer:

Let us have mines, factories, workshops and dwellings of our own in every coal district in the kingdom. We can if we will produce £100,000 a year for cooperative mining purposes, and in less than 20 years the whole commercial system of this empire would be changed into cooperative industry. 4

Without such a remaking, "our trades' union will be but a palliative or barbarous institution."⁵

¹Ibid, 18 April 1874.

²Ibid.

³Ibid, 10 October 1874.

⁴Ibid, 5 July 1873.

⁵Ibid.

He was not, however, a revolutionary, though his exhortations to the people of France to "rise en masse" and "utterly exterminate every vile priest, or other scoundrels that stood in the way of peoples' liberty and France's redemption",¹ might have suggested otherwise. His hatred of English Tories produced the same sort of rhetoric:

Faugh a balaugh! Ye rank monsters of blood and plunder, your whole carcass is nothing but political carrion fit to be eaten up by the tigers and vultures of a bloody revolution. 2

That sort of thing, however, was not for Englishmen:

...thrones, altars and gold may stamp eternal perdition on the actions of continental brigands and traitors, but Englishmen are able to reform successfully without bloody revolt, and though a European conflict seems imminent, England may float safely through the storm if we act steadily and patriotically. 3

Extension of the franchise was to be the English revolution:

"Hurrah for Manhood Suffrage." The elections of 1874 were to bring the victory of "Gladstone, who, we believe, will yet act the glorious part of a Washington," thereby bringing to a close "the epoch of revolution with England's grand political transformation."⁴ And from manhood suffrage would follow the flooding of working men into the Parliament.

He rejoiced in Thomas Burt's decision to stand for Parliament:

"The glad tidings of Mr Burt's acceptance of the Northumberland miners' requisition to stand for the Borough of Morpeth, having reached us here, we are more than overjoyed..." "Hurrah for Tommy Burt! Our Hero in the struggle."⁵

¹Ibid, 25 October 1873.

²Ibid, 10 May 1873.

³Ibid, 1 November 1873.

⁴Ibid, 7 February 1874.

⁵Ibid, 1 November 1873.

The miners had agitated a number of political questions in the Forest. In April 1873, for example, they brought Thomas Burt to the Speech House to talk on the county franchise, the land question, the Employers' Liability Act, the Mines Regulation Act and free education.¹ They also took up the cause of Charles Bradlaugh, who had not been allowed to take his seat in the Commons because he refused to take a religious oath. The district council donated one pound to his expenses and brought him, along with Burt, to address the miners at the annual demonstration in July 1883.² But the greatest moment of all came for Rymer alone, as the Forest delegate in a great deputation of trade unionists which met Mr Gladstone in the hall of the Westminster Palace Hotel in London in February 1884. Their support for Gladstone was overwhelming:

...you could see that feeling visibly pregnant in the emotion of tears falling from the fountain of men's souls; and as sentence after sentence of kindness and encouragement fell from his lips in words deep, earnest, and solemn, the links of our political slave chains broke asunder one by one, and as he uttered the doom of class legislation, and elevated labour to the political peerage of a well honoured reward of honest, loyal industry, it seemed like as though England was at the moment giving birth to a higher order of beings. ³

After that, Professor Thorold Rogers guided them about the Houses of Parliament. In the Lords, Rymer and the Welshman Abrahams sat on the woolsack: "Mr Abrahams then spoke in Welsh and dismissed the Lords in the name of the democracy of the world, to which we both said Amen..."⁴ Rymer

¹ Dean Forest Mercury, 27 April 1883.

² *Ibid*, 16 February 1883, 20 July 1883.

³ *Ibid*, 28 February 1884.

⁴ *Ibid*.

ascended to the throne, where "have stood kings, queens, and dictators, to govern, to tyrannize, usurp, plunder and destroy the people", and wished he had the power to sweep it all away.

He had a chance in 1884 and 1885 to realise a more limited ambition. A redistribution of electoral boundaries which followed the Reform Act of 1884 created a separate constituency of the Forest, giving the miners the opportunity to take up again the agitation for a working man's candidate. The Trafalgar colliery men suggested that Thomas Blake, of Ross in the county of Herefordshire, should be brought forward by the miners.¹ Taking up this resolution, Rymer and the council, claiming the "full right of labour representation in Parliament", began a campaign to have Blake adopted as Liberal candidate.² Blake was by no means a working man but, as the "first Labour candidate chosen by the Dean Forest workmen", his campaign forestalled and overwhelmed one which the Mercury had begun in support of Arnold Thomas, the chairman of the coalowners' association.³ "The peaceful revolution of democracy just dawning", Rymer wrote, "affords you a chance of breaking every feudal tie that binds or threatens you".⁴

¹Ibid, 23 January 1885.

²Ibid, 9 January 1885.

³Ibid, 16 January 1885. Blake had begun as a clerk in the Post Office, later becoming a public accountant and real estate and insurance agent. In 1875 he won the seat of Leominster, which the Conservatives had held for fifty years, as an advanced liberal and nonconformist candidate. Ibid, 27 November 1884, 23 November 1885.

⁴Ibid, 16 January 1885.

To that end Blake came out as a "thorough radical", offering a programme which included reform of the House of Lords and the land laws, the separation of religion from state patronage and control, free education, the reduction of the national debt and the extension of the franchise to women householders.¹ The new constituency included some rural areas of Westbury on Severn and Newlands parishes but it was dominated by the Forest. If the working men wanted a labour and liberal candidate there was little the masters could do about it. The newly formed Liberal Association for the Forest voted to accept Blake as candidate in April 1885.² With that and the full support of the Liberal party behind him, Blake's victory over the Tory, Mr Plunkett, at the election at the end of 1885 was assured.³

Blake's election was a great coup for the miners' council but the spate of political activity in 1884 and 1885 had drawn attention away from the fact that the union was failing. The council led resistance to wage reductions at Hawkwell colliery which were not justified by the terms of the sliding scale agreement but it was the arbitrators, Chappell and Edwards, who settled the dispute.⁴ When it came time to resign the agreement in September 1885, some men wanted to insist on wage increases of fifteen per

¹Ibid.

²Ibid, 24 April 1885.

³Ibid, 4 December 1885.

⁴Ibid, 3 April 1885, 10 April 1885, 17 April 1885, 24 April 1885.

cent, in line with demands which other districts had agreed to make. Rymer, however, in yet another shift of tactics, opposed this move. A general wages conference in Barnsley decided in September that there should be a countrywide stoppage and then a restriction of output in order to secure the advance. Rymer, there as delegate, had, however, concluded:

...that he could not reasonably or prudently vote for these resolutions to apply to the Forest. He therefore prefers to stay away (from the next conference) and strengthen the Association, and the trade relations of the Forest, a course, no doubt, every miner will heartily approve, seeing that the agent has had a severe struggle, to ward off serious consequences which the miners were imprudently bringing on. 1

His return to moderation probably was a recognition of the real weakness of the union. This was most painfully clear in a statement he made about the re-signing of the sliding scale in May 1886:

(He) took the opportunity of publicly thanking Mr Arnold Thomas for the part he took in securing the re-signing of the sliding scale (Cheers) Mr Thomas, recognizing the fact that their funds were too low, had generously advised the associated masters to sign that agreement without occasioning a meeting, and causing the men's representatives to attend, which would have involved considerable expense. 2

Under these circumstances, with the authority of the arbitrators and the sliding scale intact, membership slipped away to a few hundred.³ The butties, who had taken the lead in

¹Ibid, 25 September 1885.

²Ibid, 14 May 1886.

³Ibid, 14 August 1885, 15 January 1886, 5 February 1886, 14 May 1886.

establishing Mountjoy's union, showed indifference to Rymer's once the sliding scale was working and the daymen followed their lead.¹

Those among the miners who had opposed Rymer now had their chance. A particularly strong opposition to him had built up among the checkweighmen. The weighmen, as we have seen, first appeared in the forest as a result of the strikes of 1871. In the A.A.M. period they did not come into conflict with the union: their positions had obviously and recently been won for them by the union and those who elected them, the butties, dominated the union. But after the collapse of the district the checkweighmen had become relatively more important. So far as union survived it did so in the form of separate lodges based on the large pits.² As the only man with any degree of independence of the masters the weighman became the focus of lodge organisation.³ The first president of the new union of 1882, indeed, was a weighman, John Ennis.⁴

Rymer quarrelled with weighmen soon after his arrival in the forest. He expected them to act as servants of the union and to accept district policy, interpreting opposition to that policy as opposition to the union.⁵ Though protesting that they were good union men, the weighmen asserted

¹Ibid, 14 November 1884, 14 May 1886.

²Ibid, 25 August 1882.

³Ibid, 15 December 1882.

⁴Ibid, 8 December 1882.

⁵Ibid, 15 December 1882, 14 November 1884.

that their first duty was to the butties and were reluctant to subordinate themselves to Rymer.¹ Within two months of his arrival he attacked the weighmen, probably unfairly, as the tools of the masters and moved a resolution at a mass meeting that all checkweighmen undergo re-election.² Worse than that, he managed in 1883 to have checkweighmen excluded from membership of the district council.³

But when membership fell away and the union had become almost defunct, the weighmen had their opportunity. Each of the lodges sent representatives to a meeting to form a joint committee to re-organize the union and did not invite Rymer.⁴ He accepted the fait accompli, apologized for any offence he had given and attempted to carry on as agent: but with no more success than before.⁵ Within six months there were not sufficient funds to pay his salary. The joint committee tendered him a reference and, led by the weighmen, set about finding a replacement.⁶

It was indicative of the opinion they held of Rymer that they turned first to their arbitrator William Chappell, the advocate of moderation and the sliding scale, rather than to someone who might have shared Rymer's fundamentally hostile approach to the employers.⁷ As one of the check-

¹Ibid, 8 December 1882, 15 December 1882, 15 June 1883.

²Ibid, 8 December 1882.

³Ibid, 15 June 1883.

⁴Ibid, 11 December 1885.

⁵Ibid, 8 January 1886.

⁶Ibid, 28 May 1886, 18 June 1886.

⁷Ibid, 16 July 1886.

weighmen put it:

...I do not believe in men that call themselves Union men, who will call everyone who do not see things just in the same light, all sorts of bad names - calling them rotten, and traitorous, and black-ball them in every way. I cannot see a fraction of unionism in that; it seems to me more like tyranny and selfishness. Then there are some men who call themselves Union men, and they will act any artful dodge to cheat their master, and impose on him in any way they can, even if it were calculated to ruin him. I should not like to daub my hands, tongue or pen with such unionism as that. ¹

Chappell, however, showed no interest in the job, which went eventually to G.H. Rowlinson, who had been president of the A.A.M.'s South Staffordshire branch. His first meeting was not to demand a wage increase or to denounce mammon, monarchy or priestcraft, but a tea meeting, presided over by the Reverend W. Thomas, at which he expressed his belief that the interests of masters and men were identical.²

The problem of union in the Forest was that which faced the whole of the western district of England and Wales: the competitive melee. In other words, the problem which the A.A.M. had been designed to solve had returned with the fall of the markets in 1874. There were enough competing districts to make it impossible for any one of them to take the initiative in raising prices and wages without undercutting from the others. Wipe the Forest off the map, as Mr Thomas had said, and it would hardly have made a difference. On an upswing in demand, either in the seasonal house coal cycle or in larger national movements of the trade cycle,

¹Ibid, 25 May 1883.

²Ibid, 24 December 1886.

it might well be possible for the union to argue for increases or, on the downturn, to moderate reductions. But individual districts could not hope to hold out against reductions for long. Even the A.A.M. with its overarching organisation and central labour fund could not help that. The A.A.M.'s successor, influenced by the old M.N.A. districts and by the failure of the A.A.M., did not make the attempt, leaving the little districts to themselves and, therefore, leaving them weak and unstable. The confusions and vacillations of Edward Rymer highlight those difficulties: his sense of the tyranny of the market and the oppression of the political economy which justified its operation was passionate. But what could he do? Fight perhaps - and smash the union? Or negotiate, carefully and respectfully, accepting cuts when they came so long as they were "fair"?

But it would be wrong to insist too much on the nature of the market without attending also to attitudes in the workforce itself. At the centre of the union's concern was the buttyman, the contract worker in the large pits. In the A.A.M. period the butties had not demanded at the local level - whatever the aspirations of national conference - that wages should be some minimum amount, should support some minimum standard of life. The butty made his contract bargain and then did what he could with it. As we saw in Chapter 6, the delegate board had decided it could not lay down a standard for butties. What did matter was that - given an existing set of bargains for the individual butties in the district - when there were fluctuations in coal prices

there should be proportionate rises and decreases in the contract rates. The strikes we have looked at in this section were about what the men thought was disproportion in the price-wage ratio. Once a sliding scale had been established and a regular arbitration procedure instituted, once, that is, the demands of Mountjoy's union had been realised in Rymer's time, there was in the Forest, as in Wales, little for the union to do for the butties. There was nothing in it for the daymen either, who still relied for their pay on the assessment by the butties of their worth. Nor was there, with the scale and the Board in operation, any need for the butties to attend closely to the organisation of the daymen. It was also the case that the scale served the interests of the big pits in East Dean. They had produced the union in 1871, had kept separate lodges alive while the district union was defunct and had come together in 1882 to form the new union. Those were the pits, the ones where the butty system prevailed, which sought and participated in the sliding scale and arbitration. The men in the little pits might well have thought that the union would do little for them.

Quarrels within the union were important too, after 1882: most especially those between Rymer and the checkweighmen. So far as the Forest at least is concerned it does not seem reasonable to weight this problem as heavily as Challinor has done. It was not so much that the weighmen were the tools of the masters - they were elected by and spoke for the butties - but that they had assumed positions of relative importance during the depression as the focus

of separate lodge organisation. Their quarrel with Rymer was about their relative authority within the union. Until we know how far this was also true of other districts no generalisation about the role of the weighmen seems justified. At least in the short run, however, in the Forest, they formed a substantial and active opposition to Rymer and probably managed to undermine the union's effectiveness.

For an explanation of the weakness of union in the Forest after 1874 it is not, then, necessary to invoke the existence of the free miners' rights or any other peculiar local customs or privileges. We look in the first instance to the nature and organisation of the market and to the labour process and the way in which it differentiated among men in the workforce. But does that mean that the old customs had become unimportant, had no influence on the consciousness of working men? To ask whether and why that was so is the purpose of the final section of this thesis.

Part Three: Free Miners II, 1870-1886

Chapter 8: The Land

Arouse ye, free miners, who delve in old Dean,
And all ye freeholders with rights o'er its green,
'Tis time to be striving, for danger is nigh;
And if ye bestir not, you'll find by and by,
That truth, and truth only, is this now I tell,
They'll suck out the egg if they once prick the shell!

Say will you surrender, or barter away,
Your father's old charter - Twelve months and a day,
While yours, the bad bargain, to take what they please,
In rents, and in taxes, in fines, and in fees.
Remember, free miners, yea, ponder it well,
They'll suck out the egg if they once prick the shell!

(anon.) The Foresters' Egg!

A Timely Warning!

Dean Forest Mercury, 23 May 1884.

The years of union agitation which we have examined coincided with a new stage of controversy about the free miners' and foresters rights'. This, and the following two chapters will argue that from the late eighteen sixties to about eighteen eighty six the Crown attempted again, for a number of reasons, to extinguish the rights. Once again the Crown and Capital found themselves in an alliance against the foresters. But this time the response of those whose rights were threatened did not take the form of a closing of ranks by natives against foreigners. This time the response was informed by, and in turn informed, a distinction between rich and poor, between masters and men, regardless of where they had been born.

In the seventies and eighties, as in the thirties and forties, the Crown and the foresters were in dispute about three matters: the land, the free miners' rights and the rights of common. This chapter will look at the land question, at a demand which arose in 1870 for the wasteland of the Forest to be made available to the working men. Apparently a great success, this agitation culminated in the appointment of a Select Committee in 1874 which recommended that land should be made available. Yet far from provoking joy at a victory, this report sparked off a bitter opposition and the cry of fraud and robbery.

When the problem of the use of the Forest land had been discussed in the eighteen thirties the issues at stake were those of the ownership of the encroachments and the means by which poor relief might be provided. Among their

other proposals, the Dean Forest Commissioners had suggested that about 1,600 acres of land should be enclosed, its rents and profits to go to the relief of the poor.¹ By proceeding in this way, rather than by introducing an orthodox parochial system, the coalowners would avoid a poor rate and the burden of relieving the Forest's poor would be taken from the neighbouring parishes.² The Crown's representative among the Commissioners, Serjeant Ludlow, thought that the Poor Law should be established in Dean but he too had suggested the enclosure and sale of Forest land. That would provide an agricultural class which might support a poor rate and provide suitable persons to be parochial officers.³ As we have seen, however, other measures were adopted and the waste land of the Forest remained in the hands of the Crown.

When the land question arose next it was in the context of the problem of sanitation and overcrowding which had followed from the growth of the Forest's population. Overall, the number of inhabitants had increased from 7,014 in 1831 to 20,555 at the census of 1871. (Table 8.1) It is not possible to show these changes over time for sub-areas of the Forest because, again, of changes in the boundaries of census enumerators' districts from one census to another. It is possible, however, to set out the distribution of

¹D.F.C., 3, p.4.

²Ibid, p.3.

³Ibid, pp.7-9½

Table 8.1 The Population of the Forest of Dean and the Hundred of St Briavels at

Census Dates, 1801-1891

Year	Hundred of (1) St Briavels		Forest of Dean		Balance of the Hundred		East Dean		West Dean	
	No.	%(2)	No.	%	No.	%	No.	%	No.	%
1801	9,953		3,325		6,628					
1811	11,565	16.2	4,073	22.5	7,492	13.0				
1821	13,790	19.3	5,535	35.9	8,255	10.2				
1831	16,092	16.7	7,014	26.7	9,078	10.0				
1841	20,346	26.4	10,692	52.4	9,654	6.4	5,978		4,714	
1851	23,823	17.1	13,566	26.9	10,257	6.3	7,482	25.2	6,084	29.1
1861	28,647	20.3	17,466	28.8	11,181	9.0	9,212	23.1	8,254	35.7
1871	32,809	14.5	20,555 ³	17.7	12,254	9.6	10,907	18.4	9,648	16.9
1881	33,903	3.3	23,556	14.6	10,347	-15.56	14,240	30.6	9,316	-3.4
1891	33,477	-1.3	23,752	0.8	9,725	-6.0	14,622	2.7	9,130	-2.0

Notes: (1) The Forest of Dean together with the Parishes and Tythings of: Abinghall, English Bicknor, St. Briavels, Little Dean, Flaxley, Hewels field, Lea (Part), Lea Bailey, Mitcheldean, Newland, Ruardean and Staunton.

(2) Inter-censal increase in population (per cent).

(3) Total shown for sub-districts - enumerators districts - differs from totals shown in published data by 63.

Source: Census of England and Wales, 1801-1891.

Table 8.2

Population of Census Enumeration District Groups
in East and West Dean in 1871

<u>East Dean</u>		<u>West Dean</u>	
<u>Group</u>	<u>No.</u>	<u>Group</u>	<u>No.</u>
a	Wigpool 824	j	Viney Hill 846
b	Drybrook 1,059	k	Parkend 871
c	Ruardean Hill 1,182	l	Yorkeley 1,172
d	Lydbrook 637	m	Bream's Eaves 2,129
e	Cinderford 4,505	n	Clearwell 734
f	Soudley 608	o	Lane End 1,638
g	Blakeney Hill 921	p	Christchurch 1,311
h	Pope's Hill 634	q	Hangerberry 947
i	Plump Hill 537		
	<hr/>		<hr/>
	Total 10,901		9,591
	<hr/>		<hr/>

Source: Census of England and Wales, 2 April 1871, P.R.O., R.G.
10 2,596-2,605/2,686/5,296-5,300.

Table 8.3

Population and Inhabited Houses in Census
Enumeration District Groups in the Forest
of Dean, 1871

	<u>People</u>	<u>Houses</u>		<u>People</u>	<u>Houses</u>	
a Cinderford	4,505	891	5.10 ¹	k Parkend	871	159 5.48 ¹
c Ruardean Hill	1,182	238	4.97	l Yorkeley	1172	224 5.23
i Plump Hill			4.79	m Breams Eaves	2129	417 5.10
d Lydbrook	637	135	4.72	n Clearwell	734	151 4.86
b Drybrook	1,059	227	4.67	j Viney Hill	846	176 4.81
f Soudley	608	131	4.64	o Lane End	1638	349 4.70
a Wigpool	824	181	4.55	g Hangerberry	947	209 4.53
g Blakeney Hill	921	206	4.47	p Christchurch	1311	295 4.45
h Popes Hill	634	143	4.43			

Note: 1 People per house.

Source: Census of England and Wales, 2 April 1871,
P.R.O., R.G. 10/2,596-2,605/2,686/
5,296-5,300.

the population in 1871 among the census districts which were used in chapter four. The largest concentrations of population were to be found in the Drybrook, Ruardean Hill, Cinderford, Yorkeley, Bream's Eaves, Lane End and Christchurch districts. (Table 8.3).

Once again Cinderford differed markedly from the other districts. Not at all distinctive on Sopwith's map of 1835, it had become, by 1871, a small town. As well as having by far the largest population of the census district groups, Cinderford had acquired that indispensable evidence of local pride, a town hall. It had also acquired, with Parkend, Yorkeley, Bream's Eaves and Ruardean Hill, an above average - for the Forest - ratio of people to houses. (Table 8.3)

Increased population had meant a more intensive use of land for housing. There were 1,462 cottages in 1834 and 4,244 in 1871. (Table 8.3) As their number had grown the average area of freehold land per cottage had fallen from about one and one quarter acres in 1834 to about half an acre in 1871. (Table 8.4) The pressure on the land was evident at the national land survey of 1871, which showed that the number of holdings of one acre or more of land in the Forest had fallen from 604 in 1834 to 316. Of the latter, 224 were in West Dean and 92 were in East Dean. (Table 8.5)

Much of this land remained in the occupation of working men as Table 8.5 shows, though women formed the largest single group of owners. Of the 316 owners of one acre or more, 66 were women and 6 were coal or other companies. Of the

Table 8.4 Sales of Crown Land in the Forest of Dean, 1840-1871

Year Ending	Acreage A.	P.	Purchase Money	Price per Perch	Year Ending	Acreage A.	R.	P.	Purchase Money	Price per Perch	Acreage		Price per Perch	
											A.	R.		
31 December	1840	10	30.16.9	4d	Brought Forward	572	3	28	£1722.18.9	20/-				
"	1841	210	584.16.5	4d	31 March	2	0	19	330.10.0	15/-				
"	1842	79	216.0.4	4d	"	7	3	39	(2)932.8.1	13/-				
"	1843	194	534.15.7	4d	"	38	3	21	3878.11.6	22/-				
"	1844	19	53.17.8	4d	"	8	1	9	1438.15.0	25/-				
"	1845	55	163.12.0	4d	"	8	3	4	1600.15.0	31/-				
"	1846		-		"	3	3	33	992.5.0.	34/-				
"	1847		-		"	2	3	20	775.5.0.	16/-				
"	1848		-		"	0.	3.	11	103.0.0.	76/-				
"	1849		-		"	0	2	12	352.0.0.	40/-				
"	1850		-		"	1	2	0	482.15.0.	20/-				
31 March	1852	0	5.0	5/-	"	4	3	18	782.16.0	36/-				
"	1853		-		"	1	0	36	350.0.0	33/-				
"	1854		-		"	2	1	24	635.0.0	42/-				
"	1855	1	51.5.0	5/-	"	1	0	14	369.5.0	31/-				
"	1856	0	87.10.0	24/-	"	1	0	20	282.17.6					
											(3)			
Carried Forward	572	3	28	1722.18.9	Total	659	1	32	15029.1.10					

Notes: (1) Sales before 1848 were principally of encroachments, at prices based on rents fixed in accordance with the Act 1 and 2 Vict. c.42.
(2) Includes 38.0.22 acres sold to the South Wales Railway for £2,820.
(3) The amount of land per cottage in 1871 was calculated by adding to the total area of encroachments dealt with by the Act 1 and 2 Vict. c.42 2108.1.12 acres, the amount sold from 1840 to 1871, less the sales of encroachments before 1848, 88.1.2 acres.

Sources: Returns Relating to Dean Forest, (P.P., XXXVI, 1872), p.188.

Table 8.5

Occupations of Owners of One Acre or more, of Land
in the Forest of Dean, 1871

	<u>East Dean</u>	<u>West Dean</u>	<u>Total</u>	<u>%</u>
	<u>No.</u>	<u>No.</u>	<u>No.</u>	
Clerical	1	2	3	1.4
Shops	7	16	23	10.9
Industrial Trades	2	5	7	3.3
Metal workers	-	1	1	0.5
General labourers	5	5	10	4.7
Colliers	11	34	45	21.3
Iron Ore miners	3	13	16	7.6
Other Mining	1	5	6	2.8
Stone and Quarry	1	6	7	3.3
Agriculture	2	11	13	6.2
Wood	-	7	7	3.3
Miscellaneous	1	-	1	0.5
Women	25	41	66	31.3
Iron and Coal Companies	1	5	6	2.9
	—	—	—	—
	60	151	211	100.0
	—	—	—	—
Total in Return	92	224	316	

Source: Return for 1872-73, with respect to each county (exclusive of the metropolis), of name and address of every owner of one acre and upwards, with estimated acreage and annual gross estimated rental of the land, etc., of individual owners, and of the number of owners of less than one acre, with the estimated aggregate acreage, and the annual gross estimated rental of the land, etc., of such owners; together with the estimated extent of commons and waste lands (P.P., LXXII, 1874).

Table 8.6

Conveyances of Land from the Crown in the
Forest of Dean, 1856-1867

<u>Year</u> <u>Ending</u>	<u>Number of</u> <u>Conveyances</u>	<u>Acreage</u>	<u>Acreage</u> <u>per</u> <u>Conveyance</u>
31 March 1856	8	0. 1. 33	0. 0. 9
" " 1857	23	2. 0.19	0. 0.15
" " 1858	54	7. 3.39	0. 0.24
" " 1859	42	38. 3.21 $\frac{1}{4}$	- (1)
" " 1860	65	8. 1. 9 $\frac{3}{4}$	0. 0.21
" " 1861	68	8. 3. 4 $\frac{1}{2}$	0. 0.21
" " 1862	39	3. 3.33 $\frac{1}{2}$	0. 0.16
" " 1863	20	2. 3.20 $\frac{1}{2}$	0. 0.22
" " 1864	6	0. 3.11	0. 0.22
" " 1865	19	0. 2.12 $\frac{1}{2}$	0. 0. 5
" " 1866	21	1. 2. 0	0. 0.11
" " 1867	14	4. 3.18 $\frac{1}{2}$	1.16
	<u>379</u>	<u>81. 0.21$\frac{1}{2}$</u>	<u>0. 0.35</u>

Note: (1) Includes 38.0.22 acres sold to the South Wales Railway for £2,820.

Source: Reports of the Commissioners of Woods, Forests and Land Revenues, 1856-1867.

Table 8.7

Crown Land in the Forest of Dean, 1872

	<u>Acreage</u> ⁽¹⁾
1. Timber and plantations	14,032. 2. 8
2. Occupied by mines, quarries, roads, railroads, etc.	1,000. 0. 0
3. In cause of planting	70. 0. 0
4. Crown freehold over which there are no rights of Common	660. 0. 7
5. Not occupied in any of the above ways (waste)	2,594. 3.32
	<hr/>
Total	18,357. 2. 7
	<hr/>

(1) These quantities are estimates made by the Commissioners of Woods and Forests. No survey of the whole of the Forest had been made since that of 1787.

Source: Returns Relating to Dean Forest, (P.P., XXXVI, 1872) p.189.

balance, 139 could be found in the census enumerators' books for 1871. Of these, 106 were coal and iron miners, general labourers, stone, quarry, wood and agricultural workers or industrial tradesmen. Since there were 4,244 cottages in the Forest it is clear that the overwhelming majority of foresters had less than one acre of land and probably no more than a large garden.

Sales of Crown land had not helped much to meet the demand for land. The Crown had sold only 88 acres of land between 1841 and 1871. (Table 8.4) These were mostly sales of small scraps of waste which were mixed in with other freehold properties: the 379 conveyances from the Crown between 1856 and 1867, averaged, in each year except 1867, an eighth of an acre or less. That still left almost 2,600 acres of wasteland in the possession of the Crown. (Tables 8.6 and 8.7) For the land it had sold the prices charged had become prohibitive. For the encroachments which it had sold after 1840, the Crown had charged £2.13.4 per acre, or four-pence per perch on average. No land changed hands at all from 1846 to 1850 but small sales in 1852 and 1855 brought five shillings per perch. But thereafter, from 1856 to 1871, the average price in each year ranged from £104 to £608 per acre, thirteen to seventy six shillings per perch.

Over the years Cinderford had become a fairly unpleasant place. In 1869, in response to a complaint from the Westbury-on-Severn Poor Law Union, Mr Arnold Taylor of the Local Government Board, came to make an inspection of the sanitary

condition of Cinderford.¹ He found it to be "worse , I think, than any place of the same size that I have had to inspect in England, in regard to the irregularity of the way it is laid out, and also as to the general sanitary shortcomings of the place".² There were no sanitary regulations, no drainage, no water supply except for a few natural wells, unformed tracks rather than roads among the houses and a great deal of overcrowding in them.³ The worst spots were Minty's Row, Long Row and Harris Row in Cinderford, as he told the East Dean Board of Health in a letter to them on "the Neglect of their Duty as the Nuisance Authority of that District":

You are aware that these had been stated at the inquiry, and on the authority of the medical officer, to be the seats of constant fever, or other filth engendered disease; and having seen the locality, my only wonder is, not that disease is always there, but that anyone living under such conditions escapes its ravages. Long Row consists of 12 houses, each having a small room and cupboard on the ground floor, and two sleeping rooms overhead. Only two of the rooms have windows to open, and none of the houses have either light or ventilation except in front. The total number of the inmates was given to me as 73, or, on an average, six to a house; now the total cubical area of the rooms available for habitation in each dwelling is less than 2,000 feet, so that no inmate has more than 300 cubic feet of space. This is an average; but three of the houses have eight occupants, three seven, and only one has three; hence you will see that in at least one half of Long row the overcrowding is far worse than I have made it... outside the houses, but one single privy in the row; no well, no means of drainage; whilst under the windows of the houses outside the stinking, filth-sodded ground is one mass of odour and offensive refuse. To all this abomination I might add the pigs and the pigsties close to the houses only that it is a mockery to speak of these when the condition of the people and the cottages in Long row is so nearly on a level with that of the pigs and the sties in which they are housed. The above

¹S.C., 1874, p.87.

²Ibid, p.88.

³Ibid.

descriptions will apply, with the slightest possible alteration, to Minty's and Harris' row... 1

In an earlier letter, to the Home Office, he had remarked that East Dean was "undulating, and the ground broken most picturesquely into hill and dale". Unfortunately, however suitable that was to a "great forest demesne", the "drainage of one set of houses quite commonly discharges upon a set below, and the latter upon another lower still."²

There was no doubt good reason for a serious, systematic attempt to drain and sewer the district and to relieve over-crowding. But who was to pay for it? The Crown argued that, neither in equity nor law, could it be held responsible for any such expense and put the matter back into the hands of the local Health Board: "...the houses have not been erected by the Crown, nor does the Crown receive the rents of them, and it seems unreasonable, therefore, to hold the Crown responsible for the neglect of the freeholders who are alone interested in the proper sewerage and ventilation of their premises."³

Thus the matter dragged on to 1870 and a series of squabbles surrounding the Board of Health, in which masters - especially Edwin Crawshay, Alfred Goold and W.B. Brain, who were members of the Board - and ratepayers blamed one another for the appalling state of the district and the inactivity of the Board. Both groups also blamed the Crown, arguing that its parsimony hampered the elevation of the people.⁴ In the course of this dispute the Board

¹Ibid, pp.177-178.

²Ibid, p.173.

³Ibid, p.176.

⁴Forester, 4 March 1870, 8 April 1870, 10 June 1870.

became defunct, its members resigning in April 1870.¹

This was, in one sense, a fairly mean squabble over payment for the elementary provision of health services. But there was more to it than that. The ratepayers argued their case through what they variously styled the "Foresters' Protection Committee" and the "Ratepayers' and Voters' Protection Committee".² At the centre of the agitation, as chief spokesman for, what we shall hereafter refer to as, the Protection Committee, was Timothy Mountjoy. It is not at all improbable that he and the Protection Committee were the "Miners' Committee" which began the agitation, later in 1870, leading to the formation of the union club.

Mountjoy, as chairman of the Protection Committee's protest meetings, imbued them with a distinctly anti-employer character. He complained, firstly, that the Board of Health was undemocratic. Who had elected the Board? If all ratepayers were entitled to vote, had there been a sufficient and clear enough notice to the public that elections were due? Why did not Board meetings take place at a time when miners and colliers could attend them? He, for one, would pay no more rates until he knew more about the constitution and working of the Board. He complained secondly that the sanitary and overcrowding problems were yet further evidence of the neglect by the masters of the

¹S.C. 1874, p.88.

²Forester, 8 April 1870, 20 May 1870, 27 May 1870, 10 June 1870.

welfare of their men. Where were the Mechanics' Institutes, the reading rooms and the other signs that the masters wished to improve the minds of their men, which were to be found in other districts.¹ There was a strong suspicion too that the rates collected from the working men would be used to improve the property of only a few: the rich would get richer and the poor, poorer. Besides, he thought, the kind of physic that would remedy the illness to be found in the Forest was for the masters to give more money to the men for their work.²

Mountjoy was probably also the "Collier" who wrote to the Forester in May to condemn the Crown for its ungenerous policies and to demand the cultivation of the wastelands. He raised the old cry of "Home Colonisation", though he did not use that term: making the waste available for farming would provide a remedy for pauperism which would not require the poor to be shipped to "distant shores". He urged the Members of Parliament for West Gloucestershire to bring in a "Bill to enclose the entire unenclosed Crown lands in the Forest of Dean, with a view to sell out when in a marketable condition."³ Writing again, on behalf of the Protection Committee, he repeated his demands:

We think the time has come when the working men of the Forest and other districts should ask the question - how much longer shall our countrymen, high in power, help to swell the flood of emigration at the expense of our country, of thousands of the flower of our stalwart classes,

¹Ibid, 4 March 1870.

²Ibid, 8 March 1870.

³Ibid, 13 May 1870.

to till the soil of the backwoods of America, while there are thousands and thousands of acres of uncultivated land at home that ought to be brought under cultivation. 1

England's "class legislators" should consider what would happen if war broke out between the two countries: fathers and sons would be thrown into battle against each other. They were true, he thought, the words of Solomon: "When the righteous are in authority the people rejoice, but when the wicked beareth rule the people mourn". Thousands of employers of labour had amassed great fortunes though the real wealth came from the land, produced by "the industrial portion of the population":

But before the working men of the Forest of Dean, as a portion of the nation, can help to remove those social and political evils which exist, they must come out of their isolated individualisms and organize themselves, and unite into one grand league or body, and cooperate in all social and political matters. 2

Thus the question of the cultivation of the waste served as one means of identifying the common needs of the working men and gave a broader perspective to the agitation which led to the formation of the union.

The Forester supported the Protection Committee, arguing that "on public grounds it is undoubtedly advantageous that (the working men) should be bound up with the interests of his country by the possession of a stake

¹Ibid, 20 May 1870.

²Ibid, 27 May 1870.

in the soil".¹ The Forester also attacked the Crown for its niggardly land policy. In certain parts of the Forest the Crown would not sell land at all; where it would sell, the price of up to two pounds per perch, payable at once, along with the expense of the plan and the conveyance of the land, was too much for the working man and above what similar land would fetch in an open sale:

In fact it was never meant by the Crown authorities to give the inhabitants of the Forest facilities for purchasing land within it. The prices were simply meant to be prohibitory, and for the most part they answer their end. Very few of the miners, colliers, and quarrymen of the Forest are in a position to buy Crown land, however much they stand in need of it. 2

In remarkably, for him, intemperate language, the editor went on to denounce the autocrats of the Woods and Forests, declaring that the foresters had shown great forbearance, contrary to their "ancient instincts and traditions". What would their forefathers have thought of such prices for the land? He added in a later article: "Crown prerogative is a fine bogie; but as it fared at Runnymede, so shall it fare in Dean Forest and everywhere else, if the people be but true to themselves as their forefathers were".³ At the same time the paper ran a series of articles on the "Romance and Reality of Dean Forest", which "rediscovered" and retold its history, emphasizing the distinctiveness and

¹Ibid, 20 May 1870.

²Ibid.

³Ibid, 15 July 1870.

independence of the foresters and the antiquity of their peculiar rights and privileges. That history was not without its lessons:

There may have been no political manoeuvres to accomplish in a wild and thinly populated region, where politics were almost unknown. But these antiquated Crown officers had their trials and crosses then as now. And if they were not as narrowly watched and as cleverly checkmated as they may be in these days of freely expressed opinion and popular Parliamentary government, they surely found that within the Forest of Dean lived a race of free spirited men, who would not bear the ruler's oppression, nor yield without a struggle the subject's right. ¹

The Liberal members, at a demonstration in the Forest in September 1870, had responded favourably to the plan to cultivate the waste but they were cautious.² The Government should be called upon to do something, Colonel Kingscote agreed, but there were difficulties. It was hard enough to go through the formal stages which would lead to the introduction of a Bill. It was more difficult to get the Bill through. Members did not understand the locality "until it is driven into them". To do that there would have to be an enquiry. Mr Marling also thought that there would be problems. There were many who had rights over the land and their claims had to be considered. Moreover, it was easy now to raise a cry against enclosures: "there is a popular feeling against them, as they say that the object of the enclosures is to make the rich richer and the poor poorer". The M.P. for Stroud thought that if every bit of

¹Ibid.

²Ibid, 23 September 1870.

land were enclosed their children would have nothing but the roads to walk upon. "Taking the land in that way and using it as private property was practically robbing the people". Still, he thought the foresters had a case and that something might be done if they proceeded patiently and carefully. Mountjoy had no such reservations:

He remarked on the long distances which some men had to go to and from their work, and said he felt sorry on wet mornings - their masters did not know what it was - to see the men dripping with wet go into the pits in their wet clothes and be obliged to work in them. Shame on the country, shame on the district in which they lived, shame on their masters (Cheers) He believed the important measure to which he referred might have been carried long ago if their masters had done what they ought to have done.

The meeting, which included all the leading masters of the Forest, then resolved to press the matter, asking the members to "obtain the sanction of Parliament to the enclosure and sale of the Forest, portions of it in small allotments to suit the requirements of working men".

In 1871 the land question slipped out of sight as the Cinderford men turned to the business of establishing and building up the district union. Some thought that a great shame. "Robin Gray", an anonymous but regular author of anti-union columns and correspondence in the Forester,¹ complained in 1872 that the men had become obsessed with the "One Idea", the idea of union. The Forester had also printed a series of articles on the land question, hoping to revive it.¹ The spirit of Robin Gray's letters and the

¹Number VI in the series appears at Ibid, 4 October 1871. Unfortunately the Forester for the first eight months of 1871 does not appear to have survived.

agitation of the Forester was that of distracting the men from the union and its doings:

Are there no means by which this "One Idea" can be induced to divide its sovereignty over the enslaved mind; or is its despotic rule so firmly fixed in prejudice and exclusiveness that no terms can be made with it? Is it possible that the "Forest Land Question" shall have been ventilated in vain, and all through this tyrant taskmaster, this "One Idea"? Why not form a Forest Land Association as well as a Forest Trades Union? 1

In 1873 the Forester reported that the campaign had almost entirely lost its impetus. Marling and Kingscote had taken some initial steps for the working up of a Bill but "they have not been supported by the Foresters as a whole in their appeal to the governing powers."² Why could not the foresters form a land league and carry on a good, sound, united action? The answer to that was clear: the attention of the men was elsewhere, on the one idea.

The question did not attract any serious attention until the end of 1873 when it reappeared in the context of the campaign for the representation of working men in the Parliament. It should be noted, however, that this, local, question did not bulk large in the miners' demands. A list of the questions which Mountjoy proposed should be asked of candidates before any promise of support be given them, puts the matter in its proper perspective:

- 1 Will you vote for the total and immediate repeal of the Criminal Law Amendment Act of 1871?
- 2 Will you vote for absolute freedom and equity of contract; for the entire abolition of criminal prosecutions for breach of contract as takes place between master and servant?

¹Ibid, 27 September 1872.

²Ibid, 18 July 1873.

- 3 Will you vote for such amendments in the laws relating to conspiracy that concerted action on the part of workmen shall not be construed into conspiracy, neither in relation to contract of service, or combination for the regulation of trade?
- 4 Will you ask for a Compensation Bill, whereby workmen shall be able to recover damages from their employers in case of accident, and the cause of death, the result of negligence, carelessness, or fault of the agent or overlooker?
- 5 Will you support a Factory Nine Hours Bill, to reduce the working hours of women and children to a maximum of nine hours per day?
- 6 Will you support a Bill for the better protection of life at sea, embodying a survey of all ships, and also to prevent the sending of unseaworthy vessels to sea?
- 7 Will you support the Payment of Wages Bill, to ensure the weekly payment of wages to workmen in the current coin of the realm, without any stoppage or reduction whatever?
- 8 Will you support a Bill compelling the Crown to sell the waste Crown land in the Forest of Dean at a fair price? 1

Clearly trade union issues and the national trade union legislative programme were the main concern. Despite the Forester and Robin Gray, the miners had not spent a lot of their energies on the land question. In February 1874 William Williams brought the subject up at the delegate meeting of the union. Though "this did not appear to be a fitting subject for consideration by the assembly, nevertheless he did think it was one that should be discussed by them".² He wanted a quarter of an acre for each of the working men in the district, to be taken from the waste. Far from launching into a great campaign the delegates only "decided to recommend the consideration of the subject to the various lodges".³

¹Ibid, 28 November 1873.

²Forest of Dean Examiner, 6 February 1874.

³Ibid.

It was the Conservatives who made the most of the land question in 1874. There had been no Conservative presence in the agitation of 1870 but they were active nonetheless, in a different way. The Conservative Benefit Building Society, cooperating with the United Land Company, had purchased twenty three acres on the border of the Forest and divided it into a building estate of 438 allotments.¹ Unlike the purchaser of Crown land, the customer of the Society could have credit, paying for the land by instalment and, after the payment of the first instalment, being able to obtain two thirds of the cost of a cottage from the Society, by mortgage. Mr Charles Gunnison, the Society's Secretary, argued that it was a commercial and not a political venture. When it first began it had unquestionably had a political purpose but that had been found, he said, to be unattainable and was therefore dropped. Nonetheless the social purpose of the Society's work was much to be emphasized:

...he observed that where the working classes availed themselves of (building societies) as a rule they went to their work day by day and year by year with far greater spirit, and returned with a far deeper interest and pleasure, because they felt that they had a comfortable home of their own, and that their wives and children were provided for in that respect. Unfortunately there were too many working men who were housed more like pigs than human beings should be, and it was, as he had said before, part of the Society's object to alter that state of things, and bring about a more social, elevating and comfortable change.

¹Ibid, 7 July 1871.

A commercial enterprise no doubt but one which hoped to make the working classes happier in their situation and which carried a visible political label. If the Liberals were lax on the land question, comparisons were sure to be made.

When the election came the Conservatives, led by the Crown officials in the Forest, held out the land as bait.

Sir James Campbell, Deputy Surveyor of the Forest, chief Crown official and leader of the Church party, introduced the Conservative candidate, "his young friend and relative, the Hon. Mr Plunkett", in February 1874.¹

Plunkett was also supported by the majority of the verderers, especially the recently elected Sir Thomas Crawley-Boevey.²

Those connections allowed Plunkett to offer a solution to the land problem which rested on the cooperation of the verderers and Crown officials:

...he had at length, after consulting the Verderers and other gentlemen connected with the local administration of the Forest lands, thought of a plan which would meet the case. This was that the Verderers should present a memorial to the Office of Woods and Forests, when that Office would send back to them for a report, and the Verderers had undertaken to make this report; upon which a Bill would be introduced into Parliament dealing with the question. This Bill, if returned to Parliament, he should heartily support. ³

This interesting manoeuvre produced a predictable rage among the Liberals. Mr Goold took up the cudgel to belabour Plunkett. This was a "mere sop in order to take you in":

¹Forester, 6 February 1874.

²Ibid.

³Ibid, 13 February 1874.

I may tell you that the Verderers of the Forest of Dean with one or two exceptions are all of them Blues...These Blue Verderers have known of the grievances for years, and why is it they have not talked of this before? Why is it they have not put it right before now? Why is it that "This way out of the difficulty" has not been seen until the eve of the election? To my mind it looks a little bit suspicious (Hear, hear). I can recollect when the Forest land was sold at 10s a perch, who was it that altered it? I apprehend that the baronet we support, and who lives in a fine house, to which is attached a park containing some 50 or 60 acres of land, has had something to do with it... who is it that rides about the Forest of Dean looking after little encroachments? Who is it, I ask, that rides about the Forest and makes people pull down their hedges and walls, should these happen to encroach a little on the Forest land?...That is the man then who we Foresters maintain out of our hard earnings, and who is doing all the mischief. I hesitate not to say that he has no business to ride about the Forest of Dean canvassing for Blue voters, and inducing men to vote for his relative against their consciences. ¹

Between 1846 and 1871 there had been 451 convictions of foresters before the Verderers' courts: 258 for encroachments of land alone; 193 for the building on Forest land of fern ricks, pig styes, goose cots and sheds, taking stone clay and sand illegally and, in one or two cases, the erection of cabins. Most convictions resulted in a fine, usually between two shillings and sixpence and one pound and an order to abate the encroachment. (Table 8.8)

The ill will that engendered might have been expected to have moderated Campbell's influence but, nonetheless, the verderers and the Deputy Surveyor were a powerful combination on this sort of matter: perhaps that helped to undermine the Liberal vote in 1874.

¹Ibid.

Their apparent loss of support at the election worried the Liberals, who formed a Liberal Association at Cinderford to begin the work of recovery.¹ The announcement by the Conservatives soon after the election that they would contest Colonel Kingscote's seat as well, when the opportunity arose, increased Liberal anxieties. Kingscote accordingly began to do some work on the land problem. In March he presented a Memorial to the Treasury which summarised all the arguments which had been offered to that point about the waste and, as a consequence, in April, a number of officials from the Woods and Forests paid a surprise visit to the Forest, wandering about it, "recording in their official pocket-books the multifarious minutiae which they came all the way from town to obtain for the use of the Department."² In April Kingscote moved for a Select Committee "to inquire into the laws and rights affecting Dean Forest, and the condition thereof, having especial regard to the social and sanitary wants of its increasing population, and further, to enquire whether it is expedient that any, and if so what, legislation should take place with respect to such Forest, and the future disposition or management." (sic) Mr Plunkett seconded, pointing out that "this was not a conventional appeal on behalf of oppressed working men" but a request for an inquiry into the sanitary condition of "some 25,000 loyal

¹Forest of Dean Examiner, 27 February 1874.

²Forester, 17 April 1874; Memorandum left at the Treasury in March 1874 by Colonel Kingscote M.P., P.R.O., F.16/48.

Table 8.8

Convictions before the Court of Verderers
in the Forest of Dean, 1846 - 1871

<u>Year</u>	<u>Encroachments of Land</u>	<u>Other</u> ⁽¹⁾	<u>Total</u>	<u>Year</u>	<u>Encroachments of Land</u>	<u>Other</u>	<u>Total</u>
1846	6	4	10	1859	10	33	43
1847	4	6	10	1860	5	8	13
1848	19	3	22	1861	2	1	3
1849	8	2	10	1862	8	3	11
1850	11	6	17	1863	-	-	-
1851	9	2	11	1864	8	16	24
1852	21	8	29	1865	6	3	9
1853	19	2	21	1866	10	3	13
1854	18	4	22	1867	12	5	17
1855	11	4	15	1868	5	3	8
1856	27	33	60	1869	4	5	9
1857	14	15	29	1870	11	-	11
1858	6	22	28	1871	4	2	6
Totals					<u>258</u>	<u>193</u>	<u>457</u>

Note: (1) Includes erection of fern ricks, pigstyes, goose cots, sheds, taking stone, clay and sand from the Forest and illegal cabin dwelling.

Source: Proceedings of the Court of Verderers, P.R.O., F.16/21.

subjects of Her Majesty".¹

With the appointment of the Committee there followed a series of public meetings around the Forest to consider the question. These were odd meetings, the first of them attended by the coalowners as well as by the miners' leaders: in the same month that they were at each others' throats about wage reductions. Mountjoy repeated much the same sort of ideas that had appeared in the agitation of the Protection Committee at Cinderford in 1870.² It was the duty of the Government, he maintained, to minister to the necessities of the people by making available to the unemployed all the improveable waste in the Kingdom: twelve million acres of this land would feed thirty two millions of people. Why should the poor go to the Americas? For the foresters the best plan would be for the Government to sell the waste at a reasonable price, say, forty pounds per acre instead of over £300. Moreover the Crown should allow credit, accepting a small deposit and taking the balance in monthly instalments. Cautiously, he insisted that there should be such restrictions in any Bill which the Government proposed "as would prevent capitalists from coming in and buying up large quantities for their own individual interests, or... it would make the rich richer and the poor poorer".³ Mr Williams of Bream repeated the demand he had made at the delegate meeting in February, for a quarter of an acre for all working men in the Forest. He offered a novel argument for the plan:

¹Forester, 24 April 1874.

²Forest of Dean Examiner, 22 May 1874.

³Ibid.

It was this the young Forest of Dean colliers and miners got along with the girls, then the children came, and then in many cases the young men were summoned before the Justices, ordered to pay 3s a week...That was the fact and nobody could deny it, and where the latter course was not resorted to the young miners married the young women and took them to their cottages, it was doing, comparatively speaking, the last thing first. Now he ventured to think if there were cottages and gardens in the district so that young men could look them out before hand comfortable little dwellings they would do the right thing first instead of as heretofore the last. 1

Echoing Mountjoy's caution and his awareness of the danger of the intervention of the rich man, Williams wanted his quarter of an acre to be the upper limit on land purchases by any one person. Clearly there was no demand in any of this for farms or smallholdings which would be large enough to support a man and his family in the circumstances of peasant proprietorship.

Nor, as we may see from the evidence Mountjoy gave to the Select Committee, was the antipathy to speculators to be interpreted as especially egalitarian sentiment. In his evidence Mountjoy increased the amount to be allowed to individuals to one acre but he repeated faithfully his earlier arguments for a low price and the exclusion of speculators. But this time he also asserted that the foresters, born and bred, should have first refusal of the land "and if there was an overplus left they would have no objection to another ratepayer who had settled down in the Forest of Dean, and who had been working at the mines for three or four years, to come in and buy a piece separate and apart

¹Ibid.

from theirs."¹ Not just foresters but freeholders, born and bred, were to have the first choice. If a man already had five acres there was no reason why he should not have another.² Mountjoy, we may note, already owned two cottages which he had paid for over fourteen years at the Stroud Building Society.³

All the other witnesses agreed that the Crown should sell its land in small plots for the working men: Mr Marling M.P., the Reverend Nicholson, and the coalowners, Goold, Brain and Crawshay. Most of them also agreed that the land should be sold at a fixed price of five shillings per perch.⁴ But some, notably Mr Marling and the Hon. J.K. Howard, the Commissioner of Woods and Forests in charge of Dean Forest, thought that there should not be a fixed, low price and that the Crown should attempt to realise the full market value of the land at public auction.⁵

There was disagreement too about how much land to sell. Marling and the coalowners thought it would be wise and profitable to the Crown to sell the whole Forest.⁶ There was no chance, after all, that there would be a surfeit of land on the market. Had Mr W.B. Brain not already indicated that he would be prepared to buy up the lot at forty pounds

¹S.C. 1874, q.2,248.

²Ibid, q.2,316.

³Ibid, q.2,413.

⁴Ibid, qq. 3,048-50, 3,059, 3,082, 3,096-7, 3,151-55; 1,773-90; 898-900, 903-7, 920-31, 1,374-84, 1,464, 1,515-26; 1,860-3, 1,912-16, 1,938-43, 2,027-55.

⁵Ibid, qq. 3,062-3, 3,094, 3,139, 3,615-6.

⁶Ibid, qq. 1,187-1,490, 1,390-93, 2,836-8, 2,871-4, 2,957-63; 3,029-33; 3,105-06, 3,183-87.

per acre: "And he would ask, if that were so, would it not be infinitely better to do so, and put the Forest waste land under cultivation, by which employment could be given to the poor agricultural labourers, whose case was so ably championed by Mr Arch?" But the Crown's officers and witnesses - understandably, for their livelihoods depended on there being a Forest - argued that only the waste on the outskirts of the Forest should be sold.¹

The Committee's recommendations attempted to offer a solution to the sanitary and overcrowding problems which would bring together and allow for all the conflicting rights and interests and offer something to everyone. The recommendations, however, taken all together, amounted to more than that: they used the land as a bargaining counter in another attempt to extinguish the various rights of the foresters. The Committee, which included Colonel Kingscote and Mr Plunkett, resolved that the Government should bring in a Bill in the next session for the appointment of a Commission to see to the detailed drafting of a Bill:

- a. For ascertaining and commuting the right of common in Dean Forest.
- b. For making or contributing towards making roads in the Forest, where such roads will be beneficial to the development of Crown property.
- c. For setting out lands...for public recreation.
- d. For providing allotment gardens for the labouring classes.
- e. For selling land for houses and cottage sites and other purposes, so as to furnish a fund towards the compensation payable to commoners, the amount contributed for making roads, and the expenses of the Commission.

¹Ibid, qq. 3,199-3,201, 3,263-3,316; 3,618-26, 3,709-11; 3,739; 3,760-62, 3,789-873.

- f. For inquiring into the sanitary condition of the town of Cinderford and other largely populated districts in the Forest and ascertaining what measures it is expedient to adopt for the improvement of the same.

They recommended a number of provisions for the Bill, two of which are important here:

- b. That the powers of sale, and of granting leases for terms exceeding 31 years, which the Commissioners of Woods possess as regards Crown land not being part of a Royal Forest, be extended to the Crown lands in Dean Forest....
- d. That no person to be born after the passing of the proposed Act shall be entitled to be registered as a free miner. But where the purchaser of any Crown land is a free miner, a drawback may be allowed on the price of the purchase, in consideration of the surrender of the purchaser's right as a free miner.

And one other resolution of importance:

4. That it is expedient that provision be made, that the interests of the holders of gales which can be from time to time obtained on reasonable terms should be bought up and assigned to a trustee for the Crown, in order that the mines may be let and worked on leases upon the terms which would be usually secured by a mineral owner. ¹

This was to be the programme: the abolition of common rights, abolition of the free miners' rights, and the consolidation of the gales in the hands of the Crown, all to be paid for by the sale of the waste land. There was no mention, moreover, of any restriction on the quantity of land to be sold to individuals or on the price to be charged.

The free miners' rights, the Committee had concluded, were almost valueless, since nearly the whole of the field was taken up in existing gales. Since the Act of 1838, moreover, Mr Justice Byles' in *The Attorney General v Matthias*

¹Ibid, pp. v-vi.

had given it as his opinion that, but for the Act, the free miners' rights could not have been maintained in court against the Crown and had invoked in support of his view the notorious Gateward's case:

The claim of the Free Miners is to subvert the soil, and carry away the substratum of stone without stint or limit of any kind. This alleged right, if it ever existed, must have reposed on one of three foundations: custom, prescription, or lost grant. The right of the Free Miners is incapable of being established by custom, however ancient, uniform, and clear the exercise of custom may be. The alleged custom is to enter the soil of another, and carry away portions of it. The benefit to be enjoyed is not a mere easement; it is a profit à prendre. Now, it is an elementary rule of law that a profit à prendre in another's soil cannot be claimed by custom, for this, among other reasons, that a man's soil might thus be subject to the most grievous burdens in the favour of successive multitudes of people, like the inhabitants of a parish or other district, who could not release the right. The leading case on the subject is Gateward's case, which has been repeatedly followed and never overruled. ...The next question is: can such a right as this be claimed by prescription? I will assume, against the fact, that there is no evidence to negative prescription. The present is a claim not only to carry away the soil of another, but to carry it away without stint or limit; it is a claim which tends to the destruction of the inheritance, and which excludes the owner. A prescription to be good will be both reasonable and certain... and this alleged prescription seems to me to be neither. ...The only remaining question on this part of the case is this: can the claim be sustained by evidence of a lost grant? Prescription presupposes a grant; and if you cannot presume a grant of an unreasonable claim before legal memory, a fortiori can you not presume one since. The defendants have relied on statutes of limitation, but, as to that, a claim which is vicious and bad in itself cannot be substantiated by a user, however long. 1

So far as those rights were confirmed and made safe against Gateward by the Act of 1838, the Committee argued, they "are detrimental to the interests of the Crown and the public at large."²

¹Ibid, pp.9-10. Emphasis in original.

²Ibid., p.iv.

Most of the witnesses, including Brain, Goold and Sir James Campbell, agreed that the rights were worthless. Mountjoy too had seemed to say that he thought every gale worth applying for had been taken up and he would not give twopence halfpenny for those that were left.¹ He also said that, if given a sovereign for them, he would surrender his rights and those of his children, so small did he think his chances were of getting a gale.² But he later asserted that the Commissioners had bamboozled and flummoxed him and that he did not really mean to be taken to think that he would agree to the abolition of the rights.³ Certainly this was a line of questioning which no one seems to have anticipated or canvassed in the Forest. Only Richard Hewlett, free miner and commoner of Bream, gave clear evidence that he would not give up his rights for a sum of money, even though he had never had a gale.⁴

It was that spirit, however, rather than the cautious approval of the Forester, which dominated the response to the Committee's report in the Forest.⁵ Kingscote held a series of meetings in September at which he justified his part in the work of the Committee. At a particularly turbulent meeting at Coleford, Mountjoy insisted, in contradiction of rumours to the contrary, that he and Kingscote

¹Ibid, q.2,338.

²Ibid, qq.2384-88.

³Forester, 27 August 1874.

⁴S.C. 1874, qq.2,635-2,643.

⁵Forester, 2 July 1874.

had gone to London to protect the interests of those who had rights in the Forest.¹ He defended the plan to sell the waste to working men but, obviously in response to ill-feeling in the meeting, agreed that the free miners' rights were in danger of being swept away and that that would amount to robbery. For the moment, however, wearing his Liberal cap, his main purpose was to defend Kingscote: "What about the Tories standing up and defending your interests? Where are the friends of the free miners now? Have the Tories lifted their voices and exercised their talents in your defence? As I have said, every free miner in the Forest of Dean ought to rouse himself."² They should form themselves into a body, he urged, and establish a fund for fighting their case.

The initial surge of discontent died down while the Commissioners prepared their Bill. The miners, moreover, became preoccupied with the strike against wage reductions of 1874-1875. The only public attention given to the subject came from a correspondent of the Forester who called himself a "Forest Mining Engineer". He was probably Mr H.J. Hoskold of London and the Forest, who had spent sixteen years as the manager of an iron mining company and who had an interest in the miners' rights as an agent, mediating between the free miners and the capitalists to whom they sold their gales.³ The Crown officials, he

¹ Forest of Dean Examiner, 4 September 1874.

² Ibid.

³ Forester, 10 December 1874.

thought, were envious of the profits which agents made and which, as things stood, they could not get into their own hands: "but if the Crown can take away the rights of the free miners the officials could of course bring in their friends and so add to their revenues."¹ From this, admittedly narrow and self interested, base, he went on in a series of letters to a thorough criticism of the Committee's work and recommendations, asserting that those who gave evidence were incompetent to do so, that all the coal was not granted; and that the gales were not worthless.² He argued that the line of questioning of the witnesses indicated that the members of the Committee had been "thoroughly instructed" on the sort of information they were to obtain.³ The whole thing had been "unfair and unjustifiable".⁴ He wanted the free miners to meet at the Speech House and to take up a petition against the Bill, to pay two shillings each for a fighting fund and to go to the Gaveler's office and register as free miners if they were entitled to do so but had not. But - a word of caution - they were not to seek help from the Forest masters:⁵

The great question now is whether the Forest free miners will stand still and allow the Crown to take away their rights, which were so dear to their forefathers. I would therefore say, arouse yourselves Foresters, and strike for your liberties and rights. Of old you were celebrated for standing up with a stern front to impending danger, now, then, is the time to show your determination. 6

¹Ibid.

²Ibid, 17 December 1874.

³Ibid, 24 December 1874.

⁴Ibid

⁵Ibid, 14 January 1875.

⁶Ibid, 18 February 1875.

Despite the curbing of the free miners' rights in 1838, there still remained a constituency to which Hoskold could appeal. The Dean Forest Commissioners in 1838 had registered 816 coal and iron ore free miners and 175 quarry free miners.¹ From 31 December 1838 to 31 December 1873 another 343 coal and ore free miners registered, about ten each year. By 1 April 1875 another 445 had registered, bringing the total to 1,604, of which the Commissioners of Woods and Forests estimated that about 630 had died or left the district.² At December 1873, 241 quarry free miners had been registered since 1837. The number of them dead or away from the district is unknown. Perhaps enough of them survived to bring the number of adult males interested in the rights up to over 1,000: more than were in the union by the end of 1875.

Few of these men had ever had the chance to have a gale, though, as Hoskold rightly pointed out, the practice of taking gales out had not lapsed. From 1845 to 1873, inclusive, free miners registered 145 separate gales of coal and fifty of iron ore.³ Altogether, 181 free miners had shares in the gales. Some of those gales were never worked, and some of them had a fitful life, producing a few score tons now and then. But others, like those of the brothers W.B. and T.B. Brain, the owners of Trafalgar

¹Registers of Free Miners, P.R.O., C.R.R.O. 5/8.

²Return showing the number of Free Miners in the Forest of Dean (P.P., 1875, LX), p.639.

³Grants of Gales, P.R.O., L.R.R.O. 5/8.

colliery were successes: though the Brains were the only free miners of any substance in the early seventies. Perhaps what mattered was not that the number of men who had actually found a worthwhile gale to work or sell was small but that there were some at all, that there remained the chance, however distant, of a likely find and a windfall from its sale. Thus Mr John Miles had been entitled to register as a free miner twenty years before he gave evidence to the Select Committee in 1874 but had not. When asked if he thought his rights were valuable, however, he answered: "Yes; I have only to be registered, and if there was a chance I could gale as well as any other man."¹

Hoskold's agitation bore fruit at the end of the big strike. Then, the Reverend Nicholson chaired a meeting of "freeminers and freeholders, commoners and ratepayers" at Parkend, which set up a Committee to watch the Bill.²

Though the meeting still wanted reasonable improvements in sanitation and roads, providing that the Crown paid a "just share" of the costs, they did not want "any interference with the existing rights of the free miners, or with the rights of commoners, excepting so far as relates to the outlying waste lands of the Forest; and in respect to those pieces of waste land, this meeting is of opinion that commoners' rights may be waived, provided such waste land

¹S.C. 1874, q.2,726.

²Forest of Dean Examiner, 5 March 1875.

is sold in small lots at a reasonable price."¹ By the end of March the Committee had drawn up a petition which, it hoped, would be accepted generally in the Forest. They wanted four main changes in the Bill - which they had by then seen. Firstly, the foresters were to have the right to nominate one of the Commissioners. Secondly, the Commissioners were not to have power to extinguish or commute any of the foresters' rights. Thirdly, there was to be no sale of land by auction or otherwise to "strangers who have no rights of common and no claims to local privileges". Lastly, only the waste land on the outskirts of the Forest should be sold, in small lots and at moderate prices, "to persons having already houses and lands in the vicinity, to enlarge and improve their dwellings and gardens".

Nicholson did not, however, retain control of the movement. Timothy Mountjoy had also condemned the Bill.² Once again, he had exhorted the foresters, it was time for them to gird on their armour, as their forefathers had, and to fight evil. The Bill simply was not what was intended or wanted. It was designed only to take away rights and privileges. It would not give the working man access to the land but it would, repeating the theme of suspicion of the intentions of the employers, "give power to those who have got too much already".

Mountjoy also wanted a Committee of foresters and petitions against the Bill, though he was not at all happy

¹Ibid.

²Ibid, 19 March 1875.

to accept the leadership of his opponent Mr Nicholson. But it was not clear that Mountjoy himself was acceptable as a leader in this matter: he continued to be abused for his evidence to the Select Committee. It was Mr Hoskold who came forward as spokesman. He probably hoped to have the appointment if the foresters' demand for their own representative on any Commission were met. He consulted a solicitor and drew up a petition which the Cinderford free miners adopted and which he and Mountjoy took into West Dean, to be accepted by a meeting of free miners at Yorkeley.¹ This petition attracted 1,348 signatures. Hoskold sent in another petition, in his own right, which made much the same points and established his claim to be noticed when appointments were made.² That Hoskold was Mountjoy's man was clear at a meeting called at the end of May to form a new union. The meeting also discussed the Dean Forest Bill and resolved unanimously that Hoskold should be appointed a Commissioner.³ He responded with a speech in favour of, moderate, unionism and the formation of a cooperative colliery company in the Forest.

As the Bill came due it began to attract wider attention. Through Mountjoy and the remnant of the union Mr MacDonald M.P. took notice of the Bill and prepared to oppose it. The people should not tolerate, he argued, "that the land to which they were rightly entitled should be taken away from them by a few greedy persons whose property lay on

¹Ibid, 9 April 1875, 23 April 1875 and 7 May 1875.

²Ibid, 4 June 1875.

³Ibid, 21 May 1875.

their boundary lines".¹ More typical of the comment which the Bill attracted was the petition which three fellows of Christ's College Cambridge sent against it:

The effect of the said Bill if passed into law, would be to enable the commissioners of her Majesty's Woods and Forests, or other persons having the care and management of her Majesty's Woods and Forests for the time being, to enclose and absolutely exclude your petitioners and all other her Majesty's subjects (sic) from the said lands, and to hold the same in severalty as private property.

The lands of her Majesty in the said Forest of Dean consist of wastelands and woodlands of great extent, broken into numerous hills and valleys, and covered in parts with very fine and ornamental timber. The said lands, except where plantations have been formed thereon, are in fact ancient Forest lands, and possess all the attraction of wild natural beauty.

At present all her Majesty's subjects have access to all the said lands, except for those which for the time being are enclosed for oak planting; such access your petitioners believe is highly valued by the inhabitants of the districts near the said forest, who often resort there to enjoy the beauties of the scenery and for purposes of recreation.

The power of resorting to an ancient forest like the Forest of Dean for the enjoyment of its scenery is in your petitioners' view a great boon to all her Majesty's subjects, a large portion of whom are compelled to reside in towns or thickly populated neighbourhoods, and with whom the enjoyment of retired rural scenery is increasing every year. The vast majority of her Majesty's subjects have no land of their own, and your petitioners view with alarm the gradual conversion of so much of the open spaces into private property and the consequent approach of a day when persons, not themselves landowners, will be confined in their use of English soil to the public ways. 2

The need for wild natural beauty, ornamental trees and places of recreation was an argument far removed from those advanced in defence of the foresters' rights in the thirties.

¹Ibid, 30 July 1875.

²Forester, 11 March 1875.

Nicholson brought in similarly motivated outside help. He had been entirely outmanoeuvred by Mountjoy and Hoskold but had no intention of giving the campaign up to them. He moved from support for amendments to the Bill to demanding its complete withdrawal and called on the Commons ^ePr/servation Society for support.¹ The Society, whose committee included the Archbishop of Canterbury, Mr Fawcett M.P., Mr Shaw Lefevre M.P., Sir A. Lask M.P. and Sir V. Harcourt M.P., was innocent of the minutiae of conflicting local claims and interests, and saw the scheming of the Commissioners of Woods and Forests in much the same light as the three Fellows of Cambridge.² The Society sent down a number of petitions for Nicholson to carry around the Forest for signatures. By mid May the Society had a number of petitions to present against the Bill: from the free miners and commoners, with 903 names; from inhabitants of the Forest with 98 names; and from the inhabitants of Cardiff with 132 names.³

The weight of the opposition embarrassed the Government sufficiently for them to withdraw the Bill. The Government had not intended to withdraw the Bill entirely but to introduce it again, with amendments, in the next session. It did not reappear, however, because of the continued interest of the Commons Preservation Society. G. Shaw Lefevre has left the only account of the demise of the

¹Ibid, 22 April 1875.

²Ibid, 29 April 1875.

³Ibid, 13 May 1875.

Dean Forest Bill and the Society's part in it:

...in the following autumn, notices were issued of the intention of the Government to introduce the Bill again in the ensuing session. Thereupon, on behalf of the Commons Society, I entered into a correspondence with Mr W.H. Smith (Secretary to the Treasury), in which I pointed out the objections on principle to the inclosure of the Forest. I contended that there were precisely the same reasons against adopting this course, as had been asserted by the Committee of the House of Commons in 1875, of which Mr W.H. Smith himself had been chairman, against the inclosure of the New Forest; that the object and intention of that Committee was to preserve the New Forest open and uninclosed, for the benefit of the Commoners and the public enjoyment; that the Forest of Dean was not unworthy of the same treatment; and that, although there was less of ancient timber left in it, it had some natural advantages superior even to the New Forest.

...I also pointed out that there could be no reason why a different policy should be pursued in respect of the two Forests; that both of them in their present condition were valuable legacies to the nation; that if reduced into absolute ownership of the Crown, they could not be recovered; while, so long as they were subject to Commoners' rights, they could from time to time be adapted to every necessary want, such as that now existing in the Forest of Dean for sites for miners' houses and for allotments without depriving them of their value for public enjoyment and recreation.

The effect of this correspondence was that the Government announced that they did not intend to proceed further with their measures for enclosing the Forest; and that they were advised by their law officers that they had, under an existing Act, power to sell limited parts of the waste from time to time, for the necessities of the population. It resulted therefore, that practically the same policy was laid down with respect to the New Forest and the Forest of Dean. They are both to be preserved henceforth in the interest of the public and of the commoners, while the Crown is secured in its long established right of making large but temporary inclosures for the planting and growth of timber. 1

¹G. Shaw Lefevre, English Commons and Forests (1894), pp. 262-3.

With this second withdrawal of the Bill the land question, in the form it had taken from 1870, died. The working men had wanted a limited scheme which would allow them small additions to their property but they had not bargained on the matter becoming a wholesale assault on the rights and customs. Nor had they envisaged a situation in which their employers or other men of capital might be allowed to turn the Forest into their own property. They had envisaged limits and controls which would prevent that. The sweeping nature of the Crown's proposals and the likelihood that monied men would be the only beneficiaries of them turned the campaign for the land into another round of resistance to the encroachments of the Crown. What is not so clear is why the Crown should have acted as it did. What had gone wrong with the settlement of the late thirties?

Chapter 9: The Free Miners' Rights

And ye who find pasture for sheep and for ass,
For pig and for pony, on good Forest grass,
Yield not your possessions, hold fast to your right,
Or soon it will vanish, with more, from your sight,
For easy enough it is to foretell,
They'll suck out the egg if they once prick the shell!

Their Bill will delude you, will mock and ensnare,
Will do you some damage unless you beware;
It gives with one hand a scrap of a dole,
But takes with the other best part of the whole.
Oh yes, for an inch they will measure an ell,
And suck out the egg if they once prick the shell!

(anon.) The Foresters' Egg! A Timely Warning!

Dean Forest Mercury, 23 May 1884

Behind the Crown's attempt on the rights in 1874, this chapter will argue, was its discontent with the arrangements which had been made in the thirties for the working of the gales. The Committee of 1874 was the culmination of a series of attempts to adjust the terms on which gales were held, in the favour of the Crown. The conclusion which the Commissioners of Woods had reached as a result was that the rights would have to go altogether. Unsuccessful in 1874, they tried again in the eighties, with the active complicity of the large coalowners. This time they sought to purchase the rights with money rather than land. Again their efforts were to meet resistance rather than acquiescence.

In order to understand why the Commissioners of Woods attempted to do away with the free miners' rights in 1874 it is necessary to go back to the rules which the Mining Commissioners had made for the regulation of the field in 1841. Rules four, thirteen and fourteen were the crux of the problem. Rule four put a limit on the time which gales could take in developing their mines:

All persons now or at any time hereafter holding any unopened gale or gales of coal, either by virtue of the foregoing award, or by grant from the gaveller or deputy gaveller, shall bona fide commence opening the same within the space of four years from the date of the said award as regards gales thereby ascertained, and as regards all other gales within five years from the date of the grant thereof respectively: provided, nevertheless, in the event of any unavoidable and unforeseen mining accident or impediment occurring, or other reasonable cause of delay being proved to the satisfaction of the Gaveller to prevent the opening of such works within the said period of five years, then the time may be extended at the discretion of the gaveller by some writing under his hand, according to circumstances. 1

¹Award, 1841, p.168.

The purpose of this was to ensure that, for the sake of the revenue, gales would not lie unworked. Rules thirteen and fourteen concerned the payment of the royalty to the Crown.

Rule thirteen read:

That, as to all gales hereafter to be granted, the same shall only be granted upon condition that the galee work and get in each and every year a certain quantity of coals, so that the rent, tonnage duty, or royalty payable and to be paid to Her Majesty, her heirs and successors, shall not be less in any year in respect of coals got than a certain sum, to be expressed in and by the grant of every future gale; and such minimum quantity of coals shall be ascertained and determined by the gaveller or deputy-gaveller, or by arbitration, as is referred to in the 56th section of the printed copy of the said Act; and, further, upon condition that the galee do, in the event of there not being sufficient coal got to make up the certain by way of rent to be so expressed, pay and make up such sum annually. 1

Rule fourteen then added to that:

That every galee or other person holding through or under him shall have the liberty of making up the short workings of any year or years of his holdings in any succeeding year or years; but not so as that the overworkings of any preceding year or years shall be brought forward in aid of the shortworkings of any succeeding year or years. 2

Where rule four encouraged the opening of gales, these rules encouraged their working. In summary: gale owners were assumed to produce a minimum number of tons of coal per annum and had to pay the Crown its royalty on that tonnage, whether the coal had actually been raised or not. Where actual tonnage fell below the minimum, the royalty in the difference - called shortworkings - could be recouped in later years by deducting it from the overworkings, which were the royalties on production over the minimum amount.

¹Ibid, p.171.

²Ibid.

One further matter needs to be understood. According to the Act of 1838 the certain rents, once set, were to stand for twenty one years, at which point they were to be revised.

There was some ambiguity about rules thirteen and fourteen. For what period of time should they operate? If shortworkings were allowed to accumulate indefinitely, then there would be no limit on the amount that could be built up to the credit of an unworked gale. The Crown thought instead that the shortworkings arrangement should only be allowed to run for the twenty one year period for which the certain rents were set and that, at the end of it, the books should be wiped clean and a fresh start made.

After the determination of the new rent for the old gale holders in 1862, the Commissioners acted to establish clearly their own interpretation of the rule. In August 1863 they notified galees that they were not entitled "as of right" to any further allowances for shortworkings accumulated before the expiry of the old rent period.¹ As a "matter of grace", however, the Crown would continue to allow shortworkings to be recouped for a further period of ten years. It was to be clearly understood that "the concession thus made is altogether exceptional, and that no similar concession will be made or admitted in future". The Commissioners sent another circular to the galees, in

¹D.F.C., 1871, p.33.

February 1869, reminding them that, "according to the most liberal interpretation" the period of grace would end at Midsummer 1873.¹ Thereafter no shortworkings would be allowed and those who had paid their minimum rents on unworked gales would lose their money.

The Commissioners had also decided to begin to enforce Rule four. Another circular, in July 1867, announced this campaign.² The circular informed holders of gales which had not been opened, and who had not applied for extensions of time according to rule, that they should now show reasonable cause for the granting of an extension. The holders of unworked gales stood thus to lose not only their minimum rents but to forfeit their gales altogether.

The galees, not surprisingly, did not think highly of the Commissioners' scheme, the Goolds at least protesting against the circulars when they paid their rents in 1869.³ They formed a deputation to the Commissioner with responsibility for Dean Forest, the Hon. J.K. Howard, after taking advice that the Crown had overstepped its authority. After further meetings and discussions he suggested that an act be applied for in the next session, to appoint Commissioners to examine the problem.⁴ On their side, the galees formed a Defence Association. Its members, and its committee, were

¹Ibid, p.39.

²Ibid, p.40.

³Ibid, pp.33, 39.

⁴Forester, 8 July 1870.

the large coal owners, among whom the brothers Brain were the only free miners.¹ Though some of them seem to have intervened in discussion at them, there were "many small gale owners whose circumstances shut them out from access to the Committee".²

But the small gale owners, and the registered free miners in general, had an interest in what the Commissioners were doing. As well as the appointment of a Commission to inquire into the operation of rules four and fourteen, Howard had also included in a memorandum of points for legislation the following: "Free miners not to have a right to a grant of a gale surrendered with a view to re-grant to registered owner or his nominee, which re-grant may be made, although the owner not a free miner".³ Now, it is not at all clear what the Committee meant by this, though it is clear that they envisaged some sort of situation in which a gale might be forfeited and then re-granted to someone who was not a free miner: without the mediation of free miners. The Forester summed up what seems to have been a more general view of the proposal:

What does this insidious proposal mean? Simply a snuffing out of the ancient right of the free miners. If the Crown carry this proposal it may get every gale into its own hands, will transform the freehold into a leasehold, and every gale owner, rich or poor, will be at the tender mercy of the Crown officials, who may be friends or foes to the Forest of Dean. 4

¹Ibid.

²Ibid, 15 July 1870.

³Ibid.

⁴Ibid.

In a letter to the Forester, a free miner, John Hullett from West Dean, put much the same point of view:

If this were law what might follow? A free miner or gale owner might be compelled to surrender, or forfeit, or give up, or part with, at a sacrifice he would be most unwilling to make, his gale. Many causes and means could arise bringing about this result, not the least of which would be a continuance of the exacting policy for some time pursued towards the gale holders becoming more stringent and encroaching almost yearly...That a gale having got back, no matter by what means into the hands of the Crown, the freeminers' rights respecting it are for ever gone, and the Crown would, in effect, have become sole owner, with the right to deal with it, by lease or otherwise, as landlord, imposing whatever terms and conditions it thought proper. ¹

He had made a good point. According to the old customs and to the Award of 1841 the Crown had only the status of a fifth man in the venture and was only entitled to that share of the profits. The proposed legislation would neatly appropriate the other four fifths for the Crown. These proposals, affecting rich and poor alike, help to explain the strength and the unanimity of the hostility to the Crown which was manifest in the land agitation which went on simultaneously with the dispute about the gales. Niggardly and mean in its dealing with the land the Crown also seemed to want to gobble up all right and title to the minerals.

Continued opposition from the Defence Association led Howard to withdraw his proposals, except for those concerning rules four and fourteen which, as a result of the Dean Forest (Mines) Act of 1871, underwent an inquiry early in

¹Ibid, 29 July 1870.

1872.¹ There were three Commissioners for the inquiry: the Hon. Evelyn Ashley, Barrister, appointed by the Lord Chief Justice of the Court of Queen's Bench; Alfred Buckley, Merchant, appointed by the Board of Trade; and John Taylor, Mining Engineer, appointed by the Lord Chancellor. Mr W. Karslake appeared for the Crown and Mr MacNamara for the Dean Forest Mineral Defence Association. Though confined to consideration of the two rules the Commissioners had extensive powers in relation to them: to determine the meaning of the rules and to make new ones if necessary "in such manner in all respects as they in their absolute and unfettered discretion may think most fit, equitable and expedient, and as fully and effectually as could be done by act of parliament."²

The argument before the Commissioners settled into much the pattern it had in the discussion which led up to their appointment. The Crown contended that, on rule fourteen, the shortworkings should not be recouped after the expiration of the rent period of twenty one years. The Defence Association contended that there should be no limit on recouping. In an interesting variation of its case, the Crown argued that the rent paid was in the nature of a fee which licensed the miner to take coal or ore but which was not purchase money. The fee allowed the miner to make what he could of the minerals "but it amounts to nothing more than that."³ Once paid such a license fee was lost for ever.

¹34 and 35 Vict. Cap.85.

²Ibid, section 19.

³D.F.C., 1871, p.9.

But no, the Association argued, that was not so. The Act of 1838 and an amending act of 1861 had clearly conferred "on the grantee, his heirs and assigns, an interest of the nature of real estate", conditional only on his observing the rules and regulations.¹ The right of the Crown to royalty was "a mere substitution for the right to put in a fifth man."² The Crown was still only, therefore, entitled to its fifth share of profits: the balancing out of shortworkings with overworkings was surely intended to see that only one fifth, no less but no more, went to the Crown.³ For the Commissioners now to refuse recoupment would be a confiscation of the galees' property. This dispute about the nature of the title to the gales was what lay behind the recommendation of the Select Committee of 1874 that the interests of the galees should be bought up "in order that the mines may be let and worked on leases upon the terms which would be usually secured by a mineral owner."⁴ In the eighteen seventies as in the eighteen thirties, the Crown's initiative was in the direction of removing the vestiges of the old customary arrangements, of removing the anachronism.

The galees did not contest the legal construction of rule four but appealed instead to equity, in the service of which they wanted the rule altered. In the first place,

¹Ibid, p.16.

²Ibid, p.15.

³Ibid.

⁴S.C., 1874, p.VI.

Mr MacNamara pointed out, there were many gales on which the five years had long since elapsed but the Crown had gone on receiving the certain rent, registering transfers and mortgages on them. Acts of omission being as important as those of commission, the Crown had, by not forfeiting the gales, waived its right to do so.¹ Some capitalists, believing from the conduct of the Crown that no forfeiture would be insisted upon, had purchased gales on which the time limit had expired, believing themselves to be acquiring good title, had paid their certain rents and now found that they were to be turned out of possession. Could this be equitable on the part of the Crown?

Of the 300 gales which had been granted, almost 200 remained unopened, 171 of which had gone beyond the five year limit and on which the Crown continued to collect the minimum rents.² Only fifty four of those had applied for and been granted extensions of time. The galees offered a variety of reasons why so many gales remained unworked and why five years was too short a period to allow for the opening of a mine. But the Crown emphasised "that it was too short a period to allow for the opening of a mine."

The Commissioners left a record of their conclusions but not of the reasoning which led to them. Their decision can not have been entirely satisfactory to the Commissioners of Woods. Their interpretation of rule four prevailed, though with a new provision for the appointment of an

¹D.F.C., 1871, p.17.

²Ibid, pp. 28-9.

arbitrator to decide whether "reasonable cause" could be shown for the failure to work a gale.¹ The galees, however, won the quarrel about rule fourteen. The galee might recoup shortworkings so long as he held the gale: "holding" to be co-extensive with "the occupation of the Gale by the Galee his heirs and assigns until the gale is surrendered or forfeited to the Crown."² This was certainly not the clear result that Howard's memorandum of points for legislation had envisaged and there remained, thus, the need for the further attempt of 1874.

We may now see too why free miners might have been reluctant in 1874 to give up their rights for a half acre of land. The chance of a gale which their rights gave them was not at all distant or improbable by then. There were 117 unopened gales, on which no extension of time had been granted and which were liable to be forfeited. The Crown's right to forfeit gales had been established and the obstacle of the accumulated shortworkings had been overcome. A betting man among the free miners might have thought it likely that many of the 117 gales would eventually be forfeited and that he might get one of them re-granted to himself: but that would only happen so long as the basic right of the free miners to have the gales remained intact.

The next step, after the withdrawal of the Dean Forest Bill in 1875, came when notices under rule four which had been issued after the Commissioners' Award in 1871 were due

1 Ibid.

2 Ibid.

to expire. The strategy which the Crown was to follow was set out by Mr T. Forster Brown, the Deputy Surveyor, in a memorandum to the Commissioners of Woods in 1872. He predicted that the revenues from the seams which were then worked would decrease considerably over the next few years. Future revenue would have to come from the "deep gales" and it was on those that the Crown should concentrate its efforts.¹

There were forty five deep gales, eventually classified by the Commissioners in four separate groups: eight gales in group one, at a depth of 500 yards; fifteen in group two, at 250 to 350 yards; nine in three at 160 to 260 yards; and thirteen in four, at about 150 yards. All told, the gales covered 10,800 acres and, in groups one to three, included an estimated 971,900,000 tons of coal.² The seams which could probably be worked in the deep gales included three narrow seams, ranging from one foot ten inches high to two feet ten inches, and the Coleford High Delf seam which ran at four feet six inches. These were rich gales on which substantial shortworkings had accumulated, offering a strong inducement to their owners to work the coal so as to recoup their money: Why had they not been worked?

¹Memorandum upon the Commissioners' Minute of the 30th of October 1872, P.R.O., F. 3/884.

²Deputy Gaveller to Commissioners of Woods, 16 November 1882, P.R.O., F.3/311.

Table 9.1

Forest of Dean: The Deep Gales in 1882

Group 1

Depth: about 500 yards Acreage: 3,300

<u>Gale</u>	<u>Certain Rent</u>	<u>Rents Determinable</u>	<u>Years⁽¹⁾ Unworked</u>	<u>Accumulated⁽¹⁾ Certain Rent</u>
1 Newcastle	150	1888	15	2,250
2 Durham	125	1888	15	1,875
3 Northumber- land	125	1888	15	1,875
4 Central	200	1885	18	3,600
5 Alexandria	200	1899	4	800
6 St Law	125	1886	17	2,125
7 East Dean Deep	80	1894	9	720
8 New Bowson	20	1885	18	360
	<hr/> <u>£1,025</u>			<hr/> <u>£ 13,605</u>

Group 2Depth 250 - 350 yards Acreage: 3,500

<u>Gale</u>	<u>Certain Rent</u>	<u>Rents Determinable</u>	<u>Years⁽¹⁾ Unworked</u>	<u>Accumulated⁽¹⁾ Certain Rent</u>
9 Royal	100	1883	20	2,000
10 High Delf Engine	100	1883	20	2,000
11 Prince Albert	50	1886	17	850
12 Beaufort Engine	35	1891	12	420
13 Skinner's Garden	10	1884	19	190
14 Morgan's Folly No.2	10	1885	18	180
15 Morgan's Folly No.3	10	1889	14	140
16 Emperor	10	1886	17	170
17 Favourite	20	1884	19	380
18 Extension	12	1887	16	192
19 Cousin's Engine	20	1885	18	360
20 Holly Hill	20	1884	19	380
21 Pioneer's Royal	20	1884	19	380
22 Scwidge	15	1885	18	270
23 Venus and Jupiter	60	1883	20	1,200
	<hr/> <u>£492</u> <hr/>			<hr/> <u>£ 9,112</u> <hr/>

Group 3

Depth: 160 to 260 yards Acreage: 2,100

<u>Gale</u>	<u>Certain Rent</u>	<u>Rents Determinable at</u>	<u>Years Unworked</u>	<u>Accumulated Certain Rent</u>
24 Arthur and Edward	40	1883	20	800
25 Mirey Stock	20	1885	18	360
26 All Profit	15	1884	19	285
27 Pillawell Engine	20	1885	18	360
28 Morgan's Folly No.1	10	1885	18	180
29 Prince of Wales	20	1884	19	380
30 Rising Sun Engine	150	1901	2	300
31 Union	100	1902	1	200
32 Union and Cannop	80	1883	20	1,600
	<u>£555</u>			<u>£4,465</u>

Group 4

Depth: about 150 yards Acreage: 1,900

<u>Gale</u>	<u>Certain Rent</u>	<u>Rents Determinable at</u>	<u>Years Unworked</u>	<u>Accumulated Certain Rent</u>
33 Britannia	20	1884	19	380
34 Small Profit	40	1883	20	800
35 Richard White's	50	1897	6	300
36 Hambeach Engine	50	1883	20	1,000
37 Blackpool Engine	50	1883	20	1,000
38 Rudge	10	1886	17	170
39 Flour Mill	20	1883	20	400
40 Old Furnace	Ungaled	-	-	-
41 Birchen Grove	6	1885	18	108
42 Pluds	6	1884	19	114
43 Woodside	Ungaled	-	-	-
44 Newnham Bollom	"	-	-	-
45 East Slade	25	1891	12	300
	<u>£277</u>			<u>£4,572</u>
Totals	<u>£ 2,349</u>			<u>£31,754</u>

Note: (1) Does not include previous rental periods

Source: Deputy Gaveller to Commissioners of Woods, 16 November 1882, P.R.O., F.3/311.

There were two main reasons, the first of which was the difficulty of dealing with water in the deep coal. The first attempt to sink through to the deep Coleford High Delf seam had been on the New Bowson gale in the 1860s. Up to 1867 the company had spent about £40,000 on two shafts which it drained by lifting the water up, by machine, in wooden containers.¹ It has taken three years to put the shafts down about 240 yards. At that point the sinkers met a "current of water which now rushes through the stone like so many gas jets on springs".² At 280 yards, when the sinkers broke into a fresh layer of rock, water came flooding in, driving the men from the shaft and rising at a rate of a yard an hour.³ It took two years, the liquidation of the company, its reformation with new capital and the installation of new pumping machinery to clear the water.⁴ By 1871, however, with £80,000 lost, the gale was abandoned, "purely in consequence of the water".⁵

An attempt on a deep gale was not, therefore, to be undertaken lightly or without the expenditure of a considerable capital. That was a risk which, the coalowners asserted, they were discouraged from undertaking by the regulations which governed the working of the field.⁶

¹ Colliery Guardian, 2 February 1867, 3 March 1867, 6 June 1867.

² Ibid, 2 February 1867.

³ Ibid, 21 September 1867.

⁴ Ibid, 9 May 1868, 18 July 1868, 24 December 1869.

⁵ S.C. 1871, p.29.

⁶ Commissioners of Woods to Treasury, 19 April 1883, P.R.O., F.20/79.

Regulations which stipulated that each gale should be worked separately, and that substantial barriers of coal should be left between gales, effectively prevented the consolidation of a number of gales into a larger holding which would justify the capital expense. And even if there was not that hindrance, how could the owners raise capital in the first place, on the uncertain tenure of their gales, "the result of the stringent rules and regulations which may any day lead to the forfeiture of their Gales".¹ If the owners were to invest, then the rules would have to be altered.

But how should the Crown lead the galees to take the risk of deep working? There was little point in simply forfeiting the gales: they would have to be re-granted to free miners and the situation would not have changed at all. Much better to put the onus of change on the coalowners. Why not select a list of unopened gales, send a circular to their owners pointing out that forfeitures were likely and wait the result "and this course may either compel the opening of these Gales or elicit from the Galees some suggestion or scheme which may be of value in dealing with the general question of the Lower Coal Seams".² Forster Brown offered as an alternative to that a scheme for the general drainage of the district by the Crown. A note written neatly across the memorandum, however, ruled that out:

¹Ibid.

²T. Forster Brown, Memorandum upon the Commissioners' Minute of the 30th of October 1872, P.R.O., F.3/884.

"It would probably be decidedly preferable that the Galees should take up the matter themselves, independant (sic) of the Crown altogether and possibly pressure put upon the Galees may elicit from them some scheme which the Crown can acquiesce in...."¹

Accordingly, in 1878, the Commissioners issued a circular to gale owners reminding them of the possibility of forfeiture and the local Crown officials began to re-iterate the need for a solution to the deep coal problem.² The villains in the piece, the great obstacles to commercial progress, were yet again the free miners:

There were local causes which he believed greatly militated against the Forest proprietors and the Forest generally taking that position it ought amongst other districts in the United Kingdom. (Hear, hear) Now he anticipated some of them would say, "Mr Francis is going to stalk his old holiday-house again". (A laugh) Be it as it might, he believed that with regard to the free miners of the Forest; that every mine had been granted, and in his opinion the free miners stood in the way of the growth of their great Forest of Dean, and he feared more of them would ever again see men of capital launch out their money to open out the unworked collieries and iron mines. He would repeat his fears, they would never see this unless the free miners' question or rather their rights were taken in hand. ³

This was Mr Francis, the Crown receiver of rents in Dean, speaking to the coalowners at the dinner he gave each half year to mark the audit of gale rents. In 1870 the Crown had to deal with the united opposition of coal-owners and free miners but this time the free miners were to be isolated.

¹Ibid.

²Forrester, 21 February 1878, 5 September 1878.

³Ibid, 26 August 1880.

Mr Arnold Thomas and Mr Edwin Crawshay made the first response to these pressures in 1882. After meeting with the Deputy Surveyor and the Commissioners they made three proposals. Firstly, the certain rent on existing unopened deep gales was to be halved and the shortworkings on them abolished. Secondly, once the coal had been reached, that rent should continue for twenty one years. Thirdly, when there had been an agreement among the owners of several gales to work them together, the opening of one of the gales should be deemed the opening of them all.¹ Though there would clearly still have to be a great deal of negotiation about the details of the arrangement, the Deputy Surveyor agreed that these were sound proposals. Nonetheless there would still be a problem with the free miners:

Although the rights of the Free Miners, for all practicable purposes, are now, and likely henceforth to be, of little or no pecuniary value to the Free Miners as a Body, yet any attempt hitherto to interfere with these rights has always given rise to political agitation. In fact these rights have become in the District a question more of sentiment, and an excuse for a political cry than of any practical importance. Otherwise, but for this very reason the question is probably more difficult to deal with, and I have been casting about for some mode of evading as far as practicable any serious interference even with these sentimental interests consistent with accomplishing what is essential to the object of improving the Tenure of the deep Coal Measures..."²

His solution was that, instead of abolishing all the rights at a stroke, the Act of Parliament which was to give the Crown the powers necessary to making new rules, should

¹Thomas and Crawshay to the Commissioners of Woods, 6 November 1882, P.R.O., F.3/311.

²T. Forster Brown to Commissioners of Woods, 16 November 1882, P.R.O., F.3/311.

allow the Commissioners to assess through arbitration the value of the free miners' interest in the deep gales only and then to buy the free miners out.

Up to about September 1883 all went reasonably well for the Commissioners. The Treasury gave permission for negotiations preparatory to a Bill and, in an exchange of printed memoranda, the Commissioners, Thomas and Crawshay worked out and broadly agreed upon a detailed list of points for legislation.¹ Crawshay and Thomas had called a meeting of galees, that is to say, of coalowners, which had elected a Committee to negotiate for the whole body of them.² There seemed to be no disagreement at all about the need for change and no important indication of dissent.

In August and early September, however, the free miners, initially those in West Dean, formed another Protection Committee, distinct from the galees' association, to defend the rights against the Crown. At a public meeting at the Speech House it became clear that the mass of free miners thought that the new scheme for the forest was an unjustifiable encroachment on their liberties. The meeting resolved, without qualification, that "nothing be altered which would affect the interests of the free miners of the Forest of Dean".³ Mr Arnold Thomas had addressed the meeting

¹Commissioners of Woods to Treasury, 19 April 1883, 22 October 1883, Treasury to Commissioners of Woods, 26 April 1883, 27 October 1883, P.R.O., F.20/79; Memoranda on the Deep Gales, P.R.O., F.3/311.

²E. Crawshay and A. Thomas to Commissioners of Woods, 29 March 1883, P.R.O., F.3/311.

³Dean Forest Mercury, 7 September 1883.

but his speech was interrupted by: "We will have no alteration" and "We will consider our own rights and not other people's".¹ On the whole the speakers, other than Mr Thomas, at the meeting agreed that there was a need to drain the deep coal, to allow amalgamation of gales and ensure that there was plenty of colliery work for years to come. But why did the free miners have to be dispossessed? There was a feeling that the free miners would be robbed and deceived: somebody wanted to buy the rights "for a song". Why shouldn't the gales be forfeited according to rule, the poor and the rich be treated alike? Why couldn't the free miners get together and work the coal cooperatively? Some were convinced, moreover, that the rights of common, as well as the right to the minerals, were under threat.

The agitation continued to the end of the year, with public meetings, resolutions and the getting up of a petition against the Bill - of which the Commissioners had given notice in 1883.² It was now perfectly and publicly clear from the form of the notice that the Crown intended to buy up and extinguish the rights affecting the deep gales.³ In December the Protection Committee presented a petition bearing 1,700 names to the M.P.s for West Gloucestershire, to be passed on to the Commissioners.⁴ Again, at the heart

¹Ibid.

²Ibid, 5 October 1883, 26 October 1883, 30 November 1883.

³Ibid, 16 November 1883.

⁴Ibid, 14 November 1883.

of the freeminers' grievance was the feeling that they were being deprived of a fair chance at the 45 deep gales:

Now these gales were considered the most valuable in the Forest, and as the limit of holding, viz, five years for opening, had expired, they were forfeited to the Crown, and, in which case, could be claimed again by the freeminers...if the gales were forfeited to the Crown, the free miners would be able to claim them again and sell to other capitalists, so that instead of the gales being shut down by men who were unable or unwilling to open them, they would be in full work... 1

Colonel Kingscote, though he wished not to act too precipitately in demanding withdrawal of the Bill, agreed to pass on the memorial to Sir Henry Loch. Shortly afterwards Mr Rymer sent a letter to the Mercury which Thomas Burt had written to him promising to assist "all in my power" to maintain the free miners' rights.² Once again the miners' canny valuation of their rights, their hostility to the Crown officials and the large coalowners, came together to frustrate the Commissioners.

Not easily thwarted, the Commissioners set about trying to persuade the foresters that selling up the rights was a good idea. Sir Henry Loch, though no doubt pre-occupied by preparations for his departure to take up the post of Governor and Commander-in-Chief of the colony of Victoria, invited the free miners to send a deputation to London to discuss the problem.³ The Crown, indeed, agreed

¹Ibid.

²Ibid, 21 December 1883.

³Notice to Free miners (n.d., 1884?) P.R.O., F.3/312.

to pay the expenses of nine members of the deputation. On the 11th of May the free miners met at the Speech House when they appointed a Committee of fifty who in turn chose the deputation.¹

At this point Mr W.B. Brain emerged: as the leader of the deputation² which consisted, apart from Brain, of six working miners, a manager of a chemical works, a manager of an iron mine, a quarry master and a shopkeeper, who were free miners, as well as a barrister at law. Though Brain was far and away the wealthiest and, by that sort of measure, the most important of the free miners, neither he nor his brother had taken any part in the agitation against the Crown. Perhaps now the *ties* of community, local loyalty and sentiment had asserted themselves and become more important to him than his position as a large capitalist. It was not so. On the 8th of April, Mr Thomas Forster Brown wrote to his masters in London to report that he had spoken to Mr Brain, satisfied him that Loch's plan was the right one and that "he will be with us".³ Brain's role in the business was that of covert agent and manager for the Crown. Thus he wrote to Brown in May 1884:

We had an important meeting last night the tone of which was much more to my satisfaction but during my absence the meeting held was unsatisfactory. I should be glad to see you to guide me in framing my reply to Sir Loch. (sic) ⁴

¹Dean Forest Mercury, 11 April 1884.

²Ibid, 18 April 1884 and T. Forster Brown to Commissioners of Woods, 23 June 1884, P.R.O., F.3/313.

³T. Forster Brown to Commissioners of Woods, 8 April 1884, P.R.O., F.3/312.

⁴W.B. Brain to T. Forster Brown, 13 May 1884, P.R.O., F.3/313.

Perhaps Brain was anxious to develop the Holly Hill deep gale in which he and his brother had shares.¹

With that support in the ranks of the free miners, Sir Henry no doubt felt optimistic. The deputation attended on him on the appointed day in London and, after discussions, again on the following Monday.² Sir Henry stressed again the importance of the commercial development of the Forest, made it clear that no assault on the right of common was intended and outlined his proposal that the compensation to be paid to the free miners should go into the hands of trustees elected by the free miners, to be expended at their discretion. Most of those on the deputation who spoke at these meetings opposed any interference with the rights and insisted that the Crown's failure to forfeit gales explained the lack of development of the deep coal. But the barrister, Mr Dew, "as a small galee", concentrated on a discussion of the amount of compensation offered. Sir Henry thought £5,000 quite adequate recompense, but Mr Dew, taking the Crown's certain rents as the annual value of the gales and assuming that thirty years' purchase was a fair basis for fixing the price, calculated that about half a million pounds was the true value of the free miners' interest. Mr Brain too, said that: "They would have been better pleased if a higher sum than £5,000 had been named".³

¹List of Quarriers of Deep Gales, P.R.O., F.3/311.

²Dean Forest Mercury, 18 April 1884.

³Ibid.

Mr Dew said that "it was their bounden duty to fight for as large a compensation as could be got". This persuaded Loch that he had won a victory: that the debate was not now to be over whether the rights would go but instead about how much the compensation would be. Accordingly he wrote to the Treasury to tell them that "the Free miners are not likely to offer any very serious opposition to the principle of the Bill and that so far as they are concerned the main question will be the amount of the compensation...", and asking that a Bill be introduced into the Parliament as soon as possible.¹

Unfortunately for Loch his optimism was entirely unjustified. When the deputation took their report of the meeting back to the Forest they met intransigence and a refusal to accept compensation. Mr Brain did his best to persuade a meeting that £5,000 was not to be disregarded and to think carefully about the need to develop the Forest's trade: "The importance of this I hold as firmly as any statement I put forward in regard to the free miners' rights".² The Mercury's interpretation of his line was "that the chairman stated, in as plain terms as he dared, that the development of the Forest was of first consideration, and if the free miners' rights stand in the way, these should be held as of secondary importance".³ But his audience was not convinced. Their response on the whole was like that of Mr Barnett, one of the deputation: "My poor children shall never have

¹Commissioners of Woods to Treasury, 26 April 1884, P.R.O., F.20/79.

²Ibid, 2 May 1884.

³Ibid.

cause to curse me, and say 'My old grandfather sold my birth-rights for me! If they (the Commissioners) take it, let them do so". Whether the Commissioners offered £5,000 or £50,000 the rights would not be sold.

Mr Brain tried once more late in May to swing the free miners in the Commissioners' direction. His strategy this time was to call in Mr James G. Wood, author of a volume on the Laws of the Forest and possibly the foremost living expert on the intricacies of mining operations in the Forest: a man whose opinions had weight. His preference was clear:

The deep gales must be worked if the future of the Forest is to be secured. The working them (sic) will be the gain of the many; including the working freeminers, the loss - or rather postponement - of the prospective right of re-grant will be the loss of a very few. ¹

He proposed that the Crown and the miners establish a sort of standing commission to administer the deep gales, perhaps offering long leases to galees and long periods for opening and for assessment of royalties. His advice was that, in the interest of some such plan, the galees should not oppose the Commissioners' Bill and right, neither accept nor reject it, but agitate for the establishment of a Commission like that of 1838. This was enough to persuade the miners' Committee to agree that they should perhaps be open to further negotiations after they had seen the actual text of the Bill.

Feeling against the Commissioners, however, had built

¹Ibid, 23 May 1884.

up too far to be so easily turned aside.

The Mercury published the text of the Bill on the 20th of June. The same issue reported that the Central Committee had read the Bill, discussed its clauses with a legal gentleman and decided unanimously to reject the whole measure.¹ A general meeting of the free miners decided that, having seen the Bill, they would accept no money consideration whatever in exchange for the rights.² There were petitions, one from the Freeminers and Commoners, bearing the signatures of 2,085 freeholders, which went to the Parliament on the 27th of June, and another from the Protection Committee a few days later, both opposing the Bill and asking for its withdrawal.³ There were other petitions, in favour of the Bill, from the Gloucester Chamber of Commerce, from the Mayor, Alderman and Citizens of Gloucester, from the Severn and Wye and Severn Bridge Railway Companies, the Sharpness New Docks Company and the Midland Railway Company. The full weight of commercial and mineowning opinion was in favour but the weight of local opinion was too great. The Commissioners, as they had in 1875, in the same situation, withdrew the Bill.

To what extent had the foresters seen this as a purely local problem? Had they been able to take it out of its

¹Dean Forest Mercury, 20 June 1884.

²Ibid, 11 July 1884.

³Petitions in Favour of and Opposed to the Dean Forest Bill, P.R.O., F.3/313.

bureaucratic context and see it in terms of other relationships? Though the union had not officially taken much part in the resistance to the Crown, Rymer had urged it on. He saw the problem as part of the oppression of the people which the Tory landlord and the State priest imposed. This was more of that robbery and monopoly with which the rhetoric of his unionism was concerned:

Rise, ye Forest miners, rise,
Maintain your ancient right;
Let justice echo to the skies,
Join in freedom's glorious fight.

Let not priests and Tory lords
Disturb our Liberal faith,
We conquer by our moral swords!
And create a nations living breath.
The Forest rights must be maintained,
And freedom lost must be re-gained. 1

The remedy for all the wrongs suffered by the people, including the threat to the foresters' rights, was the social revolution, reform and, in particular, the extension of the franchise to the counties and the greater representation of labour in Parliament.² The foresters might depend on it that the aristocracy would do nothing for working men, he argued at a meeting to support franchise reform.³ Had the deep gales belonged to poor men they would have been forfeited years ago!

That view of the matter, if it had been confined to Rymer, might have been judged unimportant. But the same sorts of opinions were held by Mr Sydney J. Elsom, a

¹Ibid, 21 September 1883.

²Ibid.

³Ibid, 28 September 1883.

collier, a preacher and the man who became the leader of the free miners' movement in place of Mr Brain who, having failed to persuade the miners to accept compensation, stopped attending meetings of the Protection Committee. Free of his influence the Committee had reorganised itself in January 1885.¹ There were, by then, eleven free miners' lodges in the Forest: at Berry Hill, Drybrook, Cinderford, Blakeney, Whitecroft, Yorkeley, Lane End, Lydbrook, Ruardean Hill, Clearwell and Bream. Their delegates elected a committee of twenty three and appointed Elsom as chairman.²

The new leader of the free miners and freeholders had taken an uncompromising view of the plan to do away with the rights. What evidence was there, he insisted on asking, that it was the free miners who stood in the way of the commercial development of the Forest? He agreed with Edward Rymer that if the Forest was stagnating and doomed to beggary, its land, labour and mineral property lying undeveloped, the fault was in the spirit of monopoly and privilege.³ Had not King Charles given land to his bastards, enabling them and endowing them with privileges? Would anyone try to take their land or privileges unfairly?⁴ The miners were threatened, he argued, not because they truly barred progress but because they were poor.

¹Ibid, 2 January 1885.

²Ibid.

³Dean Forest Mercury, 2 May and 9 May 1884.

⁴Ibid, 2 May 1884.

There might have been some who labelled the miners, and men like them, as "the residuum, the dregs, the scum" but the most "striking distinction between ourselves and our 'noble' calumnators is this - we have to toil day after day, year after year, work hard, live hard, and still remain poor, while they, as a rule, spend a life of idleness".¹ Most disgusting to him were those who had pensions from the public revenue, men like the Dukes of Beaufort who, with their relations, had been paid over half a million pounds from the public purse over half a century. He developed this theme in a series of articles in the Mercury on "Hereditary Pensions", the "gigantic system of out-door relief of the aristocracy".² "The roots of our greatest grievances", he wrote, "are traceable to the selfish actions, the legal despotism, the avarice and to the unreasonable and unreasoning opposition to all progressing and ameliorative proposals of our hereditary legislators - our old nobility".³ The descendants of King Charles' illegitimate progeny, those of the first Duke of Marlborough, the Churchills, and the relatives of the hero of Trafalgar all had drained the public purse of large sums of money, to none of which they were morally entitled. The Pensions List above all else was evidence of the rule of avarice and privilege in England:

¹Ibid, 13 June 1884.

²Ibid, 3 September to 1 October 1886.

³Ibid, 3 September 1886.

We all believe, at least we all say that we believe it is righteousness that exalteth a nation. Righteousness as we understand it means right doing. When applied to a government it implies that justice is to be impartially administered to all classes, to characterise our actions towards all peoples, and, further but this appears to have been neglected to the most distant planets (sic) - the equitable and upright application and use of the nation's wealth, did in such a way as to procure the greatest good to the greatest number, and truest happiness to all. With our knowledge of some of the discreditable and disreputable transactions in reference to the use of our national finances (sic) can we truthfully say that Britain is a righteous nation? Certainly a highly exalted and much favoured land, but, as the pension list alone will show, no more worthy or entitled to be called a righteous nation than I am to be called a millionaire.¹

At the other end of the social hierarchy the history of the struggles of the foresters to maintain their rights and privileges led to much the same sort of conclusion:

When the survey of our Forest was less complete than of present, some of our ancestors took in a bit of Crown land that may happen to be adjoining their gardens. In many instances, this would be waste land, and in every case it was absolutely unproductive. But by industry, the bit of waste and non-productive land became both cultivated, and produced food for man and beast.

But in time, these audacious, these awfully wicked proceedings of the Foresters, were discovered by obsequious Crown officials. In some instances the fences were thrown down, and again the land become useless. ...If this is the right thing to be done when a working man apports to himself a few perch of barren ground and makes it fruitful, what shall be done to the man who won't work, and robs the nation of thousands of acres² of the finest and most productive land in Britain.

Unlike Timothy Mountjoy, Elsom looked back on the doings of Warren James with pride:

¹Ibid, 24 September 1886.

²Ibid, 10 September 1886.

The Chairman, referring to the past history of the Forest, reminded the meeting that their old home had once been given right away bodily by the reigning monarch, and that it was fenced in and enclosed; but so great and determined an onslaught was made at the time by the inhabitants that all the fences were torn down and destroyed. He also mentioned that fifty years ago, Warren James had immortalised his fame by a similar feat of daring, which secured to the present generation their privileges. 1

X
Elsom, indeed, took a systematic interest in the history of the rights, preparing a paper on the subject which he delivered at the Lydney and Ayburton Working Men's Club.² It was there that he met the only discomfiting comment on his position: from men who were, with what Elsom thought was sarcasm, opposed to all hereditary privilege.³ That category of course included the free miners' rights. That, however, was the only occasion on which that *cavil* arose and Elsom seems not to have long reflected upon its implications.

Elsom directed much of his attack at the Tory party, "the friends of the aristocratic, the privileged and monied classes", but the free miners' problem also brought the Liberals under fire. Mr James Birt, a collier and free miner, had, at a meeting in early 1884, expressed his disgust with the Liberals:

The Forest working men might have congratulated themselves that they were under a Liberal Government, but it should not be forgotten it was so-called Liberal men who were about making an onslaught upon the Forest rights. He was, for once, grieved that he was a Liberal. 4

¹Ibid, 2 January 1885.

²S.J. Elsom, The Dean Forest Freeminers' Rights (Coleford, 1885).

³Dean Forest Mercury; 22 May, 1885.

⁴Ibid, 23 May 1884.

Colonel Kingscote had not seemed to be entirely of the same uncompromising opinion about the miners' rights as the Protection Committee. He had forwarded the various petitions from the Forest, to the Commissioners or to the Parliament, but he had taken no strong part in the campaign. Later, when the Commissioners had withdrawn their Bill, he incurred the disfavour of the foresters by giving support to a proposal emanating from the Westbury upon Severn Guardians that there should be a large Commission - yet another inquiry - into the problems of the Forest.¹ Since the Commissioners' Bill was a Government Bill and since the Government was Liberal, and perhaps because he anticipated the splitting off of the Forest from his constituency, Kingscote's circumspect, perhaps even careless, behaviour was to be expected.

Kingscote, in any case, was not the real problem among the Liberals. Mr Arnold Thomas, it will be remembered, was Mr Crawshay's ally in taking up the deep gale question in the first place and had with him conducted the galees' negotiations with the Crown. It will also be remembered that it was Mr Arnold Thomas who proposed to stand, and whose proposal to stand had the support of the leading Liberal coalowners and the Mercury, at the first election in the new constituency of the Forest of Dean in 1884. What chance then, for the free miners' rights, if Mr Thomas was to be the foresters' link with the Parliament and Government?

¹Ibid, 11 June 1884, 25 June 1884.

Mr Thomas, Elsom agreed with the Mercury, was in many ways a suitable man to represent the Liberals of the Forest.¹ A highly esteemed employer, a reliable and loyal supporter of Gladstone, though not as advanced in his politics as he might have been, and with a good record for many years as the local leader of the party, Thomas was the natural candidate. But should not the foresters be sure that the man they sent to Parliament was prepared to guard their acknowledged rights and advocate their claims and interests? Thomas could not do that for two reasons. Firstly, he was a capitalist: "Is it not a moral and a political impossibility for any capitalist, or large employer of labour, no matter how upright and just he may be; to fully and fairly, and satisfactorily represent a labour or working class constituency?" Since the working classes formed the majority of the constituency, it was right, in pursuit of the greatest happiness of the greatest number, that they should send one of their own men to Parliament. Secondly, Thomas was a galee. Never, Elsom argued, had the foresters been in such danger of having their birthright wrested from them and never had they so much required Parliamentary representation. But how could Thomas represent them honestly:

Is it rational to expect that he would, that he could be for and against at one and the same time? Brothers, Foresters, freeminers, Liberals, and working men, we shall shortly have a glorious opportunity placed in our hands: shall we avail ourselves of it, and turn it to good account? or, with 'bated breath and whispering humbleness, say this:- Fair Sirs, although (sic) in the past you have spurned us, and ignored our wants, and even now are endeavouring to rob us of our own;

¹ Ibid, 26 December 1884.

for these courtesies we will still meekly submit to, and cringingly and slavishly perform all that you may decree? Remember our interests are at stake, decisive action must at all costs be taken; let not feeling, age, sentiment, drown our sense of justice; but fearlessly and courageously do the right. 1

Thus Elsom and other members of the Protection Committee joined Rymer in campaigning for a Labour candidate for the Forest. The alliance of unionists, free miners, freeholders and commoners helps to explain why it was that Mr Blake rather than Mr Thomas should have so easily and quickly won the Liberal nomination. The problem of the land and the rights had confused the campaign for a working man's candidate in 1874: there was no such confusion in 1884.

As Mr Forster Brown had predicted in 1882 the attempt to interfere with the rights had raised a political cry and one which effectively prevented the Commissioners from having their way. From 1886 onwards, as a result, the Crown took an entirely new approach to the problem. Instead of attempting to extinguish the rights, and having failed in the strategy of putting the onus of development on the galees, they attempted to make the free miners directly responsible for it.² At the suggestion of Mr Forster Brown the Commissioners declared forfeit the four largest and richest of the deep gales, the Durham, the Northumberland, the Newcastle and the St Low, and announced that they would be amalgamated and re-granted as one gale. Until then the gales had been re-granted to the first miner who had applied for them. If more than one miner had applied on the first

¹Ibid.

²See United Deep Gales, P.R.O., F.3/320-324.

day after forfeiture, the successful applicant was chosen by lot. This time, however, the Commissioners suggested that the 179 men who had applied for the new gale - called the United Deep Gale - should work together: that one man should hold it on behalf of them all and that they should all share in the proceeds. In September 1886, the free miners duly having signed their agreement, Mr Forster Brown granted the gale to Mr Elsom. This was an entirely new departure and an entirely new principle: that the free miners might hold individual gales collectively. This was also a recognition in fact of what the free miners had insisted upon for almost a hundred years: that they and not the Crown or the wealthy capitalists were the owners of the coal. In achieving this result it had been important for the free miners that they had been able to call upon support from beyond their immediate ranks and in particular from the commoners. What had the experience of the commoners been, to make that possible?

Chapter 10: The Commoners

Away with the Bill! 'tis not needed at all,
'Tis not what you asked for, it came without call;
Your "bit of waste land, at five shillings a perch",
Is treated as nonsense, and left in the lurch;
Away with the Bill! sound forth its death knell!
They'll suck out the egg if they once prick the shell!

Be resolute, Foresters, honest and true,
Keep all that's your own, give Caesar his due;
Heed not for a moment the men who deride,
And say that your egg has nothing inside;
For you know, and they know, only too well,
They'll suck out the egg if they once prick the shell!

(anon.) The Foresters' Egg! A Timely Warning!

Dean Forest Mercury, 23 May 1884.

For all the activity of Commissioners and Crown officials in the thirties the foresters continued to make extensive use of a right of common. The Crown insisted, this chapter will argue, that there was no such right and that those who exercised it were not entitled to do so. Persistent clashes and ill will between the forest officers and animal owners followed from successive attempts by Commissioners of Woods and Deputy Surveyors to have the animals, and especially the sheep, off the Forest. Much as the Crown would have liked to have made a clear decision to clear out the animals, they were restrained by the need, as they saw it, to settle the free miners first. Nonetheless the Crown sought in a number of ways to extinguish this alleged right: again without any success. In the nineties we find the Deputy Surveyor still engaged in a struggle against the encroachments of the sheep and their owners.

After the riot of 1831, with its authority confirmed and its rights in the Forest for the moment intact, the Crown had relaxed its control of commoning. In response to a petition from the inhabitants, the Commissioners had agreed to discontinue clearing the animals from the Forest at the Fence Month and the Winter Heyning. The keepers were to drive occasionally "in order to keep up the Crown's right".¹ The effect of this policy was to encourage commoning and, because drifts were made now and then, to maintain a persistent ill feeling between the Crown officials

¹Deputy Surveyor to Commissioners of Woods, 13 July 1854, P.R.O., F.3/735: The Fence Month lasted from 20 June to 20 July and the Winter Heyning from 22 November to 4 May each year.

and foresters.

It is difficult to discover just how many animals there were in the Forest and how many people made use of commoning. A drift in 1864 brought in 6,652 animals: 5,868 sheep, 246 donkeys, 233 horned cattle, 218 horses and colts, 86 pigs and one goat. It is possible that there were many more animals than this since, once it was known that a drift was in progress, owners would have put their stock into temporary pens in order to avoid the fines levied by the keepers. Nor does this indicate how many commoners there were. Perhaps there were one or two large flock masters who owned most of the animals? A census of the sheep made in 1898 suggests that this was not the case. (Table 10.1) Then, there were 10,851 sheep owned by 236 people. Over three quarters of them, 190, owned less than fifty sheep. Only twelve had flocks of over one hundred sheep. Clearly, the majority of foresters were not sheep owners. Sheep pasturing, however, did not exhaust the possibilities of commoning. Many comments suggest that the keeping of one or two other animals, and of fowls, was a widespread practice. At a meeting of commoners in 1898, for example, Mr Amos Williams, a sheepowner whose grandfather had helped Warren James pull down the enclosure fences, commented that: "The cottager may, for grazing purposes, turn on the common or in the open woods his cow, or horse, or sheep, or pig, and having in mind the fact that a vast majority of the Foresters usually keep one or the other of these domestic animals,

it will readily be seen that the benefits thus derived are considerable".¹

Nor was it cottagers, that is to say freeholders, alone, who turned animals out in the woods. This was a matter of which the Deputy Surveyor complained in 1859. He asserted that only the residents of the parishes surrounding the Forest, and only the freeholders among them, had any rights to pasture their stock on the Crown land. But those who did so, he alleged, had no such rights. They were the occupiers of land within the Forest and people who owned no land at all but only rented their houses. He offered a list of examples of men who turned sheep out, instances which he might have multiplied "to any extent". All his cases but one owned or rented land in the Forest but not in the surrounding parishes. (Table 10.2)

These people, the Deputy Surveyor reported, were most of them "quarrymen, colliers or labourers of one sort or another".² In his evidence before the Select Committee of 1874, however, Timothy Mountjoy said that the fifty colliers who, to his knowledge, turned out sheep "...do not work regularly at the pits and do not care about it".³ An "Old Miner", complaining in the Forester in 1877 about the effects of the butty system, wrote of the buttymen that "...a good sprinkling of them have degenerated into a sort of "half farmer" "half collier" with perhaps a brood mare pony or two, and two or three score sheep running the Forest;

¹Dean Forest Mercury, 25 November 1898.

²Deputy Surveyor to Commissioners of Woods, 7 June 1898, P.R.O., F.3/264.

³S.C. 1874 qq 2,454-2,467.

half of their time is spent in the pit and the remainder on their ground or tending their flocks, whilst their "day slaveys" are keeping a good "tally" up, in which this quondum "bullyman farmer" takes his whack on pay-day".¹ The vicar of English Bicknor had made a similar point in 1865 in correspondence with the Commissioners of Woods. Commoning was "opposed to steady industry - the owner of stock instead of being engaged in his day labour, spending his time in locking up his stray animals; and his gains or hopes depending so much on the season both in winter and summer, that the business partakes somewhat of a gambling character from its uncertainty".² But it is unlikely that many men were able to achieve the semi-farmer status, gambling with their flocks and the seasons though a couple of hundred butties, probably the most successful of those at the big pits, no doubt did so. Most men, however, probably had only an animal or two or a few fowls to supplement their wages.

In the late eighteen fifties Sir James Campbell had taken up the war against the Commoners, as well as against the encroachers, with a new vigour. Sir James ran into trouble soon after taking up office. He wrote to the Commissioners in 1856 to report that one of his keepers, William Wood, had been summonsed to the County Court at Newnham by parties whose sheep he had impounded.³

¹Forester, 5 April 1877.

²Vicar of English Bicknor to Commissioners of Woods, 4 December 1865, P.R.O. F. 3/735.

³Deputy Surveyor to Commissioners of Woods, 27 March 1856, P.R.O., F.3/263.

Table 10.1

Sheep and Sheep owners in the Forest of Dean,

1898

<u>District</u>	<u>Size of Flock</u>					<u>Sheep</u>	<u>Total Sheep owners</u>
	<u>0-50</u>	<u>51-100</u>	<u>101- 300</u>	<u>301- 500</u>	<u>500+</u>		
Lea Bailey	21	1	-	-	-	554	22
Nags Head	16	-	-	-	-	255	16
Perch	6	4	-	-	-	475	10
Edge Hills	10	3	2	-	-	1,015	15
Chestnuts	13	-	-	-	-	295	13
Crabtree Hill	4	-	1	-	-	290	5
Church Hill	3	5	-	-	-	510	8
Ruardean	26	8	-	-	-	1,228	34
Blakeney	14	2	3	1	1	2,209	21
Russels	6	-	-	-	-	200	6
Serridge	16	1	-	-	-	560	17
Sallow Vallets	22	2	-	-	-	842	24
Park Hill	26	2	-	-	-	895	28
Slapledge	7	6	2	2	-	1,523	17
	<u>190</u>	<u>34</u>	<u>8</u>	<u>3</u>	<u>1</u>	<u>10,851</u>	<u>236</u>

Source: Deputy Surveyor to Commissioners of Woods,

7 June 1898, P.R.O., F.3/264.

Table 10.2

Some Commoners in the Forest of Dean, 1859

<u>Name</u>	<u>Place</u>	<u>Land</u> ⁽¹⁾	<u>Stock</u>
1 James Jones	Brains Green	About 2 acres	At least 100 sheep
2 Richard Nelmes	Bradley Hill	about 3 acres	about 200 sheep
3 James Virgo	Loiterpin	about 7 acres ⁽²⁾	from 80 to 150 sheep
4 John Virgo	Blakeney Hill	about 4 acres	from 80 to 150 sheep
5 John James	-	about $\frac{1}{4}$ acre	at least 80 sheep
6 James James	Tomblin	$1\frac{1}{2}$ acres	perhaps 60 sheep
7 John Barker	Old Furnace Bottom	rents small patch	at least 50 sheep
8 James Brit	Parkend Furnace	rents cottage	from 70 to 100 sheep
9 Thos. Hale	-	rents land	upwards of 30 sheep, 1 cow, 2 horses.
10. Wm. Smith	Howlers' Slade	?	from 90 to 130 sheep and 2 colts
11 Charles Teague	Hawsley	$\frac{2}{4}$ acre	5 cattle
12 Joseph Hart	Gosty Knoll	$\frac{1}{4}$ acre	at least 100 to 200 sheep
13 - Cooper	Lane End	$\frac{1}{2}$ acre	5 cows, 2 horses
14 Thos. Bridge	Lane End	lodger	30 to 40 sheep
15 James Jenkins	Lane End	small patch	50 to 100 sheep

Note: (1) All within the Forest and originally encroachments
 (2) Also had about five acres in Awre parish

Source: Deputy Surveyor to Commissioners of Woods, 17 March 1859, P.R.O., F.3/263.

William Mountjoy, Thomas Meredith, James Virgo and William Adams, who owned about 500 animals altogether, had been insisting for some time on their right to turn them out wherever and whenever they liked, which right of course the keepers had contested.¹ The commoners had opened gates, broken down fences and warned Wood not to interfere with them in any way. (That was in addition to the difficulty already experienced in keeping out of enclosures the Welsh Mountain sheep which the foresters preferred. One of them, it had been demonstrated, could jump a five feet high wall with one of its forelegs tied to its neck!²) The pounding of sheep by Wood on the occasion which led to his being summonsed had also produced two pound rescues: one by all the plaintiffs, for which they were fined five shillings each, and one by Virgo alone, on which no action seems to have been taken. Clearly this was an unsatisfactory state of affairs:

I should be glad to know how it is possible to put a stop to such a state of things; because while the Forest is overstocked in this way it is scarcely possible to keep the enclosures free; the animals themselves force their way over or through fences seeking for food enough to keep themselves alive,...and the owners are more than suspect of making gaps for them to go through; only it is difficult to catch them in the fact; I am aware to take any active or extreme course, which might cause retaliation in some way: perhaps by setting fire to plantations or maliciously cutting or injuring trees; I would rather defeat a case, if possible, such as the present, leaving the parties to pay the costs etc and should be glad to know, in further-

¹Steward of the Verderers' Court to Solicitor to Commissioners of Woods, 19 April 1856, P.R.O., F.3/263.

²Ibid, 9 April 1856.

ance of this view, whether such persons as Mountjoy and Adams could be prevented having redress, because of having no right of common at all. 1

Campbell regarded these men as "lawless and disreputable persons, who make no scruple as to any desperate Act to gain their ends".² As to the keepers and woodmen, the commoners "look upon them as their natural enemies and would lose no opportunity of injuring them if they could".³ It was difficult to catch the commoners in breaking down enclosures because they usually worked at night and, even if caught, it was difficult to obtain a conviction "because there are very many of the persons implicated in these transactions who I am sorry to say, are as ready to take a false oath to defend each other, when brought to a court of justice, as they are to break down the fences".⁴ On this occasion, as Campbell had wished, the Crown won its point by preventing the plaintiffs from "having redress": not by proving that they were not entitled to the right of common but by obtaining a stay of proceedings in the County Court and their removal to the Court of Exchequer. Faced with what would clearly be a long, ruinously expensive series of court actions the plaintiffs decided not to proceed.⁵

¹Deputy Surveyor to Commissioners, 27 March 1856, P.R.O., F.3/263.

²Ibid, 3 May 1856, P.R.O., F.3/263

³Ibid.

⁴Ibid.

⁵Solicitor to Commissioners of Woods, 1 May 1856, P.R.O., F.3/263.

This left the question of right unresolved, a point to which Campbell returned in 1859. In conversations with the Commissioners he made it clear that he thought that "irregularities" ought to cease at once.¹ The main problem, he argued, was the damage to the young plantations which the sheep caused and the continual expense of repairing fences to keep them out. It was, he complained again, "a regular practice all over the Forest, for the inhabitants to damage the Fences, for the purpose of enabling the sheep to enter the Enclosures".² How could offenders be detected when the miners passed back and forth through the enclosures at all hours of the day and night with every opportunity to damage the fences without fear of detection? Something more substantial than occasional prosecution was necessary. His first line of attack was to be the regular driving of the Forest in the winter heyning, when the need of feed for stock was greatest. That would necessarily cut numbers down and result in the "saving of a very considerable sum annually to the Crown".³

A more fundamentally useful approach, he thought, would be to challenge the right of those who commoned in the Forest. Did those who lived within the borders of the Forest have any such rights at all? The reports of the Commissioners of 1788 and 1835 had indicated that the common rights belonged to parishes surrounding the Forest but not

¹Deputy Surveyor to Commissioners of Woods, 17 March 1859, P.R.O., F.3/263.

²Ibid.

³Ibid.

to those who had encroached on the Crown land. Few of those who had the right to turn out animals, he argued, actually did so, "the Forest being entirely covered with the sheep of parties having no rights at all.

There were other problems with stock. Campbell wanted some sort of check on the number of donkeys which individuals should be allowed to keep. Properly speaking, he insisted, donkeys were not commonable animals and should not be in the Forest at all. It would be too harsh a measure to do away with them altogether, however, because some "poor people" scabbled for a living by carrying coal and charcoal on them.¹ Action should be taken, though, against those who had four or five donkeys but no use for more than one. Goats had not been such a nuisance because Mr Machen had not tolerated them but where they were kept they did serious damage, peeling the bark from the young oaks as high as they could reach.

Give notice of a drive in the winter heyning, Campbell advised, and in the meantime he would go quietly about and give advance warning to people to get rid of their animals so that there would be fewer people to deal with when the time for a reckoning came. In the meantime too he would set the keepers and woodmen to a closer watch on the enclosures. One woodman had already been busy. Observing that three donkeys appeared in a particular enclosure every morning, although he had left the fences secure the previous evening, he watched and waited and finally caught some

¹Ibid.

children pulling down the fences and driving their animals in. Campbell thought that, since the children obviously acted at the direction of their parents, he should not summons them but levy instead a poundage fine of six shillings - almost the whole value of one donkey - and give warning of heavier fines to come.¹

The Solicitor to the Commissioners of Woods, Mr John Gardiner, agreed that such irregularities should be eliminated but he had a larger policy in view, one which required Campbell and his staff to avoid upsetting the foresters and to see that nothing was done which would engender ill-feeling towards the Crown. It would be "more advisable to deal with the various other matters in Dean Forest now awaiting investigation and settlement before proceeding to interfere as to deal with the question of Common Rights in the Forest".² The free miners were to be settled first and then the commoners. Those among the miners who said that rights other than their own were in danger were not wrong in their judgement of the Crown's ambition.

In accordance with the Solicitor's advice the keepers did not drive the Forest in 1859. By 1864 there had been no drift for seven years. Apparently not finding that tolerable, Campbell did order a drift at the winter heyning of 1864, thereby incurring the displeasure of his superiors.³

¹Ibid.

²Solicitor to Commissioners of Woods, 18 January 1860, P.R.O., F.3/263.

³Deputy Surveyor to Commissioners of Woods, 28 July 1864, P.R.O., F.3/735.

Mr Gardiner thought that the whole thing was to be regretted and advised the Commissioners that no drift should be made in future without their express instructions.¹

as already noted

In one sense the drift had been a success: the keepers impounded and levied fines on 5,868 sheep, 246 donkeys, 233 horned cattle, 218 horses and colts, 86 pigs and one goat. But the drift had raised a number of prickly problems. Several animals had died in the pound, whose owners were extremely angry and were threatening legal proceedings for compensation. Other animals had not been reclaimed by their owners. Campbell thought two of the horses in pound had been stolen and "the animals are believed to be watched by people in the neighbourhood to see who takes them out of pound".² What was to be done about these animals and how should a demand for compensation be met? There had, moreover, been two cases of pound rescue and what was to be done about them? On the ninth of June the keeper William Christie was driving in East Dean, assisted by three men. As they were taking a herd of twenty horses past the Holy Trinity Church, a man named Cook rushed in among them and seized an old mare and a colt which belonged to his mother. He then scattered the other horses so that the keeper and his helpers could not catch them:

¹Soliciter to Commissioners of Woods, 6 September 1864, P.R.O., F.3/735.

²Deputy Surveyor to Commissioners of Woods, 28 July 1864, P.R.O. F.3/735.

...they tried to keep the Horses together but could not and Cook threatened to hit (a woodman) and push his fist thro' him if he interfered with his taking his mother's horses saying they had no business to drive them when Christie saw what had happened he went up to Cook and asked what business he had to take the mare and colt away and he said that he (Christie) had no business to drive and he wanted him (Christie) to shew his authority. Christie told him that Sir James Campbell and the Verderers had given him authority to do so - he said he did not care for any of them - he said if he (Christie) was not satisfied he could go to Law to which Christie replied he would as soon settle it that way as any way - whereupon Cook said that he could get as much Law for a shilling as Christie could. 1

The second incident took place in West Dean. John Jones, keeper, and several woodmen, were driving a herd made up of two cows, a flock of sheep, several donkeys and a pig, past Mr Mushet's works on the twenty second of June. William Williams and James Charles, owners of the pig, left their work and rescued it from the keepers who warned them that the Forest was being driven on Her Majesty's behalf and that they would rescue the pig at their peril:

Williams and Charles said they (meaning the keepers) should not take the Pig - he Jones demanded 4d for the pig Williams said he would not pay anything for they had no right to drive the Forest and they were all "Robbers" and that neither they nor Her Majesty had any right to drive the Forest and he pulled a handful of silver out of his pocket and showed it to Jones but said he would not pay one penny for the pig nor should they impound it - then he (Williams) took hold of his (Jones) horse's bridle and kicked the horse and picked up a stone and swore several times he would throw it through his head - and he knocked and pulled the horse about for some time to try and throw him (Jones) down - a stone that was thrown struck the horse but he did not see it thrown another stone struck Edward Jones his son on the Jawbone - he then called to Mr Gaudern to come to

¹Statement of Keepers as to cases of pound rescue, 9 August 1864. P.R.O., F.3/735.

him for he thought that some of them should have been killed. When Gaudern came up William Williams went from him (Jones) to Gaudern and took hold of his horse's bridle and insulted him. Afterwards they went after the animals that were left and Williams and Charles followed them and rescued other people's animals and said they should not impound them. ¹

The statements of the keepers involved in these incidents indicated that these were not the first such incidents.

Williams had said to Gaudern: "Look how Powell and Fox served that other keeper (referring to Gorey a late woodman who had impounded cattle which Powell and Fox had taken out of the pound)." He referred also to a case of pig rescue three or four years previously for which the keepers had not been able to obtain a conviction. Part of the hostility between some of the foresters and the keepers and woodmen which these incidents indicate was probably attributable to the fact that the latter benefitted from the drifts, retaining for themselves fines on pounding which ranged from twopence, for each sheep taken, to one shilling, for unshod horses, donkeys and mules. ²

The Solicitor to the Commissioners much regretted that Campbell had made the drift. But, though he advised that the offenders in these particular cases should not be proceeded against, something important was at stake. Cook, Williams and Charles had denied the Crown's right to drive the Forest, had asserted that their claims to commonage were good against the Crown, and that they could defend themselves with a shilling's worth of law. To allow that assertion to go unchallenged would be to forfeit the Crown's

¹Ibid.

²Solicitor to Commissioners of Woods, 2 November 1865, P.R.O., F.3/735.

position.

An outbreak of disease among cattle in the neighbourhood of the Forest in 1865 gave the Commissioners a chance to establish the Crown's right against the foresters. The appearance of rinderpest among cattle at Coleford caused a minor panic. The magistrates closed all markets and fairs for the sale of stocks and, blaming the cattle turned out by the foresters for the disease, petitioned the Commissioners to have the winter heyning enforced.¹ This was, on the part of the magistrates, an attempt to get only the horned cattle out of the Forest but the Commissioners, having taken the advice of Mr Gardiner, gave notice that the heyning would be enforced against animals of all descriptions.²

Mr Campbell, acting properly in accordance with instructions from London, had the forest placarded with notices warning of a drift and advertised it in the Forester, the Gloucester Journal, the Gloucester Chronicle, the Hereford Times and the Monmouth Beacon, "they being the newspapers chiefly circulated in the district".³ Between the twenty third of December and the sixth of January the keepers took in 2,794 sheep, 144 pigs, 57 donkeys and mules, 38 horses and 18 horned cattle.⁴ Campbell thought that the reduced

¹Ibid; Dean Forest Drifts, 6 December 1898, P.R.O., F.3/735.

²Ibid; Solicitor to Commissioners of Woods, 2 November 1865, P.R.O., F.3/735.

³Deputy Surveyor to Commissioners, 8 December 1865, P.R.O., F.3/735.

⁴Ibid.

numbers of stock impounded, compared to 1864, reflected the greater notice given. People had penned their animals up temporarily and turned them out again when the drift was over: "there were probably more than double the number of sheep and donkeys on the Forest yesterday, than were found on it during the drift...."¹ Since no cattle had been seen since those impounded were taken away, Campbell hoped the drift would at least be successful in removing a source of rinderpest.

But it was not so clear that any other purpose had been served. The notices had stirred up great excitement in the Forest. During the actual drift there had been an awkward incident when some women had attempted to rescue their sheep, assisted by a number of men "who had nothing to do with the matter but only happened to be passing".² Two policemen appeared, however, putting an end to the interruption of the drift. There had been rescues before this, as we have seen. What was different about the excitement in 1865 was that people other than commoners had complained.

Most interesting was the letter of the vicar of English Bicknor, for what it tells us about his attitude to commoning as well as his appeal for leniency on the part of the Commissioners. He thought that the privilege of turning out stock was of very questionable benefit and that:

...it would probably be advantageous to all parties if such rights or privileges could be extinguished altogether. The sheep are half starved during the winter months - 100's of them actually die if there

¹Ibid.

²Ibid.

happen (sic) to be a continuance of severe weather. Sheep cattle and horses (especially the first) are constantly stolen; and the temptation to this when the animals are thus suffered to range at large is so strong that it cannot be prevented, and the effect is demoralizing to the population generally. 1

But though he obviously disapproved of this situation, the vicar did not think the Commissioners should too abruptly end it - though he at least acknowledged the right of the Crown to enforce the keeping should they wish to. What would be the consequences? "There may be no ground for apprehending a recurrence of what occurred 33 years ago, when the forest was enclosed", but nonetheless a strong sense of grievance at the possible loss of their privileges was "fermenting in the minds of the people" and some of the poorest people, indeed, would suffer hardship:

that it should be borne in mind that though this suffering may not manifest itself openly; the discontent which is come to be bred by it, may vent itself in mischief done by evil disposed people to the Crown property by firing the young plantations. It is only a very few years since this did actually occur in consequence of the discontent in Mr Brown's time.... 2

If the Crown were to act it should do so gradually giving the foresters plenty of time to reduce the numbers in their flocks or to make arrangements to pen and feed them. This winter the Crown should leave well enough alone, limiting the absolute ban in the heyning to the horned cattle. That was after all what the petitioners of Coleford had wanted.

The vicar of Christchurch also wrote to say that if carried out with full vigour the Commissioners' order would

¹Vicar of English Bicknor to Commissioners of Woods, 4 December 1865, P.R.O., F.3/735.

²Ibid.

"lead to disturbance".¹ He had objected to sign the memorial asking for the enforcement of the heyning because, since the fair and markets were to be closed, "would fall with very great harshness upon the Foresters, who would thus find great difficulty in disposing of their sheep". It was finally agreed at Coleford that the memorial should only extend to horned cattle: that the Commissioners had acted against all animals was "harsh and unfair". He was particularly concerned about the exclusion of donkeys:

There are many poor widows and infirm persons on the Forest who add to their scanty subsistence by fetching coal for their neighbours, and for this purpose keep a donkey - and of course the winter season is their harvest. If the donkey is to be excluded from commonage on the Forest during the winter, all their little additional gains will have to be appropriated towards providing provender for the donkey, and thus when most needed their own means would be lessened. 2

Mr Alfred Goold, coalowner and magistrate, also concerned about the livelihoods of the donkey women, took an even firmer line:

...you can have no idea whatever of the great excitement the order has caused, no mischief has yet been done but I assure you I believe it is only out of hope that you will rescind the order, I have had the freeholders with me by dozens. I have held out to them that I believe you would see justice was done, and I most sincerely hope that you will do so. If not I cannot in anyway be answerable for the consequences. 3

Five years later the author of the series of newspaper articles "The Romance and Reality of Dean Forest", confirmed that there had been much ill-will against the Crown and,

¹Vicar of Christchurch to Commissioners of Woods, 9 December 1865, P.R.O., F.3/735.

²Ibid.

³Alfred Goold to Commissioners of Woods, 12 December 1865, P.R.O., F.3/735.

though there had not been the riot which the clergymen and Mr Goold anticipated, there had been some retaliation against the enclosures:

Some five years ago there was a wondrous panic amongst the donkey-keeping, sheep owning, pig-feeding, and geese-loving Foresters at a threatened heyning. Loud roared the Forester against this invasion of his rights, Here and there 'twas said the enclosure banks would be thrown down and the hedgerows uprooted to show the Foresters' mettle and to give the supercilious officials of Woods and Forests-"a taste of Dean's despair, Proving by deeds, in some wild hour, how much the outraged dare." Yet the wold hour never came, the despair was untasted, and perhaps the only result that followed the notice of this intended "Forest driving", beyond the turmoil of talk and feeling it occasioned, was this, that some few trees in unprotected places were mutilated. The writer remembers that one dark night, when the agitation was at its height, he had to walk through the "Bushes" towards Hoarthorns. Beside him journeyed a friendly collier, whose talk ran on the heyning grievance. Suddenly, a crash was heard in one of the neighbouring dingles; then, a long harsh rustle as of shivering foliage and snapping twigs. The writer was startled, and asked his companion for an explanation, which, when given, was to this effect - that the notice of the deputy surveyor from Whitemead, in reference to the driving of open Forest, had so angered the people that they did not mind what trespasses they committed. 1

Such manifestations of discontent implied a challenge to the Crown's

1 Forester, 23 December 1870.

right to enforce the heyning. Some commoners had challenged that right more explicitly, employing the solicitors Carter and Goold of Newnham to send a protest to the Commissioners.¹ Other commoners, on removing their animals from the pound after the drift, had turned them out into the forest again, declaring "that they would certainly not remove them from it."² Thus not only had questions of equity and hardship arisen, along with the threat of disturbance, but the question of right had been raised in a most provocative manner.

Campbell and Mr Gardiner hoped that one problem, that of hardship, might be used to solve the other, that of right. Certainly, let the notices of enforcement of the heyning be modified and postpone its rigorous enforcement until next winter in order to deal leniently with the poorest of foresters?³ But this should not, they argued, be done in a way which suggested that the Crown was afraid to do as it had intended. Before any concessions were made, those who had opposed the Commissioners, especially the Messrs Carter and Goold, should send along a memorial clearly acknowledging the Crown's right. The Commissioners did decide not to enforce the heyning in 1865, though there is no evidence that any memorial ever came from the commoners or that Campbell cleared the Forest in 1866. It is much more likely that, given their plans for the deep gales, they allowed the matter to drop so that hostility to the Crown might die down. By the time of the appointment of the Select Committee of 1874, at least, the situation of the commoners was still as Gardiner had described it in 1865, one of "confusion, uncertainty and apparent irregularity."⁴

There can be no doubt that the Select Committee of 1874 wanted to solve the problem by extinguishing the rights of

¹Deputy Surveyor to Commissioners of Woods, 8 December 1865, P.R.O. F.3/735.

² Ibid.

³ Ibid; and note of John Gardiner dated 12 December 1865 on the letter of the vicar of Christchurch to the Commissioners of Woods, 9 December 1865, P.R.O. F.3/735.

⁴ Solicitor to Commissioners of Woods, 2 November 1865, P.R.O., F.3/735.

the Commoners - along with those of the free miners-
altogether. As we have already seen, the report of the Committee
had recommended the appointment of a Commission
whose first task should be to determine what common rights
there were in the Forest and to commute them.¹ This reflected,
of course, the express wish of the Commissioners of Woods
who had gone beyond merely wishing to enforce the ban on
animals in the Forest during the heyning: "we think it very
desirable that the commonable rights should be comprised in
some general arrangement for the purpose of a commutation".²
Not just a commutation on small parcels of land that might
be sold to the foresters but on the whole of the forest! It
was necessary, as well as convenient, that the common rights
should be dealt with. If the land was to be used in persuading
the free miners to give up their rights, the claims
of other people on it would have to be removed.

The evidence it heard from witnesses certainly encouraged
the Committee to optimism, The Crown's witnesses were not
at all uncertain about the question of right. Mr Watson,
successor to Mr Gardiner as solocitor to the Commissioners,
argued that any rights of Common which did exist, were subject
to the paramount right of the Crown: that is, in the terms of
the old Forest Law, the king's deer took priority over the
animals of the commoners. During the fence month the deer
were fawning and not to be disturbed; in the winter heyning
there was food enough only, if there was enough, for the deer.

¹S.C. 1874, pp.IV-V.

²Ibid, v.9, Q.19.

The commoners might graze their animals only from the fourth of May to the twentieth of June and from the twentieth of July to the twenty second of November: about six months, all told.¹ None of the other witnesses challenged this view. Nor did any of them disagree that the right of common lay in the parishes outside the Forest and that those who held freehold land within it had none. Sheep, moreover, were not forestal animals, were not permitted to be pastured in the Forest by anyone.

There was, indeed, a remarkable unanimity of evidence that the Crown would meet no opposition in doing away with common. That was so to the point at which the Commissioners felt justified in reporting that "the general feeling of the locality is strongly in favour of a commutation of legal rights of common by which they should be released to the Crown on proper compensation being made."² "Proper compensation" was understood to mean either a payment of money or, better, some sort of advantage in acquiring land. Thus, Mr Edmund Probyn, a verderer, had assured the Committee that "I do not believe there would be any difficulty in doing away with the common rights in the Forest, provided that the commoners were quite certain by so doing they would have a fair chance of buying land".³ He agreed with the Committee that it would be best to allot a certain amount of land to commoners in lieu of their rights and to make the rest of

¹Ibid, QQ. 9.13.

²Ibid, p.IV.

³Ibid, Q.810.

the Forest "the freehold of the Crown". Mr Crawshay, Mr Goold, Sir James Campbell, and other local men of importance all agreed that there would be no difficulty.¹ Mr Crawshay had some experience in the matter, having recently purchased the Abbott's Wood Estate on the edge of the Forest and successfully bargained with neighbouring commoners for the purchase of their rights.² The Crown had taken hope from Crawshay's success, believing that it could use the principle on a larger scale.³ Thus Mr Watson said "If Parliament approves, I see no difficulty in working out a measure for ascertaining and making compensation to the commoners in a similar way to that which has been adopted in the case of Abbott's Wood, which has been quoted by many of the witnesses".⁴

As with those concerning the free miners' rights, the proposals of the Committee dealing with commoners found advocates in the Forest. Rather more explicitly than in the hearings of the Committee on its report, it was argued that the commoners should be prepared to exchange their rights for land. At a series of meetings in September 1874 to discuss the report, Colonel Kingscote had explained what were "commonable cattle" and said "the sheep did not come within the act as a commonable animal, and this was a matter worthy of consideration by those who now turned out sheep upon the Forest".⁵

¹Ibid, QQ1986-1989, 901, 902, 936, 1035-1043, 3256-3259.

²Ibid, QQ1986-1989.

³Ibid, QQ3776-3779.

⁴Ibid, Q3898.

⁵Forester, 3 September 1874.

The Reverend Nicholson also added his weight:

Now he would give it as his opinion that the commoners should be entitled to purchase the waste land at a very moderate price in consideration of their relinquishing the right of common... He thought that the commoners should likewise have the right to purchase the land adjoining what they now held at a reasonable price; and having it at a moderate price would be some compensation for taking away the right of common. 1

At an earlier meeting Captain Goold, playing on the foresters' dislike of strangers, had appealed for the same sort of solution on the grounds that, as things stood, "it mattered not what stranger came to the district if he had sheep or cattle or pigs, he could turn them out". Would it not be better for foresters to obtain a piece of land, rather than that "the rights should be thrown open and shared by everybody whoever they might be or from wheresoever they might come".²

But the witnesses at the Select Committee, and those who advocated in the Forest the extinction of commoning, were coalowners, magistrates, verderers and clergymen: not the working people who actually turned out animals. Those gentlemen, moreover, gave thought only to the situation of those who were legally entitled to common and not to those working people who actually turned animals out and who had done so for decades. Their voices were not heard. It was true that Timothy Mountjoy had held a number of meetings

¹Ibid.

²Ibid, 22 May 1874.

during the hearings of the Committee and, at its request, had asked his audiences if there were commoners among them who objected to giving up their rights.¹ No one had objected then but his listeners were thinking about the limited scheme to sell small patches of land to the working men. Thus a meeting in The Forest in March 1875 had resolved that it

...especially deprecated any interference with the existing rights of free miners, or with the rights of commoners, excepting so far as relates to the outlying waste lands of the Forest, and in respect to those pieces of waste land, this meeting is of opinion that commoners' rights may be waived; provided such waste land is sold in small lots at a reasonable price. 2

There was no agreement that the commoners' rights might go altogether, despite what the Select Committee had been led to believe, or had persuaded ~~themselves~~^{itself} to believe, was the general feeling of the district.

Indeed the commoners joined the free miners in opposing the Bill. Where action against the galees in 1871 or against the commoners in 1865 had produced a response only from those directly interested, the Bill of 1875 provoked united action among the foresters. From early in March 1875 to the decision of the Committee to allow their Bill to lapse quietly, the opposition came from a Committee which represented both free miners and commoners.³ There had been some feeling that, though the two groups clearly overlapped in their membership,

¹Ibid, 29 May 1874.

²Ibid, 4 March 1875.

³Ibid and 8 March 1875 to 6 May 1875.

the distinction between their claims should not be lost.¹ That awkwardness soon disappeared, however, and the petitions and memorials which went to the Parliament and to the Commissioners argued the case for the preservation of both sets of rights. Hence the principal petition sent against the Bill referred principally to the needs of the free miners but it also submitted:

That as respects the rights of common over the said Forest we further submit that the same were fully enquired into by the Dean Forest Commissioners of Inquiry, appointed by a commission dated 21st January 1832, and fully set out in (their)...several reports...and although we admit that from the vast increase of the population of the said Forest since that period, and the consequent necessity for the erection of new dwelling-houses and allotments for gardens, it is desirable certain portions of the said Forest should be sold for such purposes; yet we submit that no sale of Forest land should be made to any parties other than free miners, freeholders, and other residents within the said Forest and Hundred, and then only for the express purpose of building thereupon, and for garden ground; and that in each case the quantity should be limited to an acre, and that our commonable rights over the remainder of the said Forest should be left intact and not interfered with. 2

Those who were merely turning animals out on the Forest, without any established, agreed, legal right to do so were not entirely defenceless. Such rights could derive from custom, from the fact that they had been exercised for a long time without being challenged. Mr Tom Goold, the solicitor of Newnham who had objected to the enforcement of the heyning in 1865, had argued to the Select Committee that an exercise of the turn out for sixty years would be enough to establish its foundation in custom.³ That the foresters

¹Ibid, 4 March 1875.

²Ibid, 6 May 1875.

³S.C., 1874, QQ 2819-2821.

had done so might easily have been established: both Sir James Campbell and Mr Gardiner had recognized that in the eighteen sixties. Campbell, indeed, had been told by his predecessor, Mr Machen, that he could remember the sheep being in the forest well over seventy years before.¹ Mr Gardiner, while willing to move cautiously for the enforcement of the winter heyning, had not been at all certain about the Crown's right to exclude the sheep altogether.² The advantage of the Commissioners' scheme in 1875 was that the common rights would disappear, the sheep would go, without the question of right actually having been brought to trial in a court. The disadvantage, of course, was that when the Bill failed the problem of the commoners' rights, like that of the free miners' rights, remained unresolved.

The new initiatives of the Crown on the deep gales in the late seventies and the early eighties did not directly concern the commoners. The free miners' rights always had priority in the Commissioners' list of jobs to be done in the Forest. Presumably, while the gale question was still to be settled the Commissioners did not want a continuing struggle with the sheep and donkey owners and all the ill-feeling *that* would go with it. Whatever the reason, there were not, in this period, any further drifts of the Forest and no major controversy about commoning.

Nonetheless, the comprehensiveness of the Commissioners' intention to extinguish privileges in 1874 and 1875 was not forgotten and the memory of it played an important part in

¹Deputy Surveyor to Commissioners of Woods, 17 March 1859, P.R.O., F.3/263.

²Solicitor to Commissioners of Woods, 18 January 1860, P.R.O., F.3/263.

the opposition of Elsom and the free miners to the deep gale scheme of the eighteen eighties. Edward Rymer, in one of his few interventions in the matter, had insisted on the importance of the right of common:

On Saturday last, I was attending a mass meeting in a wood in Yorkshire, on the Fitzwilliam Estate... while I stood gazing into that wood, my mind leaped home to the Forest, and the contrast I saw before me caused many serious thoughts to flow through my mind. Here the Forest is open and free to the citizens, there we were hemmed in by hedges, rails, walls and statutes that the people never sanctioned. A few children seeking blackberries there were doing so in fear of the police, here they wander through the open Forest without fear at all. When I wander through this beautiful old wood, and see the numerous pigs, sheep, goats, cows, horses, asses and poultry, grazing freely on the external produce found therein, I feel thankful that our men are at liberty to run their cattle free of cost or harm, to help them to meet the battle of life. I believe in the sacred principle, that God gave the earth to the human race for an eternal inheritance, not to be taken away by man-made laws; and the man or men who would attempt to rob us of our God-given natural rights, must incur the danger of revolution, or other modes of popular resistance. ¹

The foresters, he argued, needed their pigs and sheep to supplement their meagre wages: that was their "natural free-born right". This was a proper concern for a union leader, he argued, because "the very principals (sic) of trades unions is to defend the social, political and land rights of the people in every direction".

The free miners' committee which Elsom took over after the withdrawal of Mr Brain in 1885 took a rather broader view of its function than had the old one under Brain's Chairmanship. It was not only concerned with the free miners' rights but was "a society for the protection of the interests of the Forest inhabitants generally"; a "Freeminers',

¹Dean Forest Mercury, 14 September 1883.

Freeholders' and Ratepayers' Protection Society".¹ It was argued then, as it had been in the eighteen seventies, that all the foresters, excepting of course the large coalowners, were threatened by the manoeuvrings of the Crown. As one speaker put it at a meeting at Blakeney in 1884:

So far it was a question for the free miners - in other words it was the free miners first... The free miners regard the attack upon their rights as one which threatened the freeholders and householders. At present most of them knew the great advantage in turning out upon the Forest their sheep, their horse, pigs, or donkey. It had been stated by Sir Henry Loch that there was no intention in the present Bill to interfere with the rights of common. But the free miners were of opinion that as they (the free miners) were the first to be "charged" the Crown may some day bring their forces to bear against the free holders, and do away with the tenant, and unless the Forest forces were able to resist those of the stronger power, they must fail. 2

All the people of the Forest had to unite: that included the butchers, the bakers and the drapers. With the deep gales locked up, the Crown refusing to forfeit and re-grant, were the shopkeepers not suffering from an artificial retardation of trade? Some evidently thought so, as the Commissioners discovered when an agent employed by them, to go into the Forest to work up a campaign and petition in favour of the Bill from the tradespeople, reported that he could not do it: the shopkeepers and tradesmen did not believe that the Crown had the welfare of the Forest at heart.³

Thus the alliance of the free miners with the commoners, the free holders, presented a broad, united front to the

¹Ibid, 2 January 1885.

²Ibid, 23 May 1884.

³Deputy Surveyor to Commissioners of Woods, 19 July 1884, P.R.O., F.3/313.

Crown. From 1885 onwards it had to deal with a committee which represented all those who stood to lose if the Crown had its way and whose attitudes and responses were informed by Elsom's sense of the difference between the privileges of the rich and the privileges of the poor. That alliance too confronted the Mercury and the Liberal coalowners who wished Mr Arnold Thomas to be the candidate for the new Forest constituency. Trade unionists, free miners and freeholders represented far too large a proportion of the constituency, were far too important as creators and vehicles of the opinions of working men in the Forest to be easily thwarted. That wider alliance in the eighties, formed in opposition to the Crown and the large coalowners, ensured that Mr Blake would be the Liberal candidate.

The failure of the Commissioners' Bill in 1885 produced an entirely new departure in dealing with the problem of the free miners' rights. No such experiment was made with the commoners' rights. What then had been happening to the Commoners while the debate about policy and right had been going on? Was the inactivity of the Commissioners perhaps due to the fact that the commoners had read the signs of discouragement from the Government and quietly disposed of their animals? Unfortunately, since there was little official activity about the sheep there is simply no evidence which might allow an answer to this question. It is necessary, therefore, to move forward to the eighteen nineties, to the case of Walter Virgo and the Blakeney gang. An examination of the activities of this gang and the attitude of the authorities to it will help to establish the continuity of both commoning and the Crown's policy towards it.

Mr Walter Virgo came to the attention of the public in December 1893 as the defendant in a petition brought by Mrs Anne Adams for damages caused by his sheep in her vegetable garden.¹ Whatever some other foresters thought, Mrs Adams was far from convinced that the grazing of these fence-leaping animals in the forest was a good thing. "I have not interfered with Forest rights or customs", she wrote to the Mercury, "...But being only an humble cottager I have no right to speak for my own rights; I must keep silent, and have my garden overrun by a flock of sheep, 20 or 30 at a time, I suppose I must allow them to come and go as they choose, without interfering with them".² At the same time Virgo was in disfavour with the recently appointed Deputy Surveyor, Mr Phillip Bayliss. While Mrs Adams' action was pending, his keepers had impounded some of Virgo's sheep: which someone - Bayliss alleged that it was Virgo but couldn't prove it - had promptly rescued in a night raid on the pound. Bayliss ordered more of his sheep taken and a fine of 3/- on each of them with the result that Viro uttered serious threats against one of the woodmen, who was so terrified by them he would not discuss the incident with Bayliss.³

According to Bayliss, Virgo and his relatives were altogether a bad lot:

This man Walter Virgo is one of a family that has a most notoriously bad character in the Forest - and I am informed that Walter Virgo has been convicted of sheep stealing and has also on two other occasions been tried at Glos'ter for offences

¹Dean Forest Guardian, 11 May 1894.

²Dean Forest Mercury, 9 February 1894.

³Deputy Surveyor to Commissioners of Woods, 19 May 1894, P.R.O., F.3/263.

but acquitted - and at present he and other members of his family exercise a system of terrorism over the inhabitants of the Forest and it is commonly stated that if other people incur their displeasure or turn animals out on the Forest by which the pasturage used by the Virgos would be lessened the animals are either driven over quarries - or killed or injured or some other injury inflicted... 1

Bayliss' allegations against Viro found support from the Reverend A.D. Pringle of Blakeney, whose parish adjoined Virgo territory in Blakeney Hill. He wrote to the Commissioners in April 1895 to inform them of an outrage on two horses belonging to Mr Butler, draper and grocer, which Pringle alleged had been committed by the Virgos. He reported that the gang had grown in size in recent months and that their brutal deeds - fowl stealing, robbing clothes, poisoning dogs, maiming sheep and destroying dogs and horses - which had gone on for years, were growing worse. It would surprise no-one, he wrote, if acts of violence "in defence of property" were to be committed.²

The gang had taken to going about at night in groups of twelve or thirteen, armed with bludgeons, according to Bayliss. They were so numerous and well organised that they could keep a complete watch on the police, day and night.³ No sooner had the police left off watching some place than the gang moved in to commit some crime. Walter Virgo,

¹Ibid.

²A.D. Pringle to Commissioners of Woods, 30 April 1895, P.R.O., F.3/558.

³Deputy Surveyor to Commissioners of Woods, 15 May 1895, P.R.O., F.3/558.

moreover, was reported to have purchased two revolvers in Gloucester and the "general opinion is that there will be serious murders as the outcome of the present state of things".¹ The Chief Constable of Gloucestershire, Henry Christian, did not go so far as Mr Bayliss, who thought that an overwhelming display of force, preferably a troop of cavalry patrolling day and night, was necessary but he did draft in an extra eight men for the night watching.² Some such action was necessary, since Sir W. Wadderburn had asked in the House of Commons what the Home Office was doing about affairs in Blakeney.³

Predictably, the increased surveillance produced clashes between the police and the local men. In May 1895 the brothers Aaron and Moses Virgo, colliers, in the company of Evan Davis, labourer, were walking towards the Swan Temperance Hotel in Blakeney near to midnight when they encountered P.C. Newport, who thought he had reasonable grounds to believe that they were about to commit a felony. There followed a brawl between the members of the gang and a number of police in which P.C. Newport was hurt. Convicted of assaulting Newport, the Virgo brothers received a month's prison each and Davis a ten shilling fine.⁴ Bayliss alleged that if there had not been other constables present Newport

¹Ibid.

²Chief Constable to Commissioners of Woods, 5 May 1895, P.R.O., F.3/558.

³Dean Forest Mercury, 17 May 1895, P.R.O., F.3/558.

⁴Ibid, 3 May 1895.

would have died in the assault.¹

Police Sergeant Morris was not so fortunate later in the year. In November he was one of a party of police watching for the Blakeney gang, three of whom they surprised in a poaching expedition. Two of the poachers were caught but a third, James James, made his escape. The police surrounded James' house at Old Furnace Bottom and, not finding him there, split into two parties, one of which, including Sergeant Morris, went to Viney Hill. There they encountered three rowdy men who, after an exchange of words, began to throw stones. One of the stones caught Sergeant Morris behind the ear and killed him instantly.² Things quietened down for a time after that, to flare up again in 1897 and 1898. Trouble began in 1897 with the conviction of Walter Virgo's son Albert, a collier, for stealing a fowl worth two shillings, the property of Henry Griffiths, a miner of Bradley Hill. For that the magistrates fined Albert five shillings and costs. After the hearing, according to Bayliss' informant, Virgo had said: "Well it will cost money, but we will make the B-s sit up for it".³ Shortly after that the houses belonging to Griffiths and his mother-in-law were attacked in the early hours of the morning, the windows were smashed, the window sashes and frames were broken and the fowls stolen

¹Deputy Surveyor to Commissioners of Woods, 15 May 1895, P.R.O., F.3/558.

²Deputy Surveyor to Commissioners of Woods, 10 November 1895, P.R.O., F.3/558.

³Deputy Surveyor to Commissioners of Woods, 4 October 1897, P.R.O., F.3/558.

from the yard.¹ Not long after that the Blakeney gang were blamed again when five sheep were mutilated and killed at Birch Hill.²

Much more serious incidents happened in 1898. About nine o'clock on the ninth of February, residents in the area of Blackpool Bridge heard three distinct explosions.³ The following morning, workmen employed by Messrs Williams of Cinderford discovered that the firm's steam sawing machine had been dynamited. There was no evidence at all to suggest who had taken such extreme and disturbing action but Mr Bayliss had no doubt the Virgos were to blame.⁴ Mr Bayliss was perturbed, having been warned several times by the police about danger to himself, and sent Mrs Bayliss out of the Forest for the time being. On the advice of Mr Christian the Commissioners offered a reward of one hundred pounds, hoping thereby to exploit divisions within the gang which had sprung up when one of the brothers had run away to the north of England with the wife of another.⁵ But before the announcement of the reward had time to take effect, another black deed had outraged the district.

On Sunday morning, at about 1.30 a.m., on April 3, one of the men on night duty at the New Fancy pit noticed a fire near the lodge in Russell's enclosure. Thinking that the lodge was burning he went to help Hatton, the keeper, but

¹Ibid.

²Deputy Surveyor to Commissioners of Woods, 27 November, 4 December, 15 December 1897, P.R.O., F.3/558.

³Dean Forest Guardian, 18 February 1898, Dean Forest Mercury, 18 February 1898.

⁴Deputy Surveyor to Commissioners (n.d. 1898) P.R.O., F.3/559.

⁵Chief Constable of Gloucestershire to Commissioners of Woods, 26 February 1898, P.R.O., F.3/559.

found instead that the woods near the lodge were alight. Hatton and a gang of keepers and woodmen set to work to beat out the fire with branches: "It appears that the outbreak occurred at several places simultaneously, and no sooner had the men put out one blaze, than their attention was attracted to another, and this went on for hours, and in the opinion of one authority, somewhere before mid-night on Saturday somebody deliberately made at least thirty fires in the district referred to".¹ Mr Bayliss examined the burnt out areas and decided that no less than fifty separate fires had been started in the enclosures, most probably "by some person or persons carrying a small lamp such as miners use and just pushing it into the dry Fern where there happened to be a suitable place".² The fires extended over a line from two and a half to three miles long, on the windward side of the Forest, and must have been lighted by someone - by probably more than one person - who knew the paths of the Forest well. This was, the Commissioners wrote to their Solicitor "a very determined attempt to burn the Forest".³ If the wind had not died away and a light rain begun, Bayliss thought, the attempt would certainly have succeeded. Needless to say, Mr Bayliss thought this was the work of the Blakeney gang.

The gang was nothing if not versatile: poisoning, maiming, stealing, midnight raids, dynamiting and arson. But what was

¹Dean Forest Guardian, 8 April 1898.

²Deputy Surveyor to Commissioners of Woods, 23 April 1898, P.R.O., F.3/559.

³Commissioners of Woods to Solicitors, 25 April 1898, P.R.O., F.3/264.

it all about? Was it perhaps that the Blakeney Hill men had altogether missed the progress of civilisation, that this was all mere barbarism and brutishness?

Perhaps the fact was that Bayliss' attention to the Virgos had been deliberate, had something to do with policy on commoning? Crown policy and the sense of frustration which pervaded it, had not altered by 1893 when Bayliss took office. Memoranda written at that time rehearsed the history of drifts and the failure of the Crown to resolve the question of right.¹ Far from having decreased, the "number of sheep turned onto the forest has increased enormously during the past few years".² As always, their owners were not believed to have any legal right to the turn out. And again the alternative lines of action open to the Commissioners were: to seek an Act of Parliament to commute the rights; to challenge the exercise of the right in a court of law; or to find some indirect way of forcing the sheep out, such as enforcing the winter heyning. Another useful measure might be to enclose the full 11,000 acres which the Commissioners were entitled to exclude from commoning. The plantations made in the early nineteenth century had in due course reached the point at which they were judged to be safe from damage by browsing animals and had gradually been thrown open. New enclosures had been made but not to the same

¹Memorandum on Depasturing of Sheep in Dean Forest, 8 December 1893, P.R.O., F.3/263; Memorandum on Drifts of Sheep in Dean Forest, n.d. (1893), P.R.O., F.3/735.

²Memorandum on Depasturing of Sheep in Dean Forest, 8 December 1893, P.R.O., F.3/263.

extent, so that only about 4,665 acres were enclosed at the beginning of the nineties.¹ To re-inclose 6,000 acres would put a great pressure on the sheep owners and force many of them out.

One of the memoranda had contained the observation that the "case of the Virgos seems to be a favourable one to act upon since as they have established a reign of terror in this district there would be no sympathy extended to them by their neighbours".² Someone in the Office of Woods, possibly the Commissioner responsible for Dean, Mr Howard, made a marginal note next to this: "I do not agree". There is no evidence of a policy decision in London to pursue the Virgos but nonetheless Mr Bayliss seems to have kept up his attention to Virgo and to have used the Blakeney outrages in order to put pressure on the Commissioners to do something about the sheep.

Thus Bayliss was involved in Mrs Adams' action for damages against Virgo. Mrs Adams' first action had in fact failed, on the grounds that she had not fenced adequately against the sheep. But Mrs Adams had spoken to Bayliss, who "told her that the sheep were trespassing in The Forest of Dean, and no one was under an obligation to fence against sheep".³ With that support she asked for a new trial. Bayliss' intervention caused great anxiety. A "Suffering Forester" wrote to the Mercury:

¹Memorandum on Drifts of Sheep in Dean Forest, n.d. (1893), P.R.O., F.3/735.

²Memorandum on Depasturing of Sheep in Dean Forest, 8 December 1893, P.R.O., F.3/263.

³Dean Forest Mercury, 12 January 1894.

Now, Sir, have the Foresters any common rights or the Free miners any rights? Can they turn out their stock - sheep, pigs, horses, cattle or fowls - on the forest without leave from anyone or, must they keep such stock inside their own fences. Government men take our sheep and levy a charge of 2/- per head on them if they happen to get in certain woods now enclosed; which woods we say should now be thrown open to the public - as they were 40 years ago. 1

Mr Elsom argued that the new Deputy Surveyor was "the most deadly foe Forester^s have, as regards their local customs".² Distrusted and disliked, he had created a strong opposition in a short time. Who, Elsom wanted to know, was providing the cash for Mrs Adams' action? Virgo's case came to be seen as a test, for which some fifty or sixty pounds was subscribed by the foresters.³ Virgo, however, did not allow the matter to go ahead, stopping the action by paying Mrs Adams the damages she wanted. Perhaps Bayliss' intervention, the opportunity the case presented for a decision in law about the question of right and the possibility of a long and expensive litigation from which the Crown might turn out to be the principal beneficiary made resistance unattractive.⁴

Bayliss certainly attempted to persuade the Commissioners of Woods that the Virgos were a bad lot. His reports of incidents painted a ghastly picture: "On another occasion a woman owned two heifers which she turned into Stapledge these beasts had their bellies cut open and their entrails let out and they were left lying kicking their own entrails

¹Ibid, 26 January 1894.

²Ibid, 3 February 1894.

³Deputy Surveyor to Commissioners of Woods, 19 May 1894,

⁴P.R.O., F.3/263.

⁴Ibid.

to pieces in their agonies".¹ If the attacks on beasts were horrible, the effect on the people was to create a great reign of fear in which the victims of outrages would not give him or the police any help because they were so terrified of retaliation. Bayliss also minimised as much as possible the extent of sheep owning. The turn out, he reported, had become the monopoly of a few people. The outrages were the product of attempts by those few, especially the Virgos, to keep others off the Forest.² All this was tendentious. The point of all Bayliss' reports was that there would be no trouble if the sheep were cleared out, the sheep had no right to be there and the Commissioners should do something:

...I cannot too strongly or emphatically point out that a judicial enquiry into the question of common rights in the Forest is of urgent and vital importance to the interests of the Crown. Large tracts of land in the Forest which might easily be converted into a source of considerable revenue to the Crown by growing timber thereon are rendered entirely valueless by being overrun at all times of the year by thousands of sheep which are not commonable animals on the Forest...³

Since the outrageous Virgos had so cowed the district, since they had monopolised the turn out, the foresters in general, it was implied, would only be too glad to see commoning disappear altogether. Thus the Reverend Pringle wrote, "I have no reason to believe that those Foresters who have sheep running in the Forest, would gladly forgo from using the privilege, if it was entirely withdrawn, so

¹Deputy Surveyor to Commissioners of Woods, 15 May 1895, P.R.O., F.3/558.

²Deputy Surveyor to Commissioners of Woods, 19 May 1894, P.R.O., F.3/263.

³Ibid.

as to deter this family from having any sheep running in the Forest".¹ Thus too, in June 1895, a petition bearing the names of twenty six people complained of the gang to the Commissioners and argued that the closure of the Forest permanently, as for a long period such as the autumn and the winter, was necessary if there was to be order.²

This was an odd petition. Some thoughtful civil servant has marked the occupations of ten of the signatories alongside their names. One was an inland revenue officer, one a clerk in orders, two were drapers and grocers, two farmers, a beer retailer, a gardener, a surgeon and a "private resident". These were residents of Blakeney and the parish of Awre. Two other signatories whose occupations are not given also lived in Awre. Pringle described them all as "substantial representatives of a common wish". The lines of disagreement here seem clear: unruly colliers within the forest, on the one hand, and their respectable neighbours from outside the Forest, on the other. Bayliss drew on the latter group for support in arguing for the abolition of commoning.

The Commissioners of Woods, however, had acted cautiously, not focussing their policy on the Virgos. The matter, after all, was not so clear as Mr Bayliss made it seem. On the whole, opinion within the Forest was that the good Reverend

¹A.D. Pringle to Commissioners of Woods, 30 April 1895, P.R.O., F.3/558.

²Memorial to Commissioners of Woods, 11 June 1895, P.R.O., F.3/558.

was exaggerating the problem. R.J. Kerr, verderer and magistrate, agreed that the Virgos were something of a nuisance but he also thought that "a great deal has been said and written upon the subject which I can only consider as being irrelevant, injudicious and unnecessary".¹ He did not think that the source of the trouble was to be found in sheep keeping: "Whether legal or not, the custom has obtained for so long a time as to be recognized as a quasi right, and for my own part I could not recommend the adoption of such a course as getting rid of the sheep":

I believe that Petty jealousies, neighbourly annoyances, trespasses, breaking down fences, County Court, and Petty Sessional Summonses and other small irritations are the means of creating ill feeling to a much greater extent than rights of common however much those rights may be abused.

Mr Elsom in the chair at a meeting called by the Forest of Dean Labour Association, prefaced his introduction of the miners' agent with a few remarks in which he deplored outrages and denied that the whole district should be blamed for the stealing of a few fowls near Blakeney: the district "is as free from crime as any place in the kingdom".² Mr Rowlinson, the agent, observed that it "was not the first time the Vicar had made wild statements about the Forest and Foresters". At another meeting Rowlinson took umbrage on behalf of the whole body of forest miners: "They were held up to the public as being an extraordinary class of the community and hardly fit to associate with the rest of the citizens of the country". What about the black deeds of medical men, legal

¹ R.J. Kerr to Commissioners of Woods, 28 May 1895, P.R.O., F.3/558.

² Dean Forest Mercury, 17 May 1895.

gentlemen and even of men of the cloth? Besides if there were wicked men in Pringle's parish wasn't it his job to lead them to the truth?¹ The Mercury thought that the vicar had become "hysterical".²

Why were the Blakeney people hostile to Virgo? The policy that the Commissioners did decide to follow helps explain that. Taking up one of the suggestions of the memoranda of 1893 they had decided to re-enclose the full 11,000 acres to which they were entitled. This was a procedure which the foresters could hardly have hoped to resist and though there was some discontent the first fences had gone up by 1897.³ The difference which Bayliss' persistent reports about the Viros had made was that the Commissioners believed that they could enclose substantial portions of Blakeney Hill with the full support of most of the populace. This they had decided to do, after a meeting with the local magistrates, thereby provoking an "agitation" against the enclosures in the Blakeney Hill district.⁴

At this point the role of the farmers and tradesmen of Blakeney and Awre becomes intelligible: there was something more at stake than a few fowls or sheep. So long as forest land was open to common it was not rateable. As soon as it was enclosed the Crown became liable for rates. The substantial ratepayers of the area stood to have their own rates

¹Ibid, 2nd May 1895.

²Ibid, 17 May 1895.

³Commissioners of Woods to Treasury, 1 March 1898, P.R.O., F.3/559.

⁴Ibid; and Dean Forest Mercury, 18 February 1898.

substantially reduced by new levies on the Crown: if only commoning could be put aside. Whereas current rates stood at eight shillings in the pound they were liable to fall to two shillings if the Forest were enclosed.¹ Those who turned sheep out paid nothing for the privilege of doing so and in some cases the sheep owners were not ratepayers.

In the context of the Commissioners' policy the dynamiting and the firing of the plantations makes sense too as something more than viciousness. The saw machine belonged to the timber merchant who had the contract for fencing Blakeney Hill. In the week in which the explosions took place the machine had been moved to Cinderford Bridge to start the job.² The fires were most probably a protest against the enclosing policy, a type of protest seen in the Forest before. Bayliss indeed had seriously misled the Commissioners: there was, after all, strong opposition to the enclosures. Nor was it true, as it also became clear in 1898, that commoning was confined to a few gangsters. It was at this point that the census of sheep, which was discussed at the beginning of this chapter, took place. There were not one or two large flockmasters but a relatively large number of owners of small flocks. A memorandum of the Commissioner for Dean recorded his surprise and marked the end of Bayliss' ambition to have all the sheep out:

The number of persons keeping sheep as well as the number of the sheep themselves is very much larger than I had been led to expect, so that

¹Ibid.

²Ibid; Dean Forest Guardian, 18 February 1898; Deputy Surveyor to Commissioners of Woods, 1 March 1898, P.R.O., F.3/559.

the matter will have to be dealt with very carefully and by degrees, no wholesale prohibition being in my opinion possible.

It will be desirable to take means to let the owners of sheep know that their animals have no legal right in the forest but are only there on sufferance...Apart from this, and so long as the rightful commoners do not step in to prevent it, the Crown will not interfere with the sheep. ¹

Thus at the turn of the century matters rested, for the Crown, in no substantially better condition than they had been in 1831. The sheep owners had not been successfully challenged and commoning had not been abolished. As the century closed the sound of voices raised in dispute continued. A faction among the ratepayers wanted the complete extinction of commoning while Mr Elsom at the head of the commoners insisted that the rights should be preserved.

¹Memorandum of E.S. Howard, Commissioner of Woods, 29 June 1898, P.R.O., F.3/264.

Overview and Conclusions

Perhaps what was most remarkable about Crown policy, over the period covered by this thesis, was its consistency, its persistent pursuit of a limited set of objectives. The Commissioners of inquiry in 1788, having recorded details of great waste and depredation, had decided that all such irregularities should cease. That was not merely to decree that corruption should stop and that all employees of the Crown and people who lived near Crown lands should henceforth be honest men. There was a much more far reaching redefinition of the role of the Crown, which put aside the paternalist model of relationships between King and people, entailing a mass of reciprocal rights, duties and obligations, in favour of one in which the Crown was to be a landowner, property owner and employer in the same way that a private individual might be. All special claims against the Crown and all mixtures of right and obligation were to be abolished. That meant in practice that two things had to happen. Firstly, rights claimed against the Crown were to be ascertained and defined in law. If the law said that such a claim could not be held good then the practice, whatever it was, was to cease. If some right could be shown to exist in law, then it was to be separated from those of the Crown. Usually that meant extinction of the claim by purchase or whatever other means were expedient. We have traced a series of attempts to define and extinguish the various rights of the foresters from the first formulation of those principles to the latter end of the nineteenth century.

Since it was necessary to define the rights, legal definitions were crucial. The Crown had to establish that the free miners' rights had not been obtained in a way acceptable to the law: by custom, prescription or lost grant. The recovery of the records of the Mine Law Court in the early thirties made that a hopeless task and, therefore, the Crown had to resort to other stratagems. In 1838 it was possible to use the relative insecurity of those who had encroached on Crown land or who turned animals out to pasture in the Forest to secure a substantial erosion of the miners' rights. But having once committed itself to a statutory recognition of the free miners in the Act of 1838, the Crown could not later deny them, despite its belated discovery of the relevance of Gateward's case. Consequently, in the seventies and eighties, the Commissioners had to find some way of persuading the miners to give up the rights voluntarily. Thus the attempt to buy them off with the land and to bring pressure on them through the galees and the brothers Brain. The commoners' rights might perhaps have been most easily challenged in the thirties. But their use as a counter in the bargaining over the free miners' rights, the later reluctance of the Commissioners to upset the foresters while the miners' rights were unsettled, followed by the irresolution of the seventies and eighties, meant that no decision was ever made in law about who, if anyone, had a right to turn animals out. It was possible, moreover, that, by the eighties, the Crown's failure to assert itself had established some sort of case for those

who exercised the right of common "illegally". Therefore, in the nineties, the manoeuvrings of Deputy Surveyor Bayliss and his attempts to make the Virgos and the ratepayers a means of driving the animals off the Forest.

It is clear that the pressure on the rights and customs had its origins in the State and not in local economic circumstances. Nonetheless, the context in which the Crown performed its evolutions included capitalists, strangers from beyond the borders of the Forest who, from about 1800 onwards, introduced the railway, pumping and winding machinery and strange workmen. A few of those capitalists soon had concentrated the lion's share of the industry in their own hands. This was a great complication of the Crown's problem since the capitalists had acquired their mines through a fraudulent use of the miners' rights. At the same time, it was the capitalists and their machinery who would provide the maximum revenue for the public purse, not the small groups of free miners grubbing in the outcrop. The public interest, therefore, demanded an alliance of the Crown and the coalowners. The latter would obtain a secure title to their pits through the extinction of free mining. The demands of Crown and capital reinforced each other later in the century as well, when the question of working the deep coal arose. Once again both the principal coalowners and the public revenue stood to gain if the miners' rights disappeared altogether.

Pressure from the Crown and the coal owners produced a willing response from some free miners, principally those who had gained most from change and who stood to gain more:

Moses Teague in the earlier period and William Brain in the later. There was, as well, a more general concern about the need for capital, for "progress" and "development". In an age in which the fluctuations of trade had such a visible and immediate effect on working men, leaving them to charity, emigration and the workhouse, the argument that only through more capital and bigger and deeper mines would stability be assured, was compelling. Capitalists and their machines would at least provide work and perhaps if the rights stood in the way they should go. Such considerations produced moments of indecision but not moments of any significance. From the mass of miners there was a persistent refusal to give up what was theirs.

A vigorous localism marked the resistance of the first half of the century. Free miners, employing and employed, rich and poor, closed their ranks against the strangers, the "foreigners", to whom the new capital belonged. William Birt and his Forester might have set the free miners' struggle in a broad political context but we have no sense, in the memorials and statements of one sort or another which the thirties produced, that many others had learned those lessons. The rights belonged to, and were defended by a community defined by birth, residence and work in a particular locality. The attitudes displayed in the riot of 1831, before the Dean Forest Commissioners and in the demand for the revival of the Mine Law Court, were socially and economically conservative: classic examples of a more widespread

antipathy to sweeping innovation which historians of the period have observed.

Since the resistance of the thirties was partially successful, the rights and customs remained important in the second half of the century. This is the answer to the first of the questions about the rights in Dean with which this thesis began. The Forest of Dean colliers in the mid-Victorian period were not only colliers. A thousand or more of them were free miners, asserting a right to ownership of the coal and able to dream of the luck that might bring a gale into their hands. Because of the uncertainty which surrounded the deep gales, from the late sixties onwards, that was not just foolishness.

The Forest collier was also, in many cases, a landowner and, on a larger or smaller scale, a commoner. Some caution is necessary here because of weaknesses in the evidence. Exact measures of the number of commoners of all sorts and their occupations are not possible. Nor is it possible to tell who owned the patches of land, smaller than one acre, which were not counted in the national survey of the early seventies. It would be especially useful to be able to distinguish butty-men from daymen in a list of colliers who owned land or sheep. Nonetheless, the evidence which is available suggests a spectrum at one end of which the collier was a dayman, perhaps renting a house in Long row or Minty's row in Cinderford and running a pig or two or a few fowls in the Forest to supplement his wages. At

the other end, he was a "buttyman farmer" with a few acres of land, taking profit from his contract and the labour of his daymen in the pit and gambling on the seasons, a flock of a few score sheep and a couple of brood mares. At either end of that spectrum, and anywhere along it, he was still heir to a grid of use rights which offered him opportunity to add to his domestic economy independently of wage labour.

How did the persistence of those practices affect perceptions of social relationship in the Forest? Did they encourage a social conservatism which hindered the development of trade union loyalties or discouraged attempts to assert a direct working class presence in politics? That unionism among the Forest miners was weak and unstable after the end of the extraordinary boom of the early seventies is undeniable. But an explanation may be offered of that which does not rely on a reference to the rights and customs.

In the conditions of the boom, it must firstly be pointed out, with the demand for men and coal at high levels and with a strong national union to keep watch on the employers, there was as much enthusiasm for union in the Forest as might be found anywhere. Though the A.A.M. was not the vehicle of distinctively aggressive industrial attitudes, it did have a missionary approach to organization across county borders and to the organization of other workers. The manifestations of that spirit in the Forest, the new labour press of William Owen and the political events of 1874, all

contradicted any notion that the colliers in Dean were isolated from the main streams of organized working class thought and activity in the second half of the century.

But the A.A.M. was a hothouse flower. When the markets fell in 1874, the calculations and strategies of Thomas Halliday and the Leadership proved futile. The aggression of the employers broke the A.A.M. and left its constituent district facing the problems of organization which the A.A.M. had been designed to solve. No one district could hope to force its employers to maintain the price of coal, and therefore to maintain prices at a high level, when other districts might so easily take the trade away. The vision of a union-imposed embargo on competition and the establishment of a stable wage for colliers evaporated. Wages would continue to fluctuate with the price of coal.

The national A.A.M. and its leadership had imagined an alternative to ruinous competition and the fluctuations of the market but their aspirations had not been echoed in the Forest. Centred on the butty-men in the large house-coal pits, where seasonal fluctuations of trade and prices were a matter of course, the union there accepted inequalities among the colliers and was content to allow the market to dictate prices and wages: so long as the returns to labour and capital remained in a fixed and "fair" ratio. Once that relationship had been fixed and made routine by a sliding scale and an arbitration board, there was little for the union to do for the butties and no reason for them to keep up their membership. Working as it did so narrowly in

the interests of the butties in the big pits the union offered little to anyone else either. The daymen might have been the basis of a different sort of union but were no more likely to have been able to form and maintain one than any other casual day labour force.

It was in politics, rather than in its dealings with the masters on industrial matters, that the union expressed demands which might have had a wider appeal. In two periods, in 1874 and 1884, the miners, led by their agents, contested with the coalowners for leadership of the local Liberal party. With the Forest buried in the West Gloucestershire constituency in 1874, there was little chance for the miners to stage a coup. After the 1884 Reform Act, and the creation of a new constituency, there was little chance the masters could stop a coup. Under the influence of Edward Rymer the union's political activity had been "advanced" Liberal, strongly tinged by republicanism, linked with Charles Bradlaugh and expressive of a democratic and egalitarian sentiment which stood remarkably at odds with the union's industrial policy.

The movement for the representation of working men in Parliament was the meeting ground for the union and those who wished to preserve the foresters' rights. Any controversy about the rights had to take a political form because the Commissioners of Woods were required to proceed by means of a Government Bill if they wished to effect substantial changes in them. Each time the Commissioners produced a Bill, they provoked a political agitation in response.

The agitation of the period from 1870 to 1886 was markedly different from that of the thirties. There was still, in the later period, some prickly localism, manifest, for example, in the insistence that foresters and freeholders, born and bred, should have first access to sales of small parcels of wasteland. But that was overshadowed by a stronger antipathy to the employers and to capitalists in general, to the monied men who would come in to make the Forest private property. The foresters had been willing to sell portions of the waste but not to see the whole Forest turned into a collection of private estates, whether the new owners were to be foreigners like the Goolds and Crawshays or free miners like the Brains.

The displacement of W. Brain, free miner and coal owner, by S.J. Elsom, free miner and collier, as leader of the foresters, marked the beginning of an even more explicit conception of the problem of constant pressure on the rights as being yet another case of the bearing down of money and privilege, the spirit of monopoly, on the common people. More even than Edward Rymer, standard bearer of republicanism in several wildernesses, Elsom expressed a hatred of aristocracies, their privileges and the Tory party which served them. The want of righteousness which kept the descendants of King Charles' bastards in luxury was also the source of the threat to the rights.

Hatred of the Tories reflected a real division in the Forest community: it was the Deputy Surveyor, the Forest officers and the minor gentry who acted as verderers who

were the mainstay of the Tory party there. But the officers were allied with the masters and the masters were the leaders of the Liberals in the Forest. How could the working men who were freeholders, free miners and commoners be fairly represented by Mr Arnold Thomas, who had a vested interest in stripping them of their rights. A proper defence of the rights against the encroachments of capital and the Crown, demanded separate representation of the working men in Parliament. The two strands of the experience of the Forest miners, as workmen and as the custodians of custom and right, led to the same conclusion.

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