

THE MINING LAWS IN NORTH WALES

C.J. Williams

Paper presented at the NAMHO Conference, Forest of Dean, 25th -26th September 1999

There has been a good deal of discussion in recent years of the traditional mining laws which operated in many of the mining districts of England. Best known are those of Derbyshire, which were given a statutory basis by two Acts of Parliament in 1851 and 1852, and which are still in existence. Less well known is the fact that such laws were to be found in three places in North Wales in the fourteenth century, and this account attempts to provide a brief summary of these, and to trace their eventual decline.

W.J. Lewis, in his *Lead Mining in Wales* (1967, 29), was of the opinion that the north-east was the most active mining area of Wales in the middle ages. This area changed hands several times between the English and Welsh. In the eighth and ninth centuries it was occupied by the Mercians, and English place-names can be found as a result along the North Wales coast as far as Rhyl. Flintshire and much of Denbighshire were described as part of Cheshire in Domesday Book (1086). In the twelfth century the area was conquered by Owain Gwynedd, and again became Welsh in speech and population. In 1277 the English king Edward I invaded North Wales. The war between the Welsh and the English crown ended, in 1282, with the death of the last Welsh Prince of Wales, Llywelyn ap Gruffydd. By the Statute of Wales, in 1284, the king created the county of Flint, which was until the Act of Union in 1536, administered as the king's own possession as part of the palatinate of Chester.

There seems to have been an active lead-mining industry in North Wales from the English conquest up to the time of the Black Death in 1349. At this period the palatinate of Chester was one of the possessions of Edward, the Black Prince (1330–1376), the son of Edward III, who was created Prince of Wales in 1343. There is no evidence that the Prince ever set foot in Wales. He spent much of his career on the continent in campaigns against the French and Spanish, and administering his principality of Aquitaine. But as he was a minor, the government of his lands devolved to his council of royal officials, and it is in the Black Prince's Register in the Public Record Office that we find much of the evidence for the mining laws in north-east Wales.

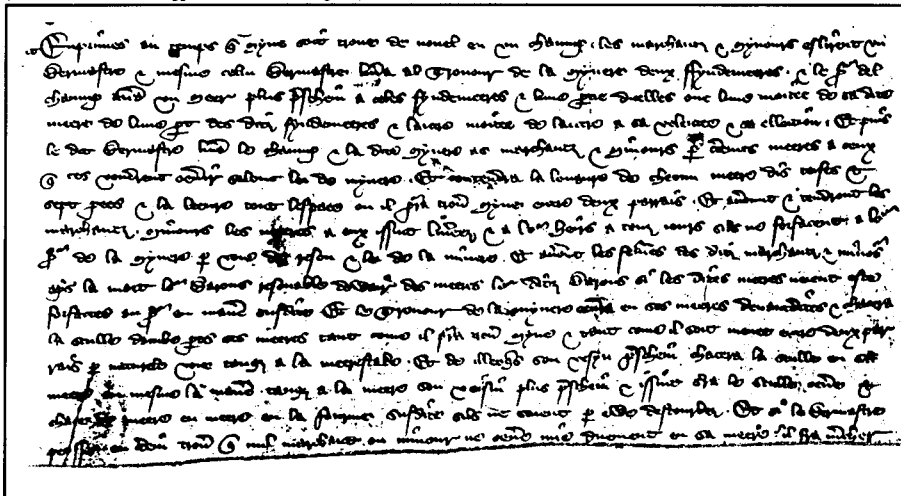
Holywell

In 1352 the miners of Holywell in Flintshire complained to the Black Prince of the infringement of their franchises, for which they had been paying him 20 shillings a year. They represented to the prince that 'they and their ancestors have held since the conquest certain franchises of miners' law, to wit, the right to have a steward and *meaire* of their own, before whom all manner of pleas and other things shall be determined'. Despite this, the prince's bailiff for the hundred of Englefield had summoned them out of the franchise, and had caused them great losses and wrongfully fined them. To this the prince gave a sympathetic hearing; his officials were ordered to put matters right. They were to 'examine well the conditions and franchises granted to the said men, ascertain whether they do what they ought for them, and do them right so that they have no reasonable cause of complaint'. The Holywell miners complained also of the cost of ale in the town. Before the Black Death the prince had fixed the price at a halfpenny a gallon; now the brewers charged more. This grievance met with a much less sympathetic response. The brewers had to live and pay their rent to the prince, and it was ordered that a new price, having regard for this, be fixed. As Sir David Evans, who wrote of this period in the 1920s, remarked, 'we fear that the days of halfpenny ale at Holywell were gone, never to return.'

The surviving records provide no information about the nature of the Holywell laws. The reference to their being enjoyed 'since the conquest' is probably a reference to the Edwardian conquest of Wales in 1284. The Flintshire ministers' accounts show that the miners had paid their 20 shillings annually to the

crown for their privileges from at least 1302, and continued to do so throughout the century. Probably they were similar to the Hopedale laws, with their barmaster, discussed below, although in Holywell a *maer* rather than a barmaster is mentioned. (The *maer* was the bailiff of the Welsh laws.) Incidentally, the discussion of the mining laws in W Rees, *Industry before the Industrial Revolution* (1968 p52), and followed by W. J. Lewis in *Lead Mining in Wales*, (1967 pp 29, 32), is not to be relied on; they imply that the Hopedale laws applied to Flintshire, although a close reading makes it clear that they did not.

Fig. 1. Opening lines of the Hopedale mining laws from the Black Prince's Register, 1352 (Public Record Office E 36/279, f42).



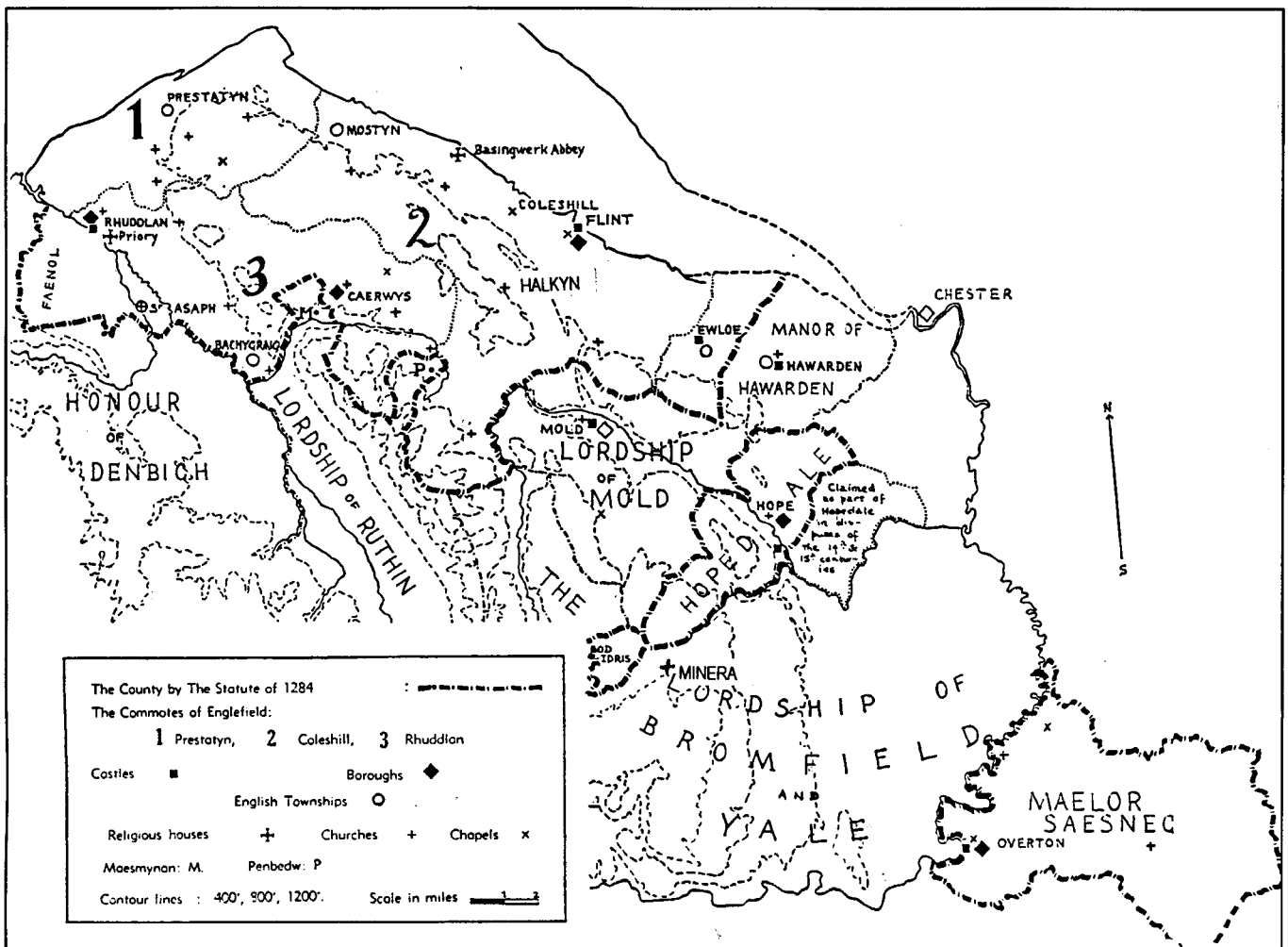


Fig. 2. North-east Wales in the fourteenth century (after J.E. Messham in *The History of Flintshire* (1961)).

Hope

In 1351 the Black Prince's Register records that mines in the wastes of Hopedale, Flintshire, had been worked without permission by certain unnamed miners. The Prince's justiciar and chamberlain in Chester were ordered to take the profits of these mines to the prince's use. Others might work the mines only if they were 'on their own soil' that is, on their own land, not part of the waste. In the following year, 1352, it is recorded that a group of miners (whether the same ones as had been working, or new ones, is not made clear) had come before the prince's officials. These miners offered to make a great profit for the prince in a lead mine within the lordship of Hope, claiming to have under the prince's seal certain articles of franchises. The prince assented to these articles and this proposal, and ordered that such deeds as should be necessary for the security of the miners and for his profit should be drawn up. The articles under which the mines were to be worked were to be the same as those sent to him, with one minor amendment, and they are entered into his register. The articles are lengthy, and set out in detail traditional mining laws similar to those in use in Derbyshire and elsewhere. Hope was not an important lead-mining area, and this attempt to encourage mining seems to have been unsuccessful. At least, no production from the mines is recorded in the years following.

Minera

The third place in North Wales to have traditional mining laws in operation was at Minera, a few miles to the south of Hope in the lordship of Bromfield and Yale in what was later to be part of Denbighshire. The name Minera is the Latin word for 'mine', and the importance of these mines led to the place becoming a

separate township within the parish of Wrexham.

Mining on a small scale was being carried out in the lordship of Bromfield and Yale within six years of the Edwardian conquest of 1282. The Minera mines were worked regularly from 1301 to 1315, but less frequently thereafter. The Black Death seems to have virtually extinguished lead mining in the area, and there is no mention of mining at Minera until 1388. In 1391 a survey of Bromfield and Yale was carried out for its owner, the Earl of Arundel. The survey mentioned that there were at Minera 'certain underground lead mines', and that these should be worked according to customs which are then set out in Anglo-Norman French. These customs are almost word for word the same as those of Hope, as set out in the Black Prince's Register, although references to the prince are altered to the lord, and one new article is added, forbidding the grazing of cattle unless they were enclosed by a hedge.

The origin of the Welsh mining laws

The Hope laws of 1352 bear a close resemblance to those of Derbyshire, as codified by the Ashbourne inquisition of *quo warranto* in 1288. The opening words are strikingly similar:

When the mine is newly found in a field, the merchants and miners shall choose a barmaster, and the barmaster shall deliver to the finder of the mine two founder meers, and the lord of the field shall have the meer nearest to those finder meers. Black Prince's Register, 1352

When the miners come to the field for ore they will come to the bailiff, who is called the berghmayster, and will seek from him two meers, if it should be in a new field, and have [one for their

handiwork] and another according to the custom of the miners ... And the king shall have the third meer nearby.
Ashbourne Inquisition, 1288

The vital elements of the Ashbourne laws, present in those of Hope, are the barmaster, the two meers granted to the finder, and the third to the lord. The fine of 5s 4d for the spilling of blood is identical, and the lord's lot (the thirteenth dish in Derbyshire) is also mentioned, but not defined. Whenever laws are codified in this way, they are usually not being introduced, but rather form is being given, often selectively, to long-established customs and practices. The Ashbourne inquisition explicitly states that the liberties mentioned have been enjoyed 'from time immemorial'. Rieuwerts has pointed out that certain Derbyshire customs were not mentioned in 1288. Of the six that he mentions, four are present, at least in part, in the Hope laws. These are: provision for marking (or 'nicking') mines not being worked; working the mine progressively from meer to meer; a standard dish for measurement; and the right to timber. To these may be added the frequently commented on (but never, apparently, recorded) punishment for theft of nailing a man's hand to his windlass.

The Hopedale mining laws, and those of Minera, which were clearly based on them, are a codification of 'Derbyshire' practices long before one finds them codified in Derbyshire itself. From this follow two questions: how old were the Welsh laws, and how can their similarities with those of Derbyshire be explained? The two areas were not far apart, and there are numerous examples, in the Middle Ages and later, of skilled miners being brought from Derbyshire to Wales, and both were crown possessions. The Welsh laws certainly went back to the Edwardian conquest in the late thirteenth century. The Hope laws may have used as a model some early codification of the Derbyshire laws which has not survived. But similar customary laws were found all over the mining world, similar because they dealt with similar problems, so their exact provenance does not really matter.

Later history of the Welsh laws

From the early fifteenth century, nothing is heard of the mining laws in Wales for over two centuries. In 1400 the rising of Owain Glyndwr against the English began. The Holywell miners paid their 20 shillings a year to the crown for their privileges until 1403, the year in which the men of Flintshire went over to Glyndwr. The rising spread rapidly, and by 1405 his power extended over most of Wales. The repressive efforts of the English crown to put down the rising probably brought mining to a standstill for some time. It was not until 1413 that the revolt was finally suppressed. In Minera, the English tenants who had formed three quarters of the inhabitants in the 1391 survey withdrew to Holt, on the border, or across it into Cheshire.

The last mention of the mining laws comes in the years 1618–23. Thomas Jones, the owner of an estate in Halkyn, erected a smelting mill, and tried to revive mining by bringing in skilled men from Derbyshire. These men, George Stubbing, Godfrey Bright and others, persuaded the miners that the Halkyn mines were subject to the same customs as those of Derbyshire, and sold ore to others than the mineral owner, Sir Richard Grosvenor. A series of lawsuits ensued, but the miners were unable to prove their claim that it was ancient custom that they could mine where they pleased, so long as they delivered one tenth of their ore to the crown. Grosvenor won his case in the court of Star Chamber in 1623. Thereafter no reference to customary mining laws in Wales can be found, although the Derbyshire unit of measurement, the meer, continued in use in the mines of the Halkyn area until well into the nineteenth century.

Bibliography

A more detailed treatment of the Welsh mining laws, including a full translation of the Hope laws of 1352, can be found in my paper, 'The mining laws in Flintshire and Denbighshire', *Bulletin of the Peak District Mines Historical Society*, Vol 12 No 3 (1994), pp 62–8.

C.J. Williams.